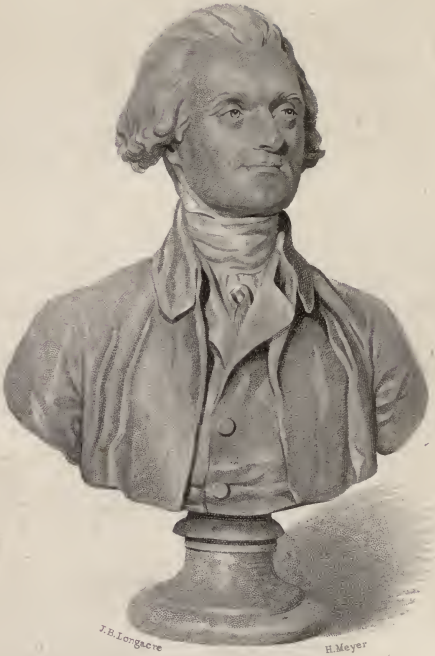

Th Jefferson

From a Bust in Possession of the American Philosophical Society

THE LIFE OF THOMAS JEFFERSON,

THIRD PRESIDENT OF THE UNITED STATES.

WITH

PARTS OF HIS CORRESPONDENCE NEVER BEFORE PUBLISHED,

AND

NOTICES OF HIS OPINIONS ON QUESTIONS OF CIVIL GOVERNMENT, NATIONAL POLICY, AND CONSTITUTIONAL LAW.

BY GEORGE TUCKER,

PROFESSOR OF MORAL PHILOSOPHY IN THE UNIVERSITY OF VIRGINIA.

—Itaque nulla alia in civitate, nisi in qua populi potestas summa est, ullum domicilium libertas habet: qua quidem certe nihil potest esse dulcius; et quæ si æqua non est, ne libertas quidem est.—Cic. de Republica.

IN TWO VOLUMES.

VOL. I.

PHILADELPHIA:

CAREY, LEA & BLANCHARD.

1837.

ERRATA TO VOL. I.

Page 45,	4th line from	bottom,	for *contests* read *contrasts*.
„ 55,	6th „	top,	for *district* read *distinct*.
„ 80,	6th „	bottom,	dele *while*.
„ 97,	3d „	„	for *prescribe* read *proscribe*.
„ 109,	11th „	top,	for *uninterruptible* read *uninterrupted*.
„ 180,	8th „	„	*take* read *make*.
„ 222,	10th „	„	after *reside* insert *there*.
„ 228,	14th „	„	for *prosperity* read *property*.
„ 291,	15th „	bottom,	for *to* 34 years, read *at* 34 years.
„ 364,	10th „	„	after *France* insert *he*.
„ 510,	6th „	„	after *merits* insert *were*.
„ 515,	8th „	„	for *on* read *of*.
„ 528,	17th „	top,	for *deprivation* read *depreciation*.

TO

JAMES MADISON,

FOURTH PRESIDENT OF THE UNITED STATES.

SIR,

Your long intimacy with Mr. Jefferson, your accordance with him in the principles of civil government, your cordial co-operation in carrying those principles into effect, and lastly, the kindness with which you have answered my inquiries and guided my researches, make it peculiarly proper that I should address to you the following pages. In submitting to you the biography of that friend of many years, I indulge the hope that I have not been unsuccessful in presenting his character, moral and intellectual, fairly to the world, and have contributed something to the vindication of those liberal principles for which you and he so steadfastly, so ably, and

so successfully contended. Nothing could be more gratifying to me than to obtain the approbation of one whose means of testing the truth of what is there recorded exceed those of any individual now living; whose judgment is known to be as unbiassed as it is discriminating; and whose integrity is of such diamondlike solidity and brightness that the breath of even party calumny could leave on it no lasting tarnish.

Having been one of the chief instruments in giving to your country a constitution fitted to make it great and prosperous as well as free, it was afterwards your happy destiny to witness the glorious result of your patriotic labours; to receive the highest honours a grateful people could bestow; and to enjoy, by anticipation, the fame which rewards a career of splendid usefulness. That the evening of a life, which has been thus brilliant and fortunate, may continue serene and tranquil to the last, is, in all sincerity, the prayer of,

Sir,

Your most respectful,
and most obliged,
obedient servant,
GEORGE TUCKER.

University of Virginia,
February 1, 1836.

ADVERTISEMENT.

When the following sheets were nearly printed, the author felt it his duty to send Mr. Madison, pursuant to an intention long before declared to him, a copy of the preceding dedication; and to spare him the trouble of an answer, he was told that the paper, *if not objected to*, would be printed in that form. He however, decided on answering it, and merely postponed it from time to time by the persuasion of those around him: But on Monday, the 27th of June, he was peremptory on the subject, saying there was no time to lose, and then dictated with great care, but not without much effort, to Mr. Payne, his amanuensis, the subjoined letter, which, after he had with difficulty signed, he insisted also on franking. This last act of his pen was about thirteen hours before his decease. Under circumstances so peculiar and interesting, it was deemed proper to publish the dedication in the form submitted to him, together with the sanction he had thought proper to give to its contents.

Montpellier, June 27, 1836.

My dear Sir,

I have received your letter of June 17th, with the paper inclosed in it.

Apart from the value put on such a mark of respect from you, in a dedication of your "Life of Mr. Jefferson" to me, I could only be governed in accepting it, by my confidence in your capacity to do justice to a character so interesting to this country, and to the world; and I may be permitted to add, with whose principles of liberty and political career mine have been so extensively congenial.

It could not escape me that a feeling of personal friendship has mingled itself greatly with the credit you allow to my public services. I am at the same time justified by my consciousness in saying, that an ardent zeal was always felt to make up for deficiencies in them, by a sincere and steadfast co-operation in promoting such a reconstruction of our political system as would provide for the permanent liberty and happiness of the United States; and that of the many good fruits it has produced, which have well rewarded the efforts and anxieties that led to it, no one has been a more rejoicing witness than myself.

With cordial salutations on the near approach to the end of your undertaking,

JAMES MADISON.

Professor Tucker.

PREFACE.

It was the fate of Thomas Jefferson to be at once more loved and praised by his friends, and more hated and reviled by his adversaries, than any of his compatriots. Time has produced less abatement of these feelings towards him than is usual, and contrary to the maxim, which invokes charity for the dead, the maledictions of his enemies have of late years been more frequent and loud than the commendations of his friends.

The author was therefore aware that in undertaking to write the life of one, who was the object of such lively and opposite sentiments, he engaged in a hazardous task. He knew that with one portion of the public, any praise would be distasteful; and that with another portion, nothing less than one unvarying strain of eulogy would prove satisfactory. But, in spite of

these discouraging circumstances, he was induced to venture on the work by the following considerations. He thought that, of all our public men, the greatest injustice had been done to Mr. Jefferson; that the prejudice felt towards him would be naturally extended to his opinions; and that in the vehemence, perseverance and ability with which he had been assailed, injury was likely to be done to the cause of political truth, and sound principles of government. He believed, that the characters of the two great parties, which had divided this country for the first thirty years after the present constitution was adopted, had not been fairly exhibited to the world, and that the biography of Mr. Jefferson, the acknowledged head of the republican party, presented a fit occasion for vindicating that party, in the purity of their motives, the justness of their views, and the wisdom of their policy, from some of the criminations to which they have been subjected. He flattered himself, moreover, that both parties, on a cool retrospect of their early conflicts, as exhibited in an honest and dispassionate narrative, might be taught some useful lessons; that at least the more reflecting and unprejudiced portion might learn to feel less intolerance towards their opponents, as well as less confidence in their own exclusive integrity and wisdom; and acquire more skill in detecting self-interest or ambition when they assume the mask of patriotism.

The author found a further motive in the publication, which has been made since Mr. Jefferson's death, of some of his papers and correspondence. From the want of caution in making that publication, owing, it is presumed, to a mistaken opinion of the claims of the public, the ill will which had been felt against Mr. Jefferson, as the leader of his party, received a fresh impetus, and was in some measure imparted to a new generation. In the warmth of their resentment, his unreserved communications to confidential friends have been regarded as if they had been deliberately written by him for the press; and the ebullitions of feeling, uttered when the fever of party excitement was at its height, and when he was goaded by every species of provocation, have been considered as the settled convictions of his mind.

His sentiments on these occasions have been compared with those of his cooler moments to charge him with inconsistency; and contradictions made by his enemies, or avowed partisans, or on vague recollections, have been taken as undeniable truths to prove him guilty of wilful misrepresentation. To excuse a course so obviously unfair, it has been said, that by leaving his papers for publication he has shown, that he still retained the same sentiments; and it has even been asserted, that the letters actually published were especially selected by him. But the imputation is

altogether unfounded. Mr. Jefferson left his papers of every description to his grandson and executor, Thomas Jefferson Randolph, subject to his entire control.

The anecdotes collected under the title *ana* were, indeed, arranged by him, and intended no doubt to be one day published, in defence of himself and his party, at the discretion of his executor. But, for the selection of the letters for publication from the mass of his voluminous correspondence, Mr. Randolph and the friends he consulted are alone responsible. Mr. Jefferson gave no directions concerning it, and no one can suppose, that the letters which he desired to be destroyed as soon as read, or which he wrote in cipher, or was afraid to entrust to the post-office, he could have wished published as soon as he was in his grave. We must, therefore, infer, that in leaving these papers to his lineal representative, he wished them to be carefully preserved as memorials of his thoughts and feelings, and of the times in which he lived, but not to be used in a manner which might provoke attacks on his memory; and that some of them, if published at all, should never see the light, until all party and personal resentments were forgotten.

It remains, that the public be informed of the author's means of giving an authentic narrative.

He has, in the first place, received every assistance which could be furnished by Mr. Jefferson's friend and fellow-labourer, Mr. Madison. In all matters of doubt, the author has received his clear and able elucidations. Many of the most interesting facts were derived directly from him, and nearly the whole of the first volume was submitted to his inspection, and received the benefit of his correction as to matters of fact. To Mr. Randolph, the author is under the highest obligations for access to all the letters written by his grandfather; and to Nicholas P. Trist, esq., for the selection of such letters and papers, never before published, as were thought to throw light on Mr. Jefferson's character. From the late Mrs. Randolph, whose candour and good sense were equalled only by her gentle virtues, he received, in answer to the queries he propounded, minute information of his private and domestic life, both when in France and in this country. From John Page, esq., he has received the letters that give a history of Mr. Jefferson's college life, of which there is probably no other memorial extant. From Mrs. Marx, the venerable mother of the late Meriwether Lewis, whose recollections are yet undimmed by age, he has also received information of Mr. Jefferson's early years. For communications of less amount or importance, he is indebted to a greater number of persons than can be here particularly mentioned. For the middle and latter portions

of his life the author found ample materials in the public records of the country, and in his own personal knowledge of Mr. Jefferson, which had continued through a period of twenty-seven years; during the last fifteen months of which their intercourse was frequent and familiar.

The author has, in the execution of his task, studiously aimed at accuracy, and he trusts he has essentially attained it. He has also aimed at impartiality; but, for the reasons already stated, he fears that this merit will be denied to him by but too many of those whose favour he would gladly have obtained. With a yet larger class, however, and especially those who have lately come, or are yet coming on the stage, he hopes to be more successful. To them he takes the liberty of suggesting, that from his close connexion and frequent intercourse with individuals of both parties, he has had the best opportunity to see the merits and the faults of which all sects, at once numerous and zealous, always have their full share; that he trusts they will find he has profited by his position, and has shown neither undue deference to one party, nor illiberality to the other; that he has neither withheld censure from those with whom he was politically associated, nor been niggardly in his praise of their opponents; and lastly, that in his review of Mr. Jefferson's opinions—no unimportant part of his life—while he has

considered them in the spirit of liberal criticism, and praised where he ought, he has not hesitated to arraign at the bar of reason, such as appeared to him erroneous.

The work has been far longer in preparation than the author expected; but the difficulty—first of procuring the materials, which are often to be found only in the productions of the ephemeral press, and then the labour of winnowing what was useful and pertinent from the heterogeneous mass, is inconceivable to one who has never tried it. The delay has been greatly increased in consequence of the author's having been obliged to revise most of the sheets at the distance of near three hundred miles from the press; and as, from the same circumstance, his additions and corrections could not be revised, the verbal errors, he regrets to find, are far more numerous than he expected, and require the utmost forgiveness of the indulgent reader.

University of Virginia,
Dec. 23, 1836.

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THE

LIFE OF THOMAS JEFFERSON.

CHAPTER I.

The life of Thomas Jefferson peculiarly instructive—illustrated by the history of his native state. First settlement of Virginia. Difficulties of the first settlers. Introduction of slaves, and the cultivation of tobacco—their influence on the character and condition of the inhabitants. Towns small and few. Habits and manners of the people. Religion. Government. Aristocracy. Jealous of their civil rights. Collisions with the crown. Subsequent harmony until the stamp act.

Biography can present no occasion of more interest and instruction to Americans than the life of Thomas Jefferson, whether we regard the high place he held in the affections of his countrymen, the influence he exercised in their public councils and over their political sentiments, or the means by which he attained this extraordinary elevation. It never could be more truly said of any man that he was the artificer of his own fortune. We behold in him the rare example of one who, possessing no peculiar claims to distinction from wealth, family, or station, and without having either gained a battle, made a speech, or founded a sect, raised himself from the ranks of pri-

vate life to the highest civil honours of his country, after he had contributed by his counsels to give that country independence; and whose opinions, both when he was living and since his death, have acquired a weight and currency with his countrymen, on all questions of government and civil policy, which those of no other individual have ever attained.

Although the principal events of Mr. Jefferson's life are already familiar to his countrymen, yet they cannot but be gratified to see those events placed in immediate connexion with their less obvious causes and effects, and receive illustrations from his modes of thinking and personal traits of character. Nor ought we to disregard the claims of posterity. The numerous millions of the Anglo-Saxon race who will hereafter inhabit this continent, will assuredly, whether they continue united in one mighty confederacy, or by a less happy destiny, be broken up into distinct sovereignties, look back on the separation of the thirteen provinces from Great Britain, which first gave them a place among nations, as the most important era in their common history. They will naturally regard with veneration and interest all which relates to that great drama, and more especially the fortunes and characters of its principal actors. It seems, then, to be a duty of the present generation to profit by their position, and to transmit to their descendants those details to which they will so anxiously turn, whether their purpose be to gratify a liberal curiosity, or to indulge in sentiments of patriotic pride.

But the life of Mr. Jefferson is so intimately connected with the history of his country, that a brief notice of the polity and institutions of Virginia, while a colony, as well as of the manners and pursuits of its inhabitants, will not only shed light on his character, but also make us better acquainted with the sources and tendencies of some of his principal acts.

Virginia, the first colony which the English planted in North America, had been settled at the period of Mr. Jefferson's birth, in 1743, just one hundred and thirty-six years. The charters granted by the English sovereigns to its first settlers extended the limits of the colony to the west as far as the Pacific Ocean.

But as the region thus liberally bestowed was then actually occupied by numerous savage tribes, the royal bounty only conferred the exclusive right of obtaining it, by purchase or conquest, from its original proprietors. These people on whom Europeans gratuitously bestowed the name of Indians, soon saw in the foreign intruders the direst enemy of their race, and determined to resist their further progress. They greatly annoyed the first colonists, and in 1623, in an interval of peace, had nearly exterminated them by a general massacre.

But neither their cunning nor valour could long withstand the arts and arms of civilization. The tribes nearest to the English settlements were successively either exterminated or compelled to retire farther west; and when, by the gradual increase of the whites, and the consequent extension of their settlements, the two races again came into contact, the red man, unmindful of the past, again fiercely attempted to arrest the further advances of the invader, and again was overpowered. In this way, the lands of North America, with few exceptions, were gradually won by the valour of the settlers themselves; and often won, too, by an exhibition of enterprise and bravery, and at an expense of life and endurance of privation, of which the annals of civilized society afford few parallels. The brunt of these border conflicts was borne by a small number of adventurers on the frontier, who have been properly called the pioneers of civilization; and who thus voluntarily made themselves the advanced guard of the colonists, from their passion for hunting, together with the spirit of adventure, which preferred the exciting hazards of even Indian hostility to the tame and quiet occupations of civilized life.

As the country was gradually wrested from the Indians, it was laid off into counties, and since the country near the coast had been first settled, that part was the most populous, both from natural increase and the accession of new settlers; whilst the population was more thin and scattered towards the west. The frontier counties were, by reason of this thinness of population, much larger than those longer settled, and they had no definite western boundary. But as soon as the inhabitants of a fron-

tier county became sufficiently numerous to require it, the undefined western portion of it was separated from the rest, and formed into a new county with a new name. In this way Goochland had been formed out of Henrico, and in 1744, the year after Mr. Jefferson was born, Albemarle was formed out of Goochland.

At the period to which we refer, the settlements had extended about two hundred miles from the sea-coast, and in the northern half of the colony they had passed the Blue Ridge, thus spreading over about one-third of the state, according to its present limits. The population, at the same period, deduced from statements previously and subsequently made, was something more than two hundred thousand, of which number from a fourth to a third were slaves.

Two circumstances occurred soon after Virginia was settled, which have had an important influence on the habits, character, and fortunes of the country, and the remote effects of one of which it is beyond human foresight to scan. One of these was the cultivation of tobacco, and the other, the introduction of African slaves.

The use of tobacco had been introduced into England by some of the first adventurers to America, twenty years before the settlement of James Town. They had acquired the habit of smoking it during a short residence among the natives, who, having neither wine nor opium, nor the arts of brewing or distilling, found in the properties of this weed that stimulus of the nervous system which man seems every where to crave, and which may be the more coveted by the Indian from a peculiarly phlegmatic temperament. The use of it rapidly extended in England, and the more rapidly, perhaps, from the endeavours made by the reigning monarch to prejudice his subjects against it. A demand for tobacco being thus created, and it being already a product of Virginia, the settlers soon began to cultivate it for market; and under the encouragement of the very high price it then bore, it so engrossed their attention to the neglect of their corn, that they sometimes suffered severely from scarcity. It long continued almost the sole article of export,

and both from its furnishing the means of remittance to England, and from the inadequate supply of the precious metals, which they felt in common with all young and growing communities, it became the general measure of value, and principal currency of the colony. The members of assembly, the ministers of the established church, the clerks of courts, and sheriffs, were all paid in tobacco. The payment of the county and parish levies, and most of the public taxes was made in the same commodity. But as it fluctuated in price, rates were sometimes fixed by the colonial legislature, and sometimes left to the discretion of the county courts, by which the prices of pork, maize, wheat, and other articles of general consumption, might be paid in this local currency. The quantity of exported tobacco gradually increased with the growth of the colony, until in 1758, it reached seventy thousand hogsheads,* equal to seventy millions of pounds, since which time the product has somewhat diminished.

As this plant requires land of the greatest fertility, and its finer sorts are produced only in virgin soil, which it soon exhausts, its culture has been steadily advancing westwardly, where fresh land is more abundant, leaving the eastern region it has impoverished to the production of Indian corn, wheat, and other grain. Its cultivation has thus generally ceased in the country below the falls of the great rivers, and in its progress to the west, the centre of the tobacco region is now two hundred miles from the coast.

The business of cultivating tobacco and preparing it for market, requires such continual attention, and so much, and so many sorts of handling, as to allow to the planter little time for any of the other useful processes of husbandry; and thus the management of his dairy and orchard, and the useful operations of manuring, irrigation, and cultivating artificial grasses, are either conducted in a slovenly way or neglected altogether. The tobacco district, nowhere exhibits the same external face of

* The hogshead, which has been a very varying quantity, from 350 lbs. to 1500 lbs. or more, then averaged 1000 lbs.

verdure, or marks of rural comfort and taste, as are to be seen in those counties in which its culture has been abandoned.

But the most serious consequence of the tobacco cultivation is to be found in the increase of slaves; for though it did not occasion their first introduction, it greatly encouraged their importation afterwards. It is to the spirit of commerce, which in its undistinguishing pursuit of gain, ministers to our vices no less than to our necessary wants, that Virginia owes this portentous accession to her population. A Dutch ship from the coast of Guinea entered James River in 1620, thirteen years after the first settlement of James Town, and sold twenty of her slaves to the colonists.

The large profits which could be made from the labour of slaves, while tobacco sold at three shillings sterling a pound, equal to about ten times its ordinary price now, greatly encouraged their further importation, by giving to the planters the means of purchasing as well as the inclination; and the effect would have been much greater, if they had not been continually supplied with labour from the paupers, and sometimes the convicts, who were brought from England, and sold to the planters for a term of years, to defray the expenses of their transportation.

This supply of English servants, together with the gradual fall in the price of tobacco, had so checked the importation of slaves, that in the year 1671, according to an official communication from the governor, Sir William Berkeley, while the whole population was but 40,000, the number of indented servants was 6,000, and that of the slaves was but 2,000. The importations of the latter, he says, did not exceed two or three cargoes in seven years, but that of servants, of whom he says, "most were English, few Scotch, and fewer Irish," he estimates at 1500 annually.

But in process of time slave labour was found preferable to that of indented white servants, partly because the negro slaves were more cheaply fed and clothed than the labourers who were of the same race as the masters, but principally because they were less able to escape from bondage, and were more

easily retaken. The colonial statute book affords abundant evidence of the frequency and facility with which the indented servants ran away from their masters; and the extent of the mischief may be inferred from the severity of its punishment. In 1642, runaway servants were liable, for a second offence, to be branded on the cheek, though fifteen years afterwards the law was so far mitigated as to transfer this mark of ignominy to the shoulder. In 1662, their term of service, which did not often exceed four or five years, might, for the offence of running away, be prolonged, at the discretion of a magistrate, and the master might superadd "moderate corporal punishment." In the following year, this class of persons, prompted by the convicts who had been sent over after the restoration of Charles the Second, formed a conspiracy of insurrection and murder, which was discovered just in time to be defeated. Seven years afterwards, in 1670, the governor and council took upon themselves to prohibit the further importation of convicts, whom they call "jail birds;" and they assign this conspiracy as one of their motives for the order. The privilege, too, enjoyed by the servant of complaining to the magistrate for the harsh treatment of his master, either as to food, clothing or punishment, formed, no doubt, a further ground of preference for slaves, who had no such inconvenient rights.

Under the united influence of these circumstances the number of negro slaves so increased, that in 1732, the legislature thought proper to discourage their further importation by a tax on each slave imported; and not to alarm the commercial jealousy of England, the law, conforming to the notions of the age, formally provided for what no mode of levying the tax could have prevented, that the duty should be paid by the purchaser. This duty was at first five per cent. on the value of the slave, but in a few years afterwards (1740) it was increased to ten per cent., from which it was never reduced. It did not, however, prevent large importations, for we find the number to have increased in 119 years in the ratio of 1 to 146: that is, from 2,000 in the year 1671, to 293,427 in 1790; whilst in the same period the whites had increase only as 1 to 12, or from

38,000 to 454,881. In the forty years which have elapsed from the first to the last census, it is gratifying to perceive that the increase of the free population in Virginia, has been somewhat greater than that of the slaves in the proportion of 63 per cent. to 60, and that this comparative gain seems to be gradually increasing.

As Eastern Virginia is everywhere intersected by navigable rivers which are skirted on either side by rich alluvial lands, the early settlers, whose plantations were principally along the margins of the rivers, were able to carry on a direct intercourse with foreign countries from their separate dwellings. Thus commerce, by the very diffusion of its most important natural facilities, did not here concentrate in a few favourable spots, and foster the growth of towns, as in most of the other colonies; and at the beginning of the revolution, Williamsburg, the seat of government, and the largest town in Virginia, itself the most populous of the colonies, did not contain 2,000 inhabitants. But as the bees which form no hive collect no honey, the commerce which was thus dispersed, accumulated no wealth. The disadvantages of this dispersion were eventually perceived by the colonists, and many efforts were made by the legislature to remedy the mischief by authorizing the establishment of towns on selected sites, and giving special privileges and immunities to those who built or those who resided on them. Their purpose was also favoured, and even stimulated by the government, from fiscal considerations. But most of these legislative efforts failed, and none were very successful. Thus in 1680, as many as twenty towns were authorized by act of assembly, being one for each county; yet at not more than three or four of the designated spots is there even a village remaining to attest the propriety of the selection.

There were indeed wanting in the colony all the ordinary constituents of a large town. Here were no manufactories to bring together and employ the ingenious and industrious. The colonists, devoting themselves exclusively to agriculture, owned no shipping, which might have induced them to congregate for the sake of carrying on their foreign commerce to more advan-

tage: here was no court which, by its splendour and amusements, might attract the gay, the voluptuous and the rich: there was not even a class of opulent landlords to whom it is as easy to live on their rents in town as in the country, and far more agreeable. But the very richest planters all cultivated their own land with their own slaves, and while those lands furnished most of the materials of a generous, and even profuse hospitality, they could be consumed only where they were produced, and could neither be transported to a distance, nor converted into money. The tobacco, which constituted the only article of export, served to pay for the foreign luxuries which the planter required; yet, with his social habits, it was barely sufficient for that purpose, and not a few of the largest estates were deeply in debt to the Scotch or English merchants, who carried on the whole commerce of the country. Nor was this system of credit more eagerly sought by the improvident planter than it was given by the thrifty and sagacious trader; for it afforded to him a sure pledge for the consignment of the debtor's crop, on the sales of which his fair perquisites amounted to a liberal profit, and if he was disposed to abuse his trust, his gains were enormous. The merchants were therefore ready to ship goods, and accept bills of exchange on the credit of future crops, while their factors in the colony took care in season to make the debt safe by a mortgage on the lands and slaves of the planter. Some idea of the pecuniary thraldom to which the Virginia planter was formerly subjected may be formed from the fact, that twice a year, at a general meeting of the merchants and factors in Williamsburg, they settled the price of tobacco, the advance on the sterling cost of goods, and the rate of exchange with England. It can scarcely be doubted that the regulations were framed as much to the advantage of the merchants as they believed it practicable to execute. Yet it affords evidence of the sagacious moderation with which this delicate duty was exercised, that it was not so abused as to destroy itself.

This state of things exerted a decided influence on the manners and character of the colonists, untrained to habits of business and possessed of the means of hospitality. They were open

handed and open hearted: fond of society, indulging in all its pleasures, and practising all its courtesies. But these social virtues also occasionally ran into the kindred vices of love of show, haughtiness, sensuality—and many of the wealthier class were to be seen seeking relief from the vacuity of idleness, not merely in the allowable pleasures of the chase and the turf, but in the debasing ones of cock-fighting, gaming, and drinking. Literature was neglected, or cultivated, by the small number who had been educated in England, rather as an accomplishment and a mark of distinction than for the substantial benefits it confers.

Let us not, however, overrate the extent of these consequences of slavery. If the habitual exercise of authority, united to a want of steady occupation, deteriorated the character of some, it seemed to give a greater elevation of virtue to others. Domestic slavery in fact places the master in a state of moral discipline, and according to the use he makes of it, is he made better or worse. If he exercises his unrestricted power over the slave in giving ready indulgence to his humours or caprice —if he habitually yields to impulses of anger, and punishes whenever he is disobeyed, or obeyed imperfectly, he is certainly the worse for the institution which has thus afforded aliment to his evil propensities. But if, on the other hand, he has been taught to curb these sallies of passion or freaks of caprice, or has subjected himself to a course of salutary restraint, he is continually strengthening himself in the virtues of self-denial, forbearance, and moderation, and he is all the better for the institution which has afforded so much occasion for the practice of those virtues.* If, therefore, in a slave-holding country, we see some of the masters made irascible, cruel and tyrannical, we see many others as remarkable for their mildness, moderation and self-command; because, in truth, both the virtues of

*The character of the Presidents which Virginia has furnished may be appealed to for a confirmation of this view; and many living illustrations will readily present themselves to all who have a personal knowledge of the southern states.

the one and the vices of the other are carried to the greater extreme by the self-same process of habitual exercise.

The church of England was the established religion of Virginia. The whole colony was divided into parishes—commonly about two in a county—in each of which was a glebe and parsonage house for the minister, who also received 16,000 pounds of tobacco a year from the public treasury. Great jealousy seems to have been entertained by the early settlers against other sects, particularly the Quakers. In 1660, all of this sect who came into the colony were to be imprisoned until they gave security to leave it, and masters of vessels were subjected to a penalty of £100 sterling for every quaker brought into the country. Dissenters from the church of England, however, gradually increased, particularly Presbyterians, Baptists and Methodists, and at the breaking out of the revolution, they, according to Mr. Jefferson, constituted one half* of those who professed themselves members of any church.

The colonial government was modelled after that of the mother country; the Governor, Council and Burgesses of Virginia corresponding, in their respective functions, to the king, lords, and commons of England. There were however the following diversities: During the first year of the colony, when it was under the government of the Virginia Company, the Governor, Council and Burgesses sat together in the same room, and formed a single body, called "the Grand Assembly." The same thing afterwards took place during the greater part of the time of the Commonwealth. The Governor and Council, too, in their judicial character, exercised original as well as appellate jurisdiction, and appeals from their decision lay to the General Assembly. These appeals were abolished in 1683, by an exercise of the royal prerogative; but the judicial functions of the Governor and Council, constituting the General Court, continued throughout the regal government. The number of Councillors was limited to sixteen, though their places were seldom all filled;

*Mr. Madison thinks that the proportion of Dissenters was considerably less.

and they were selected by the Crown from those of the inhabitants who were recommended by their wealth, station and loyalty. The House of Burgesses, in the year 1743, consisted of eighty members, to wit: seventy-six from thirty-eight counties, three from the towns of Williamsburg, James Town, and Norfolk, and one from William and Mary College.

The political sentiments of the planters were manifested very differently in their relations with each other, and in the concerns of the whole province with the mother country. Whilst, in the latter relation, they, with few exceptions, shewed themselves zealous asserters of their civil rights, in the colony itself there was exhibited a strong aristocratical spirit, which several circumstances had contributed to produce. The great number of indented servants, who for near a century, constituted the largest portion of their agricultural labour, and who were subjected to a rigour of authority not known in England, had always divided the colonists into two distinct classes: and if many of the degraded caste, after their term of service was expired, had by thrift and good management, acquired land and even wealth, yet their former condition was not forgotten; and it was only in the second or third generation, that the original line of distinction was effaced. The introduction of slaves tended to increase and confirm this inequality. The wealthy planter, living on a large estate, where he saw none but obliged guests or obsequious slaves—commonly invested, moreover, with powers legislative, judicial, or military, and sometimes with all united, was likely to have a high sense of personal dignity and self importance. Their form of civil polity and the prevailing religion, endowed as it was with exclusive privileges, contributed in some degree to the same end. The aristocratic feeling, thus produced, variously manifested itself in the colonial laws. The whole public expenditure was defrayed by a *capitation tax*, levied on all males bond or free, above sixteen years of age, and all female slaves above the same age, by which every other difference in property, except as to slaves, was disregarded; and as to a part of the tax, the poorest man paid as much as the richest, since the expense of making and repairing the *public roads* was

borne equally by all males over sixteen: the right of suffrage was limited to *freeholders*, except during a part of the time of the Commonwealth, and a few years afterwards; slaves were regarded as *real estate* for the purpose of being annexed to the land, and of transmitting an undivided inheritance to the heir: and lastly, in 1705, a law was passed to take away from the courts the power of defeating *entails*, as had been the practice in the colony, and was still permitted in England.

The high wages of the members of assembly may be regarded as a further evidence of the same aristocratic injustice. Their compensation, during the reign of Charles the First, was 150 pounds of tobacco a day, besides the expense of horses and a servant, amounting to about 100 pounds more. After allowing both for the lower money price of tobacco at that period, and the greater value of the precious metals, this daily compensation must be deemed equal to eight or ten dollars at the present time: and as it was paid by the several counties to their respective members, we cannot wonder that it was one of the grounds of popular complaint in the insurrection in 1676, under Nathaniel Bacon.* In 1677, this complaint seemed to the commissioners sent from England so well founded, that, on their recommendation, the wages of the members were greatly reduced.

*Although the immediate cause of the people's taking up arms in that civil commotion, was to defend themselves against the Indians, who were then ravaging the frontier, and who found impunity in the tardy and indecisive measures of an aged Governor, yet after they had taken the means of redress into their own hands, and returned from their expedition against the Indians, other causes of popular discontent in the laws themselves were the subject of loud complaint, and became the reason or afforded a pretext for Bacon to keep his force embodied, and finally to assume the attitude of open war. One of the grievances complained of was, that all the revenue was raised by a poll tax, by which the wealthy landholder contributed nothing, except so far as he was an owner of slaves. This injustice was the more felt on account of the recent increase of taxes for the purpose of purchasing up the improvident grant made by Charles the Second to two court favourites. They also complained of the high wages of the members of assembly, and the high fees to other public officers; all indicating that the power of the government was exercised for the benefit of a few at the expense of the many.

Persons thus clothed with power and authority, and accustomed to its exercise, were not likely to prove the most submissive of subjects; and though there was probably always a court and a country party in Virginia as well as in England, yet, by far the larger part of the aristocracy of the colony sided with the whigs in all the disputes with the crown, or its colonial representative, the Governor. Indeed, the spirit of resistance to illegal or oppressive exertions of the royal prerogative, seems never to have been long dormant, from the year 1624, when Virginia ceased to be a proprietary government, until the period of separation.

The annals of the colony, meagre as they unfortunately are, afford abundant evidence of this firm and independent spirit. Thus, in 1631, the Council and the House of Burgesses united in the bold step of sending the Governor, Sir Matthew Harvey, a prisoner to England, to be tried for the tyrannical acts of his administration. In 1657, when the colony, which had espoused the royal cause, capitulated to the force sent out by Cromwell, his Commissioners expressly stipulated with the House of Burgesses, that the people of Virginia "should have and enjoy such freedom and privileges as belong to the freeborn people of England; that trade should also be as free in Virginia as in England; and that no tax, custom or imposition should be laid in Virginia, nor forts nor castles erected therein without the consent of the Grand Assembly."

In 1673, Charles the Second having granted the whole province of Virginia to the lords Culpepper and Arlington for thirty-one years, with the power to grant waste lands, receive quit rents, form new counties, erect courts, and exercise similar acts of sovereignty, the colonists took alarm, and employed agents in England to apply to the crown, first for leave to purchase up this grant, and then for a new charter, which would secure the colony not only from the repetition of similar grants, but from other invasions of their rights. The application to the King's privy council by the colony's agents, set forth ten provisions, which they asked that their new charter should contain; one of which was, "that no tax or imposition should be laid on

the people of Virginia but by the Grand Assembly." After the negotiation of more than a year, the king, in conformity with the recommendation of his council, consented to all the requests, and directed a charter to be prepared accordingly. But either before the charter was executed, or, as some say, after execution, but before delivery, the news of Bacon's rebellion caused it to be stopped, and another substituted, in which, to the great disappointment of the colonists, the most important provisions, including the one respecting taxation, was omitted.

In 1677, the House of Burgesses made a spirited opposition to an invasion of their privileges by the agents of the crown. The Commissioners who had been sent out from England to investigate the circumstances of Bacon's rebellion, and who had been invested with a general power of sending for persons and papers, had demanded the journals of the House. This demand the Burgesses peremptorily refused; and their Clerk being afterwards compelled by the Commissioners to surrender them, the House, at its next session, after reciting this "act of illegal violence," declared their belief that "his majesty would not grant" this power to the Commissioner, for they "find not the same *to have been practised by any of the kings of England;*" they did, therefore, "take the same to be a violation of their privileges." They asked, moreover, for satisfactory assurances that "no such violation of their privileges should be offered for the future."

This declaration of the Assembly, Charles, in his instructions to lord Culpepper, the Governor of Virginia, stigmatizes as "seditious," and requires him to have erased from their proceedings.

From this time, until the revolution of 1688, the Governor of Virginia and the Assembly seem to have been in a state of continual collision. The popular and the government parties were more distinctly marked, and in a higher state of irritation against each other than at any previous period, occasioned partly by the mutual injuries inflicted during Bacon's insurrection, and yet more by the vindictive course of the Governor and the Royalists which succeeded it, and partly from the more

liberal notions of popular rights and constitutional law, which the progress of knowledge, and the discussions provoked by the arbitrary measures of the House of Stuart had produced in every part of the British dominions.

In the year 1685 these bickerings rose to their greatest height. The Governor of Virginia, lord Howard, had, by proclamation, declared, that since an act of Assembly of 1682, which repealed another act of 1680, had not received the royal assent, the act supposed to be repealed was still in force. The House of Burgesses conceiving that the power now asserted, might, by suspending the exercise of the royal negative on the colonial laws, be used to revive laws that had been long disused, and which every one supposed to have been repealed, made such a spirited remonstrance against this and other offensive acts of the government that the Governor prorogued the Assembly.

The reigning monarch, James the Second, in a letter to lord Howard, passes a harsh censure on these "irregular and tumultuous" proceedings of the House, the members of which, for thus presuming to question the negative voice entrusted to the Governor, he does not hesitate to charge with "disaffected and unquiet dispositions," and with purposely protracting their time on account of their wages, and he therefore directs the Governor to dissolve the Assembly. As the high wages of the members had long been a subject of complaint, the Governor condescended to touch this popular string, by directing the king's letter "to be publicly read in every County court, that the inhabitants and Burgesses may be made sensible how displeasing such obstinate proceedings were to his Majesty."

This disagreement continued until 1689, when, on the accession of William and Mary, the liberal principles of the revolution prevailed, and produced a more conciliatory course towards the colonies. From this time until 1764, when the stamp act was proposed, there was no collision between either the crown or its representative and the Assembly, of sufficient importance to attract the notice of historians, except the illegal fee for patents claimed by Governor Dinwiddie in 1754. This the As-

sembly voted "illegal and oppressive." They even sent an agent to England expressly to procure its repeal.

While the rapid growth of Virginia, and the other English provinces of America presented to England strong temptations to draw a revenue from them, and so to restrict their industry as to prevent their future rivalship with the mother country in commerce or manufactures, the same career of prosperity was continually presenting to the colonies greater power of resistance, and greater inducements to use it. With such inherent motives to discord and repulsion, it was morally impossible that they could permanently continue members of the same government; and, sooner or later, the separation was inevitable. But that great event was undoubtedly hastened by the wavering and ill digested policy of the ministers of George the Third, who pursued a course by which they attained the benefits neither of firmness nor moderation; and in which, from the time the project of levying a tax in America was formed, every measure taken by the administration was regarded by the colonists, if oppressive, as a proof of their danger, and if conciliatory, as an admission of their strength.

CHAPTER II.

Birth and parentage of Thomas Jefferson. His Education. Sent to College. Dr. Small. His amusements. Description of his person. His familiar letters to John Page. Governor Fauquier. Studies law under George Wythe. Visits Annapolis and Philadelphia. His character as a lawyer. Patrick Henry. The stamp act. Is elected to the General Assembly. It denies the right of Great Britain to tax the colonies. The members meet at the Raleigh Tavern. Progress of discontents.

Thomas Jefferson was born on the 2nd day of April, 1743, at a place called Shadwell, in what is now the county of Albemarle, but which then constituted a part of the county of Goochland. Though at present very near the centre of population of Virginia, it was at that period almost a frontier settlement; and six years before, when his father first seated himself on it, he found but three or four settlers in that part of the country: yet such has been the progress of population, during a single life, that the settlements had extended, at the time of Mr. Jefferson's death, nearly 800 miles farther west.

His family, on the father's side, was, according to tradition, originally Welch, but the time when it first migrated to America does not appear. It has been traced back no farther than to Mr. Jefferson's grandfather, who lived at Osborne's, in the county of Chesterfield, and who had three sons. Of these, Thomas died young, Field settled on the southern border of the state, and left numerous descendants, and Peter, the father of the subject of this memoir, settled at Shadwell, as has been mentioned. His mother was Jane Randolph, of a numerous and wealthy family in Virginia, who, he says, "trace their pedigree far back in England and Scotland," to which, he adds, "let every one

ascribe the faith and merit he chooses." He had a brother younger than himself, and six sisters.

He was put to an English school at five years of age, and at nine he was placed under a Mr. Douglas, a Scotch clergyman, at whose school he was instructed in the Latin, Greek, and French languages, until he was thirteen, at which time he lost his father. He then was sent to the school of Mr. Maury, where he continued two years. He acquired from this gentleman, who was a good scholar, a taste for classical learning, which he retained ever afterwards.

Mr. James Maury, the late estimable American consul at Liverpool, and who still survives, is the son of Mr. Jefferson's preceptor, and was his classmate. According to this gentleman, Thomas Jefferson was distinguished at school for diligence and proficiency. He farther says, that whenever young Jefferson was desirous of a holiday, he seemed, from a certain shyness of disposition, averse to soliciting it himself, but would prevail upon some of his school-fellows to make the application; and if it proved successful, he immediately withdrew to some place of quiet, where he remained until he had made himself master of the task set for the class, after which he rejoined his young associates, and entered as heartily as any one into their sports and recreations.* One of these was hunting in a neighbouring mountain, part of the south-west range, which traverses Albemarle, and which then and many years afterwards abounded with deer, wild turkies and other game. It was in the pure air of these mountains, and in the exercise of these manly sports, that he acquired that vigour of constitution which his erect carriage and light step exhibited to the last.

At the age of seventeen he was sent to William and Mary, the only college in the colony, where he remained two years; and to the advantages he here enjoyed, he, not without reason,

*When Mr. Jefferson, in a letter to Mr. Maury, fifty-seven years afterwards, reproached himself with the habit of procrastination, this companion of his early years must have thought him greatly altered in this particular. But in truth he was not changed, and his self-condemnation only shows that punctual and industrious as he really was, he fell short of the standard he aimed at.

attributes a decisive influence on his character and future destiny. Dr. William Small, who was a native of Scotland, and then professor of mathematics at William and Mary, seems to have added liberal sentiments and urbane manners to a large stock of science, as well as skill in communicating it; and won by his pupil's modesty, docility, and love of study, he soon formed for him so strong an attachment as to make him his daily companion. By the same professor, he was initiated in the arcana of general science, and more especially instructed in mathematics, ethics and belles-lettres. The value of such a friend and preceptor to such a pupil, is scarcely to be estimated. But for the incidents of so varied a course of instruction, it may be fairly presumed that Mr. Jefferson would not have been the author of the papers which gave him reputation, before he joined the first congress, and without which reputation he would not have been placed on the committee that drew the Declaration of Independence; or, if we can believe that he would nevertheless have been, in the first place, one of the seven delegates from Virginia, and in the next, one of that memorable committee, we may safely say that the Declaration, as well as other papers drawn by him, would have been far less worthy of their elevated purposes, and less an object of pride to the nation, and of honour to their author.

It was probably to that diversity of knowledge with which he was here imbued, and which characterizes the Scotch system of instruction, that Mr. Jefferson owed the general taste for science for which he was always distinguished among his compatriots; and although his time was chiefly given to the more pressing duties of legislator, diplomatist, or statesman, there were few Americans in his day who could boast of equal attainments in science and learning.

Whilst he was at college, he participated in the pleasures and amusements common to his age, without neglecting his studies. His favourite recreations were music and riding, and he is said to have been a good horseman, and to have performed well on the violin. His boson friend was the late Governor Page, who had a correspondent relish for science and classical

literature. Their friendship, founded on congeniality of taste and disposition, continued without interruption through life. Some of Mr. Jefferson's letters to this friend, soon after he left college, have been preserved, and extracts from them are now given, not because they indicate any extraordinary talent in the writer, but because they give us some insight into his character, before it had received any modification from his commerce with the world, and make us acquainted with circumstances of which there is no other existing memorial.*

Like most young collegians, at least of his day, he seems to have fallen in love in Williamsburg; and although the correspondence which gives us the beginning of this little episode in his life, does not inform us also of the conclusion, it leaves us to infer that it ended in disappointment on his part. It is agreed by Mr. Jefferson's cotemporaries that he was not handsome in his youth. He was tall, thin, and rawboned; had red hair, a freckled face, and pointed features. But with these disadvantages of exterior, his countenance was so highly expressive of intelligence and benevolence, he conversed so fluently and sensibly, and such a vein of pleasantry ran through his discourse, that he was even then a favourite with the sex; and as he advanced in life, when the expression of the features becomes more marked, and more enters into our estimate of manly beauty, he was esteemed a very good looking man in middle age, and quite a handsome old man. But to return to his youthful correspondence:

Fairfield, December 25, 1762.

Dear Page:

This very day, to others the day of greatest mirth and jollity, sees me overwhelmed with more and greater misfortunes than have befallen a descendant of Adam for these thousand years past I am sure; and perhaps, after excepting Job, since the

*I am indebted to John Page, Esq. for these letters to his father. They are probably the earliest specimens of Mr. Jefferson's epistolary writing extant. They are marked by the same graces of ease and simplicity which characterize his subsequent compositions.

creation of the world. I think his misfortunes were somewhat greater than mine: for although we may be pretty nearly on a level in other respects, yet, I thank my God, I have the advantage of brother Job in this, that Satan has not as yet put forth his hand to load me with bodily afflictions. You must know, dear Page, that I am now in a house surrounded with enemies who take counsel together against my soul; and when I lay me down to rest, they say among themselves, come let us destroy him. I am sure if there is such a thing as a Devil in this world, he must have been here last night and have had some hand in contriving what happened to me. Do you think the cursed rats (at his instigation, I suppose) did not eat up my pocket-book, which was in my pocket, within a foot of my head? And not contented with plenty for the present, they carried away my jemmy worked silk garters, and half a dozen new minuets I had just got, to serve, I suppose, as provision for the winter. But of this I should not have accused the Devil, (because, you know rats will be rats, and hunger, without the addition of his instigations, might have urged them to do this,) if something worse, and from a different quarter, had not happened. You know it rained last night, or if you do not know it, I am sure I do. When I went to bed, I laid my watch in the usual place, and going to take her up after I arose this morning, I found her in the same place, it's true, but! *Quantum mutatus ab illo!* all afloat in water, let in at a leak in the roof of the house, and as silent and still as the rats that had eat my pocket-book. Now, you know, if chance had had any thing to do in this matter, there were a thousand other spots where it might have chanced to leak as well as at this one, which was perpendicularly over my watch. But I'll tell you; it's my opinion that the Devil came and bored the hole over it on purpose. Well, as I was saying, my poor watch had lost her speech. I should not have cared much for this, but something worse attended it; the subtle particles of the water with which the case was filled, had, by their penetration, so overcome the cohesion of the particles of the paper, of which my dear picture and watch paper were composed, that, in attempting to take them out to dry them, good

God! *Mens horret referre!* My cursed fingers gave them such a rent, as I fear I never shall get over. This, cried I, was the last stroke Satan had in reserve for me; he knew I cared not for any thing else he could do to me, and was determined to try this last most fatal expedient. '*Multis fortunæ vulneribus percussus, huic uni me imparem sensi, et penitus succubui!*' I would have cried bitterly, but I thought it beneath the dignity of a man, and a man too who had read *τον ονταν, τα μεν εφ'ἡμιν, τα δ'ουκ εφ'ἡμιν.* However, whatever misfortunes may attend the picture or lover, my hearty prayers shall be, that all the health and happiness which Heaven can send may be the portion of the original, and that so much goodness may ever meet with what may be most agreeable in this world, as I am sure it must be in the next. And now, although the picture be defaced, there is so lively an image of her imprinted in my mind, that I shall think of her too often, I fear, for my peace of mind; and too often, I am sure, to get through old Coke this winter; for God knows I have not seen him since I packed him up in my trunk in Williamsburgh. Well, Page, I do wish the Devil had old Coke, for I am sure I never was so tired of an old dull scoundrel in my life. What! are there so few inquietudes tacked to this momentary life of our's, that we must need be loading ourselves with a thousand more? Or, as brother Job says, (who, by the bye, I think began to whine a little under his afflictions,) "Are not my days few? Cease then, that I may take comfort a little before I go whence I shall not return, even to the land of darkness, and the shadow of death." But the old fellows say we must read to gain knowledge, and gain knowledge to make us happy and be admired. *Mere jargon!* Is there any such thing as happiness in this world? No. And as for admiration, I am sure the man who powders most, perfumes most, embroiders most, and talks most nonsense, is most admired. Though to be candid, there are some who have too much good sense to esteem such monkey-like animals as these, in whose formation, as the saying is, the tailors and barbers go halves with God Almighty; and since these are the only persons whose esteem is worth a

wish, I do not know but that, upon the whole, the advice of these old fellows may be worth following.

You cannot conceive the satisfaction it would give me to have a letter from you. Write me very circumstantially every thing which happened at the wedding. Was she there? because, if she was, I ought to have been at the Devil for not being there too. If there is any news stirring in town or country, such as deaths, courtships, or marriages, in the circle of my acquaintance, let me know it. Remember me affectionately to all the young ladies of my acquaintance, particularly the Miss Burwells, and Miss Potters, and tell them that though that heavy earthly part of me, my body, be absent, the better half of me, my soul, is ever with them; and that my best wishes shall ever attend them. Tell Miss Alice Corbin that I verily believe the rats knew I was to win a pair of garters from her, or they never would have been so cruel as to carry mine away. This very consideration makes me so sure of the bet, that I shall ask every body. I see from that part of the world what pretty gentleman is making his addresses to her. I would fain ask the favour of Miss Becca Burwell to give me another watch paper of her own cutting, which I should esteem much more, though it were a plain round one, than the nicest in the world cut by other hands—however, I am afraid she would think this presumption, after my suffering the other to get spoiled. If you think you can excuse me to her for this, I should be glad if you would ask her. Tell Miss Sukey Potter that I heard, just before I came out of town, that she was offended with me about something, what it is I do not know; but this I know, that I never was guilty of the least disrespect to her in my life, either in word or deed; as far from it as it has been possible for one to be. I suppose when we meet next, she will be *endeavouring* to repay an imaginary affront with a real one: but she may save herself the trouble, for nothing that she can say or do to me shall even lessen her in my esteem, and I am determined always to look upon her as the same honest-hearted, good-humoured, agreeable lady I ever did. Tell—tell—in short, tell

them all ten thousand things more than either you or I can now or ever shall think of as long as we live.

My mind has been so taken up with thinking of my acquaintances, that, till this moment, I almost imagined myself in Williamsburg, talking to you in our old unreserved way; and never observed, till I turned over the leaf, to what an immoderate size I had swelled my letter—however, that I may not tire your patience by further additions, I will make but this one more, that I am sincerely and affectionately,

Dear Page, your friend and servant,

T. Jefferson.

P. S. I am now within an easy day's ride of Shadwell, whither I shall proceed in two or three days.

Shadwell, Jan. 20th, 1763.

Dear Page,

To tell you the plain truth, I have not a syllable to write to you about. For I do not conceive that any thing can happen in my world which you would give a curse to know, or I either. All things here appear to me to trudge on in one and the same round: we rise in the morning that we may eat breakfast, dinner and supper, and go to bed again that we may get up the next morning and do the same: so that you never saw two peas more alike than our yesterday and to-day. Under these circumstances, what would you have me say? Would you that I should write nothing but truth? I tell you I know nothing that is true. Or would you rather that I should write you a pack of lies? Why, unless they were more ingenious than I am able to invent, they would furnish you with little amusement. What can I do then? nothing, but ask you the news in your world. How have you done since I saw you? How did Nancy look at you when you danced with her at Southall's? Have you any glimmering of hope? How does R. B. do? Had I better stay here and do nothing, or go down and do less? or, in other words, had I better stay here while I am here, or go down that I may have the pleasure of sailing up the river again in a full rigged flat? Inclination tells me to go, receive my sentence, and be no longer

in suspense: but reason says, if you go, and your attempt proves unsuccessful, you will be ten times more wretched than ever. In my last to you, dated Fairfield, Dec. 25, I wrote to you of the losses I had sustained; in the present I may mention one more, which is the loss of the whites of my eyes, in the room of which I have got reds, which gives me such exquisite pain that I have not attempted to read any thing since a few days after Jack Walker went down, and God knows when I shall be able to do it. I have some thoughts of going to Petersburg, if the actors go there in May. If I do, I do not know but I may keep on to Williamsburg, as the birth night will be near. I hear that Ben Harrison has been to Wilton: let me know his success. Have you an inclination to travel, Page? because if you have, I shall be glad of your company. For you must know that as soon as the Rebecca (the name I intend to give the vessel above mentioned) is completely finished, I intend to hoist sail and away. I shall visit particularly England, Holland, France, Spain, Italy, (where I would buy me a good fiddle) and Egypt, and return through the British provinces to the Northward, home. This to be sure, would take us two or three years, and if we should not both be cured of love in that time, I think the devil would be in it. After desiring you to remember me to acquaintances below, male and female, I subscribe myself,

Dear Page, your friend and servant,

T. Jefferson.

Shadwell, July 15th, 1763.

Dear Page,

Yours of May 30th came safe to hand. The rival you mentioned I know not whether to think formidable or not, as there has been so great an opening for him during my absence. I say *has been*, because I expect there is one no longer. Since you have undertaken to act as my attorney, you advise me to go immediately and lay siege *in form*. You certainly did not think, at the time you wrote this, of that paragraph in my letter wherein I mentioned to you my resolution of going to Britain. And to begin an affair of that kind now, and carry it on so long

a time in form, is by no means a proper plan. No, no, Page; whatever assurances I may give her in private of my esteem for her, or whatever assurances I may ask in return from her, depend on it—they must be kept in private. Necessity will oblige me to proceed in a method which is not generally thought fair; that of treating with a ward before obtaining the approbation of her guardian. I say necessity will oblige me to it, because I never can bear to remain in suspense so long a time. If I am to succeed, the sooner I know it, the less uneasiness I shall have to go through. If I am to meet with a disappointment, the sooner I know it, the more of life I shall have to wear it off: and if I do meet with one, I hope in God, and verily believe, it will be the last. I assure you, that I almost envy you your present freedom; and if Belinda will not accept of my service, it shall never be offered to another. That she may, I pray most sincerely; but that she will, she never gave me reason to hope. With regard to my not proceeding in form, I do not know how she may like it. I am afraid not much. That her guardians would not, if they should know of it, is very certain. But I should think that if they were consulted after I return, it would be sufficient. The greatest inconvenience would be my not having the liberty of visiting so freely. This is a subject worth your talking over with her; and I wish you would, and would transmit to me your whole confab at length. I should be scared to death at making her so unreasonable a proposal as that of waiting until I return from Britain, unless she could first be prepared for it. I am afraid it will make my chance of succeeding considerably worse. But the event at last must be this, that if she consents, I shall be happy; if she does not, I must *endeavour* to be as much so as possible. I have thought a good deal on your case, and as mine may perhaps be similar, I must endeavour to look on it in the same light in which I have often advised you to look on yours. Perfect happiness, I believe, was never intended by the Deity to be the lot of one of his creatures in this world; but that he has very much put in our power the nearness of our approaches to it, is what I have steadfastly believed.

The most fortunate of us, in our journey through life, fre-

quently meet with calamities and misfortunes which may greatly afflict us; and, to fortify our minds against the attacks of these calamities and misfortunes, should be one of the principal studies and endeavours of our lives. The only method of doing this is to assume a perfect resignation to the Divine will, to consider that whatever does happen, must happen; and that by our uneasiness, we cannot prevent the blow before it does fall, but we may add to its force after it has fallen. These considerations, and others such as these, may enable us in some measure to surmount the difficulties thrown in our way; to bear up with a tolerable degree of patience under this burthen of life; and to proceed with a pious and unshaken resignation, till we arrive at our journey's end, when we may deliver up our trust into the hands of him who gave it, and receive such reward as to him shall seem proportioned to our merit. Such, dear Page, will be the language of the man who considers his situation in this life, and such should be the language of every man who would wish to render that situation as easy as the nature of it will admit. Few things will disturb him at all: nothing will disturb him much.

If this letter was to fall into the hands of some of our gay acquaintance, your correspondent and his solemn notions would probably be the subjects of a great deal of mirth and raillery, but to you, I think, I can venture to send it. It is in effect a continuation of the many conversations we have had on subjects of this kind; and I heartily wish, we could now continue these conversations face to face. The time will not be very long now before we may do it, as I expect to be in Williamsburg by the first of October, if not sooner. I do not know that I shall have occasion to return, if I can rent rooms in town to lodge in; and to prevent the inconvenience of moving my lodgings for the future, I think to build: no castle though, I assure you; only a small house, which shall contain a room for myself and another for you, and no more, unless Belinda should think proper to favour us with her company, in which case, I will enlarge the plan as much as she pleases. Make my compliments to her par-

ticularly, as also to Sukey Potter, Judy Burwell, and such others of my acquaintance as enquire after me. I am,

Dear Page, your sincere friend,

T. JEFFERSON.

Williamsburg, October 7, 1763.

Dear Page,

In the most melancholy fit that ever any poor soul was, I sit down to write to you. Last night, as merry as agreeable company and dancing with Belinda in the Apollo could make me, I never could have thought the succeeding sun would have seen me so wretched as I now am! I was prepared to say a great deal: I had dressed up in my own mind, such thoughts as occurred to me, in as moving language as I knew how, and expected to have performed in a tolerably creditable manner. But, good God! When I had an opportunity of venting them, a few broken sentences, uttered in great disorder, and interrupted with pauses of uncommon length, were the too visible marks of my strange confusion! The whole confab I will tell you, word for word, if I can, when I see you, which God send may be soon. Affairs at W. and M. are in the greatest confusion. Walker, M'Clurg and Wat Jones are expelled *pro tempore*, or, as Horrox softens it, rusticated for a month. Lewis Burwell, Warner Lewis, and one Thompson have fled to escape flagellation. I should have excepted Warner Lewis, who came off of his own accord. Jack Walker leaves town on Monday. The court is now at hand, which I must attend constantly, so that unless you come to town, there is little probability of my meeting with you any where else. For God sake come.

I am, dear Page,

Your sincere friend,

T. JEFFERSON.

Devilsburg, January* 23*d*, 1764.

Dear Page,

I received your letter of Wednesday the 18th instant; in that,

* From this designation of the ancient metropolis, it would seem even then to have been no favourite with him.

of this day, you mention one which you wrote last Friday, and sent by the Secretary's boy; but I have neither seen nor heard of such a one. God send, mine of Jan. 19 to you may not have shared the same fate; for, by your letter, I am uncertain whether you have received it or not; you therein say, 'you hope to have received an answer from me by this time,' by which I judge it has miscarried; but you mention mine of Dec. 25, which puts me in spirits again, as I do not know how you should have got intelligence that I had wrote such a one, unless you had seen my letter of Jan. 19, in which it was mentioned—yes, there is one other way by which you might have received such intelligence. My letter of Jan. 19, may have been opened, and the person who did it may have been further incited by curiosity, to ask you if you had received such a letter as they saw mentioned therein; but God send, and I hope this is not the case. Sukey Potter, to whom I sent it, told me yesterday she delivered it to Mr. T. Nelson, the younger, who had delivered it to you—I hope with his own hand. I wish I had followed your example, and wrote it in Latin, and that I had called my dear *campana in die*,* instead of ἀδνιλεῦ.

We must fall on some scheme of communicating our thoughts to each other, which shall be totally unintelligible to every one but to ourselves. I will send you some of these days Shelton's Tachygraphical Alphabet, and directions. Jack Walker is engaged to Betsy Moore, and desired all his brethren might be made acquainted with his happiness. But I hear he will not be married this year or two. Put *campana in die* in mind of me; tell him I think as I always did. I have sent my horses up the country, so that it is out of my power to take even an airing on horseback at any time. My paper holds out no longer, so

Must bid you adieu.

* The lady here alluded to is manifestly the Miss Rebecca Burwell mentioned in his first letter; but what suggested the quaint designations of her is not so obvious. In the first of them, Belinda, translated into dog Latin, which was there, as elsewhere, among the *facetiæ* of young collegians, became *campana in die*, that is *bell in day*. In the second, the name is reversed, and becomes *ądnileb*, which, for further security, is written in Greek characters, and the lady spoken of in the masculine gender.

Devilsburg, Jan. 19, 1764.

The contents of your letter have not a little alarmed me; and really, upon seriously weighing them with what has formerly passed between and myself, I am somewhat at a loss what to conclude, your "*semper saltat, semper ridet, semper loquitur, semper solicitat*, &c., appear a little suspicious; but good God! it is impossible! I told you our confab in the Apollo; but I believe I never told you that we had on another occasion. I then opened my mind more freely, and more fully. I mentioned the necessity of my going to England, and the delays which would consequently be occasioned by that. I said in what manner I should conduct myself till then, and explained my reasons, which appears to give that satisfaction I could have wished; in short, I managed in such a manner that I was tolerable easy myself, without doing any thing which could give ἀδνικοῦς friends the least umbrage, were the whole that passed to be related to them. I asked no question which would admit of a categorical answer; but I assured ἀδνικοῦ that such questions would one day be asked—in short, were I to have another interview with him, I could say nothing now which I did not say then; and were I, with a view of obtaining one, *licentiam solicitandi aliis, quibus degit postulare*, it would be previously necessary to go the rounds *cum custodibus;* and after all this, he could be in no other situation than he is at present. After the proofs I have given of my sincerity, he can be under no apprehensions of a change in my sentiments: and were I to do as my friends advise me, I would give no better security than he has at present. He is satisfied that I shall make him an offer, and if he intends to accept of it, he will disregard those made by others; my fate depends on ἀδνικοῦς present resolutions; by them I must stand or fall—if they are not favourable to me, it is out of my power to say any thing to make them so which I have not said already; so that a visit could not possibly be of the least weight, and it is, I am sure, what he does not in the least expect. I hear you are courting F———y B——l, but shall not listen to it till I hear it from you. When I was up the country, I wrote a letter to you, dated Fairfield, Dec. 25, 1763; let me know if you

have received such a one. As I suppose you do not use your Statutes of Britain, if you can lend them to me, till I can provide myself with a copy, it will infinitely oblige me.

Adieu, dear Page.

Devilsburg, April 9th, 1764.

Dear Page,

This letter will be conveyed to you by the assistance of our friend Warner Lewis. Poor fellow! never did I see one more sincerely captivated in my life. He walked to the Indian camp with her yesterday, by which means he had an opportunity of giving her two or three love squeezes by the hand; and, like a true arcadian swain, has been so enraptured ever since, that he is company for no one. B——y has at last bestowed her hand on B——d; and whether it was for money, beauty, or principle, will be so nice a dispute, that no one will venture to pronounce. Two days before the wedding, I was not a little surprised, on going to the door at my house, to see him alight from his horse. He stepped up to me, and desired the favour of me to come to Mr. Yates' at such a time. It was so unexpected, that for some time I could make no reply; at last, I said, "yes," and turned about and walked back into my room. I accordingly attended, and to crown the joke, when I got there, was dubbed a bridesman. There were many other curious circumstances too tedious to mention here. Jack Walker is expected in town to-morrow. How does your pulse beat after your trip to the Isle of Wight? What a high figure I should have cut, had I gone! When I heard who visited you there, I thought I had met with the narrowest escape in the world. I wonder how I should have behaved—I am sure I should have been at a great loss. If your mistress can spare you a little time, your friends here would be very glad to see you, particularly Small and myself, as every thing is now ready for taking the height of this place above the water of the creeks. Fleming's relapse will justly afford you great matter of triumph, after rallying you so much on being in love.

Adieu, dear Page.

P. S. Walker is just arrived—he goes out of town on Wednesday, and will return again in about three weeks.

To the friendship of Dr. Small, Mr. Jefferson also owed an acquaintance with two other individuals, who, probably, in many ways excited an influence on his future character. The first of these was Governor Fauquier, whose talents, highly improved by cultivation, were recommended by the most engaging exterior and manners. It must be remembered, too, that the governors of the English colonies, being regarded as the representatives of royalty, affected a good deal of state, and none more than those of Virginia, where, in keeping with these pretensions, their mansion at the seat of government was called "the palace." At the table of this gentleman, to which Mr. Jefferson, during his residence in Williamsburg, had familiar access, he may be supposed to have acquired both his admirable manners, which reached the utmost extreme of ease that is consistent with dignity or refinement, and that taste for the elegancies of life with which he always embellished the plainness of the republican and the simplicity of the philosopher. The Governor was said to have been a follower of Shaftesbury and Bolingbroke, in morals and religion, and, by the influence of his station and accomplishments, to have rendered their tenets fashionable in Virginia, as well as increased the taste for gaming, to which he was passionately devoted. Mr. Jefferson happily escaped the contagion of this vice; but it has been thought that opinions recommended by genius and taste, as well as rank, were not without their effect on a youthful mind, at once ductile and bold.* Yet the friend who knew him best† gives no credit to this supposed influence; but justly remarking, that the same fearless and independent spirit, impatient of dictation and contemning authority, is to be seen in all Mr. Jefferson's speculations. He thinks, that so far as the character of his religious and moral

* This explanation of some of Mr. Jefferson's opinions I received from the late Mr. John Randolph.

† Mr. Madison.

opinions are not attributable to the native character of his mind, they are to be ascribed to the time and the country in which he lived.

The other, and far more valuable acquaintance which he owed to Dr. Small, was Mr. Wythe, at that time a lawyer of eminence, and afterwards, in succession, a member of the first Congress, a professor in William and Mary College, and the Chancellor of Virginia. With this gentleman, who had a vigorous, but somewhat eccentric mind, and who united a *catonian* severity of morals, with unusual blandness of manners and disposition, Mr. Jefferson studied law, and under his auspices, made his first appearance at the bar of the General Court in 1767, at the age of twenty-four.

In a sketch of the character of his ancient preceptor, drawn by Jefferson for "Sanderson's Biographies," he has correctly delineated its principal features, except that he has passed over its eccentricities, most of which indeed may have grown up in the life of study and seclusion, which Mr. Wythe led after he became Chancellor. Some of his singularities would appear ludicrously extravagant in the recital; but they were practised so unobtrusively, and were accompanied with such genuine suavity of manners and carriage, that they never conveyed the idea of affectation; and what would have been regarded as improprieties of dress or manners in others, was forgiven in him as a sort of idiosyncrasy, which he could not help, and of which he was not even conscious.

So young a man as Mr. Jefferson could not but be greatly flattered at being received into the intimate society of three such men as have been mentioned, since he must have known that it could have proceeded only from a high sense of his merit; and he himself bears testimony to the instruction he derived from their conversation.

Two years before he was admitted to the bar, and while he was yet a student in Williamsburg, the misunderstanding between Great Britain and colonies had commenced, and the subject of their respective rights had become a theme of universal

interest and discussion in America. He would naturally have sided with the great mass of his countrymen in this controversy; but the ardour with which he espoused their cause, was augmented by the circumstances in which he was placed. He had frequent opportunities of listening both to the open debates, and the private conversations of the members of the Legislature, consisting at that time of many men of intelligent, and highly cultivated minds: the able lawyer with whom he studied was among the foremost in resisting the pretensions of Great Britain: and above all, eloquence, whose power is never so great as when it is exerted in the cause of patriotism, lent its magical influence, to add the fervours of passion to the convictions of the understanding.

It was during the session of the Assembly in May, 1765, that he first had an opportunity of hearing that extraordinary self educated orator, Patrick Henry. The occasion on which he most distinguished himself, was on the resolutions prepared by himself on the stamp act, which had passed in the preceding January, and had reached Virginia during the session of the Legislature. After the lapse of half a century, Mr. Jefferson declares, that he never heard such strains of eloquence from any other man, and that "Mr. Henry appeared to speak as Homer wrote." Somewhat must be deducted from this high wrought panegyric, both for the inexperience of the hearer, and his warm enthusiasm in the cause of the orator; but we cannot make a large allowance for these biases, without impugning the accounts that are given of Mr. Henry's rare powers of elocution by all who ever heard him speak.

The repeal of the stamp act the year after it was passed, produced a short-lived suspension of the ill feeling between Great Britain and her colonies; but the attempt made by her in the following year, 1767, to draw a revenue from them, in the less obvious form of an impost, small as that impost was, renewed the dispute, which, in eight years of irritation, was aggravated into open war; and, in eight years more, terminated in the complete overthrow of British authority.

In the spring of 1766 he went to Philadelphia, for the ostensible purpose of being there inoculated, but, no doubt, also for the gratification of a liberal curiosity. He made this journey of three hundred miles in a one horse chair, and experienced a full share of the inconveniences incident to travelling in that mode, and at that period. The first day his pampered steed ran off with him twice. He rode through the whole of the next in a drenching rain, "without meeting with a single house to which he could repair for shelter;" and, on the third, he was near being drowned in fording the Pamunkey. He, however, called at the country seats of two or three gentlemen of his acquaintance, where he met with some of his old college associates, and in these reunions, forgot the disasters of flood and field.

He also took Annapolis in his way, and found the General Assembly of Maryland then in session. In a letter to his friend Page, from which the preceding particulars were gleaned, he gives an amusing description of the loose and irregular course of proceeding in the Maryland Legislature, so strongly contrasted with the order and dignity which had long characterized the House of Burgesses in Virginia. He then adds: "The situation of this place is extremely beautiful, and very commodious for trade, having a most secure port, capable of receiving the largest vessels—those of 400 hhds. being able to brush against the sides of the dock. The houses are in general better than those in Williamsburg; but the gardens more indifferent. The two towns seem much of a size. They have no public buildings worth mentioning, except a Governor's House, the hall of which, after being nearly finished, they have suffered to go to ruin. I would give you an account of the rejoicings here on the repeal of the stamp act,* but this you will probably see in

*At this time, he little dreamt that in the very spot where he saw the people rejoicing, that Great Britain consented to relinquish a paltry tax, while she asserted unlimited powers of legislation, he should witness the ratification of a treaty by which she acknowledged her late suppliant colonies to be sovereign states; that here too, he was to behold the more imposing spectacle of the victorious commander of their armies, voluntarily resigning his authority to those from whom he had received it—

print before my letter can reach you. I shall proceed to-morrow to Philadelphia, where I shall make the stay necessary for inoculation; thence going on to New York, I shall return by water to Williamsburgh, about the middle of July, till which time you have the prayers of, dear Page,

"Your affectionate friend,

"T. Jefferson."

Of his success as a practitioner of law he has left no account, and the defect can be but imperfectly supplied from his contemporaries, of whom the few that survive have no precise information on the subject. They state, however, that as a speaker, his diction was both fluent and perspicuous; but that his voice was neither strong nor clear; and that during the seven or eight years that he practised in the General Court, he was gradually rising to the foremost rank as an accurate, learned, and able lawyer. This is no moderate praise, when it is recollected that the court in which he practised was the highest judicial tribunal in Virginia; that here all causes of importance, civil and criminal, were decided; and here, of course, he encountered the highest forensic talents of the colony, which, always in a state of preparation, were stimulated to their highest efforts by collision and emulation. Mr. Jefferson's manuscripts attest the labour of his legal researches, as well as his fertility of argument and nicety of discrimination; and leave no doubt that he would have attained the first place in this road to distinction, if the political struggle of his country had not diverted him to another and a higher destiny.

But the time had now come when Mr. Jefferson was himself to be an actor in that great civil contest, of which he had been for some years an anxious spectator. In 1769, being then twenty-six years of age, he was elected a member of the House of Burgesses, from the county of Albemarle. Lord Botetourt,

and that he himself, then a stranger and unknown, was to bear a conspicuous part in these memorable scenes. But contests of this character, though not often so striking as these, have become so familiar in the United States, where every thing is in a state of rapid progression, as no longer to excite wonder.

the Governor, having convened the Legislature in May, resolutions in opposition to those which had been recently passed by both houses of Parliament on the proceedings of Massachusetts, were unanimously adopted by the Burgesses, who also voted an address to the King. In these papers, they re-asserted the right of laying taxes in Virginia to be exclusively vested in its own Legislature; insisted on their privilege of petitioning for a redress of grievances, as well as of procuring the concurrence of the other colonies; and pronounced the mode of trial of persons, charged with treason in the colonies, which had been lately recommended in Parliament, to be illegal and unconstitutional. The last resolution referred to a joint address of the two houses to the King, in which it was proposed that the treasonable practices in the colonies should be prosecuted under a statute of Henry the Eighth, according to which, the accused might be transported for trial to England.

The Governor, having heard of these proceedings, without waiting for the official communication of them, abruptly dissolved the Assembly.* But on the following day, the members assembled at the Raleigh tavern, and in a room which then bore the classic name of the Apollo, and which it still retains, they entered into articles of agreement, or, as it was then termed, "Association," by which they pledged their honour not to import, nor, after the first of September ensuing, purchase certain specified kinds of British merchandise, so long as the act of Parliament for raising a revenue in America was unrepealed; and this agreement they recommended to the general adoption of their constituents. Among the eighty-eight signatures to this "Association," are to be seen the names of George Washington, Peyton Randolph, Patrick Henry, Richard Henry Lee, Thomas Jefferson, and more than half the remainder afterwards held

* Mr. Jefferson, at this his first session, manifested that interest in the subject of slavery which he so often afterwards exhibited. His proposition then, however, was not for a general emancipation, as it has been sometimes stated by his undiscriminating admirers; but merely to remove the restrictions which the laws had previously imposed on voluntary manumission, and even this was rejected. The general right to manumit was not given in Virginia until the year 1782.

conspicuous stations either in the civil or military service of their country. Similar Associations had been entered into the year before in Massachusetts, and this mode of appealing to the interests of Great Britain gradually extended throughout most of the other provinces.

Early in the following year, the house at Shadwell, in which he lived with his mother, caught fire, while they were on a visit to a neighbour, and in the alarm and confusion of the slaves, almost every thing in it was consumed. The one who brought him the first tidings of his misfortune, knowing his master's passion for music, in which he probably participated, thus unconsciously parodied Francis the First's consolation to his mother after the battle of Pavia. "But master, we have saved the fiddle." The extent of his loss, as well as the temper with which he bore it, may be inferred from the following letter, written soon afterwards.

Charlottesville, Feb. 21, 1770.

Dear Page,

I am to acquaint Mrs. Page of the loss of my favourite pullet; the consequence of which will readily occur to her. I promised also to give her some Virginia silk which I had expected, and I begin to wish my expectation may not prove vain. I fear she will think me but an ungainly acquaintance. My late loss may perhaps have reached you by this time; I mean the loss of my mother's house by fire, and in it of every paper I had in the world, and almost every book. On a reasonable estimate I calculate the *cost* of the books burned to have been 200*l.* sterling. Would to God it had been the money, *then* had it never cost me a sigh! To make the loss more sensible, it fell principally on my books of Common Law, of which I have but one left, at that time lent out. Of papers too of every kind I am utterly destitute. All of these, whether public or private, of business or of amusement, have perished in the flames. I had made some progress in preparing for the succeeding General Court; and having, as was my custom, thrown my thoughts into the form of notes, I troubled my head no more with them.

These are gone, and like the baseless fabric of a vision, leave not a trace behind. The records also, and other papers which furnished me with states of the several cases, having shared the same fate, I have no foundation whereon to set out anew. I have in vain attempted to recollect some of them; the defect sometimes of one, sometimes of more circumstances, rendering them so imperfect that I can make nothing of them. What am I to do then in April? The resolution which the Court has declared of admitting no continuances of causes seemed to be unalterable; yet it might surely be urged, that my case is too singular to admit of their being often troubled with the like excuse. Should it be asked, what are the misfortunes of an individual to a Court? The answer of a Court, as well as of an individual, if left to me, should be in the words of Terence, "*homo sum; humani nil a me alienum puto*"—but a truce with this disagreeable subject.

Am I never more to have a letter from you? Why the devil don't you write? But I suppose you are always in the moon, or some of the planetary regions. I mean you are there in idea; and unless you mend, you shall have my consent to be there *de facto;* at least, during the vacations of the Court and Assembly. If your spirit is too elevated to advert to sublunary subjects, depute my friend Mrs. Page to support your correspondences. Methinks I should, with wonderful pleasure, open and peruse a letter written by so fair, and (what is better) so friendly hands. If thinking much of you would entitle me to the civility of a letter, I assure you I merit a very long one. If this conflagration, by which I am burned out of a home, had come before I had advanced so far in preparing another, I do not know but I might have cherished some treasonable thoughts of leaving these my native hills; indeed I should be much happier were I nearer to Rosewell and Severn hills—however, the Gods, I fancy, were apprehensive that if we were placed together, we should pull down the moon, or play some such devilish prank with their works. I reflect often with pleasure on the philosophical evenings I passed at Rosewell in my last visits there. I was always fond of philosophy, even in its drier forms; but

from a ruby lip, it comes with charms irresistible. Such a feast of sentiment must exhilarate and lengthen life, at least as much as the feast of the sensualist shortens it—in a word, I prize it so highly, that, if you will at any time collect the same *Belle Assemblée*, on giving me three days previous notice, I shall certainly repair to my place as a member of it. Should it not happen before I come down, I will carry Sally Nicholas in the green chair to Newquarter, where your periagua (how the —— should I spell that word?) will meet us, automaton-like, of its own accord. You know I had a wagon which moved itself —cannot we construct a boat then which shall row itself? *Amicus noster, Fons,* quo modo agit, et quid agit?* You may be all dead for any thing we can tell here. I expect he will follow the good old rule of driving one passion out by letting another in. *Clavum clavo pangere* was your advice to me on a similar occasion. I hope you will watch his immersion as narrowly as if he were one of Jupiter's satellites; and give me immediate notice, that I may prepare a dish of advice. I do not mean, Madam, to advise him against it. On the contrary, I am become an advocate for the passion; for I too am *cœlo tactus*, *Currus*† *bene se habet.* He speaks, thinks, and dreams of nothing but his young son. This friend of ours, Page, in a very small house, with a table, half a dozen chairs, and one or two servants, is the happiest man in the universe. Every incident in life he so takes as to render it a source of pleasure. With as much benevolence as the heart of man will hold, but with an utter neglect of the costly apparatus of life, he exhibits to the world a new phenomenon in philosophy—the Samian sage in the tub of the cynic. Name me sometimes *homunculo tuo*, not forgetting little *dic mendacium.* I am determined not to enter on the next page, lest I should extend this nonsense to the bottom of that also. *A dieu je vous commis*, not doubting his care of you both.

TH: JEFFERSON.

* Probably Mr. William Fontaine, of Hanover county.

† By this term, he no doubt designated Mr. Dabney Carr, his brother-in-law.

He had, some time before this accident, fortunately begun his improvements on the summit of Monticello, a small mountain on the Shadwell tract, to which he has since given celebrity. To this place he removed, as soon as he had made one of its small pavilions habitable, and it continued his home for the rest of his life.

On returning to their respective counties, all the members were re-elected, with the exception of the very few who had dissented from the majority. But when the Assembly was again convened, all feelings of irritation were greatly soothed by Lord Botetourt's assurances that the ministry had no intention of proposing any further taxes on America, and that they meant to advise the repeal of the duties upon glass, paper and colours. Although it would seem to have been a fair inference from this communication, that the duty on *tea*, of which nothing was said, was to be retained, yet, such conclusion either was not drawn by the Assembly, or was disregarded, as in their answer to the Governor, they express their satisfaction in emphatic and unqualified terms. But in the interval of an adjournment, their minds seem to have undergone a change, and when they again met, they expressed their dissatisfaction in the form of a petition to the King; renewed their non-importation agreement, as to particular articles of merchandise, and pledged themselves to continue it until the duty on tea was repealed.

In March, 1770, an affray had taken place in Boston between some of the citizens and a party of soldiers of one of the British regiments stationed there, in which the latter fired on the townsmen, killed three, and wounded several. This incident produced great sensation in the other colonies, and contributed to keep alive their jealousy and discontent; yet, from this time, to the year 1772, they made no other resistance to the attempt to draw a revenue from them than by the voluntary "Associations" that have been mentioned. But New York having rescinded its non-importation agreement, as to all articles except those subjected to duty, the example was followed in other places, and consequently, after the repeal of the other duties, those agreements were limited to the single article of tea.

CHAPTER III.

His Marriage. Committees of Correspondence. Boston Port Bill. Members of Assembly enter into articles of Association. Propose a General Congress. First Convention in Virginia. His vindication of the rights of America. Proceedings of the Convention—choose Deputies to a General Congress. Character of that Body. The Convention of Virginia assemble at Richmond. Its Proceedings. Mr. Jefferson chosen a Deputy to Congress. The Powder withdrawn from the Public Magazine by Lord Dunmore. The popular irritation it excited. General Assembly convened. Mr. Jefferson prepares a reply to Lord North's propositions. Collision between the Governor and House of Burgesses. Conduct of Lord Dunmore.

1772—1775.

On the 1st of January, 1772, Mr. Jefferson married Mrs. Martha Skelton, then twenty-three years of age, of whose attractions and gentle virtues tradition speaks most favourably. She was the widow of Bathurst Skelton, and the daughter of John Wayles, a lawyer of extensive practice. By this marriage Mr. Jefferson acquired a handsome fortune, as Mr. Wayles died in the following year, and divided a large estate among his three daughters.

In 1772, the political calm which seems to have supervened in the southern states after the partial repeal of the obnoxious duties, was interrupted by an occurrence in Rhode Island. A Court of Inquiry was there held, with power to send the accused to England for trial; and, on the meeting of the Virginia Assembly in the spring of 1773, this grievance of a sister colony was thought to merit their special notice. Mr. Jefferson seems to have been among the foremost in a cause in which all were zealous. The zeal, however, of the greater number, being more tempered with caution than suited the ardent tempers of a few

master spirits, these determined to meet at the Raleigh, to consult on the measures proper to be pursued. The party, consisting of Patrick Henry, Richard Henry Lee, his brother Francis Lightfoot Lee, Dabney Carr, Thomas Jefferson, and two or three others, drew up resolutions, the chief object of which was to appoint a standing Committee of Correspondence and Inquiry, consisting of eleven persons, whose duty it should be to obtain early intelligence of the proceedings of Parliament respecting America; to maintain a correspondence with the colonies; to obtain information respecting the Court of Inquiry recently held in Rhode Island; and to communicate the result of their proceedings to the House of Burgesses. The Legislatures of the other colonies were invited to appoint persons to correspond with the committee. It thus appeared that the policy of selecting one of the weakest colonies for the experiment of an odious measure, would, by the identity of feeling which pervaded them all, not only be unavailing to the British government, but prove a further bond of union to the colonies.

Mr. Jefferson mentions in his memoir, that the consulting members proposed to him to move these resolutions in the house the next day; but that he declined the honour in favour of his brother-in-law, Dabney Carr, a new member, to whom he wished to afford so good an opportunity of making his talents known. The resolutions were accordingly moved by Mr. Carr on the 12th of March, supported by him with great ability, and unanimously adopted by the house. It may be fairly presumed, both from Mr. Jefferson's course and that of his associates on this occasion, that these resolutions were drawn, and had been first suggested, by himself. The members of this important committee were Peyton Randolph, Robert C. Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary and Thomas Jefferson.

A generous emulation for the honour of promoting the cause of the Revolution has occasionally given rise to conflicting claims among the several states. Of this character are the rival pretensions of Massachusetts and Virginia to the merit of originating those powerful engines of colonial union and resistance

—the Committees of Correspondence. Chief Justice Marshall ascribes their origin to Massachusetts; and states, that, in 1770, the Legislature of that colony appointed a committee to correspond with such committees as might be appointed by the other colonies, all of which, sooner or later, followed the example; and that similar committees were appointed by the other towns of Massachusetts, for the purpose of corresponding with one another. Gordon, however, to whom he refers, speaks only of the last mentioned committees, the origin of which he ascribes to James Warren and Samuel Adams, of Massachusetts, and is silent as to the committees for maintaining correspondence among the several colonies. Mr. Wirt, on the other hand, gives the honour of originating these committees to Virginia; though he admits, on the authority of Mr. Jefferson, that Massachusetts adopted the same measure so nearly at the same time, as to be entitled to equal honour.

Mr. Jefferson, noticing this subject in his memoirs, after distinguishing between the two kinds of Corresponding Committees, relies on the authority of Gordon to prove that Massachusetts is entitled only to the honour of originating the inferior Local Committees, while he claims for Virginia a similar honour as to the Committees of National Correspondence. He admits and explains his mistake in the information given to Mr. Wirt, that this proposition "was nearly simultaneous in Virginia and Massachusetts."

It appears, on further inquiry, that the facts are accurately stated by Judge Marshall, and that the House of Representatives of Massachusetts, on the 7th of November, 1770, appointed a committee to correspond with committees in the other colonies, by the following resolution:

"Upon motion, ordered, that Mr. Speaker, (Thomas Cushing,) Mr. Hancock, Mr. Hall, Mr. Samuel Adams, and Mr. John Adams, be a Committee of Correspondence, to communicate such intelligence as may be necessary to the agent and others in Great Britain; and also to the speakers of the several assemblies throughout the continent, or to such Committee of Correspondence as they have, or may appoint. Said committee, from

time to time, to report the whole of their correspondence to the House of Representatives, and to confer with such committee as the honourable board have appointed to correspond with their agent, as far as they shall judge it necessary."

The claims of Massachusetts to the merit of first suggesting this plan of concerted resistance may indeed be carried still farther back; as in 1765,* after the passage of the stamp act, her House of Representatives had invited a meeting of deputies from all the colonial Legislatures, "to consult together" on their common "difficulties;" and afterwards, in February 1768,† they again addressed a circular letter to all the colonial Assemblies, in which they dwelt on the importance of harmony in their "representations," and proposed to them, severally, a mutual interchange of sentiment.

But notwithstanding these examples, and the before mentioned resolution of 1770, it seems to be conceded that the Massachusetts Corresponding Committee did not communicate with the other colonies, in consequence, it is said, of the "severe censures" passed in England on the circular letter formerly addressed by her Legislature to the other colonies.‡ As then, Virginia, in 1773, seems not to have been prompted by the example of Massachusetts, and as, moreover, her resolutions did not merely authorize a correspondence with the other colonies, but also formally requested them to "appoint some person or persons of their respective bodies, to communicate from time to time

* Prior Documents, p. 26. † Ib. p. 191.

‡ The resolution of the House of Representatives of Massachusetts-Bay, in 1770, appointing a Committee of Correspondence, is given on the authority of Ex-President John Q. Adams, who did the author the favour, in answer to his inquiries, to send him an extract from the Journals of the House. He further remarks, "I presume this was the first appointment of a Committee of Correspondence 'of this class.' It is noticed by Alden Bradford in his History of Massachusetts, from 1764 to 1775—pages 237 and 276. By Gordon, vol. 1, p. 306, and in the third volume of Hutchinson's History of Massachusetts-Bay, page 318. It is also to this appointment that Judge Marshall refers in his life of Washington, vol. 2, p. 151, first edition. Bradford, in a note, says, *it does not appear that this committee wrote to the other colonies*, as a former letter to them from Massachusetts had been so severely censured in England."

with the said committee;" the disputed honour may be fairly divided between the two, by assigning to Massachusetts the merit of first suggesting the plan, and to Virginia that of giving it efficacy.

It may, however, be remarked, that there probably never was a case in which several district communities laboured under a common grievance, requiring the same means and measure of redress, which did not consult how they might best cooperate; and that to have proposed so natural and obvious an expedient should be deemed an honour worthy of being contested by two states, is to be imputed to the importance attached to every thing connected with the Revolution, and to the lustre which the achievement of national independence sheds on all its agents and instruments.

The next subject which enlisted the sympathies of Virginia was the Boston port bill, by the provisions of which that town was to be cut off from all foreign trade after the 1st of June, 1774, as a punishment for its destruction of the tea in the December preceding. This act having reached Virginia while the Assembly was in session, Mr. Jefferson says, that a number of the junior members, comprehending Mr. Henry, the two Lees, and two or three others with himself, no longer willing to submit the direction of affairs to the old members, but determining on a bolder course, assembled in the Council Chamber to consult on the measures to be pursued. By way of rousing the people from their recent lethargy, they decided on a day of general fasting and prayer. "With the help of Rushworth," he says, "whom we rummaged for the revolutionary precedents and forms of the puritans of that day, we cooked up a resolution—somewhat modernizing their phrases—for appointing the 1st day of June, on which the port bill was to commence, for a day of fasting, humiliation and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice." They then resolve that the members would attend in their places on the first of June, at ten in the forenoon, and thence "proceed with the

Speaker and the mace to the Church," to hear prayers, and "a sermon suitable to the occasion."*

Mr. Jefferson's account of this procedure conveys the idea that the order or resolution was prepared in a somewhat different spirit from that in which it was expected to be read; but such discrepancy will be commonly found wherever the aid of religion is invoked to serve a political purpose.

The next morning, as had been agreed on, the framers of the resolution waited on Robert Carter Nicholas, with a request that he would offer it—his age and known religious character being strictly in keeping with its sentiments, and likely to give it weight. He accordingly made the motion that morning, and it passed without opposition. On the following day, May the 25th, the governor, Lord Dunmore, dissolved the assembly, assigning as the cause this order, which, he said, "was conceived in such terms as to reflect highly on His Majesty and the Parliament of Great Britain."

The members then repaired to the Raleigh, agreed to articles of association, signed by eighty-nine members, in which they pronounce the Boston port bill the result of a "determined system, formed for the purpose of reducing the inhabitants of British America to slavery:" they declare that *tea* "ought not to be used" by any well-wisher to constitutional liberty in America, so long as it was charged with a duty laid for raising a revenue in that country: that, from the course pursued by the East India Company "in favour of arbitrary taxation," they recommend to the people to purchase none of their commodities, except saltpetre and spices, until their grievances were redressed: that an attack on one of their sister colonies was an attack upon all, and threatened the ruin of all, unless it was resisted by their united councils. They therefore further recommend to the committee of correspondence, to communicate with the other committees "on the expediency of appointing deputies from the several colonies of British America, *to meet in general Congress*, at such place, annually, as should be thought

* Wirt's life of Henry, p. 85.

most convenient," to deliberate on the measures required by their common interests. They significantly add, "a tender regard for the interests of our fellow subjects, the merchants and manufacturers of Great Britain, prevents us from going farther at this time; most earnestly hoping that the unconstitutional principle of taxing the colonies without their consent, will not be persisted in, thereby to compel us, against our will, to avoid all commercial intercourse with Britain."

Not content with merely proposing a general Congress, they took measures for carrying the proposition into effect, so far as Virginia was concerned. They agreed that the members who should be elected under the writs then issuing,* should be requested to meet in convention, in Williamsburg, on the 1st of August following, for the purpose of appointing delegates to the Congress, if that measure should be approved in the other colonies, as well as of considering the state of public affairs generally.

The heat thus excited was not allowed to cool. On returning to their homes, the members, as had been concerted, invited the clergy to meet assemblies of the people on the 1st of June, and after performing the usual religious service, to address them in discourses suited to the occasion. Thus the influence exercised over the minds of the people by their spiritual pastors, was brought to act on their worldly concerns, and these fervid appeals from the pulpit, co-operating with the previous state of popular feeling, the effect was irresistible. Mr. Jefferson likens it to a shock of electricity; and certainly no plan could have been better devised to keep up the zeal of the people, which is always liable to flag when not stimulated by fresh excitement. The several counties and corporations re-elected the former members, without exception, and at the same time appointed

*This fact is stated on the authority of Mr. Jefferson, yet it is not noticed in the annals of the times; but the choice of deputies is mentioned by them as a distinct election. The practice seems to have been for the people, after the election of Burgesses, under the forms of law, was over, to enter into resolutions appointing the same members deputies to the Convention, and stating their reasons for making the appointment.

them deputies to the proposed Convention, which was thus, in fact, another House of Burgesses under a new name, unincumbered with a Council and unfettered by a Governor.

The plan of a general Congress having been approved by the corresponding committees in the several colonies, the deputies to the Virginia Convention assembled, as had been agreed on, at Williamsburg, on the 1st of August.

This Convention was the first assembly of popular representatives in Virginia which convened without the express authority of law, and by virtue of the inherent rights of the people. Mr. Jefferson, who was one of the deputies of Albemarle, had previously prepared instructions, which he meant to propose, for the delegates whom the Convention should appoint to the General Congress; but falling sick on his way to Williamsburg, and unable to proceed, he sent on two copies of the instructions; one to Peyton Randolph, who he presumed would be the president of the Convention, and the other to Patrick Henry, who could be their ablest advocate. He thus notices the fate of this document: "Whether Mr. Henry disapproved the ground taken, or was too lazy to read it (for he was the laziest man in reading I ever knew,) I never learned; but he communicated it to nobody. Peyton Randolph informed the convention he had received such a paper from a member, prevented by sickness from offering it in his place, and he laid it on the table for perusal. It was read generally by the members, approved by many, though thought too bold for the present state of things; but they printed it in pamphlet form, under the title of "a summary view of the rights of British America." It found its way to England, was taken up by the opposition, interpolated by Mr. Burke, so as to make it answer opposition purposes, and in that form ran through several editions.

Though this paper, from its length, as well as the startling novelty of some of its doctrines, may not have been exactly suited to its purpose, yet, as it set forth the principal grievances of all the colonies in clear and forcible language, and in a spirit quite in harmony with the tone of public feeling, it added no little to the author's reputation. It begins by assimilating the

first English settlers in America to their Saxon ancestors, who had emigrated from Germany, and asserts that the right of sovereignty no more attached to the parent country in the one case than the other: that Great Britain having afforded to her emigrants important aid against a common enemy, they were willing to give in return such privileges in trade as were not too restrictive on the colonists: that the emigrants had adopted the laws of the mother country, and had continued their political union with her, by acknowledging the authority of the same common sovereign. It complained that the country, acquired by the unassisted efforts of the emigrants, was assumed to be the property of the crown, and either distributed among court favourites, or parcelled out into separate governments: that their natural right to a free trade with all the world had been violated, notwithstanding the formal recognition of the right by a treaty made in 1751, between the commonwealth of England and the colony of Virginia: that by several acts of Parliament America was arbitrarily prohibited from selling to other countries what Great Britain would not purchase, and from buying of others what she could not supply, with a view to enhance the profits of British monopoly: that, in the same spirit of injustice and oppression, an American was forbidden to make a hat for himself of the fur which he had taken perhaps on his own soil, or to manufacture the iron which he himself had made.

The paper then refers to particular acts of Parliament, of recent date, to shew a "systematic plan of reducing the colonies to slavery." It especially notices the act concerning New York, by which "one free and independent Legislature takes upon itself to suspend the powers of another, free and independent as itself;" and it indignantly asks, "Can any reason be assigned why one hundred and sixty thousand electors in the island of Great Britain should give law to four millions* in the States of America, every individual of whom is equal to every individual of them in virtue, understanding, and in bodily strength?"

The Boston port bill, the act imposing a duty on tea, and the destruction of the tea in Boston, are also noticed; and the ty-

* Though this estimate comprehended Canada, it was still too high by a million.

ranny of punishing all the inhabitants of that town for the act of a few, is vehemently condemned. Adverting to the statute which authorizes the Governor to send any person charged with murder in Boston to England for trial, and the accumulation of injury which may thus be inflicted on the accused, it adds: "The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to parliamentary tyranny, would merit the everlasting infamy now fixed on the authors of the act."

Acts of Parliament interfering with the interior legislation of the colonies are then adverted to: as the abuses of the *royal negative*, not only in the frequency of its exercise, particularly on laws prohibiting the further importation of slaves, but also by its occasional suspension for years, whereby the most wholesome laws might be sometimes unreasonably delayed, sometimes suddenly repealed, or laws no longer suited to the circumstances of the colony be unexpectedly revived: the refusal of the Governor's assent to a further *division of counties* in Virginia, except on condition that the new county have no representative in the Legislature: the abuse of the power of *dissolving* the colonial assemblies: the introduction of *feudal tenures* into the colonies, where the lands are properly allodial; and the king's right to grant lands of himself is denied, on the ground that "from the nature and purpose of civil institutions, all the lands within the limits which any particular society has circumscribed around itself, are assumed by that society, and subject to their allotment," in defect of which allotment, mere occupancy will give title.

As a further grievance, it is stated that armed forces had been sent to America, though the king "had no right to land a single armed man on our shores," without the same authority from the Legislature of the colony, as was given by Parliament to George the Second to introduce Hanoverian troops into Great Britain: that every state must judge for itself the number of armed men which they may safely trust among them; of whom they are to consist, and under what restrictions they are to be laid." The paper, in conclusion, thus personally appeals to the monarch: "Open your breast, sire, to liberal and expanded

thought. Let not the name of George the Third be a blot on the page of history. You are surrounded by British counsellors, but remember that they are parties. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. It is neither our wish nor our interest to separate. We are willing, on our part, to sacrifice every thing which reason can ask, to the restoration of that tranquillity for which all must wish. On their part, let them name the terms, but let them be just—accept of every commercial preference it is in our power to give, for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets, to dispose of those commodities which they cannot use, nor to supply those wants which they cannot supply. Still less, let it be proposed that our properties, within our own territories, shall be taxed or regulated by any power on earth but our own. The God who gave us life, gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them."*

Some of the positions taken by Mr. Jefferson in this exposition of his country's wrongs, were scarcely deemed tenable at that time, even in America; and he afterwards frankly says, "the leap I then proposed was too long, as yet, for the mass of our citizens." The Convention, moreover, might have thought it best to omit such topics as were likely to give offence to the friends of America in Great Britain, or mingled doubtful claims and minor grievances with the more serious and unquestionable causes of complaint. They therefore prepared another set of

*Mr. Jefferson says he was informed by Peyton Randolph, that this document procured for him the honour of a place on a list of proscribed American patriots, in a bill of attainder, commenced in one of the Houses of Parliament, but suppressed while in embryo, by the course of events which recommended more caution. The agent of the House of Burgesses in England made extracts from the bill, copied the names, and sent them to Peyton Randolph. Mr. J. thought the names were about twenty, but he recollected only those of Hancock, the two Adamses, Peyton Randolph, Patrick Henry, and his own.

instructions more accordant with their views, in which, after premising the necessity for a general Congress, and naming the seven deputies whom they had appointed to represent Virginia in that body, they proceed to express their views and sentiments with great directness and simplicity.

They begin with averring their allegiance to George the Third, their "lawful and rightful sovereign," and that they were determined, with their "lives and fortunes, to support him in the legal exercise of all his just rights and prerogatives;" that they sincerely approved of a constitutional connexion with Great Britain, and a return of the intercourse which formerly united the two countries. They assert, that British subjects in America have the same rights and privileges "as their fellow subjects in Britain;" and, consequently, that the power assumed by Parliament to bind America, *in all cases*, is unconstitutional, and inconsistent with the end of government. In illustration of this, they refer to several late statutes concerning America. They profess acquiescence in the restrictions on their commerce, so long as they are not unreasonable.

They declare, that to obtain redress of their grievances, they are willing to stop all further importations from Great Britain after the 1st of November ensuing, and all exportations to the same country after the 10th day of August in the succeeding year. They assert their earnest desire to discharge their debts due in Great Britain, and assign "the heavy injury that would arise to the country, from an earlier adoption of the non-exportation plan," when so much of their labour had been applied to the growing crop; and they "had been prevented from pursuing other methods of clothing and supporting their families," as their motives for thus restricting the deputies on the subject of exports. In all other respects, they request those deputies to co-operate cordially with the other colonies. General Gage's proclamation, declaring it treasonable for the people of Massachusetts-Bay to assemble "to consider of their grievances, and form Associations," they pronounce to be odious, alarming and illegal; and boldly assert, that the attempt to carry its threats into execution, "will justify resistance and reprisal."

In these instructions may be perceived that prudence by which the ardent and bold checked their own impetuosity, until the more cautious and wavering could come up with them; as in a fleet bent on a united attack, the fastest sailers slacken their course, lest they should be too far in advance of the rest.

The convention on the 6th of August entered into an agreement, or "Association," contained in a series of resolutions, in which they advanced some steps farther than the same individuals had done in their "Association" of the preceding May. They now agreed, and recommended to all the other inhabitants of Virginia to agree. 1. Not to import any British merchandise after the 1st of November next. 2. To import no slaves. 3. To use no tea from that day, nor to suffer it to be used in their families. 4. To purchase no East India commodity, if any of the colonists should be compelled to pay for any tea, forced into America and there destroyed. 5. To export no tobacco after the 10th of August, 1775, and in lieu of its cultivation, to encourage manufactures. 6. To improve the breed of sheep, and increase their number. 7. To deal with no merchants who took advantage of the scarcity of goods to enhance their price. 8. Nor with any who would not sign this Association; and after due caution, the county committees are required to publish the names of such as did not conform to the regulations here prescribed. 9. To consider the exporters of tobacco after the 10th of August, 1775, as "inimical to the community," and they that be advertised in like manner. 10. To abide by such alterations in these articles as Congress might recommend, and the delegates of Virginia assent to. 11. To contribute speedily and liberally to the relief of the people of Boston. 12. That the moderator of the meeting, Robert Carter Nicholas, be empowered to convene the delegates at such time and place as he may think proper.

The deputies chosen to represent Virginia in the General Congress were selected with great care, and regard was had not only to their talents and weight of character, but also, it is said, to the diversity of their qualifications. Thus Peyton Randolph was recommended by his personal dignity and acquaint-

ance with the rules of order: George Washington, by his military talents and experience: Richard Henry Lee, by his persuasive oratory: Patrick Henry, by his spirit-stirring eloquence, and because, moreover, he was the man of the people. Richard Bland was deemed the best writer in the colony. Edmund Pendleton was chosen for his consummate prudence, as well as thorough knowledge of law; and Benjamin Harrison, as fairly representing the feelings and interests of the wealthy planters.*

It had been arranged by the Corresponding Committees that the General Congress should meet at Philadelphia on the first Monday in September, (the 4th,) and to this Assembly the eyes of all America were now anxiously turned; for it was obvious to the most unreflecting, that it must be only by united councils that the colonies could look for the redress of their wrongs, whether Great Britain was to be conciliated or resisted. On the appointed day, all the provinces, from Massachusetts to South Carolina, inclusive, except North Carolina, were found to be represented in Philadelphia; and on the following day they assembled at Carpenter's Hall in Chestnut street; chose Peyton Randolph president; and organized themselves into a deliberate Assembly. The delegates from North Carolina attended on the 14th.

This body, consisting in all of fifty-five members, representing the rights and interests of nearly three millions of people, soon proved themselves worthy of the high trust confided to them. The debate was opened by Patrick Henry, of whose masterly display, as well as of the whole scene, Mr. Wirt has given a vivid and graphic description, in accordance with the tradition of the time. After some days' deliberation, they agreed on a declaration of rights set forth in ten resolutions, all of which, except two, passed unanimously. They afterwards entered

* These gentlemen were all selected from the tide-water portion of Virginia, except Patrick Henry, who was on the outer skirt of it; and it may serve to mark the change which sixty years have made to state, that this portion now comprehends little more than six of the twenty-one congressional districts in the state.

into a non-importation, non-consumption, and non-exportation "Association," not widely different from that which had been adopted by the Virginia Convention: they prepared solemn addresses to the King; to the people of Great Britain; to the inhabitants of British America, their constituents; and to the people of Canada: and lastly, they addressed letters to the several colonies of St. John's, Nova Scotia, Georgia, and the Floridas, inviting them to join in the common cause. Amidst these more weighty concerns, they did not fail to express their sympathy for "the sufferings of their countrymen in Massachusetts-Bay;" and their wishes that contributions for the people of Boston should be continued throughout the colonies.

All the proceedings of this illustrious body are marked with ability, dignity, and zeal tempered with discretion. It seemed as if the love of country had filled their hearts and minds with a wisdom and purity of purpose suited to the greatness of the occasion. The papers they sent forth to the world supported the claims of the colonists with a force of reasoning which carried conviction to the understanding, and in that style of manly eloquence which only truth and justice can attain. While these illustrious patriots thus inspired their countrymen with confidence and enthusiasm, they added respect to the sympathy which had been previously felt for their cause by the more liberal minded in England, and the votaries of civil liberty every where. This first Congress has always been to Americans an object of honest pride, unalloyed with censure or regret; and if its acts be subjected to the strictest scrutiny, now that every feeling of the time has passed away except the love of country, and that no longer mounts to a passion, it seems to have well merited the high eulogy it universally received. Among its members, the Virginia orators, Henry and Lee, bore the palm for eloquence in debate; but, for that of the pen, the first place must unquestionably be awarded to Mr. Jay, of New York; and the second, to the author of the petition to the King, who, according to Mr. Jefferson,* was Mr. Dickinson, of Pennsylvania. But in the no

* Wirt's life of Henry, p. 109.

less essential qualities of sagacity and judgment, of unflinching courage and glowing patriotism, where so many were remarkable, it would be difficult to assign pre-eminence. They adjourned on the 26th of October, *sine die*, having first recommended to the people that another Congress should be held at the same place, on the 10th of the ensuing May.

The convention of Virginia met, according to adjournment, at Richmond, on the 20th of March, 1775. After a full consideration of the proceedings of Congress, it unanimously passed on them a vote of approbation, and a vote of thanks to the delegates from Virginia. But as to their future measures, the members manifested the difference already adverted to between the sanguine ardour of youth and the cautious spirit of age, to which, perhaps, we may add the greater tenacity with which the last clings to early habits and attachments. On the fourth day of its session, a memorial from the Assembly of Jamaica to the King, which exhibited a lively sympathy for the colonists, having been laid before the Convention, it passed a resolution highly complimentary to that body, and concluding with the assurance, that it was "the most ardent wish of the colony to see a speedy return of those halcyon days, when they lived a free and happy people." Mr. Henry then offered two resolutions conceived in a very different spirit. The first declared, that a well regulated militia is the natural strength and only security of a free government; that it would prevent the necessity of a standing army, and remove the pretext of laying taxes for its support;* and that such a militia was peculiarly necessary at that time of "danger and distress." The second required the colony to be immediately put into a state of defence; and appointed a committee "to prepare a plan for the embodying, arming and disciplining such a number of men as may be sufficient for that purpose."

This decisive step was opposed by most of the older members as premature; but was finally carried by the force of Henry's eloquence, which showed that it was a measure of as much

* Wirt's life of Henry, p. 116.

prudence as boldness; and that if they would preserve their liberties, "they must fight." A committee of twelve was then appointed, of whom Mr. Jefferson was one, to prepare the plan of defence; and on the following day they reported one which was adopted, and which, by its simplicity, was suited to the limited resources of the country.

It recommended to each county to form one or more volunteer companies of infantry, and troops of horse, "to be in constant training, and readiness to act on any emergency." The counties below tide-water were recommended to raise troops of horse; and the upper counties to form "a good infantry." Every man was to be provided with a rifle, if to be had, or otherwise with a common firelock, and the requisite ammunition, and "to be clothed in a hunting shirt, by way of uniform." The cavalry equipment was also particularized. To secure a more ample supply of ammunition, the County Committees were recommended to collect as much money as would purchase half a pound of gunpowder, one pound of lead, with the necessary flints and cartridge paper for every "tithable person" in the country.

They then passed an unanimous vote of thanks to Lord Dunmore, for his truly noble, wise and spirited conduct "on his late expedition against the Indians; and another to the officers and soldiers who had served under him: appointed a committee of thirteen to prepare a plan "for the encouragement of arts and manufactures:" and re-elected by ballot the former delegates to Congress.

On Monday, the 27th, the Convention adopted the various suggestions of the committee, for the encouragement of arts and manufactures; appointed a committee of five to enquire whether the King could of right "advance the terms of granting the public lands, and recommended to all persons to forbear purchasing on those conditions. This resolution was in consequence of a recent plan of the Governor, to set up all the public lands at auction, subject to a perpetual quit rent of a half penny an acre, and the reservation of all precious minerals; which plan, besides wasting a copious source of national revenue,

would have raised up a class of overgrown landholders, dependent on the crown. Mr. Jefferson was also a member of this committee. As it was foreseen that Mr. Randolph might, while Congress was sitting, be required to attend the Virginia Assembly, of which he was Speaker, the Convention provisionally appointed Mr. Jefferson a deputy to supply his place. Then, having declared their functions at an end, and recommended to the people to represent them in Convention for a year, they terminated their short and busy session of eight days.

On the following day* the Governor issued a proclamation, requiring all magistrates to prevent the appointment of deputies to Congress, and exhorting all persons whatever to desist "from such an unjustifiable proceeding, so highly displeasing to his Majesty." It was, without doubt, intended* to have an influence on the members of the Convention, as the termination of its session could not have been known at Williamsburg at the date of the proclamation.

In pursuance of what seems to have been a systematic plan of the ministry in England, through the colonial governors, of disarming the American people, Lord Dunmore, on the night of the 20th of April, had all the gunpowder in the magazine at Williamsburg, removed on board an armed schooner, then lying in James River, except a few barrels which were afterwards found buried in the magazine. The colonists had always thought it prudent to have a depôt of arms and ammunition at this place. Such a measure would at any time have caused great sensation; but the effect was the greater, when, in the disposition of men to propagate and to credit causes of alarm, it was rumoured that the slaves had in many places shown symptoms of insurrection.

The corporation of Williamsburg immediately addressed the Governor on the subject, and earnestly entreated him to have the powder returned to the magazine. To this the Governor replied, that, hearing of an insurrection in a neighbouring county,

* Mr. Wirt is mistaken in stating, p. 129, that this proclamation was published while the Convention was in session.

he had removed the powder to a place of greater security; and that whenever it was wanted for an insurrection, it should be delivered in half an hour; but, in the mean time, while the people were so excited, and under arms, he did not think it prudent to trust them with it. The indignation and alarm which this occurrence occasioned throughout the colony, was, without doubt, heightened by the battle of Lexington; the news of which reached Virginia a few days after the removal of the powder; and in several of the counties volunteer companies prepared to march to Williamsburg to regain the powder, or make reprisal for its value. Patrick Henry, profiting by this martial temper, put himself at the head of a company of volunteers; and while on his march to the seat of government, was prevailed upon by some prudent friends to receive, in behalf of the Virginia delegates to Congress, the value of the powder from the King's receiver-general.

The irritation thus excited between the Governor and the people of Virginia, was kept alive by fresh provocations on both sides, so as sometimes to place them on the verge of open hostility, until late in May, when the Governor determined to convene the General Assembly on the 1st of June, for the purpose of laying before them Lord North's "conciliatory propositions."

These propositions were made, it is supposed, less with an expectation of restoring harmony, than of uniting the people of England, and thus giving strength to the ministry. But as, in the event of their partial success in America, they would produce a division among the colonies, no pains were spared to recommend them to the colonial legislatures. It was in this spirit that Lord Dunmore addressed the Assembly in his opening speech, and leaving out of view that feature of the propositions which made them nugatory, he assured them that in contributing their proportion of the public expense, "no specific sum was demanded" of them, and "their gift, if they should be induced to offer any, might be in the completest manner free." He also recommended to them to provide for the officers and soldiers who had served in the late expedition against the Indians, and expressed the hope that the courts of justice would be forthwith

opened. They had been closed for civil business, since the preceding June, because the law regulating the fees of officers had expired, and the enactment of another had been prevented by the hasty dissolution of the Assembly.

A committee of thirteen members was appointed to prepare an answer to the Governor's speech, which was accordingly done by Mr. Nicholas, the chairman, and presented on Monday, the 5th of June, by the whole house. It was temperate and respectful; professed unshaken allegiance to the king, and unabated attachment to the constitution; explained why the courts of justice had been partially closed, but expressed a doubt in the present suspension of their commerce, to which the colony had found it necessary to resort, if it would be prudent to open them. They professed themselves ready to provide for the expense of the Indian expedition. Adverting then to a plan of conciliation, they said they would give it a separate answer, after bestowing on it the consideration its importance demanded.

To Mr. Jefferson was assigned the duty of preparing this part of their reply, at the instance of Peyton Randolph, who was anxious that the course pursued by Virginia should harmonize with the sentiments and wishes of Congress, and who thought that Mr. Nicholas, the chairman, was not bold enough for the times.

But before it was presented, the mutual distrust between the Governor and the people brought about a crisis which, in no long time afterwards, terminated the session of the Assembly, and with it the regal authority in Virginia.

On Monday, the 5th, the House appointed a committee of twenty-one members, to inquire into the late disturbances, and the state of the public magazine. But on the same night, some young men attempting to enter it to obtain arms, two of them were wounded by a spring gun, placed there by order of the Governor, and of which no notice had been given.

The ferment which this piece of cold-blooded malice and revenge excited among the people, was not lessened when, two days afterwards, the committee appointed to inspect the magazine, whose application for the keys had at first been evaded

by the Governor, found that the good muskets had been deprived of their locks, and that five barrels of powder had been buried in the magazine, for the purpose, it was supposed, of perpetrating still more serious mischief. On the same day, it being reported that Captain Collins, of the Magdalen, was then on his march to the city with a hundred men, the people immediately assembled under arms; but on learning the Governor's assurances to the Council that the rumour was unfounded, they quietly dispersed. His lordship, feeling himself the object of general odium or resentment, and conscious of deserving it, thought it prudent to leave the city with his family that night, or rather at two o'clock in the morning, for the Fowey man-of-war, then lying at York. He left a letter for the House, in which he assigned the insecurity of himself and his family as the cause of his removal, but said he should continue to discharge the duties of his office as before, and urged them to proceed with the public business. The two Houses of Assembly the next day united in an address to the Governor, in which they warmly deprecate the imputation of danger to himself or his family, and earnestly entreat him to return, as the best means of restoring the public tranquillity, and without which it would be impracticable to carry on the public business. This address was without effect, and his lordship and the House of Burgesses continued to interchange messages, sometimes with the show of moderation, and sometimes openly taunting or acrimonious, until the 24th of June, when the Governor having again refused to meet them for the purpose of receiving such bills as were ready for his assent, except on board the Fowey, they passed resolutions declaring this a breach of their privileges, and adjourned.

A part of their proceedings merits a more particular notice. On the 12th of June, the answer to the conciliatory propositions prepared by Mr. Jefferson was reported to the House, and having received a few softening touches from some of the senior members, was adopted. In this paper the Burgesses, after professing their wish for a reconciliation with the mother country, as, next to the possession of liberty, "the greatest of all human blessings," declare, that they cannot accept the proffered terms,

for the following reasons:—because the support of civil government belongs exclusively to themselves, in proof of which they refer to an act of Charles II: because the colonies have the right of giving their money, as the parliament do theirs, without coercion, from time to time, as public exigencies may require; that it was not merely the mode of raising, but the freedom of granting this money, for which they had contended: because, though the colony should grant the money as proposed, all other grievances were left unredressed: because, at the very time of requiring grants of money, the government was preparing to invade the country by sea and land: because the colonists, on contributing their quota to the common defence, were not allowed to share in the benefits of a free trade, and Great Britain should be content either with a monopoly of their commerce, or with a smaller contribution from them to the expense of government: and lastly, because the propositions involved the interest of all the colonies, and they were bound, by a regard to their honour, as well as safety, not to treat separately. Lord Chatham's bill was mentioned as affording a proper basis for negotiation; and, referring the subject to the general Congress then sitting, they conclude in the following animated strain:

"For ourselves, we have exhausted every mode of application which our invention could suggest, as proper and promising. We have devoutly remonstrated with Parliament; they have added new injuries to the old. We have wearied our king with supplications; he has not deigned to answer us. We have appealed to the native honour and justice of the British nation; their efforts in our favour have hitherto been ineffectual. What then remains to be done? That we commit our injuries to the even-handed justice of that Being who doth no wrong, earnestly beseeching him to illuminate the councils, and prosper the endeavours of those to whom America hath confided her hopes; that through their wise direction we may again see reunited the blessings of liberty and property, and the most permanent harmony with Great Britain."

As soon as the address was agreed to, Mr. Jefferson set out for Philadelphia, and communicated to Congress the first notice

of the course taken by Virginia, which met their entire approbation.

The committee appointed to inquire into the late disturbances, made their report on the 16th, and they shew, on the testimony of a great number of witnesses, many of them merchants and natives of Great Britain, that the colony was in a state of tranquillity before the removal of the gunpowder, but that the minds of the people were greatly inflamed by that event, and the reports that the Governor meant to give freedom to the slaves; that the suspension of civil suits since June of the preceding year was owing to the expiration of the fee bill; and that few or none wished to be independent of Great Britain.

In the resolutions passed by the Burgesses before they adjourned, they, with their wonted prudence, guarded both against alienating their friends and furnishing arguments to their enemies, either in England or Virginia. While, therefore, they indicate to their constituents the necessity of their preparing for the preservation of their property, "their inestimable rights and liberties," and regret that they had been deprived of the opportunity of providing for "the gallant officers and soldiers" who had lately defended the country on the frontier, they, in the most emphatic terms, assert their loyalty to the king, and their wish "to preserve and strengthen the bands of amity" with their fellow-subjects in Great Britain. Thus closed a session which, though it is not marked in the statute book by the passage of a single law, is, by its agency in severing the ties of colonial dependence, the most memorable of any under the regal government.

It was fortunate for the cause of independence in Virginia that the course pursued by the royal Governor, at this time, was so little likely to inspire esteem or respect. It no doubt contributed to sever the last ties of attachment to England, and to efface those sentiments of loyalty on which the people of this "colony and dominion" had always prided themselves. To this cause, too, may be ascribed, in part, the unanimity which prevailed here, perhaps to a greater extent than in any other state. A few of the Governor's acts may be mentioned as a specimen

of the rest, and as presenting no unapt sample of the style in which the royal dignity and authority were sometimes personated by the colonial Governors.

The day after the gunpowder was removed, adverting to the popular indignation it excited, he swore "by the living God, that if a grain of powder was burnt at Captains Joy or Collins, or if any injury or insult was offered to himself, he would declare freedom to the slaves, and reduce Williamsburg to ashes." Declarations of similar import he repeatedly made.

The first reason assigned by him for the seizure of the powder, in answer to the corporation of Williamsburg, was, that he had heard of an insurrection in a neighbouring county. The reason he afterwards assigned to the House of Burgesses was, that "the magazine was an insecure depository;" but he added, as soon as it was made secure, the powder should be restored. And when he was subsequently informed by the House that the magazine had been put in repair, and was reminded of his promise, he replied, that, as he no longer resided in Williamsburg, he could not depend upon the security of the powder there, and that, moreover, as it had been received from the Rippon man-of-war, he was accountable for it. By which flimsy and varying excuses, he plainly showed that, in his unwillingness to avow his real motive, he had no scruple about alleging a false one.

In one of his messages concerning the powder, by way of obtaining credit for the goodness of his motives, he told the House that "he had once ventured, and, if occasion offered, he would again venture, his life in the service of the country." The House, in reply, expressed its sense of his recent services; but the answer having been delayed, by his withdrawal from the seat of government, and the messages to which it gave rise, his lordship reminded them of the tardiness of their acknowledgments with as little reserve as he had proclaimed his own merits.

The committee appointed by the House to inspect the magazine, consisting of twenty-one members, called on him for the keys, and, "to avoid mistakes," left with him a written paper, respectfully explaining their object and motives. But because this paper, which purported to be from the committee, was

without date or signature, he affected not to understand it, and actually wrote to the House the next day to know whether it had authorized the application, and this, too, after he had promised the committee "to furnish the key as soon as he could procure it."

When the two Houses proposed, after he had left the palace, that the arms there deposited should be removed to the magazine, as in his absence they were "exposed to his servants and to every rude invader," he told them they were "interfering in a matter which did not belong to them," and asked them who they meant by the term "rude invaders?"

On the whole, the conduct of Lord Dunmore, after his real character began to develope itself, was one tissue of bullying and evasion, haughtiness and meanness. He often dealt out threats which it was undignified to utter, and would have been base to execute, but which, it too plainly appeared, were not executed, because his talents and courage was not equal to his vengeful malignity; and he failed in his promises yet more than in his threats. The vices of his character were the more striking from the contrast presented by the House of Burgesses. In language frank and manly, but at the same time temperate and decorous, they vindicated themselves and their constituents against all his injurious imputations; they exposed his subterfuges and inconsistencies, and proved his usurpations. The facts on which they relied were derived either from his own messages, or from testimony which could not be questioned. In argument, as in acts, their triumph was complete. The extraordinary moderation and forbearance they exhibited in this controversy, may in part be attributed to the habitual respect which was then paid to the representative of majesty, and partly to the supposed importance of putting their adversary in the wrong, and of securing the favour and sympathy of the world: but after making allowance for these considerations, the self-command with which the representatives of a free and proud people bore the insolent freaks and taunts of this lordly satrap, may well excite the wonder of their descendants.

The remainder of Dunmore's inglorious career may now be

told. After the adjournment of the House of Burgesses, he prepared to carry on offensive operations against the colonists by all the means he possessed, and in this purpose he seemed to be prompted more by a spirit of vengeance, that by any hope of reducing the country to submission. Having established his head-quarters at Norfolk, with the small naval force under his command he greatly annoyed the inhabitants who were settled on the bays and rivers, by a predatory warfare; and in November, he proclaimed martial law throughout the colony, and executed his long-threatened plan of giving freedom to all slaves who could bear arms and would flock to his standard. But these measures, though partially annoying, had the effect of irritating and rousing the people, rather than in breaking their spirit. The whole powers of legislation now devolved on the Convention, while the executive functions were performed by a "committee of safety:" and after many petty enterprises and skirmishes, attended with various success, and finally setting fire to Norfolk, he was compelled again to take refuge to his ships, and, ere the middle of the following year, the country was rid of him, together with such of the tories and negroes, who had resorted to his standard, as escaped the ravages of war and the small pox.

CHAPTER IV.

Declaration by Congress of the causes of taking up arms. The manifestos of Congress. Mr. Jefferson's share in those papers. Is re-elected to Congress. His previous views on Independence. Progress of Public Sentiment. Proceedings of the Virginia Convention. Declaration of Independence moved in Congress. Mr. Jefferson prepares the draught. When adopted and signed. Its character. He retires from Congress. Elected to the General Assembly of Virginia. Abolition of entails—Primogeniture. Their effects considered. Church establishment in Virginia. Its gradual abolition. Entire freedom of religion. Its consequences.

1775—1779.

It was on the twenty-first day of June, 1775, that Mr. Jefferson, then thirty-two years of age, took his seat in that august body, on whose prudence and firmness hung the political destinies of British America. They had been in session from the 10th of May preceding, in which time they had formed the plan of a confederacy,* under the name of *The United Colonies of North America*, for their mutual defence and common welfare, to take effect, when ratified by the Provincial Assemblies, and to continue until their grievances were redressed. They had also decided on raising an army; on creating a paper currency; and had appointed Colonel George Washington Commander-in-Chief of the confederate forces.

Mr. Jefferson's reputation, as a writer, had already preceded him in this body, and, in five days after he had joined it, we find him one of an important committee appointed to prepare a declaration of the causes of taking up arms.

This committee was nominated on the 24th of June; and the first report they made not being approved, Mr. Jeffer-

*See Appendix A.

son and Mr. Dickinson were added to the committee. A second address was drawn by Mr. Jefferson, but it being too bold for Mr. Dickinson, who still hoped for a reconciliation with Great Britain, and who was greatly respected both for his integrity and talents, he was requested to alter the paper to his taste. This he did, by preparing a new one, adopting, however, the concluding part of Mr. Jefferson's draught. It was accepted by the house; and the part furnished by Mr. Jefferson is here given, as a specimen of his sentiments and diction at that time.

"We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritable ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Honour, justice and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to the wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them.

"Our cause is just. Our union is perfect—our internal resources are great, and, if necessary, foreign assistance is undoubtably attainable. We gratefully acknowledge, as signal instances of the divine favour towards us, that his providence would not permit us to be called into this severe controversy, until we were grown up to our present strength, had been previously exercised in warlike operations, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections, we most solemnly, before God and the world, declare, that, exerting the utmost energy of those powers which our beneficent Creator hath graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabated firmness and perseverance, employ for the preservation of our liberties; being with one mind, resolved to die freemen rather than to live slaves.

"Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them,

that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. We have not raised armies, with ambitious designs of separating from Great Britain, and establishing independent states. We fight not for glory, or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation, or even suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.

"In our own native land, in defence of the freedom that is our birth-right, and which we ever enjoyed until the late violation of it; for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before.

"With an humble confidence in the mercies of the supreme and impartial judge and ruler of the universe, we most devoutly implore his divine goodness to conduct us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the empire from the calamities of civil war."*

From more than one anecdote related in Mr. Jefferson's autobiographical sketch, the pride of authorship relative to the several public addresses which emanated from that body, mingled itself with their grave and momentous deliberations. Mr. Jefferson, on the authority of one of his colleagues, had attributed the address to the people of Great Britain, which issued from

* It is not unworthy of notice that the above extract, adopted from Mr. Jefferson's draught, is precisely that part of Mr. Dickinson's paper which annalists have commonly quoted. It probably owes this distinction not wholly to its intrinsic superiority, but in part also to its harmonizing better with the issue of the contest.

Congress the year before, to Governor W. Livingston, and had told that gentleman he regarded it as "the production of the finest pen in America." But this coming to the ears of Mr. Jay, its author, he was at some pains to set Mr. Jefferson right in the matter, and to assert his claims to the paternity. So far as Mr. Jefferson shared in this feeling, it had frequent and ample cause of gratification. On the 22nd of July, he was placed on a committee with Dr. Franklin, Mr. Adams, and Richard Henry Lee, to consider and report on Lord North's resolutions; and as the answer of the Virginia Assembly, of which he was known to be the author, met their views, he was selected by the committee to prepare the report.

The grounds taken in this paper are nearly the same as those assumed in the answer of the Virginia Assembly to Lord Dunmore. The diction, however, is altogether different, and manifestly improved. This reply to what the adherents of the British ministry had affected to style "*the olive branch* of Lord North," was regarded in England as the ultimatum of the American Congress. It asserts that the colonies have the sole privilege of granting or withholding their own money, and that this involves the right of determining its amount, and of inquiring into its application, lest it should be wasted on the venal, or perverted to purposes dangerous to themselves: that consequently, to propose to them to surrender this right, is to ask them to put it in the power of Parliament to render their gifts ruinous in proportion as they are liberal: that all history shows the efficacy of this privilege of giving or withholding money in checking lawless prerogative, and in obtaining a redress of grievances: they showed that the propositions were *insidious*, in tending to detach some of the colonies from the rest; as well as *unreasonable*, in inviting them to purchase the favour of Parliament, without telling them the price: that while they are offered permanent relief from one form of taxation only, by perpetually subjecting themselves to another: that the practice of Parliament itself, in granting supplies only from year to year, shows that it does not regard a perpetual grant of revenue as the best security for the good dispositions of those who receive it: that

Government, by accompanying its propositions with fleets and armies, addresses itself to the fears of the colonies, which course is th · more unwarrantable from the liberality of their former contributions for the common defence. They insist that they cannot be justly required to make other contributions while Great Britain possesses a monopoly of their trade. They deny that Parliament had any right to meddle with the provisions which they may choose to make for their civil government, the power of the colonial legislatures in America being, for this purpose, co-extensive with that of the Parliament in Great Britain. They pronounce the proposition unsatisfactory, "because it imports only suspension of the mode, not a renunciation of the pretended right," and because it repeals none of the oppressive statutes, but, on the contrary, has been followed by new acts of oppression. They say that the object seems to have been to deceive the world into the belief that the only dispute was about the *mode* of levying taxes, and that Parliament having conceded this point to the colonies, they ought now to be satisfied; whereas it was about "a claim which would leave them without any thing they could call property;" and that a further object was "to lull into fatal security their fellow subjects" in Great Britain, until America was reduced to submission. Referring them to some special acts and avowals of the ministry, as proofs of its settled hostility, they ask "if the world can think them unreasonable," or can hesitate to believe that nothing but their own exertions can defeat the ministerial sentence of death or abject submission."

Congress, two days afterwards, prepared a second address to the inhabitants of Great Britain, in a tone highly indignant and expostulatory, without being offensive. The second petition to the king, passed on the same day, was, however, in a yet more suppliant style than that of the preceding year.* The fact that Congress adopted a paper so little in harmony with their feelings, is attributed by Mr. Jefferson to their high respect for Mr. Dickinson, who drew this petition as well as the first.†

* These two petitions have been frequently confounded.

† The circumstance is thus explained in his memoirs:—"Congress gave

Let us now turn to the Convention of Virginia. The delegates assembled at Richmond on the 17th* of July, as they had agreed to do on the 24th of June, when they separated as members of the House of Burgesses. Being now convinced that conciliation was hopeless, they proceeded to adopt the most energetic measures for the public defence. They decided on raising a regular force of between two and three thousand men, and on arming and training about eight thousand militia. They resorted to every practicable expedient for procuring gunpowder, saltpetre, sulphur, and other military stores, and they appointed a general committee of safety, consisting of eleven persons, who constituted the executive power of the temporary government.

Amidst this busy preparation for resistance, two of their acts deserve notice, less for their intrinsic importance than because they afford evidence of the lofty spirit which actuated these virtuous patriots, and which showed that neither their resentment for injuries received, nor the pressure of their necessities, could be permitted to warp their pure and delicate sense of right.

The occasion of the first of these acts was as follows: Some volunteer companies in Williamsburg had informed the Convention that they "had resolved to secure all the public money in the hands of the Receiver-General and other collectors for his

a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the king according to his own ideas, and passing it with scarcely any amendment. The disgust against its humility was general; and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, although further observation on it was out of order, he could not refrain from rising and expressing his satisfaction, and concluded by saying, "there is but one word, Mr. President, in the paper, which I disapprove, and that is the word '*Congress;*'"—on which Ben Harrison rose and said, "there is but one word in the paper, Mr. President, of which I approve, and that is the word '*Congress.*'"

* Gerardin, p. 57. In the Life of Patrick Henry it is stated to be the 24th of July. I have aimed at accuracy in dates, as error in these is sometimes sufficient to transpose cause and effect.

majesty," and they desired the opinion of the Convention on the measure. Whereupon, that body passed a resolution that "the proceedings of these companies, though they arose from the best motives, could not be approved," and that they be required to desist from their purpose.

In the other case, the Convention, having ascertained that the quantity of powder taken from the public magazine by Lord Dunmore was less than had been at first supposed, and consequently that the sum which Mr. Henry had exacted of the Receiver-General exceeded its value, resolved, that of the £330 so received, only £112 10*s.* should be retained, and the residue should be returned to the Receiver-General.

On the 11th of August, Mr. Jefferson was again elected a member of Congress for one year. His colleagues were Peyton Randolph, Richard Henry Lee, Benjamin Harrison, Thomas Nelson, George Wythe, and Francis Lightfoot Lee, elected in the place of Richard Bland. Washington, Henry, and Pendleton had resigned before the Convention met, and Bland immediately after his re-election. The result of this ballot shows how much Mr. Jefferson had risen in public estimation. He was the third on the list, and was only three votes behind Mr. Lee, and four behind Mr. Randolph.

The Convention adjourned in September, and assembled at Richmond, for the third time this year, on the 1st of December. After a few days it again transferred its sittings to Williamsburg. The place of President having become vacant by the recent death of Peyton Randolph, while in Congress, Edmund Pendleton was elected to that office, which he held until the 5th of July following, when, by the adoption of the Constitution, the functions of the Convention ceased.

Although it must have occurred to every reflecting mind that the time would come when the British provinces on this continent would attain a point of population which would be inconsistent with a state of colonial dependence, yet that period was regarded by all as very distant. Nor did those who were most likely to wish a separation, dream that the time was already come when the colonies were sufficiently strong to resist the

mighty power of the mother country, even if the people could be brought to desire it. Convinced of this fact, the efforts of the colonists, for the present, aimed solely to prevent the further extension of British power over them, both on account of its present inconveniences, and for fear of its impeding or frustrating their future independence.

While this intermediate period was passing, they were content that their accustomed connexion with Great Britain should continue, and they considered themselves compensated for the restrictions on their foreign commerce by the powerful protection afforded by the British navy; and under the belief that they were neither strong enough to assert their independence against the power of the parent state, nor to maintain it afterwards, they, so far from wishing to widen the breach between the two countries, exerted themselves to bring about a reconciliation on the terms that they thought not derogatory to a free people. Such were Mr. Jefferson's sentiments. Though few of his countrymen seem to have taken such liberal views of the claims of the colonies, or to have formed with more jealousy and distrust a standard of the power to which they could safely submit, yet he appears to have sincerely wished to preserve the former connexions between England and America, upon what he conceived to be its proper principles. Some of his correspondence, lately published, affords satisfactory evidence of this fact.

Thus, in a letter to his former tutor and friend, Dr. Small, then residing in Scotland, his native country, on the subjects of the public discontents, and immediately after the battle of Bunker Hill, he says:

"When I saw Lord Chatham's bill, I entertained high hope that a reconciliation could have been brought about. The difference between his terms and those offered by Congress, might have been accommodated, if entered on, by both parties, with a disposition to accommodate. But the dignity of Parliament, it seems, can brook no opposition." And in a letter, dated August 25th, of the same year, to John Randolph, who was then Attorney-General, and who, taking sides with the government, was about to leave Virginia for England, he says:—"There may

be people to whose tempers contention is pleasing, and who, therefore, wish a continuance of confusion, but to me it is, of all states but one, the most horrid. My first wish is for a restoration of our just rights; my second, a return of the happy period when, consistently with duty, I may withdraw myself from the public stage, and pass the rest of my days in domestic ease and tranquillity, banishing every desire of hearing what passes in the world. Perhaps, (for the latter adds considerably to the former wish,) looking with fondness towards a reconciliation with Great Britain, I cannot help hoping you may contribute towards expediting this good work." He further remarks, "I would rather be in dependence on Great Britain, properly limited, than on any nation upon earth, or than on no nation. But I am one of those too, who, rather than submit to the rights of legislating for us, assumed by the British Parliament, and which late experience has shown they will so cruelly exercise, would lend my hand to sink the whole island in the ocean." And in a subsequent letter to the same gentleman, dated November 29th, 1775, after intimating that the colonies were on the eve of separation, he remarks: "Believe me, dear sir, there is not in the British empire, a man who more cordially loves a union with Great Britain than I do. But, by the God that made me, I will cease to exist before I yield to a connexion on such terms as the British Parliament propose; and in this, I think, I speak the sentiments of America. We want neither inducement nor power to declare and assert a separation. It is *will alone which is wanting*, and that is growing apace under the fostering hand of our king." It is impossible to doubt the sincerity of these declarations, accompanied, as they were, with frank expressions of resentment for alleged wrong, and avowals of intended resistance, uttered to those whose sentiments on these points differed from his own.*

* This view of the state of public sentiment at this time in America, is confirmed by the high testimony of the late Mr. Jay, in a letter from him to Mr. Otis, the translator of Botta, who, substituting a train of probable speculation for facts, had stated that the colonists wished for independence long before the revolution.—*Jay's Life*, vol. ii. 410.

From the time of the battle of Lexington, in April, 1775, the public mind throughout America had been preparing for a separation; and, in Virginia, the course pursued by Lord Dunmore had for some time kept the people in a state of feverish agitation, which, provoked without intimidating, and by a succession of indecisive skirmishes, familiarized their minds to scenes of war, and greatly increased their confidence in their own courage and military resources.

The Convention met for the fifth and the last time in Williamsburg on the 6th of May, and on the 15th of May, 1776, it took the bold and decisive step of instructing their delegates in Congress, to propose to that body, to declare the colonies independent of Great Britain; and the Convention itself immediately set about a declaration of rights, and a new Constitution for Virginia. In obedience to these instructions, on Friday, the 7th of June, Richard Henry Lee, by the request of his colleagues, moved that the Congress should declare, "*that these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; that measures should immediately be taken for procuring the assistance of foreign powers, and a confederation be formed to bind the Colonies more closely together.*"

The consideration of the subject being postponed to the next day, it was then taken up, and debated on that day, Saturday, and the following Monday, by Messrs. J. Adams, Richard H. Lee, Wythe, and some others, in favour of the proposition; and by Messrs. Wilson, Robert R. Livingston, Edward Rutledge, Dickinson, and others, against it; whose objections, however, went rather to the *time* than to the measure itself. As six of the colonies, to wit: New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina, were not yet prepared for this bold step, it was thought prudent to delay a decision for a short time, the 1st of July; but, meanwhile, to prevent unnecessary delay, a committee was appointed to prepare, by way of manifesto, a Declaration of Independence.

This committee consisted of Thomas Jefferson, John Adams,

of Massachusetts, Dr. Franklin, of Pennsylvania, Roger Sherman, of Connecticut, and Robert R. Livingston, of New York. The committee being, as usual, appointed by ballot, and Mr. Jefferson having received the highest number of votes, was selected by the other members to make the draught. He accordingly undertook it;* and thus became the author of the most memorable public document which history records—one with which his name has become so intimately associated, that it would alone be sufficient to keep that name fresh in the recollections of his countrymen to the latest posterity.

Before the original draught was submitted to the whole committee, it was shown, by its author, to Dr. Franklin and Mr. Adams, both of whom contented themselves with two or three verbal alterations.†

The committee having reported the declaration on the 28th of June, it was read, and ordered to lie on the table. On Monday, the 1st of July, the subject was taken up, was discussed in the committee of the whole, and carried in the committee, on the same day, by the votes of nine states. Pennsylvania and South Carolina voted against it. Delaware was divided, and the delegates from New York having been chosen, when reconciliation was the general wish of their constituents, and been therefore enjoined to do nothing to impede that object, asked leave to withdraw.

On the resolution being reported by the committee to the house, the delegates from South Carolina requested a postponement of the question to the next day, as, though disapproving the resolution, they might then vote for it, for the sake of unanimity. This was done, and, on the following day, South

* Mr. Lee would, no doubt, have been placed on this committee; and, according to the established usage towards the mover of a resolution, have been its chairman, had he not obtained leave of absence that day, in consequence of having received intelligence, by express, of the dangerous illness of some member of his family in Virginia.

† Mr. Adams's recollections, as stated to Mr. Pickering, in his letter of August 2, 1822, differ somewhat from Mr. Jefferson's, which I have followed. See Jeff. Corr. IV. p. 375.

Carolina concurred with the majority, as also did Delaware, by the arrival of a third delegate, who voted in favour of the resolution. The vote of Pennsylvania was also changed, by a change in her delegates that morning; and thus, twelve states voted in favour of the resolution on the 2nd of July, and on the 9th, the approbation of the Convention of New York completed the consent of the thirteen states.

On the same day, the 2nd of July, the Declaration of Independence, which had been reported on the 28th of June, and referred to the committee of the whole on the 1st of July, was considered, and either from motives of policy, or a disposition not to offend the friends of America in England, those passages were struck out which conveyed censures on the people of that country. The clause too reprobating the slave trade was struck out in complaisance to South Carolina and Georgia. The passages erased amount altogether to something less than one-third of the original draught. There were also some slight alterations in the parts retained.* The debate was continued

* It was during this debate, that Dr. Franklin, sitting beside Mr. Jefferson, and, observing him "writhing a little under the acrimonious criticisms on some of its parts," told him, by way of comfort, the story of John Thomson, the hatter, which is too characteristical of Franklin's love of apologue, as well as of his success in that way, to be omitted. "When he was a young man, he said a friend of his, who was about to set up in business for himself, as a hatter, consulted his acquaintances on the important subject of his sign." The one he had proposed to himself was this: "John Thomson, hatter, makes and sells hats for ready money," with the sign of a hat. The first friend whose advice he asked, suggested that the word "hatter" was entirely superfluous, to which he readily agreeing, it was struck out. The next remarked, that it was unnecessary to mention that he required "ready money" for his hats—few persons wishing credit for an article of no more cost than a hat, or if they did, he might sometimes find it advisable to give it. These words were accordingly struck out; and the sign then stood, "John Thomson makes and sells hats." A third friend who was consulted, observed, that when a man looked to buy a hat, he did not care who *made* it; on which, two more words were stricken out. On showing to another the sign thus abridged to "John Thomson sells hats;" he exclaimed, "why who the devil will expect you to give them away?" On which cogent criticism, two more words were expunged; and nothing of the original sign was left but "John Thomson," with the sign of the hat.

through the 2nd, 3d and 4th of July, and on the evening of the last day, was reported by the committee of the whole, agreed to by the house, and signed by every member present, except Mr. Dickinson. Of the Pennsylvania delegation, consisting of seven members, only three had signed, Dr. Franklin, John Morton, and James Wilson; Robert Morris was accidentally absent; Willing and Humphreys had withdrawn, and Dickinson refused to sign. The Convention of Pennsylvania, then in session in Philadelphia, therefore, on the 20th of July, appointed a new delegation, consisting of the three members who had signed, of Morris, and five new members, to wit: Rush, Clymer, Smith, Taylor, and Ross, all of whom were permitted to sign. The delegates from New York, on the 9th, received authority from their Convention to sign, and they signed on the 15th.

Dr. Thornton, of New Hampshire, who had been appointed in September, in the room of John Langdon, did not take his seat until the 4th of November, when he also was permitted to sign.

In the accounts which have been published of this memorable act, there has been some slight discordance, occasioned, probably by confounding the proceedings on the resolution offered by Virginia with those which took place on adopting the Declaration, and also by the circumstance that the first signatures were made to the paper on the 4th of July, but after it was engrossed on parchment, it was again signed by most of the members on the 2nd of August, and, at different intervals afterwards, by the rest.

Mr. Jefferson's attention was called to these discrepancies by Samuel A. Wells, Esq., of Boston, in 1819, and he there gives the particulars, agreeing with the foregoing statement. His account seems entitled to all credit; first, because he took notes of what was passing at the time, which those, whose accounts differ from his, do not appear to have done; secondly, because, having been the draughtsman of the Declaration, he was likely to have given it a closer attention than any one else; and lastly, from his general habits of accuracy, and his satisfactory explanations of the errors of others.

On the merits of this paper it is not necessary to dilate. It is consecrated in the affections of Americans, and praise may seem as superfluous as censure would be unavailing. Yet, as it has been sometimes criticised, it may be remarked, that it seems entitled to every merit which such a paper could well possess. It appeals to the sympathies of mankind, but is still more addressed to their understandings. Had it been more argumentative, it would have shown a want of confidence in the justice of its cause. Had it been less so, it would have been inconsistent with the respect it professed for the opinions of the world. A loftier strain of eloquence would have accorded neither with the solemnity of the occasion, nor the grave and sober character of the American people, who acted not under the sudden impulse of feeling, but from the deliberate conviction of reason. The language too is suited to this tone of manly dignity. It is sufficiently elevated without being declamatory, and familiar, without being low. It has been said to want condensation; but greater brevity might have given it an air of flippancy and affectation on the one hand, or of languor and coldness on the other. True eloquence sometimes amplifies, and sometimes compresses. Upon the whole, we may say, after a close but candid examination of this paper, that it well deserves the commendations it has so generally received, and that it may claim no mean praise for the seductive faults it avoids, as well as the beauties it contains.*

From this time, Mr. Jefferson ranked among the foremost of the American statesmen. He was placed on the most important committees, and his pen was called upon, as indeed it had been the year before,† to discharge some of the ministerial, as well as legislative functions of Congress.

While Mr. Jefferson was thus engaged in the great concerns of the confederacy, he was not unmindful of what was passing in Virginia. Knowing that they were engaged in framing a Constitution for the state, he prepared the draught of one, with

* See Appendix B. † See Appendix C.

a preamble reciting the grievances of the colonies and the acts of misrule in the King and Parliament, which he transmitted to his friend Mr. Wythe. But the Constitution proposed by George Mason* had been adopted, in committee, before Mr. Jefferson's arrived, and was afterwards, with little alteration, adopted by the house. They, however, accepted Mr. Jefferson's preamble, which is nearly the same as the recital of wrongs in the Declaration of Independence.

The Convention, on the 12th of June, adopted a Declaration of Rights, and on the 29th, a Constitution, the first in any of the states, which was framed with a view to a permanent separation from Great Britain, since that of South Carolina and New Hampshire, which alone preceded it, was to continue only until a reconciliation took place between the mother country and the colonies.

Before their adjournment, on the 5th of July, they had re-elected Mr. Jefferson to Congress for another term, although he had intimated a wish to retire. As soon as he was informed of his re-election, he wrote to the President of the Convention, that "the situation of his domestic affairs rendered it indispensably necessary that he should solicit the substitution of some other person in his room." He says, that he had a further inducement to this step, in his wish to assist in reforming the municipal code of Virginia, under the new Constitution. He accordingly withdrew from Congress on the 2nd of September, returned to Virginia, and, in October, sent in a formal resignation. Mr. Harrison was appointed his successor.

On the 30th of September, Congress gave him a distinguished mark of their confidence and esteem by appointing him a joint

* Of this gentleman, Mr. Jefferson gives the following forcible, and, as it is believed, just sketch. He was "of the first order of wisdom among those who acted on the theatre of the Revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former Constitution, and earnest for the republican change on democratic principles. His elocution was neither flowing nor smooth; but his language was strong, his manner most impressive, and strengthed by a dash of biting criticism, where provocation made it seasonable."—1 *Jeff. Mem.* p. 33.

commissioner or envoy to France, with Dr. Franklin and Silas Deane; and it seems probable, that this appointment would have induced him to forego his schemes of legislative reform, if the situation of Mrs. Jefferson had not been such, that his affection would not permit him either to take her with him, or to leave her behind.

The Legislature of his native state, to which he had been elected, in his absence, for the county of Albemarle, afforded an ample field for his talents, industry, and devotion to liberal principles. Much was to be done to adapt the laws to the forms and the spirit of the new government; and many changes for the better would present themselves to one, who, like Mr. Jefferson, was familiar with the existing code, who felt an ardent zeal for improvement, and whose mind was enlarged by philosophy. He accordingly took the lead in the work of reformation.

On the 11th of October, three days after he had taken his seat, he brought in a bill for the establishment of Courts of Justice, which was subsequently approved by the house, and passed. Three days afterwards, he introduced a bill to convert estates in tail into fee simple. This he avows was a blow at the aristocracy of Virginia.

In that colony, in the earlier periods of its history, large grants of land had been obtained from the crown by a few favoured individuals, which had been preserved in their families by means of entails, so as to have formed by degrees a patrician class among the colonists. These modes of continuing the same estates in the same family found a protection here which they could not obtain in the mother country; for, by an act passed in the year 1705, the practice of docking entails, which had previously prevailed in Virginia, as in England, was expressly prohibited; and whenever the peculiar exigencies of a family made it necessary that this restraint on alienation should be done away, it could be effected only by a special act of Assembly.

The class which thus provided for the perpetuation of its wealth, also monopolized the civil honours of the colony. The counsellors of the state were selected from it, by reason of

which the whole body commonly had a strong bias in favour of the crown, in all questions between popular right and regal prerogative. It is but an act of justice to this class to state, that although some of them might have been timid and hesitating in the dispute with the mother country—disposed to drain the cup of conciliation to the dregs—yet, others were among the foremost in patriotic self-devotion and generous sacrifices; and there was but a small proportion of them who were actually *tories*, as those who sided with Great Britain were then denominated.

Mr. Jefferson was probably influenced less by a regard to the conduct of the wealthy families in the contest, than by the general reason which he thus gives: "to annul this privilege, and, instead of an aristocracy of wealth, of more harm and danger than benefit to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, and scattered with equal hand through all its conditions, was deemed essential to a well ordered republic."

The repeal of this law was affected not without a struggle. It was opposed by Mr. Pendleton, who, both from age and temper, was cautious of innovation; and who, finding some change inevitable, proposed to modify the law so far, as to give to the tenant in tail the power of conveying in fee simple. This would have left the entail in force, where the power of abolishing it was not exercised; and he was, within a few votes, of saving so much of the old law.

This law, and another subsequently introduced by Mr. Jefferson, to abolish the preference given to the male sex, and to the first born, under the English common law, have effectually answered their intended purpose of destroying the gross inequality of fortunes which formerly prevailed in Virginia. They have not merely altered the distribution of that part of the landed property, which is transmitted to surviving relatives by the silent operation of law, but they have also operated on public opinion, so as to influence the testamentary disposition of it by the proprietors, without which last effect the purpose of the

Legislature might have been readily defeated. The cases are now very rare, in which a parent makes, by his will, a much more unequal distribution of his property among his children than the law itself would make. It is thus that laws, themselves the creatures of public opinion, often powerfully react on it.

The effects of this change in the distribution of property are very visible. There is no longer a class of persons possessed of large inherited estates, who, in a luxurious and ostentatious style of living, greatly exceed the rest of the community; a much larger number of those who are wealthy have acquired their estates by their own talents or enterprise; and most of these last, are commonly content with reaching the average of that more moderate standard of expense which public opinion requires, rather than the higher scale which it tolerates.

Thus, there were formerly many in Virginia who drove a coach and six, and now such an equipage is never seen. There were probably twice or three times as many four horse carriages before the revolution as there are at present; but the number of two horse carriages may be now ten, or even twenty times as great as at the former period. A few families too could boast of more plate than can now be met with; but the whole quantity in the country has increased twenty, if not fifty fold.

Some nice but querulous observers have thought that they perceived a correspondent change in the manners and intellectual cultivation of the two periods; and while they admit, that the mass of the people may be now less gross, and more intelligent than the backwoodsman, the tobacco roller,* or the rustic population generally, under the regal government, yet they insist, that we now have no such class as that which formerly constituted the Virginia gentleman, of chivalrous honour,

* The tobacco was formerly not transported in wagons, as at present, but by a much simpler process. The hogshead, in which it was packed, had a wooden pin driven into each head, to which were adjusted a pair of rude shafts, and thus, in the way of a garden roller, it was drawn to market by horses. Those who followed this business of tobacco-rolling, formed a class by themselves—hardy, reckless, proverbially rude, and often indulging in coarse humour, at the expense of the traveller, who chanced to be well dressed, or riding in a carriage.

and polished manners—at once, high-minded, liberal, delicate and munificent; and that, as to mental cultivation, our best educated men, of the present day, cannot compare with the Lees, the Randolphs, the Jeffersons, Pendletons and Wythes, of that period.

This comparison, however, cannot easily be made with fairness; for there are few who have lived long enough to compare the two periods, and those few are liable to be biassed on one side or the other, according to their early predilections and peculiar tastes. But apart from these individual influences, there is a general one to which we are all exposed. Time throws a mellow light over our recollections of the past, by which their beauties acquire a more touching softness, and their harsher parts are thrown into shade. Who that consults his reason can believe, if those scenes of his early days, to which he most fondly looks back, were again placed before him, that he would again see them, such as memory depicts them? His more discriminating eye, and his less excitable sensibility, would now see faults which then escaped his inexperience, and he would look tranquilly, if not with indifference, on what had once produced an intoxication of delight. Yet, such is the comparison which every one must make between the men and things of his early and his later life; and the traditionary accounts of a yet earlier period are liable to the same objection, for they all originate with those who describe what they remember, rather than what they actually observed. We must, therefore, make a liberal allowance for this common illusion, when we are told of the superior virtues and accomplishments of our ancestors.

The intellectual comparison may be more satisfactorily made. While it is admitted, that Virginia could, at the breaking out of the Revolution, boast of men that would hold a respectable rank in any society; yet, after making allowance for the spirit-stirring occasion which then called forth all their talents and faculties, there seems to be no reason to suppose that there is any inferiority in the present generation. It must be recollected, that by the more general diffusion of the benefits of education, and the continued advancement of mental culture, we have a

higher standard of excellence in the present day than formerly; and in the progressive improvement which our country has experienced in this particular, the intellectual efforts which, in one country confer distinction, would, in that which succeeds it, scarcely attract notice. It may be safely said, that a well written newspaper essay would have then conferred celebrity on its author, and a pamphlet would have been regarded as great an achievement in letters as an octavo volume at present. Nor does there pass any session of the Legislature, without calling forth reports and speeches, which exhibit a degree of ability and political information, that would, forty years ago, have made the author's name reverberate from one end of British America to the other. The supposed effects of this change in the distribution of property, in deteriorating manners, and lowering the standard of intellectual merit, may then well be called in question.

Another law, materially affecting the polity of the state, and the condition of society, owes its origin, in part, to Mr. Jefferson. This was the act to abolish the church establishment, and to put all religious sects on a footing. The means of effecting this change were very simple. They were merely to declare, that no man should be compelled to support any preacher, but should be free to choose his sect, and to regulate his contribution for the support of that sect, at pleasure.

From the first settlement of Virginia, the Church of England had been established in the colonies. The inhabited parts were laid off into parishes, in each of which was a minister, who had a fixed salary, in tobacco, together with a glebe and parsonage house. There was a general assessment on all the inhabitants, to meet the expenses. Mr. Jefferson thus explains the success of rival sects: "In process of time, however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these generally the emoluments of a classical school, found employment enough in their farms and school rooms for the rest of the week, and devoted Sunday only to the edification of their flock, by service, and a sermon at their parish church.

Their other pastoral functions were little attended to. Against this inactivity, the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the Revolution, a majority* of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the pastors of the minority. This unrighteous compulsion, to maintain teachers of what they deemed religious errors, was grievously felt during the regal government, and without a hope of relief."

The successive steps by which an institution which was deeply rooted in the affections of many of the principal citizens, was deprived of its power and property, without disturbing the public tranquillity, may be not unworthy of notice.

In the bill of rights which was drawn by George Mason, June 12, 1776, the principle of religious freedom is distinctly asserted in the last article, which declares, "that religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience." But the Constitution itself, passed June 29th, is silent on the subject of religion, except that it renders "all ministers of the gospel" incapable of being members of either house of Assembly, or of the Executive Council.

At the first session of the Legislature, in the same year, under the new Constitution, numerous petitions were received for abolishing the general assessment for the established church; and, at this session, Mr. Jefferson draughted and supported a law for the relief of the dissenters, which, he says, brought on the severest contests in which he was ever engaged. Here, too, he encountered the formidable opposition of Mr. Pendleton, and Mr. R. C. Nicholas, both zealous churchmen. The bill finally passed; but modified by its opponents. It declared all *acts of Parliament*, which prescribe or punish the maintenance of any opinions in matters of religion; the forbearing to repair to

* This probably greatly overrates their number.

church, or the exercising any mode of worship whatsoever, to be of no validity within the Commonwealth—it exempts dissenters from all contributions for the support of the established church; and, as this exemption might, in some places, make the support of the clergy too burthensome on the members of the church, it suspends, till the end of the succeeding session, all acts which provide salaries for the clergy, (except as to arrears then due,) and leaves them to voluntary contributions. But, at the same time, it reserves to the established church its glebe lands, and other property, and it defers "to the discussion and final determination of a future Assembly," the question, whether every one should not be subjected by law to a general assessment for the support of the pastor of his choice; or "every religious society should be left to voluntary contributions." The church party had previously succeeded so far as to obtain a declaration in committee, "that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct."

In the two following years, the question of providing for the ministers of religion by law, or leaving it to individual contributions, was renewed; but the advocates of the latter plan were only able to obtain, at each session, a suspension of those laws which provided salaries for the clergy—the natural progress in favour of liberal sentiments being counterbalanced by the fact, that some of the dissenting sects, with the exception of the Baptists, satisfied with having been relieved from a tax which they felt to be both unjust and degrading, had no objection to a general assessment; and, on this question, voted with the friends of the church. But the advocates of religious freedom finally prevailed, and after five suspending acts, the laws for the support of the clergy were, at the second session of 1779, unconditionally repealed. And although Mr. Jefferson was not then a member of the Legislature, it is probable that his influence, as Governor of the Commonwealth, was efficiently exerted towards its repeal. But to protect the rights of conscience, it was not deemed enough to remove past injustice, it was also thought prudent to prevent its recurrence. Among the bills, therefore,

reported by the revisers, was the celebrated act of religious freedom drawn by Mr. Jefferson, which not merely reasserts the principles of religious liberty contained in the bill of rights, but aims to give them permanence, by an argument equally clear, simple, and conclusive.*

This bill, with many others, was not acted upon by the Legislature for several years; but, in the mean time, the friends of the Episcopal church prepared to make one more effort to recover a portion of its ancient privileges by a general assessment. Their first object was to get an act of incorporation for the church, to enable it the better to retain and defend the large property it held, as well as to facilitate further acquisitions. A resolution having passed by a large majority, in favour of incorporating "all societies of the christian religion" which desired it, leave was immediately given to bring in a bill "to incorporate the Protestant Episcopal church," by which the minister and vestry, in each parish, were made a body corporate, for holding and acquiring property, and regulating the concerns of the church, and which finally passed into a law. The plan of a general assessment met with more difficulty. The petitions which had been got up among the people gave it the show of popularity, and it received the powerful aid of Patrick Henry's eloquence. Thus supported, it seemed likely to obtain a majority, when those who were opposed to the measure, on principle, for the purpose of gaining time, proposed to refer the matter to the people, before the Legislature acted on it, and they succeeded in postponing it. George Mason, George Nicholas, and others of this party, then proposed to Mr. Madison, to prepare a remonstrance to the next Legislature against the assessment, to be circulated through the state for signatures. This was done, and the paper which he prepared, exhibiting the same candid, dispassionate, and forcible reasoning, which have ever characterized the productions of his pen, convinced those who before doubted, so that there was a general disapprobation of the measure among all sects and parties; and at the next

* See Appendix D.

session, the table could scarcely hold the petitions and remonstrances against the proposed assessment. Such a manifestation of public opinion was not to be resisted. The measure was abandoned, and Mr. Jefferson's bill, with some slight alterations, was then passed, without difficulty.

To conclude this history of religious establishments in Virginia: the law could not fairly claim the praise of impartiality, so long as a single church had the benefits of incorporation; and the injustice was the greater, if, as the other sects maintained, most of the large property it held it owed to the public bounty. In two years afterwards, the act allowing religious incorporations was repealed, but with a saving to all religious societies the property they possessed, with the right of appointing trustees for its management. In 1799, all these laws, as well as those made for the benefit of the dissenters, and the church, were repealed, as inconsistent with the bill of rights, and the principles of religious freedom—and lastly, in 1801, the overseers of the poor, in each county, were authorized to sell all its glebe lands, as soon as they shall become vacant by the death or removal of the incumbents for the time; but reserving the rights of all private donations before 1777. By the execution of this act, the last vestige of legal privilege which this church had over other sects was completely eradicated.

Before this experiment of the entire freedom of religion was made, philosophical sagacity had foreseen that if there were numerous religious sects in a country, all equal in the eye of the law, they would live together in more harmony with one another, and be less likely to disturb the public peace, than where there was an established church, armed with the power of the law, to repress dangerous heresies, and to control rival sects. That principle has been completely verified by the experience of the United States. The ministers of the different persuasions live here, if not in fraternal concord, at least, with all the outward signs of peace; and the public witnesses no other consequence of their diversity in sentiment than in the general emulation for popular favour. This emulation has, however, produced another effect which was not expected. It was sup-

posed by some that the experiment was likely to result in the general decline of religion. They said, that if the support of the ministers of religion and the teachers of its doctrines are left to depend on voluntary contributions, these would commonly be inadequate and precarious: that although the fervour of new-born zeal may occasionally call forth sufficient liberality, it cannot be expected to prevail permanently against a feeling so steady and powerful with the mass of mankind, as the love of property: and that the ministers, worse and worse paid, would lessen in number, and deteriorate in quality, until they fell into insignificance and utter disgrace: that nothing but the resistless force of law can extract from the community the means of supporting an adequate and respectable ministry; and consequently, for religion to be permanent, it must be established and maintained by legal authority. Yet, contrary to this plausible reasoning, it is found that the emulation produced among the several sects, since they have all been put on an equal footing, has the effect of increasing their fervour, their sanctity, and exertions, which again produce a correspondent effect on the community. They all find, that it is only by being more orthodox expounders of the scriptures, by having more of the unction of piety, by more cogent reasoning, or more persuasive eloquence, that they can extend the influence of their particular sect, as well as increase their individual fame. There is, therefore, an energy, and an extensive diffusion of religious sentiment at this time, which was unknown before the Revolution, and it has been for some years on the increase. It is true, that the rewards of its ministers are more moderate than they probably would be if there was an establishment, and less than in any of the nations of Europe; but it is still found sufficient to keep up an adequate number of preachers, aided as it is by the additional zeal and piety which this state of things calls forth: and if many individuals now pay nothing, or very little towards the support of a minister, there are some who contribute more liberally than they might be required to do under an establishment.

There is another consequence to be observed from this entire

freedom of religion in the United States, and its dependance on the public favour for support. The emulation for popularity is not confined to the different sects, but even extends to the members of the same church; and their rivalships sometimes proceed so far as to divide the same sect in the same town into two parts, forming distinct congregations, under separate pastors, and assembling in separate churches. Occasionally, the seceders lay the foundation for a new sect, which being propagated by zeal and talent, comes in time to rival its parent in numbers and influence. It is for time to show how far this course of ramification will be extended, and what will be its remote effects on the cause of religion generally.

In October, of this year, Mr. Jefferson, having a regard to the present centre of population which was steadily travelling westwardly, as well as the exposure of Williamsburg to the incursions of an enemy, proposed to remove the seat of government sixty miles farther west, to Richmond. But this measure, like the preceding, was in advance of public opinion, and did not prevail until three years afterwards.

CHAPTER V.

Mr. Jefferson proposes a general revision of the laws. Appointed one of the Committee. His objections to Codification. Distribution of the labour. Character of the Revisal. Edmund Pendleton. Criminal Law. James Madison. The right of Expatriation declared. System of Education. Jefferson's opinions on Slavery. Arguments for and against the practicability of Emancipation. His hospitable and humane attentions to the English prisoners quartered in Albemarle. Prevents their removal from the county.

1777—1779.

One of the first measures which Mr. Jefferson had proposed at this session, was a general revision of the laws, for the purpose of adapting them to the new form of government, as well as of introducing particular ameliorations. The plan was adopted by the house; and early in November, Edmund Pendleton, George Wythe, George Mason, Thomas L. Lee, were appointed a committee, with him, for its execution. The committee met at Fredericksburg, in January, 1777, to settle their plan of proceeding, and to distribute to each one his part of the work. The first question they discussed was, whether they would recommend the substitution of an entirely new code for the existing system of laws, or merely a modification of the latter, to suit the present circumstances of the country—a question which must recur, after certain intervals, in all free and civilized communities; and, in deciding which, men are reduced, as in many other matters of human policy, to a choice of evils.

Under the best digested and most cautiously worded code that the wit of man could devise, cases would soon arise in which the application of the rule of law would be uncertain; sometimes by reason of inherent uncertainty of language, and sometimes

because the legislatures did not foresee those cases, or deemed them too unimportant to be provided for. At other times, the case, though clearly within the words of the statute, is yet accompanied with such peculiar circumstances, that it seems doubtful, to those whose duty it is to administer the law, whether it is within the spirit and intention of the rule. And lastly, a case may appear to be comprehended within two different and incompatible rules, and the question is, which is to prevail. In all of these contingencies, we must find our way through the labyrinth of uncertainty, by arguments drawn from analogy, or considerations of public utility, or the presumed intention of the framer, in the application of which, there is great scope for difference of opinion. Hence has arisen the proverbial uncertainty of law, invariably incidental to all codes; and hence, the numerous judicial decisions by which the clear omissions of the Legislature are supplied, and their ambiguities explained. But every new adjudication makes a new rule of action, or right; and when, in process of time, these decisions have been greatly multiplied, a new evil arises from this very multiplicity, both from the nicety of the principles which they have settled, and from the difficulty of reconciling some of the rules with others on kindred subjects, so as to erect the knowledge of such multifarious rules into a separate science, which it requires the acutest intellect, and the study of a whole life to understand.

For the purposes of abridging this labour, of making the laws intelligible to a greater number, and of removing much of this uncertainty, it has been proposed to revise these judicial decisions from time to time; and after rejecting some, and amalgamating others, to embody them thus improved in the written, or statute law. This course, on which Mr. Bentham has conferred celebrity, under the name of *codification*, was proposed by the committee on this occasion; but a majority,* including Mr. Jefferson, were opposed to it, so far as respects the unwritten law,

* On this question of codifying the common law, I learn from Mr. Madison, that Mr. Pendleton and Mr. Lee were strongly in favour of it. Mr. Wythe and Mr. Jefferson as decidedly opposed to it, and Mr. Mason gave the casting vote against it.

for reasons which must be deemed cogent, though they should fail to convince.

"To compose a new institute, they said, like those of Justinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous undertaking, of vast research, of great consideration and judgment; and when reduced to a text, every word of that text, from the imperfection of human language, and its incompetence to express distinctly every shade of idea, would become a subject of question and chicanery, until settled by repeated adjudications; that this would involve us for ages in litigation, and render property uncertain, until, like the statutes of old, every word had been tried and settled, by numerous decisions, and by new volumes of reports and commentaries; and that no one of us, probably, would undertake such a work, which, to be systematical, must be the work of one hand."

Two of the committee, Mr. Mason and Mr. Lee, having soon after resigned, on the ground that not being lawyers, they did not feel themselves fit for the undertaking, the other three members distributed the work among themselves in the following manner: The common law and the British statutes to the fourth year of James the First, (when Virginia first had a separate legislature,) were allotted to Mr. Jefferson: the same statutes, from that period to the present day, to Mr. Wythe; and the statute law of Virginia to Mr. Pendleton. As the most important part of the duty was assigned to Mr. Jefferson, it is an evidence of the high respect in which he was held by his associates, themselves esteemed as the best lawyers in Virginia, and two of the ablest men in the union.

As the law of descents, and that for the punishment of crimes fell within his province, he proposed to the committee to settle their leading principles before he entered on the duty of draughting the statutes; and having proposed to abolish the right of primogeniture, and to put females on the same footing as males, in inheritances, he was opposed by Mr. Pendleton, with whom partiality for the ancient law prevailed; and who, finding he could not preserve to the first born the whole rights he had

previously enjoyed, proposed to give him a double portion. Mr. Jefferson objected, that the elder son could have no claim, in reason, to twice as much as his brother or sisters, "unless he could eat twice as much, or do double work;" and Mr. Wythe agreeing with him, it was decided to make them all equal.

The part which Mr. Pendleton took on this and some other proposed changes in the laws, tends to give a false impression of that distinguished patriot and jurist. It was not because he wanted liberality, or was blindly attached to ancient things, that he was sometimes unwilling to carry the process of reform to the farthest verge of what was right in the abstract, but from a spirit of conciliation to those whose interests or prejudices were about to be assailed. Thus, in aiming to correct the prejudice in favour of primogeniture, which was extensively diffused in Virginia, he wished to concede something to those who had been led by habit and education to cherish it, and to take that middle course which long prevailed in some of the Northern states. It was not, in short, that he was prompted by his own narrow views, but because he was indulgent and forbearing to such views in others. He afterwards became the presiding judge in the highest court of judicature in Virginia, and filled the office with equal dignity and ability twenty-four years after he would have been disqualified by the constitutions of some of the states; and never was a judge less trammelled by false refinements, or technicalities, or ancient abuses, in attaining the great ends of jurisprudence. His thorough knowledge of the law, and his fertility in argument were always used to advance the cause of justice, and never to impede it. This was so much his character, that while from the elegance and perspicuity of his diction, as well as the liberality of his views, he was called the Mansfield of Virginia, it was objected by some cavillers, (for what excellence is exempt from these?) that he confounded the functions of a chancellor with those of a common law judge.

Mr. Jefferson, after bearing testimony of his high intellectual powers, and his unrivalled dexterity in debate, adds, that he was "one of the most virtuous and benevolent of men." The difference between Mr. Pendleton and Mr. Jefferson, was be-

tween a bold, sanguine, uncompromising temper, and one that was cautious, temporizing, and conciliating—between the confidence of thirty-five, and the prudence of sixty. If the event has shown that this was one of the occasions in which boldness was not rashness, yet it was also one in which a temporizing policy would have finally effected the same result; for it may be safely affirmed, that if Mr. Pendleton had succeeded in moulding the law as he wished, it would long ago have been changed, as unsuited to the spirit of the age, since, in all the other states, the children of a person dying intestate inherit equal portions.

The clearness and simplicity with which this law was drawn by Mr. Jefferson, has long been the theme of praise among Virginia lawyers. But subsequent interpolations in the statute, suggested, it is said, with a view to prevent particular estates from passing into other families, rendered some of its provisions both inconsistent and obscure, and thus gave rise to several questions concerning inheritances, which could be settled only by the process of litigation and judicial decision.

In criminal law, the committee were disposed to act on the system recommended by Beccaria; and, abolishing the punishment of death, in all cases, except for treason and murder, to have a gradation of punishments by hard labour. In some cases, however, they proposed to adopt the principle of retaliation. Mr. Jefferson, in his memoirs, seems to wonder how "so revolting a principle obtained their approbation," as well he might, since, besides being repugnant to modern feelings, it is often absurd, and sometimes impracticable.*

This part of Mr. Jefferson's labours indicates a good deal of industry and legal research; and it introduced many innovations which still constitute a part of the penal code of Virginia. In a letter to Mr. Wythe, in November, 1778, in speaking of the act for "proportioning crimes and punishments, in cases heretofore capital," which he encloses, he says, "in its style, I have aimed at accuracy, brevity, and simplicity; preserving, however, the very

* It seems from his letter to Mr. Wythe, in November, 1778, that this principle was adopted against his approbation.

words of the established law, whether their meaning had been sanctioned by judicial decisions, or rendered technical by usage. The same matter, if couched in the modern statutory language, with all its tautologies, redundancies, and circumlocutions, would have spread itself over many pages, and been unintelligible to those whom it concerns. Indeed, I wished to exhibit a sample of reformation in the barbarous style, into which modern statutes have degenerated from their ancient simplicity. And I must pray you to be as watchful over what I have not said, as what is said; for the omissions of this bill have all their positive meaning. I have thought it better to drop in silence the laws we mean to discontinue, and let them be swept away by the general negative words of this, than to detail them in clauses of express repeal."

In framing the other laws, he took the precaution, when re-enacting an English statute, not to vary its ancient diction, lest "he should give rise to new questions by new expressions; and in all draughts of new statutes, he endeavoured to avoid the tautology and repetition which are found in modern statutes, and which multiplied efforts at certainty, he justly remarks, by *saids* and *aforesaids*, by *ors* and by *ands*, to make them more plain, are really rendered more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves."

The committee completed their work in February, 1779, a little more than two years, and they had comprised all the common law which they thought it expedient to alter, and all either of the English or Virginia statutes, which they thought should be retained, in one hundred and twenty-six bills, occupying nearly ninety folio pages. The work of each member was afterwards carefully scrutinized, and amended by the whole committee of three, and reported to the General Assembly in the following June. Some of the bills were occasionally selected and passed by the Legislature, but the great body of them were not acted on until the year 1785, when, as Mr. Jefferson remarks, by the unwearied exertions of Mr. Madison, in opposition to the endless quibbles, chicaneries, perversions, vexa-

tions and delays of lawyers and demi-lawyers, most of the bills were passed by the Legislature, with little alteration." It seems probable, from the language here used, that Mr. Jefferson was annoyed by the cavils and objections which were made to some of the bills reported by this class of men, who were at once most likely to perceive objections, and most capable of enforcing them. His acquaintance with Mr. Madison, who was destined to occupy so distinguished a place in the subsequent history of his country, commenced in 1776. From that time, until they were separated by death, there was an uninterruptible friendship of fifty years, never embittered by envy or rivalry, and neither weakened by separation, nor cooled by difference of opinion. They first met in the Legislature of their native state, and Mr. Jefferson, referring to the occasion, thus speaks to posterity of his illustrious friend and compatriot.

"Mr. Madison came into the house in 1776, a new member and young; which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate, before his removal to the Council of State, in November '77. From thence he went to Congress, then consisting of few members. Trained in those successive schools, he acquired a habit of self-possession, which placed at ready command, the rich resources of his luminous and discriminating mind, of his extensive information, and rendered him first of every assembly afterwards, of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely in language, pure, classical, and copious; soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great National Convention of 1787; and in that of Virginia, which followed, he sustained the new Constitution in all its parts, bearing off the palm against the logic of George Mason, and the fervid declamation of Mr. Henry. With these consummate powers were united a pure and spotless virtue, which no calumny has ever attempted to sully. Of the powers and polish of his pen, and of the wisdom of his administration in the highest office of the nation, I need

say nothing—they have spoken, and will forever speak for themselves."

At the session of the General Assembly, in May, 1779, Mr. Jefferson introduced a law which defined who were citizens of the Commonwealth, and recognised the right of *expatriation*, as well as prescribed the mode in which it should be exercised. The rights of citizenship, being given, according to the common law of England, by birth, can never be divested. The tie of allegiance is considered to be indissoluble. But the opposite principle on which the Legislature of Virginia proceeded, better accords with the liberal spirit of the age, by promoting the welfare of individuals, without practically affecting national security or prosperity. The great mass of every community are inevitably destined to remain in the country where they are born—the happy and thrifty from choice; the poor from necessity—so that, of all the possible dangers to a nation, that arising from excessive emigration appears to be the most visionary. The rule then of perpetual allegiance cannot be justified by *national* considerations: whilst, on the other hand, individuals often find that their talents, which are idle and unprofitable at home, may be usefully and gainfully exerted abroad, or that they can attain that peace of mind in other countries, which from some disappointment, or humiliation, or injustice, is denied them at home. If utility, or the conduciveness to human happiness, be the foundation of natural law, individuals should, except under special circumstances, have the right of locomotion and expatriation, without violating the rights of the country abandoned. It was, no doubt, with these rational and philanthropic views, that the law in question was suggested. The right has since expressly received the general sanction of the American people, and has found a virtual recognition in the practice of all other civilized nations.

The committee having made such important provisions for the equal distribution of property, next endeavoured to provide for the intelligence of the people, by a general system of juvenile instruction; it seeming to them, that the stability of republican government depended upon diffusion of knowledge, together

with the prevention of those overgrown fortunes, which are at once likely to kindle ambition, and to furnish the means of gratifying it; as well as to encourage a distinction between the vulgar and the well-born. By the first mentioned course of legislative policy, the community is kept right in its feelings: by the second, in their opinions, and in the knowledge of the means of taking care of their interests. These seem to be the two grand pillars of popular government, and no effort should be spared to place them on bases at once solid and broad.

With these views, a general system of education was proposed by the committee, which, by their request, was prepared by Mr. Jefferson. The plan recommended three degrees of instruction, adapted to the different classes of society. 1st. *Elementary Schools*, for all the children in the community. 2ndly. *Colleges*, for a further degree of instruction, suited to the common purposes of life, and to all who were in easy circumstances. 3dly. To exalt William and Mary into a *University*, for teaching the highest branches of science, and to aid it by an extensive library. Bills for these several objects were reported; but they all lay dormant until 1796, and then were acted on only so far as concerned the elementary schools. But as a new clause was then introduced, by which the execution of the law in each county was left discretionary with its magistrates; and as, moreover, the bill provided that every county should defray the expense of its own schools, whereby the wealthy would be made to bear the expense of educating the poor, the magistrates, who generally belong to the wealthy class, were unfavourable to the plan, and it was not carried into execution in a single county.

A plan very similar to the preceding was adopted by the Legislature in 1816; and, as to the elementary schools, and the University, was soon afterwards carried into execution. Both these branches are now in a course of experiment that promises success.

On the subject of slaves, one which Mr. Jefferson seems always to have regarded with the interest of a patriot, as well as of a philanthropist, the committee were content merely to make a digest of the laws concerning them. But they further agreed

to an amendment to the bill, whenever it should be taken up, by which all the children of slaves, born after an appointed day, should be free, and be carried out of the state when they arrived at a certain age. "It was, however, found, he says, that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant, when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain, that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white labourers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case."

These propositions seem scarcely to admit of question; and yet so little regard is paid to the interests of posterity when they thwart our present convenience, that nothing is done by the present generation towards warding off the future danger; but every one, who brings his mind to look at the probable consequences, consoles himself with the belief that the crisis of the disease will not arrive in his day, and that until it does arrive, the inconveniences, so far as they are perceived, are either compensated by some attendant advantage, or are irremediable.

The whole sum of the moral and political mischiefs of slavery may not be overrated by moralists and economists, but those mischiefs are perhaps not precisely of the character supposed. Thus, while it is agreed on all hands, that domestic slavery is unfavourable to the productive industry of a country, the disadvantage is commonly attributed to the effect produced on the slave, who is urged by the strongest impulses of his nature, to work as sparingly, and consume as lavishly as he can. But the mischief of slavery seems to consist more in its effects on the

master than on the slave. It necessarily tends to make him idle, indolent, proud, luxurious and improvident. It is true, that the slave, not having the same direct interest in the fruits of his labour, or of his frugality as the freeman, will often be less industrious, and more wasteful. But, on the other hand, he is as often made to be a more industrious producer, and a more frugal consumer, than he would be if free. As a proof of this, the wages of slaves on canals, roads, and other public works, is little less than those of freemen, and sometimes they are the same. In a few cases, they have even been preferred, as being more manageable. Both their food and clothing too are somewhat cheaper and coarser than those of freemen. It is then, by its *moral* effects, on the character of the master, that it lessens the productive wealth of a community; and that Virginia and the Carolinas are less populous, less wealthy and improved than New England, New York, and Pennsylvania: that Maryland is more so than the first named states, since she has fewer slaves than they have; but less so than the last, because she has slaves, and they have none: and lastly, that Ohio has grown and improved faster than Kentucky, which had the advantage of prior settlement.

Such being the disadvantages inseparable from slavery, the question for the statesman to consider is, whether it be practicable for the country to rid itself of the evil, consistently with its own safety? Two very different modes readily suggest themselves. One is to emancipate them, and suffer them to remain in the state, partaking, in a greater or less degree, of the privileges of the whites. The other is, to send them out of the country, either as slaves or freemen. The first plan seems very easy to those who have never lived in a country in which negro slavery prevails, and who cannot justly estimate the rooted and irreconcilable prejudices to which this relation between two distinct races gives rise. They seem to think, that nothing but the fiat of the Legislature is required to knock off the shackles of the slave, and to exalt him at once into the equal and associate of his former master, and by a still more intimate union, subsequently, to amalgamate the two races into one. They so

think, though they every day see men drawing a line of separation between themselves and their fellow men, who differ in no respect from themselves, except in some matter of opinion or belief, or some purely artificial distinction. Do they suppose that any arguments of political expediency would ever bring the English House of Lords, voluntarily, to relinquish their exclusive privileges; or that the members of the established church would, with their own consent, admit all other sects to an equal participation of their rights? Did the patrician order in Rome ever willingly surrender any portion of their political power to the plebeians? And in all cases, have those who possessed the power ever wanted pretexts of general utility, national safety, or tranquillity—some form of the public good—to continue things as they were? This course may be abstractedly wrong; but it is sufficient that it is *natural*, to show that the scheme is impracticable in a popular government.

The people then, in the slave-holding states, will never purposely resort to this cure of the evil. If it takes place at all, it must be the slow and imperceptible operation of time, and not by the agency of the law. Nay more, when they contemplate the possibility of such a result, they will do all they can to prevent what is so repugnant to their feelings. But even if we were to suppose the Legislature, and consequently a majority of the people who have chosen them, to divest themselves of these feelings, or prejudices, and to venture on the great experiment, who can pretend to say that it would be a safe one? When, in every community, men are found splitting into parties, on points of difference often so minute as to be unintelligible to a stranger, who can foresee how much they would be aggravated where the line of separation has been drawn by nature herself; and where sensible impressions might impart their own peculiar vividness to the feelings of party animosity? This visible difference between the two races tends now to preserve public tranquillity, by operating on the minds both of master and slave, and confirms the authority of the one, and the submission of the other. The master more easily persuades himself that he is naturally superior—an opinion which the most philosophical

of the citizens of the south conscientiously maintain—and the slave can be more readily brought to believe that the inferiority, of which he must necessarily be conscious, is the work of nature, rather than of man; and he is, on that account, more resigned to his condition. But when once he is admitted to a political equality, much of this *prestige* would soon disappear. The effects of property, education, natural talent, would dispel the greater part of their own sense of inferiority, without proportionally altering the opinions of the whites; and the sullen ill-will which now occasionally exists, would be exchanged for the more bitter and implacable animosity that arises between equals and rivals struggling for the mastery. History affords little light on this subject; but the fierce contests between the Saracenic and Gothic races in Spain; and yet more, between the blacks and the whites of St. Domingo, which ended only in the extermination of the weaker party, seem to be too much in accordance with the ordinary principles of our nature, not to warn us against so fearful an experiment.

The plan of colonizing the emancipated slaves is the only one which the public can be brought to sanction; and about its practicability, there is a great diversity of opinion in the slave-holding states. Though its difficulties may have been overrated by some, they must be admitted to be great, under the most favourable circumstances, by every one who gives to the subject an attentive examination.

Mr. Jefferson always regarded emancipation, accompanied with colonization, as practicable; and while engaged in the revision, he had prepared a plan for that object, which was not indeed reported by the committee, but which they meant should be offered to the Legislature, by way of amendment, when the bill concerning slaves was taken up. This plan was to declare all children born after the passage of the act to be free, but to continue with their parents till a certain age, then be brought up, at the public expense, to tillage, arts or sciences, according to their genius, till the females should be eighteen, and the males twenty-one. They were to be colonized in such place as the circumstances of the time should render most pro-

per, taking with them arms, implements of the household and the handicraft arts, seeds, pairs of the useful domestic animals, and to be declared a free and independent people. Our alliance and protection to be extended to them, till they had acquired strength, and vessels to be sent, at the same time, to other parts of the world for an equal number of white inhabitants, who were to be induced to migrate hither, by proper encouragements.

Supposing the plan adopted, let us see its operation. Allowing the rate of increase to be so kept down by emigration to other states, as the last census shows it to have been between 1820 and 1830, that is, one per cent. annually; thirty dollars for the cost of transporting each emigrant to Africa, and the same sum for his temporary support there; it may be shown, that, on this plan, the state would be rid of all its slaves by the year 1901, except the few who would be over sixty-five years of age: and that the annual cost would, in 1758, when the transport of the emancipated would begin, be 420,000 dollars; would gradually increase to 504,200 dollars, until the year 1879; after which, it would gradually diminish until the year 1901, when it would cease altogether.

The objections which have presented themselves to this plan are, that it violates the rights of private property: that while the right of the community to tax its individual citizens is limited only by the extent of the public exigencies, its duty is to make these taxes equal, and not to throw them exclusively on one class—such a course being equally contrary to natural justice, and to that constitutional principle which forbids the seizure of private property for public use, without just compensation: that the slave-holding interest in Virginia having a majority in the Legislature, the plan could not be adopted without its approbation; and it cannot be supposed, they would consent to impose on themselves more than their just share of the public burthens: that if the emancipated slaves are to be paid for, it requires an amount of taxation which the people probably could not endure, and certainly would not voluntarily submit to: or, if under the influence of some strong feeling, they

can be supposed willing to impose on themselves such unwonted burthens—more than four times the amount of the state revenue—it would be only for a time, and could not be expected to continue for the term that is necessary to success: that, therefore, in the event of a war or other public calamity, or whenever the zeal for emancipation had been overpowered by some new object of popular excitement, they would relieve themselves from the pressure, and abandon the scheme.

It is further objected, that the slaves constitute the chief class of productive labourers in the state, and that as the same process of colonization which increased the public burthens, would diminish the means of meeting them, the state would decline in wealth so long as the plan was in operation: that this decline of prosperity would be yet greater from the increased emigration of the whites, which the increased taxation would produce: that it would be unreasonable to expect white labourers from other states, or from Europe, to replace the slave labour sent away; as the stigma which slavery always affixes to bodily labour, and which has hitherto discouraged migration to Virginia, would continue until slavery was abolished: that the distinction between the *ante nati* and *post nati*, drawing an odious line between children of the same parents, would produce settled discontents in the minds of those who were retained in slavery, which would stimulate them to insurrection and rebellion: that this plan of deportation, if practicable, would be an act of cruelty to the emancipated, by severing the ties of kindred and country, and compelling them to seek a precarious livelihood in a new colony, which, continually receiving large accessions to its class of consumers, would often be exposed to the evils of scarcity: and lastly, that the colonists themselves, as soon as they had confidence in their strength, might rebel against the further admission of new settlers; and the emigrants being thus converted into soldiers, and made to fight, instead of work, the plan of colonization must then be abandoned, whether they succeeded in obtaining a foothold, or were repulsed.

On the other hand, the framers of the scheme, while they admit that the country cannot rid itself of its slaves, but at

great cost and difficulty, insist, that it cannot escape the evil by doing nothing: that setting aside the mischiefs of slavery, moral and political, those of emancipation, whatever they may be, must be encountered, sooner or later; as the time must come, when the value of a slave will not repay the cost and care of raising him, in which case, slavery necessarily terminates: and although we cannot determine with precision when that period will arrive, depending as it does upon so many variable circumstances, yet we may fairly presume it will take place in less than a century. Long before the lapse of that time, the slave-holding states, at a diminished rate of increase, will contain forty millions of inhabitants, or more than sixty to a square mile; and labour must have considerably declined from its present value before this moderate density is reached. We have to choose then between the evils of emancipation when the remedy, though severe, is practicable, and the same evils when they admit of neither cure nor mitigation.

They insist that the plan would violate no principle of right, and would be neither impracticable nor oppressive; that, so far as there was inequality in the tax, it was justified by what had always been deemed a fair principle of legislation, the practice of taxing nuisances, and whatever is detrimental to the community: and, in point of fact, it would make an unimportant difference whether the slave-holders were paid for their emancipated slaves or not, since nine-tenths of the taxable funds of the state are held by this class, and the slaves being generally distributed among the citizens, in proportion to their wealth, the slave owners would have to advance almost as much, by way of tax, as they would receive in the way of compensation: that the slave-holders, being also landlords, they would find their remuneration in the increased value of their lands, which the abolition of slavery would eventually impart: that the larger portion of the cost, the value of the emancipated slaves, would be less felt, inasmuch as it would fall on property that was not yet productive, and long before it could become so: that as the expense of transportation would not begin for eighteen years, preparations, in the mean time, could be made for

their removal and reception in the colony, by which means, the cost may be brought far within the ordinary estimate; but supposing it to begin on 420,000 dollars a year, that sum would require a tax of but forty cents from each inhabitant; so that the charge on Virginia, for the attainment of this great moral and political object, would be less than one-fourth of what she contributes to the national revenue, and not half of what she saves by the discharge of the national debt: that her interest in the public lands, if prudently managed, might be made adequate to defraying the greater part, if not all the public expense: that if such a plan were once adopted, there are hundreds of our most intelligent and patriotic citizens, who, seeing a prospect of ridding the country of what they regard as its greatest curse, would further the object by money, as well as emancipation; and many, who could not conveniently part with their slaves during life, would emancipate them by will: that the certain prospect of the abolition of slavery, would invite settlers from abroad: that the stream of population from the Northern states, and from Europe, would naturally seek its level in Virginia, after the barrier which had so long obstructed its course was removed: that such a healthy infusion of industry, skill, and capital would give new vigour to the agriculture, arts and manufactures of the state, and to the morals and thrift of its people; and while the gross product of her soil and industry would thus be augmented, in quantity and value, she would have a weight in the national councils for the whole of her labouring population, and not merely for three-fifths of it, as at present.

In reply to the other objections, they urge that the evils apprehended from the distinction between the *ante nati* and the *post nati* are altogether visionary, because, when a similar course has produced no such consequences in other states, they ought not to be expected here, where emancipation would be accompanied with a sentence of banishment: and because rebellion would be prevented, then as now, by a conviction that it would be ineffectual, especially when a large part of the community already had, and the children of the rest would have, the desired boon of freedom: that the colonists would not possess either

the power or inclination to refuse to receive new settlers until the colony had acquired a density of population which supposes the execution of the plan; for until that was attained, new settlers would be welcomed as an accession to their wealth and strength: that Africa still has territory enough for a large addition to her population, provided improved arts of husbandry and civilization were introduced at the same time; and the plan of colonization to that continent does not preclude subsidiary schemes of sending coloured emigrants to Hayti, and other places: that the English West Indies may soon afford an outlet, or even a part of the Pacific coast: that it would imply a singular tenderness for posterity to refuse to let them form an independent government on this continent, and yet to let them remain in a connexion with the same posterity, at once indissoluble and irreconcilable: and lastly, that these hazards are contingent, while the evils we would avoid are certain, and should the scheme on any account be suspended or even arrested, a great public benefit would be achieved by the plan, in proportion to its partial execution.

To whichever party we may be disposed to assign the preponderance in their arguments on this question, we must admit that there is sufficient weight in the views entertained by one side to keep alive the hopes of the advocates of emancipation, and in those of the other to make the scheme appear impracticable; from which we may infer, that nothing less than a deep sense of its necessity, and a general popular feeling, amounting to enthusiasm, will be ever able to overcome its difficulties, or even to encounter them.

With this session terminated Mr. Jefferson's duties as legislator, and it may be remarked that, in this character, there seems to have been no one of his compatriots who had taken such far-sighted and philosophical views in adapting the civil institutions of Virginia to its new circumstances, or who had contributed so largely to give them effect. Of the laws of which he was the author or chief promoter, he regarded the four that have been mentioned as forming a system by which every fibre of ancient or future aristocracy would be eradicated, and a

foundation laid for a government truly republican. These laws he thus eulogizes. "The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth, in select families, and preserve the soil of the country from being daily more and more absorbed in mortmain. The abolition of primogeniture, and equal partition of inheritances, removed the feudal and unnatural distinctions which made one member of every family rich, and all the rest poor; substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience relieved the people from taxation for the support of a religion not theirs; for the establishment was truly the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government: and all this would be effected, without the violation of a single natural right of any one individual citizen. To these, too, might be added, as a further security, the introduction of the trial by jury into the chancery courts, which have already ingulfed, and continue to ingulf, so great a proportion of the jurisdiction over our property."

In the beginning of this year, the removal of the troops captured at Saratoga, under General Burgoyne, from Boston to Virginia, afforded Mr. Jefferson an opportunity of exhibiting liberality towards the enemies of his country, and, in the exercise of the rites of hospitality, of softening the rigours of captivity. These troops had reached Albemarle early in 1779, and were stationed five miles north of Charlottesville. Some deviation from the courtesy of modern warfare might have been excusably withheld from these prisoners, from the odiousness of the cause in which they were engaged, but humane and generous sentiments prevailed, and the interchange of civility begat a kindness of feeling which in some cases ripened into friendship. He contributed to make the situation of all the prisoners more comfortable, and those officers who were recommended by their manners, taste for letters, or music, were often his guests. The merit of these attentions was enhanced by the delicacy which

accompanied them. In reply to a card from Major-General Phillips, Mr. Jefferson says: "The great cause which divides our countries is not to be decided by individual animosities. The harmony of private societies cannot weaken national efforts. To contribute by neighbourly intercourse and attention to make others happy, is the shortest and surest way of being happy ourselves. As these sentiments seem to have directed your conduct, we should be as unwise as illiberal, were we not to preserve the same temper of mind."

To Major-General Reidésel,* who commanded the Hessian troops, he wrote: "The little attentions you are pleased to magnify so much, never deserved a mention or thought. Opposed as we happen to be in our sentiments of duty and honour, and anxious for contrary events, I shall nevertheless sincerely rejoice in every circumstance of happiness and safety which may attend you personally." The example of Mr. Jefferson was followed by most of the wealthier inhabitants of the county, and many of the officers, both English and German, have borne grateful testimony to the polite and hospitable character of the Virginians, and of Mr. Jefferson, in particular.

These troops had not been long in Albemarle before it was proposed to remove them to some place where it would be easier to furnish them with the necessary supplies, and where it would be found less practicable for the prisoners to desert. On hearing this, Mr. Jefferson addressed a long letter to Governor Henry, in which he set forth so many strong reasons against their removal from Albemarle, that they were permitted to remain. He

* The lady of this officer, who was a German baron, after her return to her own country, published the letters she had written to her friends, during her residence in Albemarle, which were translated by Mr. Wallenstein, of the Russian Legation, about ten years ago, and thus republished in Philadelphia. She is still recollected, or lately was, by some of the oldest inhabitants, as a handsome, agreeable woman, but somewhat of an Amazon in stature, dress, and in riding, according to the fashion in Germany, like a man.

The letters are amusing—not the less, perhaps, for a seasoning of scandal—and bear grateful testimony to Mr. Jefferson's hospitalities. The General lived at Collé, then the property of the well known Mazzei, and where his vineyard was then in the course of experiment.

urged the healthiness of the spot, its central position, equally secure from attacks from the east and the west, and that the prisoners themselves would be deprived of those comforts which they had now gathered around them.

A part of this document seems to deserve transcribing, not only for its liberal sentiments, in strict accordance with its author's conduct towards the prisoners, but also for the pleasing picture it exhibits of the efforts made by the troops to beguile the tedium of inaction, and the irksomeness of captivity.

"It is for the benefit of mankind to mitigate the horrors of war as much as possible. The practice, therefore, of modern nations of treating captive enemies with politeness and generosity, is not only delightful in contemplation, but really interesting to all the world, friends, foes, and neutrals. Let us apply this: the officers, after considerable hardships, have all procured quarters, comfortable and satisfactory to them. In order to do this, they were obliged, in many instances, to hire houses for a year, certain, and at such exorbitant rents, as were sufficient to tempt independent owners to go out of them, and shift as they could. These houses, in most cases, were much out of repair. They have repaired them at a considerable expense. One of the general officers has taken a place for two years, advanced the rent for the whole time, and been obliged, moreover, to erect additional buildings, for the accommodation of a part of his family, for which there was not room in the house rented. Independent of the brick work, for the carpentry of these additional buildings, I know he is to pay fifteen hundred dollars. The same gentleman, to my knowledge, has paid to one person three thousand six hundred and seventy dollars, for different articles, to fix himself commodiously. They have, generally, laid in their stocks of grain, and other provisions; for it is well known that officers do not live on their rations. They have purchased cows, sheep, &c.; set into farming; prepared their gardens, and have a prospect of quiet and comfort before them. To turn to the soldiers—the environs of the barracks are delightful, the ground cleared, laid off in hundreds of gardens, each inclosed in its separate paling; these well prepared, and

exhibiting a fine appearance. General Reidésel alone laid out upwards of two hundred pounds in garden seeds for the German troops only. Judge what an extent of ground these seeds would cover. There is little doubt, that their own gardens will furnish them with a great abundance of vegetables through the year. Their poultry, pigeons, and other preparations of that kind, present to the mind the idea of a company of farmers, rather than a camp of soldiers. In addition to the barracks built for them by the public, and now very comfortable, they have built great numbers for themselves, in such messes as fancied each other; and the whole corps, both officers and men, seem now happy and satisfied with their situation. Having thus found the art of rendering captivity itself comfortable, and carried it into execution, at their own great expense and labour, their spirits sustained by the prospect of gratifications rising before their eyes, does not every sentiment of humanity revolt against the proposition of stripping them of all this, and removing them into new situations, where, from the advanced season of the year, no preparations can be made for carrying themselves comfortably through the heats of summer; and when it is known that the necessary advances for the conveniences already provided, have exhausted their funds, and left them unable to make the like exertions anew?"

CHAPTER VI.

Mr. Jefferson elected Governor of Virginia. Difficulties of his situation. George Rogers Clarke. Retaliation on Governor Hamilton and others. Its effects. Claims of Virginia to the Western Territory. Resisted by other States. Her cession of the Territory. Difficulty of providing military supplies and of transporting them. Arnold's predatory incursion. Its success explained. Abortive attempts to capture Arnold. Invasion under Phillips and Arnold. Their operations. Correspondence between the Governor and General Phillips. Meeting of the Legislature. It adjourns to Charlottesville. Lord Cornwallis invades Virginia. The Governor declines a re-election. His motives. Tarlton detached to Charlottesville. Mr. Jefferson and the members of Assembly narrowly escape capture.

1779—1781.

But Mr. Jefferson was now about to enter on a new field of public service, for some of the duties of which he was little qualified by his previous habits and pursuits. On the 1st of June he was elected Governor of the state; Mr. Henry having served as long as the Constitution allows. It was not, however, an uncontested honour, as his friend, Mr. Page, was his competitor. This gentleman had been a member of the Council of State under the regal government; but as, on the breaking out of the disturbances, he had taken sides with his country, he had thereby acquired great popularity, and the greater, from the contrast which his course presented to that of some of his associates. It is gratifying to know, that the delicate position in which Mr. Jefferson and he were now placed by others, produced no interruption to their friendship.

It was, however, for the time, painful and embarrassing to

both. Mr. Page wrote to Mr. Jefferson on the occasion, in a style suited to his amiable and disinterested character, and Mr. Jefferson, in reply, expressed lively regret that the zeal of their respective friends should have ever placed them "in the situation of competitors;" but he adds, "I am comforted, however, with the reflection that it was their competition, not ours, and that the difference of the numbers which decided between us, was too insignificant to give you a pain, or me a pleasure, had our disposition towards each other been such as to admit those sensations."

Mr. Page was a member of the first Congress, under the new Constitution, and in 1822, succeeded Mr. Munroe, as Governor of Virginia, in which office he continued the constitutional term of three years.

At the age then of thirty-six, Mr. Jefferson, who had already so signalized himself as a legislator and jurist, was about to test his talents for executive duties. The period when he was thus called upon to act was one of peculiar difficulty. In the beginning of the year 1779, there was an evident relaxation, on the part of the states, from their former efforts to carry on the war. This was not owing to any cooling of their ardour in the cause of independence, nor yet to the continued pressure of heavy taxation; but to a too sanguine reliance on the recent treaty with France, as well as the known favourable dispositions of other European powers; and, naturally overrating their results, they considered the war as almost virtually terminated. The evil was not despondence, but too confident security. Congress partook somewhat of the popular languor which was thus produced, and the requisitions of General Washington met with a tardy and inadequate compliance. These untoward circumstances, as the Commander-in-chief had foreseen, were perceived by the enemy, and he determined to avail himself of them by a vigorous campaign in the South.

It was on this occasion that General Washington, in a letter to a friend in Virginia, thus expresses himself: "I have seen, without despondency, even for a moment, the hours which America has styled her gloomy ones; but I have beheld no day,

since the commencement of hostilities, when I have thought her liberties in such imminent danger as at present."

He afterwards adds, "let this voice, my dear sir, call upon you, Jefferson, and others. Do not, from a mistaken opinion, that we are to sit down under our vine, and under our own fig tree, let our hitherto noble struggle end in ignominy. Believe me, when I tell you, there is danger of it. I have pretty good reasons for thinking that the administration, a little while ago, had resolved to give the matter up, and negotiate a peace with us upon almost any terms; but I shall be much mistaken, if they do not now, from the present state of our currency, dissentions, and other circumstances, push matters to the utmost extremity. Nothing, I am sure, will prevent it, but the interruption of Spain, and their disappointed hope from Russia."

The British Commissioners, who conducted the war, having determined to transfer the theatre of its operations to the South, Georgia was accordingly invaded in the latter end of 1778, and reduced to submission. While the British were following up their success by marching into South Carolina, General Matthews made a descent on the south-eastern part of Virginia. But the object of this incursion, being merely plunder and the destruction of stores and shipping, began and ended in the month of May, before Mr. Jefferson's administration commenced. From that time, until 1781, Virginia seems not to have been the scene of active hostilities, and the military duties of the Governor had been limited to the raising and equipping the quota of troops which the state was required to furnish to the general army—duties of no very easy execution, at that period; but in the discharge of which, Governor Jefferson appears to have exhibited the requisite activity, judgment, and decision.

One of the first occasions in which he was called upon to exercise his executive functions, was to retaliate on some British prisoners the cruelties they were said to have stimulated the Indians to perpetrate on the western frontier, and had even practised themselves.

Some time in the previous year, an expedition had been proposed and undertaken by George Rogers Clarke, against a mili-

tary station at Vincennes, on the Mississippi, which, now a part of the state of Illinois, was then within the limits of the original charter of Virginia. Colonel Hamilton, the British Governor of Detroit, a brave and skilful officer, had made himself master of this fort in the December preceding; and having repaired the fortifications, he meant, in the spring, to get possession of Kaskaskias, another fort; and when joined by about 700 Indian warriors of the neighbouring tribes, to penetrate to Fort Pitt, sweeping Kentucky on his way; and he thus hoped to subjugate all the country comprehended under the name of West Augusta. Clarke, who seems to have been endowed with every military virtue and talent, having learnt that Hamilton had weakened his garrison, immediately formed the daring scheme of attacking him in Vincennes, before he was strengthened by his Indian allies; and his enterprise was crowned with complete success. With a hundred and thirty raw unpractised men, such as he was able to pick up, he marched, in the depth of winter, through woods, and swamps,* and hostile Indians, to the fort then commanded by Colonel Hamilton, and attacked it with so much vigour that the garrison, which had consisted of 79 regulars, surrendered themselves prisoners of war. Hamilton and two others he sent through Kentucky to Williamsburg, and they arrived soon after Mr. Jefferson had entered on the duties of his office.

It appears by the advice of the council on the subject of these prisoners, that according to the papers which had been sent on with them, Hamilton had incited the Indians to perpetrate their accustomed cruelties, without distinction of age, sex, or condition; that his treatment of American prisoners had been inhuman; and that he had offered "standing rewards for scalps," but none for prisoners. Charges of a similar character were alleged against the other prisoners, Dejean, a magistrate, and

* The difficulties of the march may be conjectured from the fact, that when within three leagues of the enemy, it took them five days to cross a piece of swampy land in the Wabash. They reached the fort in the evening, and, without waiting for rest or refreshment, immediately made the attack. The surrender took place on the evening of the next day.

Lamotte, a captain of volunteers; in consequence of which evidence, and the general ill-treatment which American officers, when in captivity, had occasionally experienced from the enemy, the Governor, by the advice of council, ordered that Hamilton and his associates should be put in irons, confined in the dungeon of the public jail, debarred the use of pen, ink and paper, and excluded from all converse, except with their keeper.

The confinement of Governor Hamilton in a dungeon, and in irons, was soon made a matter of complaint by General Phillips, the senior officer of the Convention troops, and such treatment was alleged to be equally unwarranted by the facts of this case, and by the usages of war in capitulations, generally. On the 17th of July, Mr. Jefferson wrote to consult General Washington on this point, and his answer, received in the Governor's absence, having advised a more lenient course, either on the ground taken by General Phillips, or on principles of general policy, the irons were accordingly taken off the prisoners, by order of the council. On Governor Jefferson's return to Williamsburg, the prisoners were offered their discharge on parole, on their engaging not to *say* or *do* any thing to the prejudice of the United States. As they refused the first part of the stipulation, and insisted on "freedom of speech," they were retained in jail. Hamilton's associates afterwards yielded, and gave the parole required, but he himself, persisting in his first refusal, continued in close confinement. Being afterwards advised by General Phillips to give the parole, he finally complied. In the following year he was allowed to go to New York.*

*Now that the feelings of national enmity have disappeared in better natures and subsided in the worst, we may be permitted to question the justice of the stigma which has been thus publicly affixed to the character of this British officer. It so happened that in my early youth I was acquainted with Governor Hamilton, and occasionally partaking of his hospitality, had frequent opportunities of seeing and knowing him. He was born in Ireland, was an educated, well-bred gentleman, possessed of a soldierly frankness and great liberality; and, though he had that decision and firmness which mark the military man, there was nothing to show that he wanted humanity. He always had the confidence of his government, and, after the war, was made governor, first of Bermuda, and afterwards

The course pursued towards Hamilton and his companions for some time threatened to produce embarrassment, and to aggravate the evils of captivity. The British at first declared that no officers of the Virginia line should be released until the case of Governor Hamilton was adjusted: and they proceeded to execute their threats on Colonel Willing, who was further charged with great cruelties at Natchez. As soon as information of this fact was received by the executive of Virginia, they stopped a flag of truce which was on the eve of setting sail with British prisoners to New York. In October, Governor Jefferson wrote to Colonel Mathews, an officer of the Virginia line, recently a prisoner in New York, and then at Williamsburg on

of Dominica. It may then be fairly presumed, that, in inciting the Indians to hostilities against the United States, he acted under the orders of his superiors, rather than from the impulse of any sanguinary or vindictive feelings of his own.

The above inference is strengthened by the following circumstances. 1. The despatches of Colonel Clarke make no mention of Hamilton's ill-treatment of prisoners, as they would naturally have done if his conduct had been as atrocious as was represented. 2. The charges against him were always denied by General Phillips, no doubt on the authority of Hamilton. 3. A fact stated by Colonel Clarke himself is inconsistent with the charge that Governor Hamilton "encouraged the Indians more to bring in scalps than prisoners," as he writes that, while he was attacking the fort, an Indian party came in with two prisoners. 4. Because the council, in their order, seem to be influenced by the general conduct of the British towards American prisoners still more than the special acts imputed to Hamilton. 5. Because I remember to have heard him, in a conversation with a gentleman, then a member of Congress from South Carolina, speak in terms of regret and reprobation of the unjustifiable severities, and even cruelties, which had been practised in the war on both sides; thereby showing, either that the particular charges against him were not true, in point of fact, or that he had acted in obedience to orders which he disapproved.

Governor Jefferson, however, finds ample justification in the course pursued towards Hamilton, not merely from his wish to protect the people on the frontier, whose complaints were loud against Hamilton, but because he acted by the unanimous advice of his council, and because Hamilton obstinately refused to accept his parole on the condition required, but insisted on "freedom of speech," which was not to be permitted to an enemy, one of whose modes of warfare was to excite disaffection in the slaves.

parole, stating the grounds of the severity that had been practised towards Hamilton, and denying that they furnished any ground of retaliation. He added that the executive of Virginia would pay constant attention to his situation and that of his fellow prisoners, and that the British officers and soldiers who were prisoners were pledges for their safety. The Governor at the same time wrote to General Washington, inclosing a copy of the preceding letter to Colonel Mathews, with a copy of the advice of council, which recommended retaliation on the British prisoners, and that a prison ship should be fitted up for the purpose. He adds: "I am afraid I shall hereafter, perhaps, be obliged to give your excellency some trouble in aiding me to obtain information of the future usage of our prisoners. I shall give immediate orders for having in readiness every engine which the enemy have contrived for the destruction of our unhappy citizens captured by them. The presentiment of these operations is shocking beyond expression. I pray heaven to avert them: but nothing in this world will do it,* but a proper conduct of the enemy."

On the 28th November, he again wrote to General Washington on the same subject, and requested him to communicate the treatment which Virginia prisoners received from the British.

Fortunately for the cause of humanity, and the national character of the parties, this policy, as foolish as it is barbarous, was not permitted to proceed further, and without doubt the course pursued by the executive of Virginia contributed to arrest it.

The next important measure which engaged the attention of Governor Jefferson, was his endeavour to extend and strengthen the territorial claims of Virginia to the west. After Spain undertook, in 1779, to be the mediator between the belligerents, there seemed to have been a general expectation in the United States that peace was at hand, and as the terms *uti possidetis* were deemed probable, Mr. Jefferson, with a view of securing

* This passage has been somewhat varied in Gerardin's continuation of the history of Virginia, p. 358.

the right of Virginia as far as the Mississippi, employed persons to ascertain, by observation, the point where the parallel of 36° 30′, the southern limit of Virginia, intersected that river, and to measure its distance from the mouth of the Ohio. As soon as the order was executed, Colonel Clarke was directed to select a strong position on the Mississippi, near the southern boundary of Virginia; there to establish a fort and garrison; and, in the mean time, to erect forts at different points towards the great lakes, which would answer the double purpose of taking possession of the country, and of affording it protection. Fort Jefferson, on the Mississippi, now within the limits of Kentucky, was thus erected. This measure at first gave offence to the Chickasaw Indians, but on hearing an explanation of its motives from Colonel Clarke, they became reconciled. In the execution of the rest of this duty, in a country occupied by Indian tribes, Clarke showed that his judgment and address was equal to his enterprise, by his succeeding in keeping the Indians at peace when it was practicable, and in playing off their hostilities against each other when it was not.

Although the claims of Virginia to the country north-west of the Ohio was thus gaining strength, from the rights of conquest in addition to those derived from her original charter, they were not suffered to pass undisputed by some of the other states, who insisted that all the lands, the title of which had originally been in the crown, and had never been alienated, were the common property of the confederation, by the right of conquest, inasmuch as the revolution had transferred the supreme power from the British sovereign to the United republic. This ground was supported with great earnestness and ingenuity on their part, and was warmly resisted by Virginia in a spirited remonstrance to Congress in the October session of 1779. But this delicate question was happily settled by a voluntary cession, from Virginia to the United States, of the country in dispute, on certain conditions, and the territory thus ceded comprehends the three flourishing states of Ohio, Indiana, and Illinois, which already contain more than twice as many white inhabitants as are in the state which ceded them.

Although, during the chief part of Mr. Jefferson's administration, Virginia was not the theatre of the war, and it raged far to the south or the north of the state, it must not on that account be supposed that the office of Governor was a sinecure, or that it did not afford him who held it ample opportunity of exhibiting the talents required for the executive functions of government. His situation called for the constant exercise of vigilance, forecast, judgment and decision, if in nothing else, in the shifts and expedients it was necessary to resort to for counteracting the difficulties, both physical and moral, which the states then encountered.

Virginia was not the less required to contribute her quota to the continental armies, because the enemy was not within her territory. Sometimes the difficulty of compliance consisted in procuring men, at others ammunition, or clothing or arms, and even wagons to transport them. "The want of money," as he remarked, "cramped every effort," and it was to be supplied by the most unpalatable of all substitutes, force—alluding to the practice of impressments. The difficulty of obtaining wagons seems surprising at this time, when that useful vehicle is to be met with in such numbers on all the high roads, unless we recollect that the population, little more than half what it is at present, was confined principally to the country below the falls of the rivers, where the bulky products of agriculture are carried to market chiefly by water. This inconvenience is frequently mentioned in his letters to the general officers.*

* Thus to General Gates he writes, in August, 1780:—"Finding that no great number of wagons is likely to return to us, we will immediately order as many more to be bought and sent on as soon as we possibly can. But, to prevent too great expectations, I must again repeat, that I fear no great number can be got." . . . "Tents, I fear, it is in vain to expect, because there is not in this country stuff to make them. We have agents and commissioners in constant pursuit of stuff, but hitherto researches have been fruitless." To General Stevens, in September, he says, "What is to be done for wagons I do not know. We have not one shilling in the treasury to purchase them. We have ordered an active quarter-master to go to the westward, and endeavour to purchase on credit, or impress, a hundred wagons and teams." To General Washington, in the same month, "We are still more destitute of clothing, tents and wagons, for our troops. The southern army suffers for provisions, which we could plentifully supply, were it possible to find means of transportation."

The commander-in-chief of the state, in short, instead of being confined to the duties of a general superintendence, sufficiently arduous at that time, was compelled to descend to those of a quarter-master and commissary.

The following letter to General Stevens is characteristic not only of the very embarrassing circumstances of the times, but also of the equality with which they were borne by all classes.

Richmond, September 15*th*, 1780.

Sir,

I beg leave to trouble you with a private letter on a little matter of my own, having no acquaintance at camp with whom I can take that liberty. Among the wagons impressed for the use of your militia, were two of mine. One of them I know is safe, having been on its way from hence to Hillsborough at the time of the late engagement. The other, I have reason to believe, was on the field. A wagon master, who says he was near it, informs me the brigade quarter-master cut out one of my best horses, and made his escape on him; and that he saw my wagoner loosening his own horse to come off, but the enemy's horse were then coming up, and he knows nothing further. He was a negro man, named Phill, lame in one arm and leg. If you will do me the favour to inquire what is become of him, what horses are saved, and to send them to me, I shall be much obliged to you. The horses were not public property, as they were only impressed, and not sold. Perhaps your certificate of what is lost may be necessary to me. The wagon master told me that the public money was in my wagon, a circumstance which perhaps may aid your inquiries. After apologizing for the trouble, I beg leave to assure you that I am, with great sincerity,

Your friend and servant,

Th: Jefferson.

But the time was now approaching when these supplies, which were procured with so much difficulty in Virginia, were wanted to defend the homes and firesides of her own citizens.

On the 22nd of October, the Governor received information that a British fleet had made its appearance in the Chesapeake, having on board about three thousand troops, commanded by General Leslie: that eight hundred men were landed in the neighbourhood of Portsmouth, and another party on the Bay side of Princess Anne. On the 23d, one thousand infantry were landed in the neighbourhood of Hampton, of which they took possession. The whole force was afterwards collected at Portsmouth. The executive lost no time in embodying as large a force as they could arm, but the number that could be properly equipped was very inadequate to the occasion. Preparations were also made for the immediate removal of the Convention troops into Maryland. General Lawson having just enlisted five hundred volunteers for the purpose of marching to the relief of South Carolina, this force was put in requisition; and General Stevens, moreover, prepared to return from the south to the defence of his native state.

The Governor suggested to General Washington, on the 3d of November, that the enemy had probably come with an expectation of meeting with Lord Cornwallis in Virginia, that his precipitate retreat had left them without a concerted object, and that they were waiting further orders. This conjecture was verified a few days afterwards, by an intercepted letter* from General Leslie to Lord Cornwallis, dated the 4th of November.

Leslie, having been disappointed in his expectation of a junction with Lord Cornwallis, in Virginia, suddenly left Portsmouth, and re-embarked for South Carolina.

In December, the gallant Clarke came to Richmond, then

* Governor Jefferson gives the following account of its discovery:—"It was taken from a person endeavouring to pass through the country from Portsmouth towards Carolina. When apprehended, and a proposal made to search him, he readily consented to be searched, but, at the same time, was observed to put his hand into his pocket and carry something towards his mouth, as if it were a quid of tobacco: it was examined, and found to be a letter, of which the enclosed is a copy, written on silk paper, rolled up in gold-beater's skin, and nicely hid at each end, so as not to be larger than a goose quill."

the seat of government, to solicit the means of undertaking his favourite expedition against Detroit, and the reasons which he urged in favour of the enterprise were so cogent, that it received the countenance of the Executive. As, however, the requisite military stores were not to be had in Virginia, the Governor made an application to General Washington for a part of those deposited at Fort Pitt; but before any further measures were taken, the whole attention and resources of the government were again demanded for the more imperious purposes of self-defence.

On the 30th of December, the Governor received information that twenty-seven sail of vessels were seen entering the Capes of Virginia the day preceding, and it being probable that this was the British armament which General Washington had, early in the month, apprized him was preparing in New York, General Nelson was immediately despatched to the lower country, and vested with large discretionary powers for calling out the militia and otherwise preparing for resistance, according to the exigency of circumstances. No intelligence was received on that day, but on the day after, it being ascertained that the fleet were proceeding up James River, the Governor made a requisition of half of the militia from the neighbouring counties to attend. On the same day the Legislature rose.

As the success and impunity of this predatory incursion have furnished Mr. Jefferson's enemies with a copious theme of censure, its details are given with a minuteness which the occasion would not otherwise deserve. The facts were published under his sanction, and have never been contradicted.

On the 3d of January, the fleet came to anchor at James Town, and on the 4th, it reached Westover, where about 900 men, but then supposed to be a much larger force, landed, under the command of the notorious Arnold, and proceeded on their march towards Richmond. Until then, it was not known whether that town or Petersburg was the object of attack. The Governor, on the same day, called out the *whole* of the militia from the adjacent counties, but having no means of present resistance, he endeavoured to secure that part of the public

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property which could be removed, by having it transported to the south bank of James River. Such of it as had been previously sent to Westham, six miles above Richmond, was also ordered to cross the river. That night the enemy encamped at Four-mile Creek, twelve miles below Richmond. At half after seven o'clock, at night, the Governor set out for Westham, and, having stopped to hasten the transportation of the arms and stores, he proceeded to join his family at Tuckahoe, eight miles farther, which place he reached after midnight.

The next morning, having taken his family across the river, and sent them to a place of safety, he rode down to Britton's, opposite to Westham, and gave further orders concerning the public property; the transportation of which had been continued through the whole night, and part of the next day, until the approach of the enemy. He then proceeded to Manchester, from whence he had a full view of the invading force. They had reached Richmond at one o'clock in the afternoon of that day, at which time there were only 200 militia, including those of the town, embodied.

The Governor wishing to advise with Baron Steuben, then commanding the new levies in the state, intended for the South, and which then amounted to 200 recruits, went to Chetwood's, his head-quarters, a few miles from Manchester, but learning he was at Colonel Fleming's, the Governor proceeded to that place, where he continued that night. While there, some of the citizens of Richmond waited on him, to tender an offer from Arnold not to burn the town, provided British vessels were permitted to come to it unmolested, and take off the tobacco there deposited. The offer was unhesitatingly rejected. As soon as Arnold reached Richmond, he sent a detachment under Colonel Simcoe to destroy the cannon foundry, above the town, which having done, they advanced to Westham; but finding that all the public property sent thither had been transported over the river, they returned to Richmond the same day. On the 6th, the Governor returned to Britton's, and having given orders respecting the public archives, rejoined his family in the evening at Fine Creek. The British, after burning some public

and some private buildings, as well as a large quantity of tobacco, left Richmond about twenty-four hours after they entered it, encamped at Fourmile Creek, and on the 7th, at Berkley and Westover; having thus penetrated thirty-three miles into the country from the place of debarkation; and completed their incursion, without loss, in forty-eight hours from the time of their landing. On the 7th, the Governor went to Manchester, where he remained that night, and the next day returned to Richmond.

On the evening of the 8th, the enemy detached a party of horse to Charles City Court House, where they surprised 150 militia, of whom they killed one, wounded three, and took seven or eight prisoners. On the 9th, they embarked their cavalry; on the 10th, their infantry, and began to descend the river.

The operations of the enemy were not confined to James River. Another detachment had ascended the Appomatox, as far as Broadway, but were there met by General Smallwood, with two or three hundred militia, and compelled to retreat. In the mean time, the militia were collecting on both sides of James River, under the direction of Baron Steuben; and it was hoped that the enemy might be cut off on their retreat, or at least be greatly annoyed; but the wind which had favoured their ascent, was equally propitious to them on their return. George Rogers Clarke volunteered his services on the occasion, and almost the only annoyance received by the British in this incursion was from him. On the evening of the 10th, in descending the river, Arnold, hearing that Baron Steuben was posted in the neighbourhood, landed a detachment of 300 men at Hood's, under Lieutenant-Colonel Simcoe. As soon as Steuben, then on his march down the south side of the river, and within nine miles of Hood's, was informed of their landing, he despatched Colonel Clarke to meet them, who succeeded in decoying a party of the enemy into the pursuit of a small number of his men, purposely exposed to their view, until they came up with his main body, which, by a single fire, killed seventeen, and wounded thirteen; but the British pressing on with fixed bayo-

nets, and Clarke's men being unpractised militia, badly armed, fled in confusion.

Arnold returned to Portsmouth on the 20th of January, intending to establish himself there; and by the arrival of three transports, which had been separated from him in a storm, his force now amounted to 2000 men. At the same time, the militia who were embodied, amounted to about 4000, divided into three encampments; one at Fredericksburg, under General Weedon, another near Williamsburg, under General Nelson, and a third at Cabin Point, under Baron Steuben.

The bare communication of the fact, that a force of 1000, or at most 1500 men, was able to invade a country, containing at that time a population of more than half a million, and 50,000 enrolled militia; march to its metropolis; destroy all the public and much of the private property found there, and in its neighbourhood; and to leave the country with impunity, is, at first, calculated to excite our surprise, and to involve both the people and those who administered its affairs in one indiscriminate reproach. But there seems to be little ground for either wonder or censure, when it is recollected that these 50,000 militia were scattered over a surface of more than as many square miles; that the metropolis, which was thus insulted, was but a village containing scarcely 1800 inhabitants, half of whom were slaves; and that the country itself, intersected by several navigable rivers, could not be defended against the sudden incursions of an enemy whose naval power gave it the entire command of the water, and enabled it to approach within a day's march of the point of attack.

In these details, it is not seen how Mr. Jefferson could have acted otherwise than he did, unless he had, on receiving the information from General Washington, immediately called out the militia. His reasons for not doing this, are thus stated by Mr. Gerardin,* and it is believed, under Mr. Jefferson's direct authority: "Intimations of a similar nature from the commander-in-chief, or Congress, had for some time past been almost

* History of Virginia, chap. viii.

constantly hanging over the heads of the Governor and Council. It had, therefore, become necessary for them to determine whether such intimations should be considered as sufficient ground, at all times, for calling the militia into the field, or that measures should be adopted only in the event of actual invasion. The financial embarrassments of the country, the ideas, habits, and dispositions of the people, decided in favour of the latter. A standing army of militia was deemed inexpedient, if not impracticable. Economy was now more necessary than ever, and inattention to it in the beginning, had gone far towards that ruin of the public finances, which strenuous and well-directed efforts might yet retrieve. At the same time the executive, thus warned by the commander-in-chief of a blow which might be aimed at them, awaited with watchful anxiety the full development of the enemy's views, resolved to act according as circumstances should require."

The difficulty of collecting a large body of militia, and still more of keeping them in the field, has always been found to be very great, whenever the experiment has been tried; and it was the greater on the present occasion, in consequence of the recent alarm from Leslie's incursion, and the ineffectual attempts then made, even after the enemy was at their doors, to embody any large force. Nor is it without reason that the same writer remarks, "had even the greater part of the population of Virginia been sufficiently armed, it is doubtful whether all her assailable points could have been secured from insult and injury, against an enemy in full possession of the command of the water. With an empty treasury, with scarcely any arms, with a formidable combination to oppose in the west, an advancing foe to meet in the south, and continual demands on her resources to answer in the north, it is no matter of surprise that she should not be fully prepared to repel this new invader from the east."

In addition to these arguments we may adduce the respectable testimony of the biographer of General Green, who thus vindicates Mr. Jefferson from the injustice which had been done him as Governor of Virginia: "Never did an officer of the

United States experience more cordial and zealous support than that which Green received at this time from Governor Jefferson. That the Governor's office in another quarter should have been less ready, less judicious, or less efficient, it is difficult to conceive. Every requisition of the commanding general was promptly complied with, the militia of the neighbouring counties ordered into the field, and several active and spirited measures pursued for replenishing Washington's corps of horse. Indeed, it is a well known fact, that his popularity was at this time greatly affected by charges of his having done too much; and if we suppose his efforts in other quarters to have been met with the same querulous spirit, it is not difficult to assign a cause why there was not sufficient preparations made for repelling the incursions of Arnold."

The capture of this arch traitor had been a favourite object in America, from the time of his defection; and two modes of getting possession of his person had been suggested. One, by a few individuals, who, making a sudden incursion into his camp, might secure him, and carry him off; and the other, by blockading him both by sea and land, and thus compelling a surrender of his whole force. Mr. Jefferson, conceiving that while he was stationed at Portsmouth the first plan might be practicable, wrote to General Muhlenburg to select men for that purpose, and at the same time offer them a reward of five thousand guineas in the event of success. But Arnold's circumspection made the scheme impracticable. The same plan had previously suggested itself to General Washington, and was attempted, but failed.

The other plan was also attempted by him, while Arnold was at Portsmouth, but was attended with no better success. The French fleet was then in Newport, Rhode Island, and retained there by the superiority of the British naval force lying at the east end of Long Island. But several of the British ships having been destroyed in a tempest, a favourable opportunity was presented for the French fleet to come out and co-operate with the militia in capturing the forces at Portsmouth, of which General Washington urged the French commander to take ad-

vantage with his whole force. But Admiral Destouches, having been misinformed on this point, thought proper to send only a detachment of his force, which was inadequate to the object; and the English fleet being refitted soon afterwards, it was not safe for Destouches to venture out. But he being subsequently rejoined by the squadron first sent out, it was determined to repeat the attempt with the whole fleet, and they accordingly left Newport on the 8th of March. They were overtaken by Arbuthnot with the British fleet off Cape Henry, with which they had an engagement, that made it expedient to return to Newport; and thus was this second attempt defeated.

On the 26th March, General Phillips joined Arnold at Portsmouth with two thousand troops, and took the command, to the great relief of the army, who felt no respect for Arnold. At this time the state of Virginia was lamentably deficient in the means of defence. There were, indeed, men enough for the occasion, but the means of arming and equipping them were unattainable. There were neither arsenals, nor the means of manufacturing either arms or ammunition. In a letter from the Governor to the Virginia delegation in Congress he writes, January the 18th, 1781: "If there be a rock on which we are to split, it is the want of muskets, bayonets, and cartouch boxes;" and to General Washington on the 8th February: "The fatal want of arms puts it out of our power to bring a greater force into the field than will barely suffice to restrain the adventures of the pitiful body of men they have at Portsmouth." Hitherto the want of money had been supplied by the ready expedient of paper; but this paper being unredeemed, and, consequently, constantly increasing in quantity, was as constantly decreasing in value; and now the depreciation had become so great, and increased so rapidly, that the public revenue was far in the rear of the public necessities, and the treasury was in a fair way to be soon exhausted.

In this state of imbecility, as well known to the enemy as to themselves, Phillips and Arnold ascended James River on the 18th of April, with 2500 men. They landed below Williamsburg, which they entered on the 20th, and destroyed some pub-

lic property there, at York, and other places in the vicinity, re-embarked on the 22nd, and on the 24th they landed at City Point, at the mouth of the Appomatox, and the next day marched up to Petersburg. They here met with a check from Steuben with 1000 men, but he was compelled to retreat twelve miles, and wait for reinforcements. At Petersburg they destroyed a large quantity of tobacco there deposited, and some small vessels. Then dividing their forces, Phillips marched to Chesterfield Court House, where he destroyed the barracks, and some flour; while Arnold proceeded to Osborne's, where he destroyed the tobacco there deposited. A small marine force was stationed in the river, but finding it was about to be attacked by artillery, the crews set fire to the vessels, and escaped to the opposite bank. At Warwick, Phillips and Arnold again united their forces, and marched to Manchester, where they destroyed a large quantity of tobacco. They would have crossed over to Richmond, had not the arrival of La Fayette there the day before deterred them. They then returned to Warwick, where they destroyed the tobacco, the warehouses which contained it, several mills, a rope-yard, together with the flour and shipping they found there.

From Warwick they descended the river, but when they had proceeded below Burwell's Ferry, in consequence of tidings received from Portsmouth, they re-ascended the river as far as Brandon, where the army disembarked on the 7th of May, and on the 9th marched into Petersburg. La Fayette, who was stationed between Chickahominy and Pamunkey rivers, having apprehended that Richmond was the object of attack, immediately repaired thither for its defence. When, however, the British landed at Brandon, conjecturing that a junction was to be effected between Cornwallis and Phillips at Petersburg, he continued his march to that town, but found it, on his approach, in the possession of the enemy. His force being inferior, he marched back to James River, which he re-crossed at Wilton. No time was lost in removing the military stores at Richmond to different points higher up the river, but principally to Albemarle Old Court House. La Fayette determined to remain on

the north side of James River, until he should be reinforced by accessions of Virginia militia, and by some troops from Pennsylvania which he had reason to expect.

It having been a common practice with the British to attempt to lay the inhabitants of the country through which they marched under parole, whereby they aimed to take away all means of future resistance, the Governor issued a proclamation, requiring those persons who had given such paroles, "to repair to some of the posts or vessels of the enemy, and by surrender of their persons to cancel such engagements; and not to rejoin the Commonwealth until they were free to act as becomes good citizens." This produced, to a great extent, the desired effect.

During this invasion, a question of etiquette arose between Governor Jefferson and General Phillips, which is no otherwise important except as it throws light on the character of the parties, and the temper with which the war was conducted. The Governor, having only the copy of a passport for a vessel allowed to carry supplies to those Virginians who were prisoners in Charleston, wrote to General Phillips for an *original passport.* The General directed his answer, "*To Thomas Jefferson, Esq., American Governor of Virginia.*" Mr. Jefferson, unwilling that the prisoners should suffer from a mere point of punctilio, opened the letter; but took occasion soon afterwards, in writing to Phillips in a case in which their relative situations were reversed, to address him as "*William Phillips, Esq., Commanding the British forces in the Commonwealth of Virginia.*" He, at the same time, wrote to Captain Gerlach, the flag master, that the Convention troops in Virginia, "should perish for want of necessaries, before any should be carried to them through this state, till General Phillips either swallowed this pill of retaliation, or made an apology for his rudeness." By the death of this officer soon afterwards, the command again devolved on Arnold, who retained it until it was superseded by Lord Cornwallis's arrival at Petersburg.

The necessity of making further preparations for the public defence, and an exhausted treasury, induced the Governor to

convene the Assembly on the 1st of March. In his opening message, after a disclosure of the public necessities, he gave a detailed account of the recent invasion. The Legislature made provision for raising two legions, of six companies of infantry and one troop of horse, each. They subjected the militia to the rules of the Continental service, and martial law was established within twenty miles of the American and the British camp. The Governor was empowered to call out such numbers of the militia as should be required; to make impressments of provisions, horses, boats; and to apprehend disaffected persons; and additional encouragement was given to the recruiting service. But it was found necessary to resort to further emissions of paper, and accordingly the Treasurer was authorized to issue twenty millions of dollars in bills, redeemable in 1792, and the Governor, five millions more. But conscious of the insufficiency of this expedient, the law had allowed a certain quantity of tobacco to each officer, in lieu of salary. The legislature then adjourned to the 7th of May; but in consequence of the danger with which Richmond was threatened by Phillips and Arnold, they on the 10th of May adjourned to the 24th, to meet at the village of Charlottesville.

Lord Cornwallis, having crossed James River, at Westover, was, on the 26th of May, proceeding towards Richmond, then occupied by La Fayette, with 300 men, militia included. The force of the enemy was estimated at 7000 men. Mr. Jefferson writes to General Washington on the 28th: "A number of privateers on the rivers prevent us from receiving any aid from the counties lying on navigable waters; and powerful operations meditated against our western frontier, by a joint force of British and Indian savages, have, as your Excellency before knew, obliged us to embody between two and three thousand men in that quarter." And regarding the situation of the state as one of great danger, he adds: "Were it possible for this circumstance to justify in your Excellency a determination to lend us your personal aid, it is evident, from the universal voice, that the presence of their beloved countryman, whose talents have so long been successfully employed in establishing the freedom of

kindred states, to whose person they have still flattered themselves they retained some right, and have ever looked up, as their dernier resort in distress, would restore full confidence of salvation to our citizens, and would render them equal to whatever was not impossible."

In this letter, he signifies his intention of retiring from the office of Governor, in pursuance of a long declared resolution. A number of the members of the Legislature, sufficient to elect a speaker, did not attend until this day; and three days afterwards his office expired. He states in his Memoirs that he resigned, or rather declined a re-election, "from a belief, that under the pressure of the existing invasion, the public would have more confidence in a military chief, and that the military commander being invested with the civil power also, both might be wielded with more energy, promptitude and effect, for the defence of the state."

La Fayette, unable to contend with the superior force under Cornwallis, marched to the upper country, as soon as the enemy had crossed James River. But Lord Cornwallis, having provided his army with a great number of the best horses in Virginia, relied so much on being able to overtake La Fayette, by the means of rapid movement thus furnished, that he wrote to a friend in England, "the boy cannot escape me." Having, however, penetrated into the interior, without coming nearer the American army, he abandoned the pursuit, and turned his attention to minor objects. One of these was the destruction of the military stores deposited at the Point of Fork, fifty miles above Richmond; and another, was an attempt to capture the members of the Legislature, then sitting in Charlottesville, and to seize on the person of the Governor. The two last objects were confided to Colonel Tarlton, with 250 men; and so rapid were his motions, that, but for an accident, he must have succeeded. A gentleman who was in the neighbourhood of the British army, and who suspected Tarlton's object, was able, by means of a fleet horse, and a nearer road, to give two hours notice of his approach.* As it was, all the members of the

* Another accident contributed to defeat Colonel Tarlton's purpose.

Assembly, except seven, effected their escape, and re-assembled on the 7th of June, at Staunton, about forty miles west of Charlottesville. Tarlton, hearing that there were many gentlemen of the lower country then at the houses of Dr. Walker, and Mr. John Walker, which lay near his route, for a moment lost sight of his principal object, and resolved to make them prisoners. He accordingly divided his force, and sent a part to Mr. John Walker's, while he himself stopped at the house of Dr. Walker. Several gentlemen were here made captives.

When Tarlton approached within ten miles of Charlottesville, he detached a party of horse, under captain M'Leod, to Monticello, to seize Mr. Jefferson. But he had, about sunrise, received the intelligence of Tarlton's approach. Several members of the Legislature, including the speakers of both houses, were then his guests, and they hastened to Charlottesville to adjourn the Legislature. Mrs. Jefferson and her three children hurried off in a carriage to Colonel Edward Carter's, about six miles to the south. Mr. Jefferson followed afterwards on horseback, and had not left his house ten minutes before the British entered it. His property, books, and papers, were all respected, with the exception of the waste which was committed in his cellars, by a few of the men, without the knowledge of the commanding officer. Tarlton entered Charlottesville on the 4th of June, four days after Mr. Jefferson's term of office expired. He, on the next day, rejoined Lord Cornwallis, who had established his head-quarters at Elk Hill, a plantation near

The following facts are stated on the authority of a gentleman who received them from Dr. Walker himself. On Tarlton's arrival at his house, he had ordered breakfast to be prepared for the Colonel and the officers; but the operations of the cook appearing to be unusually tardy, and his guest manifesting great impatience, he went to the kitchen himself to inquire the cause of the delay; and was there told by the cook that he was then engaged in preparing *the third breakfast*, the two first having been taken from him by some of Colonel Tarlton's men; on which the Doctor told his guest, that if he wished for breakfast, he must place a guard of soldiers to protect the cook, which was accordingly done. The time that was thus lost, it appeared, on comparing notes afterwards, saved the delegates from capture.

the Point of Fork belonging to Mr. Jefferson. Here every sort of wanton mischief was perpetrated. Besides making a free use of the cattle, and carrying off all the horses fit for service, as was to be expected, the throats of the young horses were cut, the growing crops of corn and tobacco were destroyed, those of the preceding year, together with the barns which contained them, and all the fences on the plantation were burnt. Other plantations shared a similar fate, though not to the same extent. Thirty thousand slaves were taken from Virginia by the British in these invasions, of whom twenty-seven thousand were computed to have died of the small pox, or camp fever. The whole amount of property carried off and destroyed, during the six months preceding Cornwallis's surrender, has been estimated at 3,000,000*l.* sterling.

CHAPTER VII.

Public discontents in Virginia. Clamours against Governor Jefferson. He is threatened with impeachment. The charges against him canvassed. His vindication. Writes the notes on Virginia. Character of that work. Is elected to the Legislature. Invites an investigation into his conduct. The Legislature unanimously vote him their thanks. Is apointed an Envoy to negotiate peace. Declines. The death of Mrs. Jefferson. His appointment renewed and accepted. His embarkation prevented by the news of peace. Is elected to Congress. Recommends a common money of account—adopted by Congress. Plan of a standing Executive Committee—its failure. General Washington resigns his command. Abuses of debate in deliberative bodies. Debate on the ratification of the Treaty of Peace—its final ratification. The committees of which he was a member. His report on the foreign relations of the United States. The Cincinnati Association—it becomes an object of jealousy. General Washington consults Mr. Jefferson on this subject. His views. Its dissolution.

1781—1784.

The depredations of the enemy, vexatious and often ruinous to individuals, produced the ordinary effect of complaint against those who had charge of the public defence, and especially against the Governor. He was held accountable for the national loss and disgrace, which were mainly attributable to the state of the country, and for which the blame, if any was merited, ought to have been shared by all. The Legislature, which met in Staunton, smarting under the mortification of being twice driven from their place of sitting, fell in with the popular clamour, and, under the feelings of the moment, Mr. George Nicholas, a member from Albemarle, proposed the impeachment of Mr. Jefferson, and a day was appointed at the succeeding session for a hearing.

The proceedings on this occasion seems to have been conducted very loosely, and no vote was taken on the question which might indicate the sentiments of the majority, as the hearing was appointed with the concurrence of Mr. Jefferson's friends, to give him an opportunity of repelling the accusation.

Mr. Jefferson has suggested that this measure in the Legislature was connected with another entertained some time before, which was to appoint a Dictator, during the invasion of Cornwallis; that the project was supported by many of the members; and that they had fixed on Governor Henry as the proper person for that office. This fact has been denied, and there seems to be no other evidence of it than that which is to be found in the recollections of the rumours of the day, or in those traditionary accounts which have a similar foundation; yet, it having been attested by several who were members, and denied by no one who had the same opportunity of knowing the fact, it ought not now to be questioned. It is known that this project had been previously entertained in a moment of disaster and gloom, in the latter end of 1776; that Mr. George Mason went so far as to declare in the house of Delegates, that "it might be necessary to give unlimited power for a limited time;" and that Mr. Henry was believed to be the person whom its supporters then also had in view. His biographer gives countenance to the probability of both these projects, and only denies Mr. Henry's agency in suggesting them.

Supposing this scheme to have been entertained by some individuals, there seems to be no good ground for imputing to Mr. Henry any participation in the attack on Mr. Jefferson; but it is probable that both the impeachment and dictatorship originated in that state of alarm, and consequent desire of change, which the public disasters would naturally produce, and that so favourable an occasion called forth all the private enmity which might have been previously rankling in the minds of many against Mr. Jefferson, and which more than one of his public acts was known to have caused. Hitherto, he had escaped the open assaults of hostility; but without doubt it was because he had

afforded no fit occasion to his enemies, rather than that he had none. No man can act a conspicuous part in the public concerns of his country, without making enemies, as well as friends. If no other cause exist, his very merits and success will excite the envy of his competitors. But, in addition to this, he can scarcely avoid opposing, in his course, measures which others have found profitable, or have honestly believed salutary, and thus patriotism concurs with rivalry and self-love, to draw down upon him a degree of ill-will, in proportion to the sphere of his activity. The unanimity with which the people of Virginia had resisted the unwarranted pretensions of Great Britain, and the sense of common danger, had produced more than ordinary harmony hitherto among her public men. Yet it is easy to see that the demon of civil discord had not been utterly idle, and that he had found fit materials for his purpose before the war had terminated. Mr. Henry, for a time, had his partizans and opponents. General Washington always had his; and while Mr. Jefferson was Governor, it appeared that he also was not without his share. He had been instrumental in several public measures which materially affected private interests. It was he who first proposed to remove the seat of government from Williamsburg to Richmond, a change which occasioned an immediate loss to those who held property in the former capital,* and which, on other accounts, was unacceptable to many citizens of the lower country. The blows successfully levelled at the aristocracy of the country, in the fundamental changes which have been mentioned, gave offence to some, from their motive, as well as their tendency. And lastly, the friends of the established church saw in him their most decided and uncompromising opponent. With all these motives to hostility, it was to be expected that his conduct, while Governor, would be scanned with jealous circumspection, and that any errors he

* Twenty years after the removal of the seat of government, traces of resentment and ill-will to Mr. Jefferson, from this source, might be distinctly seen in the "Old City," and its vicinity; and, although the gale of his popularity, then at its height, readily dispelled the smoke from these petty fires, it was continually rising.

might have committed, would be uncandidly magnified, and unsparingly censured.

The grounds on which he was arraigned before the bar of public opinion, for he was never required to answer before any other tribunal, were these: that he had not put the country in a state of preparation and defence, as soon as he received the information from General Washington of the meditated invasion: that, after the invasion, he did not use the means of resistance which the country then possessed: that he too much consulted his personal safety, when Arnold first entered Richmond, by which others were dispirited and discouraged: that he ignominiously fled from Monticello to the neighbouring mountain, on Tarlton's approach to Charlottesville: and that the office of Governor, which he had once prevented a fit person from filling, he had voluntarily abandoned, as soon as it became one of difficulty and danger.

There is not one of these charges, which, if it be examined in a spirit of candour, does not admit of a satisfactory refutation —not one on which he has not long since been acquitted by the great mass of his countrymen. Personal ill-will, and yet more party rancour, though refuted are not always silenced, and while Mr. Jefferson was President, these charges were revived and reiterated through the opposition papers. It was in answer to one of these attacks in 1805, that a formal vindication was prepared by himself, and published anonymously. In the following extract from this paper, the reader may see his own defence against the principal charges in his own words: having given a circumstantial narrative of Arnold's incursion in January, 1781, to which that already presented to the reader strictly conforms, it thus proceeds:

"Soon after this, General Phillips having joined Arnold with a reinforcement of 2000 men, they advanced again up to Petersburg, and about the last of April, to Manchester. The Governor had remained constantly in and about Richmond, exerting all his powers for collecting militia, and providing such means for the defence of the state as its exhausted resources admitted. Never assuming a guard, and with only the river

between him and the enemy, his lodgings were frequently within four, five or six miles of them."

"M. de La Fayette, about this time, arrived at Richmond with some continental troops, with which, and the militia collected in the neighbourhood, he continued to occupy that place, and the north bank of the river, while Phillips and Arnold held Manchester and the south bank. But Lord Cornwallis, about the middle of May, joining them with the main southern army, M. de La Fayette was obliged to retire. The enemy crossed the river, and advanced up into the country, about fifty miles, and within thirty miles of Charlottesville, at which place the Legislature being to meet in June, the Governor proceeded to his seat at Monticello, two or three miles from it. His office was now near expiring—the country under invasion by a powerful army—no services but military of any avail—unprepared by his line of life and education for the command of armies, he believed it right not to stand in the way of talents better fitted than his own to the circumstances under which the country was placed. He, therefore, himself proposed to his friends in the Legislature, that General Nelson, who commanded the militia of the state, should be appointed Governor, as he was sensible that the union of the civil and military power in the same hands, at this time, would greatly facilitate military measures. This appointment accordingly took place on the 12th of June, 1781."

After narrating the particulars of Tarlton's attempt to surprise him at Monticello, he thus comments on the charge which his enemies had founded on that enterprise: "This is the famous adventure of Carter's mountain, which has been so often resounded through the slanderous chronicles of federalism. But they have taken care never to detail the facts, lest these should show, that this favourite charge amounted to nothing more than that he did not remain in his house, and there singly fight a whole troop of horse, or suffer himself to be taken prisoner. Having accompanied his family one day's journey, he returned to Monticello. Tarleton had retired after eighteen hours stay in Charlottesville. Mr. Jefferson then rejoined his family, and

proceeded with them to an estate he had in Bedford, about eighty miles south-west, where, riding on his farm, some time after, he was thrown from his horse, and disabled from riding on horseback for a considerable time. But Mr. Turner finds it more convenient to give him this fall, in his retreat before Tarleton, which had happened some weeks before, as a proof that he withdrew from a troop of horse with a precipitancy which Don Quixotte would not have practised.

"The facts here stated most particularly, with date of time and place, are taken from the notes made by the writer hereof, for his own satisfaction at the time—the others are from memory, but so well recollected, that he is satisfied there is no material fact misstated. Should any person undertake to contradict any particular, on evidence which may at all merit the public respect, the writer will take the trouble (though not at all in the best situation for it) to produce the proofs in support of it. He finds, indeed, that of the persons whom he recollects to have been present on the occasions, few have survived the intermediate lapse of four and twenty years. Yet he trusts that some, as well as himself, are yet among the living; and he is positively certain that no man can falsify any material fact here stated. He well remembers, indeed, that there were then, as there are at all times, some who blamed every thing done contrary to their own opinion, although their opinions were formed on a very partial knowledge of facts. The censures which have been hazarded by such men as Mr. Turner, are nothing but revivals of these half-informed opinions. Mr. George Nicholas, then a very young man, but always a very honest one, was prompted by these persons to bring specific charges against Mr. Jefferson. The heads of these, in writing, were communicated through a mutual friend to Mr. Jefferson, who committed to writing also the heads of justification on each of them. I well remember this paper, and believe the original of it still exists; and though framed when every real fact was fresh in the knowledge of every one, this fabricated flight from Richmond was not among the charges stated in this paper, nor any charge against Mr. Jefferson for not fighting, singly, the troop of horse.

Mr. Nicholas candidly relinquished further proceeding. The House of Representatives of Virginia pronounced an honourable sentence of entire approbation of Mr. Jefferson's conduct, and so much the more honourable, as themselves had been witnesses to it. And Mr. George Nicholas took a conspicuous occasion afterwards, of his own free will, and when the matter was entirely at rest, to retract publicly the erroneous opinions he had been led into on that occasion, and to make just reparation by a candid acknowledgment of them."

While Mr. Jefferson was confined at Poplar Forest, his estate in Bedford, in consequence of the fall from his horse, and was thereby incapable of any active employment, public or private, he occupied himself with answering the queries which Mons. de Marbois, then secretary of the French Legation to the United States, had submitted to him respecting the physical and political condition of Virginia; which answers were afterwards published by him, under the title of "Notes on Virginia." When we consider how difficult it is, even in the present day, to get an accurate knowledge of such details in our country, and how much greater the difficulty must have then been, we are surprised at the extent of the information which a single individual had been thus able to acquire, as to the physical features of the state—the course, length and depth of its rivers; its zoological and botanical productions; its Indian tribes; its statistics and laws. After the lapse of more than half a century, by much the larger part of it still gives us the fullest and most accurate information we possess of the subjects on which it treats. Some of its physical theories are indeed in the rear of modern science; but they form a small portion of the book, and its general speculations are marked with that boldness, that utter disregard for received opinions, which always characterized him; and the whole is written in a neat flowing style, always perspicuous, and often peculiarly apt and felicitous.

The Ex-Governor was soon after elected a member of the General Assembly, from the county of Albemarle, with Mr. George Nicholas, and as this gentleman had urged the impeachment against him, in the previous session, Mr. Jefferson applied

to him, through a mutual friend, for the charges intended to be alleged against him, and having obtained them, he, through the same friend, stated his grounds of defence. It is worthy of remark, that among these charges, "the flight" from Richmond and from Monticello, the favourite grounds of party censure many years afterwards, were not included. When the Legislature met in December, Mr. Jefferson, with the boldness of conscious integrity, rose, and expressed his readiness to meet any accusation that might be preferred against him. None was made; and in a short time afterwards, 19th of December, 1781, the following resolution passed unanimously:

"Resolved, That the sincere thanks of the General Assembly be given to our former Governor, THOMAS JEFFERSON, Esq., for his impartial, upright, and attentive administration, whilst in office. The Assembly wish, in the strongest manner, to declare the high opinion which they entertain of Mr. JEFFERSON'S ability, rectitude, and integrity, as a chief magistrate of this Commonwealth, and mean, by thus publicly avowing their opinion, to obviate and to remove all unmerited censure."

There is indeed nothing in the preceding resolution to repel the charge of a want of military talents in Mr. Jefferson; but this was a merit to which he never made pretension, and indeed the want of it was the avowed motive for his withdrawing from the office. It shows, however, that the Assembly were satisfied that he had not in any part of his administration acted culpably, as his enemies have alleged, and had he not been unjustly accused, or had there even been colour for any of the charges, it may be fairly presumed that some member would have been found ready to express his dissent, or at least to propose some modification of the resolution. Nor can it be supposed that Mr. George Nicholas, always distinguished for his firmness, as well as integrity, would have publicly retracted his former charges, if he had not been thoroughly convinced of their injustice.*

The year Mr. Jefferson was first elected Governor, he was

* It has been further objected, that the resolution of the Legislature is not exculpatory, because it is silent as to the charges of misconduct

also appointed one of the visiters of William and Mary College, in which capacity he effected an important change in the institution, by abolishing the grammar school attached to it, the two professorships of divinity, and that of oriental languages, and by substituting a professorship of law and police, one of anatomy, medicine and chemistry, and one of modern languages. But none of these changes proved permanent, except the professorships of law, and of modern languages.

Mr. Jefferson was, on the 15th of June, 1781, associated by Congress with Mr. Adams, Dr. Franklin, Mr. Jay, and Mr. Laurens, as ministers plenipotentiary for negotiating peace, which was then expected to take place through the mediation of Russia. He was obliged to decline the appointment, from the same family considerations which had operated to prevent his acceptance of a similar mission in 1776. It seems that the expected mediation of Russia never took place; and, in the mean time, the surrender of Lord Cornwallis, at York, on the 19th of October, 1781, having rendered the cause of Great Britain in America hopeless, and Congress having in the next year received intimations of a favourable temper on her part, the appointment of Mr. Jefferson was renewed in November, and

which had been brought against Mr. Jefferson. But even this cavil cannot avail his enemies, as those charges are expressly mentioned in the resolution which passed the house of delegates, and are made the avowed motive of the vote of approbation. It is in these words:

"*Resolved,* That the sincere thanks of the General Assembly be given to our former Governor, Thomas Jefferson, Esquire, for his impartial, upright, and attentive administration *of the powers of the executive,* whilst in office; *popular rumours gaining some degree of credence by more pointed accusations, rendered it necessary to make an inquiry into his conduct, and delayed that retribution of public gratitude so eminently merited; but that conduct having become the object of scrutiny, tenfold value is added to the approbation, founded on a cool and deliberate discussion.* The Assembly wish, therefore, in the strongest manner, to declare the high opinion which they entertain of Mr. Jefferson's ability, rectitude and integrity, as chief magistrate of this Commonwealth, and mean, by thus publicly avowing their opinion, to obviate *all future,* and to remove all *former* unmerited censure."

The preceding resolution passed the house unanimously, but was amended in the Senate, by striking out the words in italics, so as to improve the form, without affecting its substance.

was now accepted. His motive for acceptance he thus explains: "I had about two months before lost the cherished companion of my life, in whose affection, unabated on both sides, I had lived the last ten years in unchequered happiness." The character he uniformly supported in all the other domestic relations, his remarkable suavity of temper, and kindness of feeling in private life, give us assurance that this was not an exaggerated view of his connubial felicity.

Of his sensibility on this mournful occasion, and of his tender and affectionate attentions to the deceased, in her last illness, we have the following touching picture from one* who had the best opportunity of knowing them:

"As a nurse, no female ever had more tenderness or anxiety. He nursed my poor mother, in turn, with aunt Carr and his own sisters; sitting up with her, and administering her medicines and drink to the last. For four months that she lingered, he was never out of calling. When not at her bed side, he was writing in a small room that opened immediately at the head of her bed. A moment before the closing scene, he was led from the room almost in a state of insensibility by his sister Mrs. Carr, who, with difficulty, got him into his library, where he fainted, and remained so long insensible, that they became apprehensive he never would revive. The scene that followed, I did not witness; but the violence of his grief, (when, by stealth, I entered his room at night,) I dare not trust myself to describe. He kept his room three weeks, during which I was never a moment from his side. He walked almost incessantly, night and day, lying down only occasionally, when nature was completely exhausted, on a pallet, that had been brought in during his long fainting fit. My aunts remained constantly with him for some weeks, I do not remember how many. When, at last, he left his room, he rode out, and from that time he was incessantly on horseback, rambling about the mountain, in the least frequented roads, and just as often through the woods. In those melancholy rambles, I was his constant companion, a solitary

* Mrs. Randolph, who has favoured me with many interesting particulars, in answer to my inquiries, and who, I trust, will excuse me for conveying the interesting facts she relates in her own language.

witness to many a violent burst of grief; the remembrance of which has consecrated particular scenes of that lost home beyond the power of time to obliterate."*

He left Monticello on the 19th of December, 1782, and in eight days reached Philadelphia, a distance now travelled, by the ordinary means of conveyance, in thirty-six hours. It was his intention to embark at that place, but the French minister, Luzerne, offered him a passage in the Romulus frigate, which was then lying below Baltimore, blocked up by the ice. He accepted the offer, and, in awaiting the time of her sailing, employed a month, with his wonted industry, in looking over the papers in the office of State, for the purpose of acquiring a more intimate knowledge of our foreign relations. He then went to Baltimore, and having waited there a month longer, information was received that a provisional treaty of peace had been signed by the American commissioners on the 3d of September, to become absolute on the conclusion of peace between France and Great Britain. On receiving this intelligence, Mr. Jefferson went back to Philadelphia, and being released from his mission, now no longer needed, he returned to Virginia, and reached home on the 15th of May, 1783.

* In the burying place at Monticello, by the side of the granite obelisk, lately erected to Mr. Jefferson himself, may be seen a marble slab which covers the remains of this lady, and on which are inscribed the following Greek lines:

Εἰ δὲ θανόντων αὖτε καταλήθοντ' ἐν Ἀΐδαο,
Αὐτὰρ ἐγὼ κἠκεῖθι φίλης μεμνήσομ' ἑταίρης.

The lines are taken from that part of Achilles's speech, over the dead body of Hector, in the 22nd book of the Iliad, in which, after saying that he will never forget Patroclus while he has life; he adds, "and though spirits in a future state be oblivious of the past, he will even there remember his beloved companion."

A Greek epitaph wears the appearance, at first sight, of an ostentation of learning, on a most inappropriate occasion; but such a censure is inconsistent not only with Mr. Jefferson's general character, but also with the fact, that few persons of his day, to whom the classics were familiar, quoted them so seldom. We may, therefore, with more probability refer the singularity to some refinement of delicacy, which, in paying a tribute to the memory of the deceased, sought to veil the expression of his feelings from indiscriminate observation.

On the 6th of the following month, the Legislature again appointed him a delegate to Congress, to take effect from the 1st of November. Thus affording a further proof, if further proof were wanted, that the Legislature did not deem his conduct, as Governor, in any respect censurable, for if they had, they would not so soon have taken occasion to confer on him this new mark of their confidence. He left Monticello on the 16th of October, arrived at Trenton on the 3d of November, and took his seat on the 4th; on which day Congress adjourned to the 26th, to meet at Annapolis, the seat of government of Maryland.

Already had the zeal which once animated the members of this body so cooled, that a majority of the states, which, by the articles of confederation, was necessary to constitute a quorum, even for minor concerns, did not assemble till the 13th of December, eighteen days after the time appointed by adjournment. One of the first subjects which seemed to engage Mr. Jefferson's attention this session, was that of a national money. From causes that were partly local, but principally from the inadequate supply of the precious metals which is always experienced in new colonies, their currency, nominally the same as that of the mother country, had generally depreciated, and when it became stationary, the depreciation greatly varied among the states. Thus, 100*l.* sterling, or money of Great Britain, was equivalent in New England and Virginia to $133\frac{1}{3}$*l.* In Pennsylvania, Jersey, Maryland and Delaware, to $166\frac{2}{3}$*l.* In New York and North Carolina, to $177\frac{7}{9}$*l.* In South Carolina and Georgia, to $103\frac{3}{7}$*l.* It was, therefore, desirable to provide a money unit, which being adopted by all the states, would facilitate their commercial intercourse, save time, and favour accuracy.

The attention of Congress had been called to the subject in January, 1782, and it had been referred to the public financier, Robert Morris, who, together with his assistant, Mr. Gouverneur Morris, had made an elaborate report, showing the denominations of money in the several states; the value of foreign coins in circulation; and the importance of a general standard value,

as well as of a money unit. He proposed for that unit 1-1440 of a dollar, which would be a common measure of the penny of every state, without leaving a fraction. The subject was resumed at the succeeding session in April, 1783; but nothing was done. It was again taken up at the present session, and referred to a committee, of which Mr. Jefferson was a member. He prepared some notes on the subject, in which he objected to Mr. Morris's money unit, 1440, for a dollar, as inconvenient by the great number of figures required to express it, and by its making calculations more laborious. He, therefore, proposed in its stead the dollar as the unit, and other coins, so related to this as to be adapted to the decimal arithmetic. These notes were submitted to Mr. Morris, to which he replied, adhering to his first plan, except so far as to make his unit equal to a hundred of those just proposed. Mr. Jefferson rejoined, and the committee reporting in favour of his plan, it was in the following year adopted by Congress, and is the one which now prevails.

Although no reform could be more obviously beneficial, yet such is the difficulty of breaking inveterate habit, that, although nearly half a century has elapsed since this convenient mode of reckoning was recommended, and partially adopted, although all public accounts, both in the general and state governments, have been since kept according to this plan, and nearly all the coin in circulation is adapted to it, the old mode of reckoning still extensively prevails, especially as to shillings and pence. The same silver coins are thus called and reckoned throughout the union four several ways; and some of them, at values not suited to the decimal notation. The advantage of the new mode is so great in book-keeping that it is now universally adopted for that purpose.

It is worthy of notice, that Mr. Jefferson's estimate of gold to silver at fifteen to one was objected to by Mr. Morris, because, as he showed, it rated gold too high; but such has been the fluctuation in the relative prices of these metals, that the same estimate has since rated gold so much too low as almost to banish it from the country, until its value was raised to sixteen for one.

Mr. Jefferson, from a regard to the convenience of the decimal notation, was desirous of seeing it applied to weights and measures; but that would be an experiment of more doubtful success, as it would not have the same aids as that of money has had; nor would it produce the same saving of time, since most commodities, however measured as to quantity, are also measured as to value, and, of course, share in the advantage of this money of account.

The inconveniences of the very imperfect system of government that had been adopted in the struggle for national independence, began now to manifest themselves, when the sense of common danger in the several states no longer bound them together. Limited as were the functions of Congress, it was found that they could not conveniently be executed by one body, even when it was in session; that this imperfect execution must be often interrupted by occasional vacations; and that if permanent sessions were otherwise practicable, they would be defeated by the jealousy of the State Legislatures, of which there had been already open manifestations. As some remedy for these inconveniences, Mr. Jefferson proposed that a *committee of states* should be appointed, under the 9th article of the Confederation, to sit in the recess of Congress: that the functions of Congress should thereafter be divided into executive and legislative; the latter to be reserved to the whole body, and the former to be exercised by that committee. The proposition was adopted; but it proved, on trial, an utter failure. The members entered on their duties after the subsequent adjournment of Congress; "quarrelled very soon; split into two parties; abandoned their post, and left the government without any visible head, until the next meeting of Congress." He takes occasion from this fact, and the general disposition which men have to divide into parties, to pronounce against the policy of a plural executive. The same inconvenience will be ever found in deliberative assemblies also, and it but too often stands in the way of the public interest; though, in general, the mischief is less serious there, as the necessity for passing a new law is seldom as urgent

as for executing one which the Legislature has deemed it expedient to pass.

On the 19th of December General Washington came to Annapolis, for the purpose of resigning the command of the American army. Having communicated his purpose the next day to Congress, and inquired whether his resignation should be by a written communication, or at an audience, they decided on the latter—it appearing to them, as it had, no doubt, appeared to him, that there was a propriety in yielding up his authority in the same way as he had received it eight years before; and that an act so closely connected with his country's glory, and his own, should be performed with more than ordinary solemnity. A committee, of which Mr. Jefferson was chairman, was accordingly appointed to make arrangements for the occasion. The ceremony took place in the State House Hall, at 12 o'clock, on the 23d of December, in the presence of all the officers of the federal and state government and of numerous spectators attracted by the occasion. The moral grandeur of the scene, and the patriotic exultation it was likely to call forth, could not suppress a feeling of tender melancholy on beholding that connexion dissolved, which had been the source of national pride and glory; and many of the spectators, yielding to this emotion, melted into tears. The principal actors themselves, General Washington and the president of Congress, General Mifflin, were almost overpowered by their feelings. This closing act of the great drama made a deep impression on the whole American nation, and forms one of the interesting subjects with which Trumbull's pencil has adorned the capitol at Washington. The addresses of the general, and of the president of Congress, in reply, exhibit the same beautiful simplicity, both as to thought and diction, which was suited to the occasion. That of the president, ascribed to Mr. Jefferson, is cited as a specimen of his happiest manner.

Sir,

The United States, in Congress assembled, receive with emotions too affecting for utterance, the solemn resignation of the

authorities under which you have led their troops with success through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge, before it had formed alliances, and whilst it was without funds, or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have, by the love and confidence of your fellow citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, till these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety and independence; on which happy event we sincerely join you in congratulations.

"Having defended the standard of liberty in this new world; having taught a lesson useful to those who inflict, and to those who feel oppression, you retire from the great theatre of action, with the blessings of your fellow citizens—but the glory of your virtues will not terminate with your military command, it will continue to animate remotest ages.

"We feel with you our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers, who have attended your person to this affecting moment.

"We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching Him to dispose the hearts and minds of its citizens, to improve the opportunity afforded them, of becoming a happy and respectable nation. And for you, we address to Him our earnest prayers, that a life so beloved may be fostered with all his care; that your days may be happy as they have been illustrious; and that He will finally give you that reward which this world cannot give."

Many years afterwards, in speaking of this session, he drew the following lively picture of the loquacious and disputatious spirit which is but too prevalent in deliberate assemblies. "Our body," he remarks, "was little numerous, but very contentious.

Day after day was wasted on the most unimportant questions. A member, one of those afflicted with the morbid rage of debate, of an ardent mind, prompt imagination, and copious flow of words, who heard with impatience any logic which was not his own, sitting near me, on some occasion of a trifling, but wordy debate, asked me how I could sit in silence, hearing so much false reasoning, which a word would refute? I observed to him, to refute indeed was easy, but to silence, impossible: that in measures brought forward by myself, I took the labouring oar, as was incumbent on me; but that, in general, I was willing to listen: that if every sound argument, or objection, was used by some one or other of the numerous debaters, it was enough; if not, I thought it sufficient to suggest the omission, without going into a repetition of what had been already said by others: that this was a waste and abuse of the time, and patience of the house, which could not be justified.

"I served with General Washington in the legislature of Virginia, before the Revolution, and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress," he adds, "errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is to question every thing, yield nothing, and talk by the hour?"

His account of the debate on the ratification of the definitive treaty of Peace, was a practical illustration of these abuses of discussion. The subject of this treaty, which had been signed at Paris, on the 3d of September, was referred to a committee, of which Mr. Jefferson was chairman. The ratification of the treaty requiring, by the articles of confederation, the presence of nine states, and only seven being present, on the 23d of December, letters were addressed to the Governors of the several states, urging the necessity that their delegates should give their immediate attendance. On the 26th, Mr. Jefferson, by way of saving time, proposed that three vessels should be held

in readiness to carry the ratification to Europe: one at Annapolis, another at New York, and a third at some eastern port. It was opposed by one of his colleagues, Dr. Lee,* on the ground of its expense, and he suggested that the seven states then present in Congress should ratify the treaty. This proposition was afterwards formally made by another member, and was gravely debated for two days; one of the arguments relied upon being, that although the confederation required the assent of *nine states* to *enter* into a treaty, yet its *conclusion* could not be called the *entrance into it.* The measure was lost, and, by general consent, it was unnoticed in the proceedings.

Finding that those who thought seven states competent to the ratification were restless under the loss of their motion, Mr. Jefferson, on the 3d of January, suggested a middle course by a resolution, which, reciting the facts of the presence of but seven states, of their unanimity in favour of the ratification, and of their disagreement as to their competency to ratify, proposed a present ratification to avail so far as their power legitimately extended: that this provisional ratification should be forthwith transmitted to the American ministers at Paris; but not to be used by them until circumstances should make it necessary: that they should apply for an extension of the time allowed for

* This gentleman, Dr. Arthur Lee, a joint commissioner to France with Dr. Franklin and Silas Deane, was singularly impracticable in his temper and disposition. He seems to have been one of those who rarely loose an opportunity of complaint, or censure, or contradiction. While he resided in England, one of his early acquaintances having inquired about him of Dr. M———, who had recently returned to Virginia, the latter answered the inquiry by the following characteristical anecdote: Dr. Lee being once caught in a shower of rain in London, sought shelter under a shed, and a gentleman who had joined him, from the same motive, civilly remarking, "It rains very hard, Sir"—his difficult companion immediately replied, "It rains *hard*, Sir; but I don't think you can say it rains *very* hard."

He was the youngest of six brothers, who formed a brilliant constellation of talent, which was both hearty and efficient in the cause of the Revolution; and nothing would have been said to detract, in the smallest degree, from the mass of their merit, if it had not been thought that the foregoing trait of character would throw light on more than one passage in the annals of the Revolution.

ratification: and that if they did not receive ratification by nine states in time, they were then to offer the one now sent, with the requisite explanations. The proposition, which seems the best that could have been made, under the embarrassing circumstances of the occasion, was also debated two days; and on the third was adopted. The President of Congress was directed to write to the ministers at Paris to that effect; but in about ten days afterwards, delegates having attended from Connecticut, and one from South Carolina, the treaty was ratified on the 14th of January, 1784, by an unanimous vote.

The treaty was ratified by the nine states of Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina, represented by twenty-one delegates. New Hampshire and New Jersey were not fully represented, having but a single member each. New York and Georgia were wholly unrepresented. One cannot but wonder that so little interest was manifested in perfecting a treaty of such importance as to require a direct appeal from the seven states assembled to procure the requisite number, and that even then, there were four states which did not formally vote on the ratification.

It must have been with lively feelings of patriotic and personal pride that Mr. Jefferson now signed, and had, as chairman of the committee to whom it was referred, reported the treaty that acknowledged and confirmed the Independence, of which, seven years before, he had drawn the Declaration. Besides himself, there were four other members who were also actors in the first and last scene of this grand political drama. They were, Mr. Gerry of Massachusetts, Mr. Ellery of Rhode Island, Mr. Sherman of Connecticut, and Mr. Morris of Pennsylvania.

The delegates from Virginia, on the 1st of March, 1784, tendered to Congress a deed of cession of the territory north-west of the Ohio, in pursuance of an authority vested in them by the legislature of that state on the 20th of October preceding. A motion having been made to qualify the acceptance of the deed, by a declaration that such acceptance should not be considered as admitting the validity of the claims of Virginia, it received

the votes of only three states—Rhode Island, New Jersey, and Pennsylvania. An unconditional acceptance being then agreed to, the deed was duly executed by the delegates, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Munroe, and its provisions have become articles of solemn compact between the general government and the states which have been since formed out of that territory.

The estimation in which Mr. Jefferson was held by his associates in this body, as well as his indefatigable industry, may be inferred from the facts that he was twice elected its presiding officer, during the indisposition of the president, and that he was appointed the chairman of all its most important committees. These were, besides the committees on the ratification of the treaty of peace, and on the powers and duties of the *committee of states*, which have been mentioned, a committee on the state of the public debt and the expenses of the current year; another, to revise the treasury department; another, to provide for the government of the north-western territory; another, for the location and disposition of the public lands; and lastly, a committee to prepare instructions to American ministers in negotiating commercial treaties.

On all these occasions the measures recommended by him appear to have been adopted, except in two instances. One was that provision in the ordinance for the government of the north-western territory, by which, after the year 1800, slavery was there interdicted, and which, not receiving the support of a majority of the states, (six only of the ten present voting for it,) was rejected. The other was the ordinance providing for the location and sale of the public lands, which, on the question of consideration, received the vote only of North Carolina. It seems, however, to have suggested some of the best features of the admirable system which was afterwards adopted.

Of these several legislative acts, there is no one, perhaps, as interesting as that which proposes, in the form of instructions to our ministers, improvements in international law, whether we consider the public benefits which would result from them, or

the enlightened views which dictated them.* The report drawn by Mr. Jefferson, and adopted by Congress, recommended that the United States should enter into treaties with all those European powers with whom they had not yet been formed, and that both with those powers, and those with whom treaties had been already formed, the following stipulations be made:

1. Free admission of the ships and merchandise of one party into the ports of the other, on paying duties, as the most favoured nation.

2. A more qualified reciprocity, as to the nations which hold territorial possessions in America.

3. That in all such treaties, and in every case arising under them, the United States be considered as one nation, upon the principles of the federal constitution.

4. That private property and industry be protected, and privateering be abolished.

5. Contraband articles no longer to be liable to confiscation; but liable to be detained on paying their value. As to all other articles, that free ships should make free goods. Blockades to be defined, and the rights of neutrals protected.

7. Aliens to be allowed to dispose of lands to which they may be heirs.

8. That such treaties be limited to ten, or at most fifteen years.

While Mr. Jefferson was at Annapolis, he wrote to General Washington in April, 1784, on the subject of the Cincinnati Association, recently established, in answer to one from the General. It is well known that at the termination of the war, the officers of the American army, when about to separate, many of them, forever, with a view of keeping alive the recollection of their past dangers and their common triumph, and of binding themselves together in bands that might resist the effects of time and separation, agreed to form a society, which,

* Mr. Jefferson, in his letter to President Adams, dated March 30, 1826, modestly gives Dr. Franklin the credit of originating these beneficent principles of public policy, and he is certainly entitled to much of it, but a part of it seems also justly due to Mr. Jefferson himself.

in reference to the transition made by most of them from the occupation of husbandry to that of arms, took its name from the Roman Cincinnatus. Naturally inclining to mingle with it somewhat of military show and distinction, they called the society *an order;* thus indicating that it was an honour and a privilege; and in imitation of the honours of knighthood and similar personal distinctions, they provided an external badge, which was of the character of the emblems worn by the knights and other privileged orders of Europe. Had they stopt here, it is likely that their institution must have merely submitted to the silent envy of the rest of the community, excluded from a similar honour, or to the accusation of ostentatiously proclaiming their own past services. But, by way of perpetuating the society which was thus to commemorate their former friendship and public services, they provided that the eldest son of every deceased member should also be a member, and that the privilege should be transmitted by descent forever. This feature, which would have been certain, if it had succeeded in its purpose of perpetuating honourable distinction, to have increased the odium of the society, or order, with future generations, was even now offensive to that quick sense which "snuffs the approach of tyranny in every tainted breeze." The first public notice of this society was by Judge Burke, of South Carolina, afterwards a member of Congress from that state, in a pamphlet in which he endeavoured to show that it contained the germ of a future privileged aristocracy, and that the noxious plant should be nipt in the bud, before it was allowed to take root in our soil. The society was viewed with a certain degree of disfavour before, and this appeal added jealousy and alarm to ill-will, and furnished its opponents with arguments. After that time, there was a plain expression of popular disapprobation. The society was even publicly censured by the governor of South Carolina, in his address to the Assembly, and by the legislatures of three states, Massachusetts, Rhode Island, and Pennsylvania. General Washington, to whom this republican jealousy was not likely to be unknown, or to be disregarded, on the 8th of April, 1784, addressed a letter to Mr. Jefferson, on

the subject, inquiring into the real state of public opinion, as well as the sentiments of Congress, to which Mr. Jefferson replies at great length.

In this letter, Mr. Jefferson, after giving credit to the motives and feelings which led to the formation of the society, expresses his doubts whether it would be found to "foster those friendships it was intended to preserve." Presuming they would, at their stated meetings, have deliberations and debate, he remarks, "the way to make friends quarrel, is to put them in disputation under the public eye." He then frankly states the objections which were urged against the society: "that it was repugnant to the principles of the confederation, and the letter of some of our constitutions, to the spirit of all of them: that the foundation on which all these were built, being the natural equality of man, the denial of every pre-eminence, but that annexed to legal office; and, particularly, the denial of a pre-eminence by birth: that, however, in their present dispositions, citizens might decline accepting honorary instalments into the order, a time might come when a change of dispositions would render these flattering, when a well directed distribution of them might draw into the order all the men of talents, of office and wealth, and, in this case, would probably secure an engraftment into the government: that in this they will be supported by their foreign members, and the wishes and influence of foreign courts: that experience has shown that the hereditary branches of modern governments are the patrons of privilege and prerogative, and not of the natural rights of the people, whose oppressors they generally are: that, beside these evils, which are remote, others may take place more immediately: that a distinction is kept up between the civil and military, which it is for the happiness of both to obliterate: that when the members assemble, they will be proposing to do something, and what that something may be, will depend on actual circumstances: that being an organized body, under habits of subordination, the first obstruction to enterprise will be already surmounted: that the moderation and virtue of a single character have probably prevented this Revolution from being

closed as most others have been, by a subversion of that liberty it was intended to establish: that he is not immortal, and his successor, or some of his successors, may be led by false calculation into a less certain road to glory."

He states his impressions, that Congress was unfavourable to the institution, and that although they might not express their sentiments, unless forced to do so, they would probably "check it by side blows whenever it came in their way; and in competitions for office, on equal, or nearly equal grounds, would give silent preferences to those who are not of the fraternity." He concludes with the opinion, that if it was intended to continue the society, it would be better to make no application to Congress: and that no modification of it would be unobjectionable, except that which would "amount to annihilation;" for such would be the effect of parting with its inheritability, its organization, and its assemblies.

At a meeting of the society soon afterwards in Philadelphia, the hereditary principle and the power of adopting honorary members were abolished; but the society, in all other respects, was preserved. According to Mr. Jefferson, General Washington, convinced that the society was disapproved by the great mass of his fellow citizens, used his influence at the meeting in Philadelphia for its suppression, and notwithstanding a strong opposition, such would have been the result, by the vote of a great majority, if the envoy they had despatched to France, for the purpose of providing badges for the order, and of inviting the French officers to become members, had not returned at the time; and as these invitations had been cordially accepted, it was thought that to retract the offer would subject themselves to the reproach of levity and ingratitude: they, therefore, determined that the society should retain its existence, its meetings, and its charitable funds. The order was to be no longer hereditary; it was to be communicated to "no new members; the general meeting, instead of being annual, was to be triennial only. The eagle and riband, indeed, were to be retained, because they were worn, and they wished them to be worn by their friends who were in a country where they would not be objects

of offence; but themselves never wore them. They laid them up in their bureaus, with the medals of American Independence, with those of the trophies they had taken, and the battles they had won."

Since that time, the society has excited so little public interest, or even notice, that its history is with difficulty traced. In some of the states it is yet continued, and the members hold, or until lately held, triennial meetings. In others, it has, after a lingering existence, been suffered to experience a silent dissolution. That of Virginia met in 1822, and not anticipating another meeting, took steps for the early transfer (long before decided on) of their funds to Washington College. The transfer was accordingly made in 1824, to the treasurer of Virginia, for that institution, and amounted to about 15,000 dollars.

CHAPTER VIII.

Mr. Jefferson appointed Minister to France. Embarks at Boston. Meeting with Dr. Franklin in Paris. State of Society there. They endeavour to make commercial treaties. Their partial success and its causes. Publishes his notes on Virginia. Theory of the degeneracy of animals in America. Statue of Washington. Remains sole minister. Negotiations against the tobacco monopoly. Asserts the doctrine of free trade. His qualifications of it. His opinion of a navy. Sends a model for the capitol at Richmond. The Barbary powers. Proposes a plan of resistance by combined forces. Causes of its failure. His multifarious correspondence. Negotiations with the Barbary states. Conference with the French minister on American commerce. Oglethorpe's heirs. Case of Lister Asquith. Taste for country life.

1784—1786.

On the 7th of May, Congress having resolved to add a third minister plenipotentiary to Mr. Adams and Dr. Franklin, Mr. Jefferson received the appointment; and this was the fourth time that honour had been conferred on him. Two days before, a proposition had been made to reduce the salaries of foreign ministers, from eleven thousand one hundred and eleven dollars, to eight thousand. During the animated debate on this subject, Mr. Jefferson appears never to have voted, and as he was very regular in his attendance, the probability is, that he was aware that he was to be nominated, and that he refrained from motives of extreme delicacy—his vote being liable to misconstruction, which ever way he had given it. The salaries were thus fixed at nine thousand dollars, at which they have ever since continued, though, for the principal missions to Europe, it is confessedly inadequate.

On the 11th of May, Mr. Jefferson left Annapolis for Philadelphia, where his eldest daughter then was. He decided on taking her with him to France, and leaving the other two in the care of their aunt, Mrs. Eppes. He proceeded to Boston, with a view of embarking at that port. In this journey, he took pains to inform himself of the nature and extent of the commerce of each state, and even went to New Hampshire and Vermont, with the same object. They sailed on the 5th of July in a merchant ship, bound to Cowes, which place they reached in a short and pleasant passage of nineteen days. After a brief detention, in consequence of the illness of Miss Jefferson, they proceeded on to Havre, and remaining there three days, reached Paris on the 6th day of August, 1784.

He lost no time in calling on his distinguished colleague, Dr. Franklin, who was then living at Passy, a village in the neighbourhood of Paris. There were many points of congeniality between these individuals, and they seemed to have contracted a friendship from the time their acquaintance commenced, in 1775. As Dr. Franklin left the United States for France in the following year, they now met, after a separation of eight years. Besides the pleasures of renewed intercourse, they must, without doubt, have felt much patriotic congratulation, that their hopes and plans of 1776, which were then involved in the uncertainty of the future, had since been so happily realized, and that they were now representing their country as an independent nation, at the most polished court, and the most attractive capital of Europe; one too, which, in many points, was particularly suited to the tastes of both the ministers.

At that time, every thing called philosophy, whether physical or moral, was greatly in vogue in Paris. Talent and industry had combined, of late years, to cast extraordinary lustre over the studies of nature, and the encyclopedists had given to every branch of speculative science an *éclat*, which poetry and literature had once monopolized. Never had a public minister been as popular in a foreign country as Franklin now was in Paris. His discoveries in electricity had given him a high rank among the men of science; and his reputation for political saga-

city, and original views in government and political economy, was little inferior. These recommendations alone would have been sufficient to insure him the same general welcome in the polite circles of Paris that Hume and Gibbon so warmly acknowledge in their own case. But when it was recollected, that he had also borne a conspicuous part in that revolution which had dismembered a powerful rival of her most considerable colonies, and which was in so many ways gratifying to France, he became as great a favourite at court as among the *savans* and *literateurs* of Paris. His very simplicity of manners, and plainness of dress, so strongly in contrast with the modes then prevalent in the world of fashion, gave an additional charm to his society, partly by its novelty, and partly because they had more of the ease and grace of nature, to which, however habituated to artificial forms of society, we never become insensible. He thus became recommended by fashion, where fashion had supreme sway; and the youthful and the aged of both sexes, the frivolous and the gay, as well as the grave and learned, paid him the unfeigned homage of their respect and admiration. When Mr. Jefferson reflected on the extraordinary public favour his colleague enjoyed, he seemed to feel it a misfortune that he was to succeed him as the sole minister of his country, conceiving that he must suffer so greatly by the comparison.

It was with this feeling that he answered the French minister, Vergennes, who adverting to Dr. Franklin's intention of returning to America, remarked to Mr. Jefferson, "vous remplacer Mons. Franklin, je crois." To which he promptly replied, that he *succeeded* Dr. Franklin; but no one could *replace* him. But although no one could be expected to hold the same high place in the regards of the Parisians as Dr. Franklin, it was no small advantage to Mr. Jefferson to have such a friend to introduce him. He thus at once obtained a passport to the most intelligent and cultivated society in that refined metropolis; and probably the United States did not then furnish another individual who could so well have supplied Dr. Franklin's place, at the court of Versailles, as Mr. Jeffer-

son. He had gone to France with all the predilections for the country which national gratitude and his acquaintance with the most accomplished French officers in America could inspire, and all the resentment against England that war and a sense of national wrong could provoke. He was also imbued with the same combined taste for letters and science which was then the reigning mode in Paris. We accordingly find that he made a very favourable impression on the French nation; while they, their manners, tastes, and modes of living, obtained a place in his regards, which continued to his latest hour.

As Mr. Jefferson had been associated with Dr. Franklin and Mr. Adams, for the purpose of forming commercial treaties with the European nations, no time was lost in giving notice of his arrival to Mr. Adams, then at the Hague; and he soon joined them at Paris. Before they attempted any negotiation on the subject, they proposed a general protocol of their propositions, in conformity with the principles prescribed by Congress.

Their first attempt was to improve the commercial relations of the United States with France. But, in a conference with the Count de Vergennes, the minister for foreign affairs, he thought the future commercial intercourse between the two nations had better be left to the legislative regulations of both parties, according to their amicable dispositions. The ministers of the other European powers were successively sounded on the subject of entering into commercial treaties with the United States, but the proposition was received with a coldness which discouraged further advances by all of them, except Prussia, Denmark, and Tuscany. Frederick, who was little influenced by ordinary maxims of caution, or false notions of dignity, met the proposal cordially, and a treaty with him, through his minister at the Hague, was soon concluded. With Denmark and Tuscany, negotiations were purposely protracted by the American ministers, until their powers expired, from the apprehension that treaties made with these powers, on terms of reciprocity, might operate injuriously in their future negotiations with the great colony holding nations of Europe.

The unwillingness which it appeared now, and for some years

afterwards, that other nations had to enter into treaties with the United States, was attributed by Mr. Jefferson to their ignorance of the value of our commerce; but it seems probable that they were also influenced by the known weakness of the bands which held the states together, and the great probability that they would either dissolve into several distinct governments, or that they would be united under one of a more stable and energetic character; so that, in either event, no engagement could now be formed which could be regarded as permanent.

Mr. Jefferson, soon after his arrival, took a house in the *Cul de sac Tetebout*, near the Boulevards, and furnished his house in a style of expense more than proportioned to his salary. His household then consisted of colonel Humphreys, the secretary of legation, and Mr. Short, his private secretary, with his daughter, until she was placed in a convent, for her education.

One of the first objects which engaged his attention was the printing his notes on Virginia. He had, for the sake of gratifying a few friends with copies, wished to publish them in America, but was prevented by the expense. He now found that they could be printed for about a fourth of what he had been asked at home. He, therefore, corrected and enlarged them, and had 200 copies printed. Of these, he presented a few in Europe, and sent the rest to America. One of them having fallen into the hands of a bookseller, in Paris, he had it translated into French, and submitted the translation to the author for revision. It was a tissue of blunders, of which only the most material he found it convenient to correct; and it was thus printed. A London bookseller, having requested permission to print the original, he consented, "to let the world see that it was not really so bad as the French translation had made it appear."

Having presented one of the copies to General Chastellux, the author, in a subsequent letter to that gentleman, renews his attack on the proposition, "that animals degenerated in America," and pays a respect to this gratuitous hypothesis, which it seemed little to deserve. Adverting to the work of the Abbé Raynal, in which this degeneracy is maintained, he

remarks: "Your knowledge of America enables you to judge this question, and to say, whether the lower class of people in America are less informed, and less susceptible of information than the lower class in Europe: and whether those in America, who have received such an education as that country can give, are less improved by it than Europeans, of the same degree of education." So far as the question respects the comparison between the aboriginal man of America with the European, Mr. Jefferson gave a great advantage to his opponents, in conceding the natural inferiority of the negroes to the whites; it being easy to admit the inferiority of one race, confessedly as unimproved in the arts of life, when it has been already admitted in another. This question did once excite the sensibility of Americans;* but it is now deemed to have been so settled by a more enlarged observation and a sounder philosophy that man here, as well as every where else, has all his faculties, bodily and mental, improved, according as circumstances are favourable to their cultivation and developement, that it is seldom noticed but in derision; and as adding another to the many examples of the "follies of the wise."

Mr. Jefferson seems at first to have felt a delicacy in giving these notes a general diffusion, less perhaps from unwillingness to appear in the character of an author, than because he was fearful that some of his speculations might not prove to the taste of his countrymen; especially his remarks on the constitution of Virginia, on domestic slavery, and probably those on religion. Without doubt, his opinions on all these topics, have contributed to swell the number of his enemies, though some of them have also procured him friends, both at home and abroad. In giving

* The author acknowledges that he once shared largely in this feeling, but it had long ago subsided into indifference after he saw that time, which corrects so many erroneous theories, was silently refuting this. And since he has been engaged in the present work, he has found in the wisdom, nobleness of sentiment, energy of purpose, and ability of execution of those whose deeds he has been compelled to study, (though able but briefly to notice,) quite as good grounds for maintaining the opposite theory—that man, at least, by being transplanted to this continent, has improved rather than deteriorated.

General Chastellux permission to republish a part of the notes in the *Journal de Physique*, he expressly excepts the strictures on slavery, and the constitution of Virginia, on the ground that "they might produce an irritation, which would indispose the people towards the two great objects he had in view." He made a similar remark in a letter to Mr. Munroe.

The Legislature of Virginia had authorized him and his colleagues to provide a competent person to take the statue of General Washington. The execution of this request devolved naturally upon Mr. Jefferson, and he accordingly procured Houdon, then occupying the highest rank among French sculptors, to go over to America, for the purpose of making his work a copy from the life. This commission was executed by him in a prompt, judicious, and business like way, and the result of the sculptor's labour now adorns the Capitol, or state house, of the metropolis of Virginia. He was, at the same time, recommended by Mr. Jefferson as a proper person to undertake the equestrian statue of General Washington, which Congress voted in the days of national poverty and economy, but has never executed in the season of wealth, and lavish expenditure. It would seem, that as the ability increased, the inclination diminished.*

In June, 1785, Mr. Adams left Paris for London, to which place he was appointed minister, and Dr. Franklin having obtained the permission to return to America, which he had long sought, Mr. Jefferson remained the sole representative of his country, at Paris, in the character of minister plenipotentiary. He exhibited in this situation the same unwearied industry which has always distinguished him, and to which he owes no small portion of his success in life.

On the 15th of August, he opened his commercial negotiations in a letter to the Count de Vergennes, in which he proposes to place the trade in tobacco on a footing that would be more advantageous to both countries. He urged, that by reason of the monopoly which the French government reserved to itself in this trade, the merchants of both countries were discouraged from importing it into France, and exchanging it for the manu-

* The people seem now about to take this business in their own hands, and to make amends for the tardy justice of their representatives.

factures and productions of that country; it being "contrary to the spirit of trade, and to the dispositions of merchants, to carry a commodity to any market where but one person is allowed to buy it, and where, of course, that person fixes its price, which the seller must receive, or re-export his commodity, at the loss of his voyage thither. Experience accordingly shows that they carry it to other markets, and that they take in exchange the merchandise of the place where they deliver it." That France has bought large quantities of tobacco from England, which she has paid for in coin, and that much of the commodity, which the farmers-general purchase in America, is also paid for in coin. He urges, that this exportation of coin may be prevented, and that of commodities would take its place, if both operations were left to the French and American merchants, instead of the farmers-general. "They will import," he says, "a sufficient quantity of tobacco, if they are allowed a perfect freedom in the sale; and they will receive in payment, wines, oils, brandies, and manufactures, instead of coin; forcing each other, by their competition, to bring tobacco of the best quality; to give to the French manufacturer the full worth of his merchandise; and to sell to the American consumer at the lowest price they can afford; thus encouraging him to use in preference the merchandise of this country." He states, that these benefits to trade may be obtained without any loss of revenue to the French government, as it may be increased by an impost, which he recommends on a plan similar to that pursued in England, by which the tobacco, on importation, is deposited at the king's warehouse, and the duty on it is paid, as it is withdrawn for consumption; by which mode a higher duty is levied on tobacco in England than in France. By this system, he shows, the price to the consumer may be reduced from three livres to two livres the pound, without loss to the revenue: that this reduction of price would greatly increase the consumption, probably in the same proportion, and thus the revenue would be proportionally enhanced, from thirty millions of livres to forty-five millions; or, if the consumption were not increased, the king would levy on his people forty-eight millions, where

seventy-two millions are now levied, leaving twenty millions in their pockets, either to remain there, or to be levied in some other form, should the state of the revenue require it. It would also enable his subjects, annually, to sell between nine and ten millions of their products, instead of sending abroad nearly that sum in coin, which eventually finds its way to England.

He examines two objections to his proposition. The first is, that it will encourage smuggling. But this he denies, as the temptation would then be less than at present, when what costs fourteen *sous*, may now be sold for sixty, but will then sell for but forty. Secondly, that it will render the farmers-general less able to make loans to the public treasury. To this he answers, that if the farm on tobacco be estimated at one-eighth of all the farms, it can lessen their ability only in that proportion; and it is to be considered, whether this advantage "is worth the annual sacrifice of twenty-four millions; or, if a much smaller sacrifice to other moneyed men will not produce the same loans of money in the ordinary way."

The chief advantage expected for America, is an increase of consumption. "The other markets of Europe having too much influence to permit any augmentation of price." "This," he says, "will give us a vent for so much more, and of consequence, find employment for so many more cultivators of the earth: and in whatever proportion it increases this production for us, in the same proportion will it procure additional vent for the merchandise of France, and employment for the hands which produce it." He expects too, that by bringing our merchants to France, "they would procure a number of commodities in exchange, better in kind, and cheaper in price." He also hoped, that it would unite the two nations still closer in friendship, by binding them in interest. "In truth," he adds, "no two countries are better calculated for the exchanges of commerce. France wants rice, tobacco, potash, firs, and ship timber. We want wines, brandies, oils, and manufactures. There is an affection too between the two people, which disposes them to favour one another." These views seem to be in accordance

with sound principles of trade, except that the advantages to France, in the increased sale of her products, in consequence of an increased consumption of tobacco, seem to be greatly overrated. Nor is it seen how there could have been an increased demand for tobacco in France, without producing some increase of price in America. Perhaps these considerations induced the French minister to resist the proposition. But whatever was the cause, it failed of its purpose, and the policy which it calls in question has been ever since pursued.

Of the advantages of removing all restrictions on commerce, he seems to have been fully sensible. In a letter to Mr. Adams, in July, 1785, he thus speaks of the policy of subjecting aliens to higher duties than are paid by citizens: "As far as my inquiries enable me to judge, France and Holland make no distinction of duties between aliens and natives. I also rather believe that the other states of Europe make none, England excepted, to whom this policy, as that of her navigation act, seems peculiar. The question then is, should we disarm ourselves of the power to make this distinction against all nations, in order to purchase an exemption from the alien duties in England only? for, if we put her importations on the footing of native, all other nations with whom we treat will have a right to claim the same. I think we should, because, against other nations, who make no distinctions in their ports between us and their own subjects, we ought not to make a distinction in ours. And if the English will agree in like manner to make none, we should with equal reason abandon the right as against them. I think all the world would gain by setting commerce at perfect liberty. I remember that when we were digesting the general form of our treaty, this proposition to put foreigners and natives on the same footing was considered: and we were all three, Dr. Franklin, as well as you and myself, in favour of it."

In a letter received from Mr. Jay, he had been asked "Whether it would be useful to us to carry all our own productions, or none?" and he evidently shows a preference for the Chinese policy. This opinion may seem inconsistent with a clear perception of the benefits of free trade, but on this occasion he

postpones pecuniary gain to what he deemed higher considerations of national policy.

"We have now," he says, "lands enough to employ an infinite number of people in their cultivation. Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country, and wedded to its liberty and interests by the most lasting bonds. As long, therefore, as they can find employment in this line, I would not convert them into mariners, artisans, or any thing else. But our citizens will find employment in this line, till their numbers, and of course their productions, become too great for the demand, both internal and foreign. This is not the case as yet, and probably will not be for a considerable time. As soon as it is, the surplus of hands must be turned to something else. I should then, perhaps, wish to turn them to the sea, in preference to manufactures; because, comparing the characters of the two classes, I find the former the most valuable citizens. I consider the class of artificers as the panders of vice, and the instruments by which the liberties of a country are generally overturned. However, we are not free to decide this question on principles of theory only. Our people are decided in the opinion, that it is necessary for us to take a share in the occupation of the ocean, and their established habits induce them to require that the sea be kept open to them, and that that line of policy be pursued which will render the use of that element to them as great as possible. I think it a duty in those entrusted with the administration of their affairs, to conform themselves to the decided choice of their constituents: and that, therefore, we should in every instance preserve an equality of right to them, in the transportation of commodities, in the right of fishing, and in the other uses of the sea."

But he thinks that wars will be the inevitable consequence: "That their property will be violated on the sea, and in foreign ports their persons will be insulted, imprisoned, &c., which outrages we must resent. That the only way to deter injustice will be to put ourselves, by means of a naval force, in a situation to punish it. I think it," he says, "to our interest to punish

the first insult; because an insult unpunished is the parent of many others." In case of a war with England, he thought we should abandon the carrying trade, because we could not protect it. "Foreign nations must in that case be invited to bring us what we want, and take our productions in their own bottoms. This alone could prevent the loss of those productions to us, and the acquisition of them to our enemy. Our seamen might be employed in depredations on their trade." He afterwards adds, "Our vicinity to their West India possessions and to the fisheries, is a bridle which a small naval force on our part would hold in the mouths of the most powerful of these countries. I hope our land office will rid us of our debts, and that our first attention then will be to the beginning of a naval force, of some sort. This alone can countenance our people as carriers on the water, and I suppose them to be determined to continue such."

His view of the consequences of our engaging in foreign commerce has proved to be prophetic, for we have experienced all those various species of ill treatment which he mentions. Every war in which we have been engaged with France, with England, and with the Barbary powers, has grown out of injuries to our maritime rights and interests. But the question is, whether the whole sum of gain from our navigation and foreign commerce has not exceeded the whole sum of loss. I presume there are none competent to make the comparison who will hesitate to answer in the affirmative. Besides, the expedient which Mr. Jefferson suggests, of inviting other nations to carry on our trade, when, in case of war with England, we could not safely be our own carriers, is quite as impracticable; for the same dominant power on the ocean, which we could neither encounter nor elude on that element, would be able to blockade our ports, and prevent other nations from bringing us their productions and taking off ours, as we experienced in the late war. There is then no effectual way of keeping our access to the great highway of nations open, but by a naval force that will make a general blockade impracticable, and a partial one harmless, whenever the means of internal communication shall

be improved according to the singularly happy capabilities of our country.

The change which Mr. Jefferson's mind underwent as to the policy of a navy, was directly contrary to that of the party with which he was associated; for while they who had first opposed it, had, under the influence of its splendid successes in the late war, afterwards become its staunch friends, he who had at first deemed a navy necessary to the defence of our commerce, and the resources of the country fully competent to its support, afterwards, both in Mr. Adams's administration and his own, distrusted the efficacy of this species of defence, and continued of this opinion until the capture of the Guerriere, when opposition from every quarter was silenced in the shouts of victory. How far this and other brilliant achievements on the ocean produced a second change of opinion, there is no recorded evidence.

He was not suffered to give his time exclusively to diplomatic concerns, or even to the elegant amusements and social pleasures of Paris. Numerous commissions, both from individuals and public bodies, occupied much of his time and attention. Some of them, however, were so much in accordance with his own tastes and predilections, that he found more pleasure than annoyance in fulfilling them. Of this character was an application from those who had the direction of the new state house, or capitol, which was about to be erected in his native state. As he had in his notes been somewhat of a critic in architecture, and had declared that "the genius of the art seemed to have shed its maledictions over the land of his birth," these gentlemen were induced to request him to furnish a plan for the proposed building. He promptly undertook the office, and with his usual diligence, and more than usual ardour, set about providing all that he knew his own country then to want, that is, both models, workmen, and some of the materials. He applied to an architect of reputation, and, under the influence of his extreme partiality for Grecian architecture, they selected as a model the *Maison quarrée* of Nismes, which he pronounces "one of the most beautiful, if not the most beautiful and precious morsel of architecture left us by antiquity." As this building was originally a

temple, and contained but a single room, to which its form is very well suited, it took them some time to make the plan of the interior "convenient for the three branches of government," and the more, in consequence of "avocations to other objects." In the meanwhile he learnt, to his great regret and mortification, that the directors were about to proceed upon a plan of their own. He immediately wrote to two friends, Mr. Madison and Mr. Edmund Randolph, to prevail on them to arrest the progress of the work, until the plans then preparing could be sent on. He states that his plan is not only more beautiful than the one the directors proposed, but more convenient, and would not cost more than two-thirds as much. Besides, he asks, "how is a taste in this beautiful art to be formed in our countrymen, unless we avail ourselves of every occasion when public buildings are to be erected, of presenting to them models for their study and imitation?" To Mr. Madison he remarks, "You see I am an enthusiast on the subject of the arts. But it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile to them the respect of the world, and procure them its praise." The appeal was successful, and his plan was adopted, but the work being committed to inexperienced hands, was not well executed; and two or three deviations from the model, in points not deemed by them material, have somewhat impaired its beauty. Nor does this class of edifices seem to be as well suited to a number of unconnected apartments as it is for a single room, for which it was always designed in the temples of antiquity; and hence this incongruity in the capitol of Richmond, that while, to suit the arrangement of the interior, the entrance from without is at the sides of the building, the portico, which is the sign of the entrance, is at the end.

After his colleagues left him, and his diplomatic duties were limited to our relations with France, his efforts were principally directed to obtain the admission of our principal staples into that country on favourable terms, as also a trade to the French colonies. In these efforts he acknowledges the active and zealous co-operation of the Marquis de La Fayette, who seemed to

be actuated by the same regard for his adopted, as his native country. He does justice also to the good dispositions of the Count de Vergennes, and the French government generally.

In consequence of the capture of two American vessels in the Mediterranean by the Barbary cruisers, Mr. Jefferson's attention was forcibly called to this subject; and feeling a great repugnance to the course then generally pursued by the European nations, of buying exemption from their piracy by tribute, he proposed an association among those powers that were most exposed to their depredations; and actually proposed articles of confederation, which he submitted to such of their ministers as were at Paris. These articles proposed, That such of them as were at war with the Barbary states, or any portion of them, should enter into a convention to act in concert against those states, beginning with the Algerines. 2. That any other power might be permitted to accede to the convention, on the terms prescribed by the parties at the time of accession. 3. The object of the convention should be to compel the piratical states to peace, without price, and to guarantee such peace to each other. 4. The combined operations to be, constant cruizes on their coast, with a moderate naval force, previously agreed on. Six frigates, with as many tenders and zebecs, were supposed to be sufficient. The force to be divided into two parts—one half cruizing while the other was in port. 5. The force agreed on to be furnished by the parties, in quotas as agreed on. 6. To prevent the miscarriages arising from a want of harmony among officers of different nations, the parties to consider whether it would not be better to contribute their quotas in money, to be employed in fitting out, and keeping on duty, a single fleet. 7. To consider also the policy of giving full powers in relation to this matter to their ambassadors and ministers, for the execution of this convention, and the vote of each to be in proportion to the quota of his sovereign. 8. To avoid the embarrassment from the personal solicitations for office, there should be no officers for the council of Ambassadors, such as commissioners, secretaries, &c., nor any lucrative appointments, but those whose functions were exercised on board the vessels of the fleet.

9. That war between any of the parties to the convention should not extend to this convention, but as to this object they should be regarded as at peace. 10. When Algiers was reduced to submission, the other Barbary states, if they persisted in their piracies, should be acted against and in like manner, separately or together. 11. Whenever the convention would interfere with a treaty between any one of the parties to the convention and the Barbary powers, the treaty was to prevail, and the party to be allowed to withdraw."

Spain, having just concluded a treaty with Algiers, was indisposed to the plan. It was, however, approved by Portugal, Naples, the two Sicilies, Venice, Denmark, and Sweden; but they expressed apprehensions that France would not favour it, and they wished the sentiments of the Count de Vergennes to be ascertained. Mr. Jefferson's account of the course he pursued to this object, is as follows: "I had before taken occasion to inform him of what we were proposing, and, therefore, did not think it proper to insinuate any doubt of the fair conduct of his government; but, stating our propositions, I mentioned the apprehensions entertained by us, that England would interfere in behalf of those piratical governments. "She dares not do it," said he. I pressed it no further. The other agents were satisfied with this indication of his sentiments, and nothing was now wanting to bring it into direct and formal consideration, but the assent of our government, and their authority to make the formal proposition." The plan was then communicated by him to Congress, and he further informed them, it was expected, that we should maintain a frigate towards its execution. But the United States were then in no condition to make such an engagement. Their recommendations to the states for contributions were so openly neglected, that they declined entering into a contract which they were not certain of punctually fulfilling; and thus a scheme which subsequent events shows to have been so practicable, entirely failed.

In a letter to Mr. Bellini,* of Williamsburg, he says, that in

* This gentleman was a native of Florence, and was the professor of modern languages in the college of William and Mary.

science, he thinks the mass of the people in France are two centuries behind ours; their literati, half a dozen years before us. Most persons out of America will think, that in both of these comparisons his affections have overleaped his judgment. But he has done more justice to the French nation on the subject of manners and the fine arts. "With respect to what are termed polite manners, he remarks, without sacrificing too much the sincerity of language, I would wish my countrymen to adopt just so much of European politeness as to be ready to make all those little sacrifices of self, which really render European manners amiable, and relieve society from the disagreeable scenes to which rudeness often subjects it. Here, it seems that a man might pass a life without encountering a single rudeness. In the pleasures of the table they are far before us, because, with good taste they unite temperance. They do not terminate the most sociable meals by transforming themselves into brutes. I have never yet seen a man drunk in France, even among the lowest of the people. Were I to proceed to tell you how much I enjoy their architecture, sculpture, painting, music, I should want words. It is in these arts they shine. The last of them, particularly, is an enjoyment, the deprivation of which with us cannot be calculated. I am almost ready to say, it is the only thing which from my heart I envy them, and which, in spite of all the authority of the decalogue, I do covet."

Mr. Jefferson's public duties, for the remainder of the year 1785, after he was left the sole minister of his country, consisted in endeavouring to obtain admission into the ports of France for the great American staples; in his efforts to effect a combination of the European powers against the piratical states; and, what may also be regarded as a public duty, in taking measures for procuring plans both of a state house and public prison for his native state; and a fit person to make the statue voted to General Washington. Each of these last commissions seem to have occupied much of his time and attention. In addition to these public services, his letters published and unpublished show that he had numerous private commissions to execute, and

that he communicated to his correspondents, in different parts of the United States, all that was new or remarkable in the annals of science and literature. The great number and diversity of facts of this character adverted to show at once the variety of his knowledge, and his unceasing desire to add to it. Thus we find him noticing astronomical facts in the *Connoissance des tems*, to Dr. Styles, the president of Yale College: to others, a mechanical contrivance for propelling boats; speculations on the bones found on the Ohio; and the effects of independence on the character of the Greeks. In his reflections on this last subject, his admiration of the classics, joined to his zeal for civil liberty, lead him to "expect once more to see the language of Homer and Demosthenes a living language." To Dr. Price, he writes on the subject of domestic slavery. For several friends in Virginia he purchased books. To Mr. Hartley, the British minister, who signed the treaty of Peace, he communicates a full account of the public measures in the United States. To Van Staphorst and Company, the value of American certificates of debt. To Judge Hopkinson, of Philadelphia, who was equally devoted to music and to poetry, an improvement he had proposed in musical instruments. To several others he imparts the attempted improvements on balloons, then still an interesting novelty in Paris, and the melancholy fate of Pelatre de Roziere, who lost his life by the balloon in which he had ascended taking fire. To one young friend he pens a dissuasive against coming to Europe for his education. To another, a nephew,* the minutest details as to his course of studies. In a letter to the governor of Georgia, he discusses the merits of the claim of the Chevalier de Mezieres, a nephew of General Oglethorpe. In all these, his mind exhibits, in a perspicuous style, its characteristic acuteness and boldness, with an occasional tinge of some favourite theories, or predominant national feelings.

Dr. Franklin, Mr. Adams, and Mr. Jefferson, had been authorized by Congress to treat with the Barbary states; but their powers were at first unavailing, for want of money, an indis-

* This was the oldest son of his brother-in-law, Mr. Carr, who is mentioned in the second chapter.

pensable requisite, at that time, in all pacific negotiations with those states. Funds being afterwards put into the hands of the ministers for this object, they appointed an agent, Mr. Barclay, to treat with all those powers. But before he left Paris, Mr. Jefferson having received intelligence, in September, that the Algerines had taken two American vessels, he and Mr. Adams thought it best to let Mr. Barclay proceed to Morocco, and to send another agent, Mr. Lambe, to Algiers. One of the vessels captured and carried into Algiers, was commanded by Richard O'Brien, afterwards known by the name of Commodore, and made American Consul at Algiers, as soon as peace was concluded with that country. Congress had limited the sum to be expended in this negotiation to 80,000 dollars; and Mr. Jefferson thought one-half might be paid to Algiers, as it possessed half the power of those states, and one-fourth to Morocco. He prepared instructions to Barclay, who was restricted to the sum of 20,000 dollars, for all the expenses of the treaty, whether by presents to the emperor, or his officers. He was further directed to make inquiries into the nature and extent of the commerce of Morocco, and by whom carried on: to describe their ports, as to draught of water and fortifications: their coin: their naval force: their ships: seamen: times, and plan of cruising: the treatment of their prisoners: the mode and terms of redemption: their land forces and revenues.

In November, 1785, Mr. Jefferson communicated with Mr. Adams, on the subject of a treaty with Portugal. As the Portuguese minister had objected to the importation of flour from America, because his nation preferred importing the wheat and manufacturing it themselves, he endeavoured to prove that it would be to the interest of Portugal to import flour, by the following considerations: that the wines of Portugal were preferred in America, in consequence of their being suited to our hot summers: that the southern states would take manufactures of cotton and wool, and the northern both the raw material and the manufactures: that Portugal would have a good share of the trade of supplying the southern states with East India goods. His argument was supported by a reference to facts and details,

which showed an intimate acquaintance with our trade, and which could not have been acquired by one of his previous habits without extraordinary industry.

In December, he had a long conference with the Count de Vergennes on the subject of our commerce with France. The minister complained that all our trade centred in England, which Mr. Jefferson thus explained: The commerce between two countries could not be kept up except by an exchange of commodities. If, therefore, the American merchant was forced to carry his produce to London, it could not be expected he would make a voyage from thence to France with the money, to lay it out there; and in like manner, if he could bring his commodities with advantage to France, he would not make another voyage to England with the money to lay it out there, but would take in exchange the merchandise of France. To all of which the French minister assented. He then examined in detail the principal products of America, for the purpose of seeing which of them could be profitably imported into France. 1. *Rice*—France is supplied with this article chiefly from the Mediterranean and from Egypt. 2. *Indigo*—Her own colonies adequately supply her with this article, and of a better quality than the American. 3. *Flour, fish, and provisions*, they produce in sufficient quantities at home. None of the preceding commodities therefore furnish the materials of commerce between the two countries. He then considered the articles which France would buy of America. 1. *Peltry and furs*—In consequence of the western posts being still in the hands of the English, we have none of that article at present. If possessed of these posts, we could furnish France to the amount of 2,000,000 livres annually. 2. *Potash*—An experiment was now making whether this would be a profitable article of import. 3. *Naval stores*—Trials are also making in these: the result doubtful. 4. *Whale oil*—The prospects of this branch of trade were favourable, since the duty in France had been reduced. 5. *Tobacco*—The letter formerly written on this subject by Mr. Jefferson was brought to the Count's notice, and he was told that we now received 2,000,000 of livres for tobacco purchased in the United States,

and the money was remitted to London: that the tobacco which France bought in America was also paid for in coin; but that if the trade were open, our merchants would bring it to France, and take merchandise in return. The minister replied that the king now received a revenue from tobacco of 28,000,000 livres, and that the amount was too considerable for them to tamper with the subject. Mr. Jefferson again pressed the advantages of the warehouse system as to revenue, but could obtain no promise. The Count laid a stress on the privilege of carrying fish to the French West Indies, and when the discriminating duties in favour of the French were urged by Mr. Jefferson as excluding us from the trade, he replied, that their fishermen could not furnish the quantities required in the Islands, and that from the greater economy and management of the Americans, they had been able to sell their fish at 25 livres the quintal, while the French were obliged to ask 36 livres.

With no less zeal and talent the American minister defended his country against some other complaints made by Vergennes, especially against the charge of delay in the administration of justice. He maintained that it was far more expeditious now than before the revolution: that, in the case of debts due to British creditors, special laws had been passed in Virginia to prohibit their recovery, on account of the slaves which the British, in violation of the treaty of peace, had carried away; but that the law was afterwards so modified as to allow the recovery in seven annual payments: that, as to all other creditors, there was no unnecessary delay; and he presumed that the complaint was not better as to other states than as to Virginia. The whole of this conference was conducted on his part with equal temper and ability, exhibiting a thorough knowledge of the subjects discussed, and great fertility of argument.

Soon after this conference with the Count de Vergennes, Mr. Jefferson addressed a letter to the Georgia delegates in Congress, in which, after referring them to his despatches to Mr. Jay, containing his views on the claims of Oglethorpe's heirs, he says, "I have thought it best to present to them those claims in the least favourable point of view, to lessen as much as pos-

sible the effects of a disappointment: but I think it my duty to ask your notice and patronage of this case, as one whose decision will have an effect on the general interests of the Union." The interests of the Chevalier de Mezieres are "espoused by those whom it is our interest to gratify."—"The pecuniary advantages of confiscation, in this instance, cannot compensate its ill effects. It is difficult to make foreigners understand those legal distinctions between the effects of forfeiture, of escheat, and of conveyance, on which the professors of the law might build their opinions in this case. They can see only the outlines of the case, to wit: the death of a possessor of lands lying within the United States, leaving an heir in France, and the state claiming those lands in opposition to the heir. An individual, thinking himself injured, makes more noise than a state. Perhaps, too, in every case which either party to a treaty thinks to be within its provisions, it is better not to weigh the syllables and letters of the treaty, but to show that gratitude and affection render that appeal unnecessary." He on the same day recommended the case to the patronage of the Governor of Georgia.

There was also a private case of American citizens which gave him no little trouble, and which conveys a lively idea of the severity of the laws of France against smuggling. This was the case of Lister Asquith and his five companions, who were thrown into prison for violating the revenue laws of France. Asquith was a citizen of Maryland, and being involved in an important law suit in England which required his presence, determined to go thither in a small schooner of his own, which he loaded with tobacco and flour for Liverpool. The schooner he had purchased as measuring 59¾ tons, but she had been registered at 21 tons, by way of evading the double duties on American vessels in England. The vessel stopped in Hampton roads, and learning that tobacco would be a better article than flour, the latter was landed, with a view of substituting tobacco; but a storm coming on, they were driven out to sea. While in the English channel, another storm drove them a second time to sea, when, in distress for provisions, and unable to reach England, they put into France. Asquith went to Roscof and made a protest of

the facts, and reported his vessel and cargo to the custom-house. Having represented the burthen of his vessel to be only 21 tons, he was told she was liable to confiscation, on which he gave a true state of the case, and was permitted so to report her; she was, however, afterwards visited by other persons, who seized her, carried her to the pier, and to that restricted both her and the crew, by putting a centinel over them. The officers then had the vessel measured, and, by omitting the cabin, steerage, &c., reduced her burthen to nearly one half. They were afterwards committed to close prison at St. Pol de Leon, where they had been confined ever since, that is, for three months. They were accused, first, of having sold tobacco in contraband; and secondly, as having entered a port of France in a vessel less than thirty tons burthen. The evidence of their selling was some loose tobacco in their possession, which they satisfactorily explained.

These people, however, were afterwards sentenced to the gallies, and to a fine, which the king remitted: their vessel and cargo were confiscated to the farmers of the revenue. It was not until the latter part of May that they were released, and the expenses of their enlargement and subsistence were furnished by Mr. Jefferson.

He now took occasion to renew his correspondence with Baron Geismer, who had shared Mr. Jefferson's hospitality at Monticello, while he was a prisoner in Albemarle. He tells the Baron that he is savage enough to prefer the woods, the wilds, and the independence of Monticello, to all the brilliant pleasures of the gay metropolis of France. "I shall therefore," he says, "rejoin myself to my native country, with new attachments, and with exaggerated esteem for its advantages; for though there is less wealth there, there is more freedom, more ease, and less misery."

Declarations of this kind often originate in insincerity and affectation; sometimes from the wish to appear superior to those sensual indulgences and light amusements which are to be obtained only in cities, and sometimes from the pride of seeming to despise what is beyond our reach. But the sentiment here

expressed by Mr. Jefferson is truly felt by many an American, and we have no reason to doubt it was felt also by him. There is a charm in the life which one has been accustomed to in his youth, no matter what the modes of that life may have been, which always retains its hold on the heart. The Indian who has passed his first years with his tribe, is never reconciled to the habits and restraints of civilized life. And although in more artificial and advanced stages of society, individuals, whether they have been brought up in the town or the country, are not equally irreconcilable to a change from one to the other, it commonly takes some time to overcome their preference for the life they have been accustomed to: and in many instances it is never overcome, but continues to haunt the imagination with pleasing pictures of the past or imaginations of the future, when hope gives assurance that those scenes of former enjoyment may be renewed. That most of our country gentlemen, past the heyday of youth, would soon tire of Paris, and pant after the simple pleasures and exemption from restraint which their own country affords, is little to be wondered at; but it is the more remarkable in Mr. Jefferson, and more clearly illustrates the force of early habit, when it is recollected that he found in the French metropolis that society of men of letters and science which he must often have in vain coveted in his own country, and that here he met with those specimens of music, painting, and architecture, for which he had so lively a relish. But in these comparisons between the life we are leading and that which we have left, or are looking forward to, we must always allow much to the force of the imagination, and there are few men who felt its influence more than Mr. Jefferson. In one of his letters to Mr. Carmichael, he says, "I sometimes think of building a little hermitage at the Natural Bridge, (for it is my property,) and of passing there a part of the year at least."

CHAPTER IX.

Mr. Jefferson joins Mr. Adams in London. Their cold reception. Policy of the British government towards America. Treaty with Portugal not ratified. Unsuccessful negotiation with the Tripoline minister. Mr. Jefferson's description of England. His contributions to the Encyclopedie Methodique. The progress of population in the United States. Inland Navigation. Elk horns. Live oak. Fossil shells. Debts of Virginians. New federal government for the United States proposed. Houdon's statue of Washington. Proposes a donation to La Fayette. British debts in Virginia. Objects to the proposed extent of some new states. His opinion of the powers of Congress. Act of religious freedom. Popular instruction. Harbour of Cherbourg. Philosophical dialogue. Easterly winds. Connexion between the Atlantic and Pacific. The Cincinnati. His schemes of future happiness. Assists Ledyard, the traveller—his enterprises. Complains that his despatches had been published. Carriage wheels.

1786—1787.

Mr. Jefferson's first official act this year was to join Mr. Adams in London, with the view of perfecting some treaties to which his concurrence was necessary. In February, he received information from Mr. Adams that there was a prospect of forming treaties with Tripoli, Tunis, and especially with Portugal. He accordingly set out a few days afterwards, and arrived in London about the 18th of March. He called on Mr. Adams the very night he arrived, and again the next day. But a temporary indisposition of the Portuguese minister delayed their interview with him.

His visit to London appeared to him and Mr. Adams to afford a good opportunity of ascertaining the real sentiments and ultimate determination of the British cabinet, on the subject of a commercial treaty with the United States. He remarked to a

correspondent, "there is no doubt what that determination will be; but it will be useful to have it, as it may put an end to all further expectations on our side the water, and show that the time is come for doing whatever is to be done by us for counteracting the unjust and greedy designs of this country."

On this occasion, as well as many others, he showed a thorough conviction, that the English government had a determined hostility towards the United States; and this belief may help to explain, and in some measure to warrant, his own ill-feeling against that government. In a letter to Mr. Langdon, of New Hampshire, in September, 1785, he remarks, "in spite of treaties, England is still our enemy. Her hatred is deep rooted and cordial, and nothing is wanting with her but the power to wipe us and the land we live on out of existence. Her interest, however, is her ruling passion; and the late American measures* have struck at that so vitally, and with an energy too of which she had thought us quite incapable, that a possibility seems to open of forming some arrangement with her. When they shall see decidedly that without it, we shall suppress their commerce with us, they will be agitated by their avarice, on the one hand, and their hatred and their fear of us, on the other. The result of this conflict of duty and passions is yet to be awaited."

In the same month he wrote to Mr. Izard, of South Carolina: "England shows no disposition to enter into friendly connexions with us. On the contrary, her detention of our posts seems to be the speck which is to produce a storm. I judge that a war with America would be a popular war in England. Perhaps the situation of Ireland may deter the ministry from hastening it on."

It must be confessed, that he had but too much ground for his opinions of English hostility. It was manifested by the per-

* This alludes to the recommendation of Congress, of the 30th of April, 1784, to the states, to invest that body with the power, for fifteen years, of excluding from the ports of the United States the vessels of all nations not having a treaty of commerce with them, and also of passing an act on the principles of the British navigation act. At the date of Mr. Jefferson's letter, seven states had passed laws in conformity with the recommendation, and three others had partially complied with it.—See Journals of Congress, March 3, 1786.

petual taunts and calumnies of their journals, and the increased difficulties in negotiation which American ministers experienced wherever British influence prevailed. It was indeed impossible that the losing party, in a civil contest, and a contest where the stake was so great, could feel well affected towards their successful adversaries, whether they regarded their own previous injustice, their haughty threats, their contemptuous sneers, or their final discomfiture and loss.

All that he met with in England seemed to confirm his previous impressions. He writes to his old colleague, Richard Henry Lee: "With respect to a commercial treaty with this country, be assured that this government not only has it not in contemplation, at present, to make any, but that they do not conceive that any circumstances will arise, which shall render it expedient for them to have any political connexion with us. They think we shall be glad of their commerce on their own terms. There is no party in our favour here, either in power or out of power." After noticing the inveterate hostile feelings of the king, he adds, "The object of the present ministry is to buoy up the nation with flattering calculations of their present prosperity, and to make them believe they are better without us than with us. This they seriously believe; for what is it men can not be made to believe? I dined the other day in a company of the ministerial party. A General Clark, a Scotchman and a ministerialist, sat next to me. He introduced the subject of American affairs, and in the course of the conversation, told me, that were America to petition Parliament to be again received on her former footing, the petition would be very generally rejected. He was serious in this, and I think it was the sentiment of the company, and is the sentiment perhaps of the nation. In this they are wise; but for a foolish reason. They think they lost more by suffering us to participate of their commercial privileges, at home and abroad, than they lose by our political severance."*

* Yet strange as it might then have seemed to Mr. Jefferson, Great Britain has never failed since the peace, except during the late war and the interruptions of our foreign commerce which preceded it, to export more goods to this country than she had ever done when they were colo-

When he appeared at court, he saw, or thought he saw, that "the ulcerations in the king's mind left nothing to be expected from *him*." "On his presentation to their majesties, at their levees," he remarks, "it was impossible for any thing to be more ungracious than their notice of Mr. Adams and myself." He adds, "that on the first conference with the Marquis of Carmarthen, the minister for foreign affairs, the distance and disinclination which he betrayed in his conversation, the vagueness and evasions of his answers to us, confirmed me in the belief of their aversion to do any thing with us."

In his official communications with Mr. Jay, the secretary for foreign affairs, just before he left England, he thus dwells on the supposed unfriendly feelings of the British government, and its indisposition to treat with the United States. "With this country nothing is done; and that nothing is intended to be done on their part, admits not the smallest doubt. The nation is against any change of measures; the ministers are against it; some from principle, others from subserviency; and the king, more than all men, is against it. If we take a retrospect to the beginning of the present reign, we observe, that amidst all the changes of ministry, no change of measures with respect to America ever took place, excepting only at the moment of the peace, and the minister of that movement was immediately removed. Judging of the future by the past, I do not expect a change of disposition during the present reign, which bids fair to be a long one, as the king is healthy and temperate. That he is persevering we know. If he ever changes his plan, it will be in consequence of events, which, at present, neither himself nor his ministers place among those which are probable. Even the opposition dare not open their lips in favour of a connexion with us, so unpopular would be the topic. It is not that they think our commerce unimportant to them. I find that the merchants have set sufficient value on it. But they are sure of

nies, and, of course, to derive more benefit from their trade; and though, had they remained colonies, the same trade would have continued to increase as it had done, yet the increase would not have been so great as it was after their independence, when they had new sources of wealth opened to them.

keeping it on their own terms. No better proof can be shown of the security in which the ministers think themselves on this head, than that they have not thought it worth while to give us a conference on the subject, though, on my arrival, we exhibited to them our commission, observed to them that it would expire on the 12th of next month, and that I had come over on purpose to see if any arrangements could be made before that time. Of two months which then remained, six weeks have elapsed without one scrip of a pen, or one word from a minister, except a vague proposition at an accidental meeting. We availed ourselves even of that to make another essay, to extort some sort of declaration from the court; but their silence is invincible."

In another letter written on the same day, he detailed what had taken place at a conference of Mr. Adams and himself with the chairman of the committee of American merchants, who called on them with their previous permission. He was told by the American ministers, that the obstructions thrown in the way of the recovery of British debts, were in consequence of the refusal on the part of England to deliver up the western posts, and the withdrawal of property from America, contrary to stipulation. They further justified those legislative acts by the utter impossibility of making immediate payment, from the scarcity of coin in the United States: that they had been desirous of making explanations on this subject, but the overtures not having been attended to by England, the states had been obliged to act for themselves. On the suggestion of five annual payments of the debts, he said that arrangement would be acceptable. But they differed on the subject of interest. The American ministers insisted that interest should be suspended during the war; which he, of course, opposed. The subject of the future commerce between the two countries being urged, he said he had no authority to speak on this matter; but, as to the arrangement about the old debts, he said he would proceed to Lord Carmarthen's on that subject, and the ministers should hear from him; which, however, they never did.

At this time, the largest part of our exports went to England, and she almost exclusively supplied us with manufac-

tures. When then she found the trade of the United States so profitable, her unwillingness to enter into any commercial arrangements with them, and her indifference about softening her refusal by a spirit of courtesy or conciliation, can be attributed only to the utter want of power, under the old confederation, to adopt efficient measures of retaliation; and so long as that imbecility continued, it was easy for Great Britain to exclude American shipping from any share of her commerce. Since, therefore, she derived every advantage of the trade with America which she could have, she had every motive to keep aloof from negotiation, in which she must either concede some advantage she then possessed, or her objections to concede it would have the ungracious appearance of refusing terms of reciprocity; whereas now, her advantages seemed to be the result of mere municipal regulations, and of the natural course of trade.

As a further evidence that these were the considerations which dictated the coldness and reserve with which England received every overture towards negotiation, a difference in her course was perceived as soon as the states took measures for enlarging the powers of Congress over the foreign commerce of the union. This change is adverted to in several of Mr. Jefferson's letters.

Our ministers were more successful in their negotiation with Portugal. A treaty of commerce, on terms mutually satisfactory, was agreed on with the Portuguese minister; but his government refused to ratify it, through the influence of several noblemen, who were the owners of windmills in the neighbourhood of Lisbon, and who were opposed to the treaty, because it permitted the importation of flour as well as wheat, by which their profits would be diminished.

In their conference with the Tripoline minister, as to the terms on which a peace with his sovereign could be negotiated, he demanded the sum of thirty thousand guineas, and as much for a peace with Tunis, for which he undertook to engage. This being more than ten times as much as the American ministers had the power to offer, the negotiation was soon broken off. They considered that it would require eight times this sum, that

is, more than a million of dollars, to purchase peace with all the four Barbary states: and in consideration of the largeness of the amount, as well as the uncertainty of the continuance of peace, Mr. Jefferson very naturally expressed the opinion, that it might be better at once to compel a peace by arms. He also suggested a third expedient, that of abandoning the Mediterranean trade to other nations.

On this subject, there was a difference of opinion between him and Mr. Adams,* the latter being in favour of buying a peace with them on the best terms we could. In a letter to his colleague, of July 11, 1786, Mr. Jefferson supports his plan of going to war by the following considerations: that the course was recommended both by justice and honour: it would procure us respect in Europe: it would arm the federal government with the safest of all instruments of coercion over its delinquent members, and prevent it from using what would be less safe: it would be less expensive than any other plan, and equally effectual. He contended, that a fleet carrying one hundred and fifty guns, one half of which to be in constant cruise, would be sufficient for the object. This fleet, for six months, would cost 450,000*l.* sterling, and its annual expense would be 300*l.* sterling a gun, equal to 45,000*l.* a year. As some marine force would be always indispensable, it was only the excess which should be charged to the Algerine war; and it would cost nearly as much as has been mentioned to buy peace of them. He then refers to the experience of France forty years before, when Algiers, having been blockaded for three months by three frigates, under De Massaic, submitted to the terms he proposed. In conclusion, he urged, that if we declared war against Algiers, Naples certainly, and Portugal probably, would join us. The plan of purchasing peace was however adopted, and persevered

* It is probable that the impression produced on Mr. Adams's mind, on this occasion, inclined him, at that advanced age when the recollection is partial and confused, to regard Mr. Jefferson as the father of the American navy. This is a credit which perhaps can be fairly given to no individual; but he has a far better claim to it than Mr. Jefferson; for the navy hardly could be considered as a distinct branch of the national force before his administration, and up to that time, he had ever been its strenuous advocate.

in until the year 1815, when Mr. Jefferson's course was finally and successfully pursued.

On this question, it is worthy of remark, both these gentlemen took the sides that were opposite to the general character of their temper and policy. Mr. Jefferson, who was generally in favour of peace, was, on this occasion, the open advocate for war: and Mr. Adams, who, both before and afterwards, was among the most strenuous asserters of the national rights and dignity, was willing, in conformity with the usage of other nations, to become tributary to those contemptible freebooters.

Mr. Jefferson's account of England seems to have borrowed a tinge from the feelings excited by his cold reception at St. James's, and his disappointment in most of the objects of his journey. He thus describes it in a letter to his friend Mr. Page: "I returned here but three or four days ago, after a two months' trip to England. I traversed that country much, and own, both town and country fell short of my expectations. Comparing it with this, I found a much greater proportion of barrens; a soil in other parts not naturally so good as this, not better cultivated, but better manured, and therefore more productive. This proceeds from the practice of long leases there, and short ones here. The labouring people here are poorer than in England: they pay about one-half of their produce in rent; the English, in general, about a third. The gardening in that country is the article in which it surpasses all the earth; I mean their pleasure gardening. This indeed went far beyond my ideas. The city of London, though handsomer than Paris, is not so handsome as Philadelphia. Their architecture is in the most wretched style I ever saw, not meaning to except America, where it is bad, nor even Virginia, where it is worse than in any other part of America which I have seen. The mechanical arts in London are carried to a wonderful perfection."

But the extensive application of science and mechanical art to purposes of utility which he here witnessed, extorted from him the liveliest admiration and praise. "I could write you volumes, he says to Charles Thomson, the well known secretary to Congress, on the improvements which I find made, and

making here, in the arts. One deserves particular notice, because it is simple, great, and likely to have extensive consequences. It is the application of steam, as an agent for working grist mills." . . . . "I hear you are applying the same agent in America to navigate boats; and I have little doubt but that it will be applied generally to machines, so as to supersede the use of water ponds, and, of course, to lay open all the streams for navigation. We know that steam is one of the most powerful engines we can employ; and in America fuel is abundant."*

Some short time after he visited London, he returned answers to a number of queries which had been addressed to him by Monsieur de Meusnier, author of the article *Economie politique and diplomatique* in the *Encyclopedie Methodique.* They relate to the powers and course of proceeding in Congress: to the paper money of the United States: the amount of debts due to England: the continuance and extension of the confederacy: the character of the constitution of Virginia. To all these he returned satisfactory answers; and on the article "Etats Unis" being submitted to him, (by Monsieur Meusnier,) he made notes on several passages, by way of correction or illustration.

Some of these remarks are not undeserving of notice, as characteristical of the time or the writer. One of his answers, in particular, gives a fuller and more accurate history of the paper money issued by the United States, than is to be met with elsewhere.†

He states the amount of debt due from Virginia to Great Britain, at the conclusion of the war, to amount to two, or perhaps, three millions sterling, which was nearly as much as all the other states owed together.

He denies that the convicts who were sent to America were a sufficient number to deserve mention as a class of the men

* While the application of steam, as a moving power, has been far more extended and multiplied than Mr. Jefferson could have anticipated, it has not superseded the use of water, which is found to be a much cheaper mechanical power than steam in this country, and even cheaper than steam is in England.

† See Appendix F.

who peopled the United States. It was in an advanced period of their history that the practice begun. He questions whether the descendants from this description of persons now amount to four thousand. He admits that indented servants formed a considerable supply. These were persons who, being anxious to go out to America, but who had not the means of defraying the expense of the voyage, agreed with any person who would advance the money to the captain to serve him for a certain number of years, and this agreement being made by a writing which the lawyers term an indenture, they were called *indented* servants.

He estimates the whole cost of the war at one hundred and forty millions of dollars, of which the paper money emitted by Congress was nominally 200,000,000; that issued by the states supposed to be of the same amount; equivalent to 72,000,000 in specie; the public debt of the federal government, foreign and domestic, 43,000,000, and the debts of the several states 25,000,000; which, for the eight years from the battle of Lexington to the definitive treaty of peace, was seventeen millions and a half a year. He gives a history of the Cincinnati, according with his letter to General Washington on this subject. In refuting an assertion in an English journal, that the population of the United States had declined since 1776, he shows the conjectural estimates at different times. The supposed population in the thirteen states in June, 1775, was 2,448,000, which is very near the number that may now be calculated from more accurate data than Congress then possessed: for, since we have found by the subsequent censuses that the rate of increase has, since 1790, been very nearly uniform, it is reasonable to suppose that it was equally so for the fifteen years previous, making a small deduction for the effects of the war. Taking that ratio, then, we find the population, on the 1st of August, 1775, to be 2,506,000.

Mr. Jefferson here ventures into some speculations on the future population of these states, when the subject had more novelty than at present; and he considers that the territory then possessed by the United States, and computed to contain a mil-

lion of miles, was competent to the support of one hundred millions of inhabitants, instead of thirty millions, as the author of the article had stated, and qualified with a *peut-être.* He at the same time supposes that North and South America, south of the 50th degree of north latitude, contain twelve millions of miles, and, by the same rate of population, they are capable of supporting twelve hundred millions of souls. Though this estimate may even now appear extravagant to many, yet it is far short of that computation which has been lately made, on plausible data too, in the new edition of the Encyclopedia Britannica, where the inhabitants of this continent, in about two centuries more, are estimated at eighteen hundred millions!

He also assumed that whenever the population reaches ten to the square mile, the people are disposed to emigrate to unoccupied lands, and that the United States would, in forty years from that time, 1785, have its whole territory peopled at that rate. At this period he supposed that the people would not be restrained within the limits of the United States, and that when the population of both continents shall have reached one hundred and twenty millions, the whole country will be settled.

Subsequent experience has shown that the tendency of our population to spread itself over vacant territory, is not so great as Mr. Jefferson has here supposed; for, in sixteen years after this time, the territory of the United States was carried beyond the Mississippi, so as to double its former extent, and thus the difficulties which then existed against emigration were removed; notwithstanding which, the numbers east of the Mississippi exceed twelve to a square mile; and, judging by the experience of the more populous states, it will go on to increase until it may attain four or five times that number, although there may yet be vacant territory within their limits. According to Mr. Jefferson's calculation, the whole territory of the United States, which is estimated at something more than two millions of miles, would be occupied when their population reached twenty millions; but, from our past experience, when it has attained that population, (which will be in 1846,) there may be half a million of miles of unoccupied territory.

Some of the most interesting parts of his correspondence may now be noticed in chronological order.

To General Washington he writes to ask for a description of Bushnel's machine for propelling boats. He congratulates the General on the prospect of the Dismal Swamp Canal, and of making the Potomac and James rivers navigable, all of which schemes had been then proposed, and warmly supported by General Washington. He suggests, in addition, a canal connecting the Cayahoga and Beaver creek. This scheme of connecting lake Erie with the Ohio has been since accomplished by the more magnificent scheme of one entire canal, and it follows this very stream of Cayahoga above thirty miles. The connexion thus formed is at a point on the Ohio 360 miles below that contemplated by Mr. Jefferson. He also takes occasion, in adverting to the disposition which General Washington had recently made of the canal shares bestowed on him by the Virginia legislature, to express his wonted interest on the subject of education. "It is an axiom in my mind," he says, "that our liberty can never be safe but in the hands of the people themselves, and that too of the people with a certain degree of instruction. This it is the business of the state to effect on a general plan."

He requested Colonel Archibald Carey, of Chesterfield, to send him "the largest pair of deer's horns that he could procure, and, if possible, the stuffed skin of one. He wished also for a pair of elk's horns, with a view of supporting his opposition to the theory of Buffon.

It seems that the live oak was so little wanted at home at that time, and its value was so little understood in France, that General Greene, who had married and settled in Georgia after the peace, had proposed, through Mr. Jefferson, to furnish the French government with this invaluable timber, and all the success he could obtain, with the aid of La Fayette, was to send for "samples of the wood."

With the celebrated Rittenhouse of Pennsylvania he discusses the origin of the marine shells which are every where found in the elevated portions of our globe.

Noticing the three hypotheses—1. That they were deposited there in the general deluge: 2. That they are the remains of animals that once lived and perished in the spots on which they are now found: 3. That they grow or shoot as crystals do—he seems to yield no credit to any solution which has been given of the phenomenon.

To Archibald Stuart of Virginia, afterwards one of the judges of the General Court, he writes: "American reputation in Europe is not such as to be flattering to its citizens. Two circumstances are particularly objected to us: the non-payment of our debts, and the want of energy in our government. They discourage a connexion with us. I own it to be my opinion that good will arise from the destruction of our credit.* I see nothing else which can restrain our disposition to luxury, and to the change of those manners which can alone preserve republican government. As it is impossible to prevent credit, the best way would be to cure its ill effects, by giving an instantaneous recovery to the creditor. This would be reducing purchases on credit to purchases for ready money. A man would then see a prison painted on every thing he wished, but had not ready money to pay for."

In the same letter he also entered into some speculations concerning the separation of Kentucky, not only from Virginia, but also from the confederacy, as then seemed probable. "Our present limits," he remarks, "are not too large for good government, nor will the increase of votes in Congress produce any ill effect. On the contrary, it will drown the little divisions at present existing there. Our confederacy must be viewed as the nest from which all America, north and south, is to be peopled. We should take care, too, not to think it for the interest of that great continent, to press too soon on the Spaniards. Those countries cannot be in better hands; my fear is that they

* The evil of running in debt, which is always prevalent in a slaveholding and agricultural country, were no where more felt than in Virginia. They were aggravated by the course of the trade in tobacco, then its chief staple, as is well explained by Mr. Jefferson in his conference with Mons. de Vergennes.

are too feeble to hold them till our population can be sufficiently advanced to gain it from them, piece by piece. The navigation of the Mississippi we must have." To this correspondent he also intimates his earnest desire of having the skeleton, skin, and horns of an elk.

He some time before had the satisfaction to hear that the several states, finding that they could not, under their existing confederacy, protect their foreign commerce either against the injurious regulations of other nations, or the rival restrictions of one another, were likely to concede to Congress powers adequate to these objects. In a letter to Mr. Madison, dated in February, 1786, he expresses the pleasure this intelligence had afforded him, and adds, "I will venture to assert that there is not one of its opposers, who, placed on this ground, would not see the wisdom of this measure. The politics of Europe render it indispensably necessary that, with respect to every thing external, we be one nation only, firmly hooped together. Interior government is what each state should keep to itself. If it were seen in Europe that all the states could be brought to concur in what the Virginia Assembly has done, it would produce a total revolution in their opinion and respect for us. And it should ever be held in mind, that insult and war are the consequence of a want of respectability in the national character. As long as the states exercise separately those acts of power which respect foreign nations, so long will there continue to be irregularities, committed by some one or other of them, which will constantly keep us on an ill footing with foreign nations.

The measures which immediately led to the formation of the present constitution, have too much interest to be passed over in silence. Though extending over a period of more than five years, it is thought better to present them in a continuous view, in the following sketch:

At the termination of the war of Independence, Great Britain knowing the value of American commerce, and fearing it would be diverted into rival channels, was willing to enter into arrangements with the United States, on a footing of reciprocity, and even to depart from her colonial monopoly, so far as to con-

tinue to the states their former trade to the West Indies.* But she soon found that she had nothing to fear, in the way of retaliation, by reason of the limited powers of Congress, and the difficulty of concerted action in thirteen separate legislatures, whose jealousies, commercial and political, were no longer repressed by a sense of common danger. She saw her advantage, and profiting by her own restrictions, and our want of them, excluded American vessels from her colonies, and the importation of many American products even in British bottoms.

The pride, as well as the self-interest of America was aroused by this measure of British policy, and various attempts at retaliation, or counteraction, were made; sometimes by the separate efforts of individual states, and, at others, by a proposed enlargement of the powers of Congress: but every plan failed. The requisite powers were indeed promptly granted by most of the states; but they were neglected by others, or so clogged as to be useless; and unanimity was required to alter the articles of confederation. As to the states themselves, so far were they from co-operating by their separate legislative acts, that they but too often systematically counteracted the regulations of each other, and in laying their impost, were underbidders for a larger share of the trade by whomsoever carried on.

The public mind was, however, gradually ripening into a sense of the necessity of adopting a general system of defensive measures, when in January, 1786, the General Assembly of Virginia, by resolution, appointed eight commissioners, to meet such others as should be appointed by the other states, for the purpose of digesting a system of uniform commercial regulations, which, when ratified by the states, should be executed by Congress.† The resolution having also directed the commissioners

* This is evinced by the bill introduced into Parliament by Mr. Pitt, in March, 1783, for a temporary regulation of the commercial intercourse between the two countries.

† Judge Marshall states, doubtless on good authority, that this proposition owed its first suggestion to a recommendation made by the commissioners of Virginia and Maryland, who formed a compact in March,

to propose the time and place of meeting, they accordingly, in their circular to the other states, proposed to meet at Annapolis in the ensuing September.

It appears that all the states appointed commissioners, except Connecticut, Maryland, South Carolina, and Georgia; but those only of New York, New Jersey, Pennsylvania, Delaware, and Virginia attended. They assembled on the 11th of September, appointed John Dickinson, of Delaware, their chairman, and after some deliberation, not deeming it "advisable to proceed on the business of their mission," when so many states were unrepresented, and being persuaded that the mere regulation of trade would require an extension of the powers of Congress, they agreed, in a joint report to their respective legislatures, to recommend "a convention of deputies from the different states," to be held at Philadelphia, on the second Monday of May next, "to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the union." Copies of this report,

1785, respecting the navigation and jurisdiction of the Chesapeake and some of its waters, while on a visit at Mount Vernon.

Supposing him right, it is curious to trace the successive steps by which this mode of organizing a plan of national government was gradually developed.

1. Virginia and Maryland appoint commissioners to regulate the navigation and jurisdiction on the waters which divide the two states.

2. In adjusting these points, they see the importance of a uniformity in their impost and revenue laws; they therefore propose a further compact with a view to that object.

3. The legislature of Virginia, in considering this proposition, is naturally led to wish an extension of the regulations of the impost to the other states, since an arrangement limited to two states, would merely mitigate the evil, not remove it.

4. When the commissioners, who met at Annapolis, consulted on giving Congress the power of making commercial regulations, they would see that, to give that power efficacy, they must grant many other powers. They, therefore, propose a general revision of the articles of confederation.

5. The deputies assembled in convention, on beginning the business of reform, soon found that it was better to make a new and entire structure than to repair the old one; and their decision was confirmed by the people.

signed by the chairman, were transmitted to Congress, and to the executives of all the states not represented.*

On the 21st of February, 1787, Congress, by resolution, declared such a convention expedient. On the 25th of May, deputies from nine states had assembled at Philadelphia, and having elected George Washington their President, proceeded to deliberate on the form of a national government. They were subsequently joined by deputies from all the other states, except Rhode Island, amounting to fifty-five in all, who, after a laborious and anxious session of nearly four months, succeeded in agreeing on a federal constitution, to be laid before Congress, and to go into operation when ratified by nine states.

The instrument was received by Congress on the 28th of September, 1787, and by them submitted to the several states for ratification. It was ratified by Delaware, Pennsylvania, and New Jersey, in 1787; by Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, and New York, in 1788. Congress having these ratifications, took measures for electing a president of the United States, and appointed the 4th of March, 1789, for the new constitution to go into operation.

North Carolina ratified the constitution in November, 1789, and Rhode Island in May, 1790.

Adverting to the statue of General Washington, which Houdon had just finished, he spoke of the several inscriptions and devices which had been proposed for it, and gave the preference to the following. On one side of the pedestal a Latin inscription, which he thus translates: "Behold, reader, the form of George Washington. For his worth, ask history; that will tell it when this stone shall have yielded to the decays of time. His country erects this monument, Houdon makes it;" on the

* The individuals who have the honour of having first suggested the convention which formed the present constitution, were Egbert Benson and Alexander Hamilton, of New York; Abraham Clark, William C. Houston and James Schureman, of New Jersey; Tench Coxe, of Pennsylvania; George Read, John Dickinson and Richard Bassett, of Delaware; Edmund Randolph, James Madison and St. George Tucker, of Virginia.

second side, the evacuation of Boston in basso-relievo, with the motto, "*Hostibus primum fugatis;*" on the third, the capture of the Hessians, with "*Hostibus iterum devictis;*" on the fourth, the surrender at York, with "*Hostibus ultimum debellatis.*"

"I am persuaded," he says to Mr. Madison, "that a gift of lands by the state of Virginia to the Marquis de La Fayette, would give a good opinion here of our character, and would reflect honour on the Marquis. Nor am I sure that the day will not come when it might be a useful asylum to him. The time of life at which he visited America was too well adapted to receive good and lasting impressions, to permit him ever to accommodate himself to the principles of monarchical government; and it will need all his own prudence, and that of his friends, to make this country a safe residence for him. How glorious, how comfortable in reflection will it be, to have prepared a refuge for him in case of reverse."*

Thirty-eight years afterwards Mr. Jefferson had the satisfaction of seeing this manifestation of national gratitude, on a much larger scale, at a time, too, when it was much more acceptable to the object of it, and when it probably received the first impulse from himself.†

Having been informed by Mr. William Drayton that the South Carolina Agricultural Society had elected him a member, in May he sent them the seeds of a grape (Spanish St. Foin) which he thought would suit the climate of that state, and endeavoured to procure acorns of the cork oak; justly remarking that "we were probably far from possessing as yet all the articles of culture for which nature has fitted our country; that to find them out, requires abundance of unsuccessful experiments; but that if, in a multitude of these, we make one useful acquisition, it repays our trouble."

* The legislature of Virginia had, in the year 1781, ordered a marble bust of La Fayette to be made in Paris and presented to him, and another for the state, which now occupies a niche in the same room of the capitol that contains the statue of Washington.

† The first proposition that Congress should make a donation to General La Fayette, appeared in the little paper printed at Charlottesville, and was probably suggested by Mr. Jefferson.

Aware of the mass of debt which the states, generally, and Virginia in particular, owed to England, he thought the most effectual remedy for the evil was to discourage, and even interdict, the trade; and thus took some of the same views which have since recommended the adoption of the tariff, and have been urged to justify it. Speaking to a Virginia correspondent and distant relative, Mr. T. Pleasants, of the benefits of obtaining a free admission of our tobacco into France, he remarks: "I consider it as the most effectual means of procuring the full value of our produce, of diverting our demands for manufactures from Great Britain to this country to a certain amount, and of thus producing some equilibrium in our commerce, which at present lies all in the British scale. It would cement a union with our friends, and lessen the torrent of wealth which we are pouring into the laps of our enemies. For my part, I think that the trade with Great Britain is a ruinous one to ourselves, and that nothing would be an inducement to tolerate it but a free commerce with their West Indies: and that this being denied to us, we should put a stop to the losing branch. The question then is, whether they are right in their prognostications, that we have neither resolution nor union enough for this." His subsequent remarks are still more at war with the maxim of *laissez nous faire.* "Every thing I hear from my own country fills me with despair as to their recovery from their vassalage to Great Britain. Fashion and folly are plunging them deeper and deeper into distress; and the legislators of the country becoming debtors also, there seems no hope of applying the only possible remedy, that of an immediate judgment and execution. We should try whether the prodigal might not be restrained from taking on credit the gewgaw held out by him in one hand, by seeing the keys of a prison in the other."

It seems that at this time it was proposed by some to lay off the country between the Atlantic states and the Mississippi, in states of 160,000 square miles, to which plan Mr. Jefferson urges strong objections in a letter to Mr. Munroe, dated in July. "You would surely reverse the nature of things," he remarks, "in making small states on the ocean, and large ones beyond the

mountains. If we could in our consciences say, that great states beyond the mountains will make the people happiest, we must still ask, whether they will be contented to be laid off into large states. They certainly will not, and if they decide to divide themselves, we are not able to restrain them. They will end by separating from our confederacy, and becoming its enemies. We had better then look forward and see what will be the probable course of things. This will surely be a division of that country into states of a small, or at most, of a moderate size. If we lay them off into such, they will acquiesce, and we shall have the advantage of arranging them so as to produce the best combinations of interest."

His notions of the subordination of the states to the united power of the whole, even under the old confederation, differ widely from those of state rights, and independence now entertained. In a letter to Mr. Monroe, in August, in speaking of the importance of a navy to awe the Barbary states, he observes: "It will be said, there is no money in the treasury." There never will be money in the treasury *till the confederacy shows its teeth. The states must see the rod; perhaps it must be felt by some one of them.* I am persuaded, all of them would rejoice to see every one obliged to furnish its contributions. It is not the difficulty of furnishing them which beggars the treasury, but the fear that others will not furnish as much. Every rational citizen must wish to see an effective instrument of coercion, and should fear to see it on any other element than the water. A naval force can never endanger our liberties, nor occasion bloodshed: a land force would do both." On the same subject, Dr. Franklin had remarked to Mr. Jefferson, in a letter dated the 20th of March preceding. "The disposition to furnish Congress with ample powers augments daily, as people become more enlightened."

He writes to his old preceptor, Mr. Wythe—"Our act for freedom of religion is extremely applauded. The ambassadors and ministers of the several nations of Europe, resident at this court, have asked of me copies of it, to send to their sovereigns, and it is inscribed at full length in several books now in the

press; among others, in the new *Encyclopedie.* I think it will produce considerable good even in those countries, where ignorance, superstition, poverty and oppression, both of body and mind, in every form, are so firmly settled on the mass of the people, that their redemption from them can never be hoped. If all the sovereigns of Europe were to set themselves to work, to emancipate the minds of their subjects from their present ignorance and prejudices, a thousand years will not place them on that high ground, on which our common people are now setting out. Ours could not have been so fairly placed under the control of the common sense of the people, had they not been separated from their parent stock, and kept from contamination, either from them, or the other people of the old world, by the intervention of so wide an ocean."

He then descants on the benefits of popular instruction. "I think by far the most important bill in our whole code, is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness." After some common place denunciations of kings, nobles and priests, he adds: "Preach my dear sir, a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils, and that the tax which will be paid for this purpose, is not more than the thousandth part of what will be paid to kings, priests and nobles, who will rise up among us, if we leave the people in ignorance. He admitted, that the people of England were less oppressed than in France; but that the foundation was laid even with the English for a despotic government, by their admiration of nobility, wealth and pomp. "Then indulging in a refined speculation, he argued, that the harbour of Cherbourg, which the French were constructing, would, by its consequences, hasten that catastrophe. He supposed, that when the French were thus provided with a harbour on the channel, sufficient for their whole navy, the chief obstacle to an invasion from France would thereby be removed; and that there would then be a necessity for England to keep up a large standing army, which

would enable the government to make itself absolute. This is but an ordinary example of the uncertainty of most speculations on the future destiny of nations. Events are always occurring to mock human foresight, and render naught all our calculations of remote effects. The harbour of Cherbourg was indeed completed; but instead of the French navy being thereafter formidable to England, it was, by the course of events, in the next war, actually annihilated; and the danger of invasion was never so great as after this very annihilation. The army in England was increased to an unprecedented amount, for the purpose of preventing the invasion. Yet the spirit of liberty was greater in England, both before and since that event, than at any former period.

The history of the false predictions of great national disasters and benefits would form a most curious and instructive volume.

In the month of September, Mr. Jefferson chanced to dislocate his right wrist,* so as to be incapable of writing with it, in consequence of which his correspondence was for some time suspended, until he had brought himself to write with his left hand, which he used for about three months.

In this time, he addressed a long letter to Mrs. Cosway, an English lady, whom, with her husband, he had recently seen in France, and sent her, by way of philosophical jeu d'esprit, a dialogue between *the head* and *the heart*, in which the separate functions of the understanding and the passions of human

* Mrs. Randolph's notice of this incident, in the notes with which she has favoured me, gives too much insight into her parent's habits and character to be pretermitted. "At one o'clock, he always rode or walked. He frequently walked as far as seven miles into the country. Returning from one of those rambles, he was joined by some friend, and being earnestly engaged in conversation, he fell, and broke, and dislocated his wrist. He said nothing at the moment, but holding the suffering limb with the other hand, he continued the conversation till he arrived near to his own house, when informing his companion of the accident, he left him to send for the surgeon. The fracture was a complicated one, and probably much swollen before the arrival of the surgeon; but it was not *set*, and remained ever after weak and stiff. While disabled by this accident, he was in the habit of writing with his left hand, in which he soon became very expert—the writing being well formed, but stiff."

life are meant to be exhibited. The task is not ill-executed, considering the inherent difficulty of uniting just and sound philosophy with the easy gayety and sprightliness of wit.

In November he wrote to Monsieur Le Roy, a member of the Academy of Sciences, on the progressive extension of the easterly wind into the interior of the country, as the land is generally cleared of its forests. Assuming the fact as unquestionable, he attempts to explain it by an hypothesis, founded on the known laws of heat and air. Yet, in opposition to this hypothesis, it is found that, beyond the tropics, the westerly winds every where prevail, and it is this circumstance that alone affords a satisfactory solution of the higher temperature of the western, over the eastern coasts of continents, in the same latitude. The ocean being both cooler in summer and warmer in winter than the land, the wind, which blows across it more from the west than the east, proportionally attempers the western coasts.

He then indulges in some conjectures of the probable effects of opening a communication between the Atlantic and the Pacific, at the isthmus of Panama. But they seem to ascribe too much effect to the opening of a single channel, since the tropical wind forms a broad zone, and acts on a proportional breadth of ocean, and produces the current called the gulf stream, rather by the breadth of water, thus driven on the American coast, than by its elevation. A single outlet, therefore, the force of whose current would be only according to the difference of level between the two oceans, would have little effect on the whole mass of waters in the bay of Mexico; but that mass would continue its general movement to the part of the Atlantic, which, though but little lower, affords a vent sufficiently large.

In the same month, having written to General Washington to make inquiries in behalf of a wealthy house in Paris, which was disposed to engage in the fur trade, he notices the article "Cincinnati," in the Encyclopedie, written by himself; but which the editor of that work had altered. He sends a copy to the general, and requests him to point out any errors he may per-

ceive. He then adds, "what has heretofore passed between us on this institution, makes it my duty to mention to you, that I have never heard a person in Europe, learned or unlearned, express his thoughts on this institution, who did not consider it as dishonourable and destructive to our government; and that every writing which has come out since my arrival here, in which it is mentioned, considers it, even as now reformed, as the germ whose developement is one day to destroy the fabric we have reared." He then states his own views to be similar, and most earnestly deprecates the continuance of an institution which is pregnant with the mischief of introducing in the country an aristocracy—the worst of all forms of government."

A letter to Mr. Munroe, in December, strikingly shows how fallacious are all our schemes of future happiness; and fallacious, not merely as to the facts themselves that are foreseen, but also as to their unfitness for our purpose, if they were to happen. Mr. Jefferson expresses to Mr. Munroe an earnest wish that he would make the county of Albemarle his place of residence; states, that Mr. Short will do so; and suggests that Mr. Madison may be tempted to follow their example: "This," he says, "will be society enough, and it will be the great sweetener of our lives. Without society, and a society to our taste, men are never contented. The one here supposed, we can regulate to our minds, and we may extend our regulations to the sumptuary department, so as to set a good example to a country which needs it, and to preserve our own happiness clear of embarrassment."

Only a small part of this scheme was realized, and that but for a short time. Mr. Madison continued at his paternal seat in Orange county, which he enlarged and embellished, and where, in a dignified retirement, he still continues to charm all persons of true taste and feeling, by the amenity of his manners, by the unclouded cheerfulness of his temper, by his extraordinary conversational talent, and to astonish them by the vigour, the resources, and the sprightliness of the intellect which still exhibits its pristine powers of grasping the most difficult problem in politics or morals, and of perceiving and relishing every

species of the ludicrous, that is not unbecoming the sage and the gentleman.

Mr. Short continued in Europe many years, first, as Secretary of Legation, at Paris, and afterwards, as *Chargé d'Affaires*, or Minister, at different courts. When he returned to America, he found in Philadelphia the nearest approach to the numerous comforts afforded by an European capital. Mr. Munroe did, indeed, purchase land, and build a house in Albemarle, but by reason of his successive public employments, he, perhaps, did not reside five years out of the forty which elapsed from the time this vision of the pleasures of friendship was sketched by Mr. Jefferson, to the time of his death.

It is not a little remarkable, that three of the four individuals, whom Mr. Jefferson thus contemplated as sharing in the same neighbourhood the tranquil delights of a country life, subsequently attained the office of President of the United States, so much had reality, on this occasion, outstripped imagination. Mr. Jefferson suggests to Mr. Munroe two modes of rendering the drudgery of practising law unnecessary. One was to obtain a seat in the executive council of Virginia, and the other, a place in the judiciary of the state. The first of these situations then had a salary attached to it of only 833⅓ dollars: the other, about 1200 dollars. Yet, this gentleman, whom these very moderate incomes were then deemed sufficient to provide with a competency, through the greater part of his subsequent life received annually from 3333⅓ dollars to 25,000 dollars, amounting in all to upwards of 400,000 dollars; and these sums had been so inadequate to his expenses, that his debts were sufficient to leave an incumbrance on an estate devised to him by an uncle, after having exhausted all the rest of his property.

Of the many similar examples which our country occasionally presents, of men being elevated beyond their most sanguine expectations, there can be few more striking than this, of one whose views, after he became a public man, were limited to a residence in what was then a sequestered part of the country, on an income of 1000 dollars, and who afterwards received a salary

of 25,000, lived in a furnished palace, and became the chief magistrate of ten millions of people.

It was during this year that Mr. Jefferson became acquainted with John Ledyard, the American traveller, who had come to Paris with the hope of forming a company to engage in the fur trade of the western coast of America. Being disappointed in this project, Mr. Jefferson, knowing his enterprising character and love of travel, suggested to him to undertake to explore the American continent, by traversing Europe and Asia to Kamschatka, and crossing over from thence in a Russian vessel to Nootka sound, from which place he could travel over land to the United States. This scheme fell in so well with Ledyard's adventurous spirit, that he readily embraced it, and immediately took means for carrying it into execution.

Mr. Jefferson undertook to procure the permission of the empress of Russia, and for that purpose interested her minister, de Semoulin, and Baron Grimm, her special correspondent; but permission being refused, on the alleged ground that the enterprise was chimerical, Ledyard persevered, and set off for St. Petersburg, under the expectation of being able to convince the empress that his scheme was practicable. On his arrival there, finding that she was on a visit to the Crimea, he set out, and proceeded on towards the Pacific,* but was soon arrested, by order of the empress, and sent back to Poland.

Ledyard expressed great gratitude to Mr. Jefferson for the attentions and other favours shown him while in Paris, and it would seem that he owed principally to Mr. Jefferson and the Marquis de La Fayette the means of support. In one of his letters to a friend, he says, "I make these trips to Paris often; sometimes to dine with this amiable Frenchman, (La Fayette,) and sometimes our minister, who is a brother to me."

There was at the time an air of mystery in the order made

* Mr. Jefferson was mistaken in supposing that Ledyard was within 200 miles of the Pacific coast. He reached no further than Yakutsk, which is reckoned to be 2017 versts, equal to 1345 miles from Kamschatka. When he was seized, he was 2855 versts from the Pacific, in consequence of having retraced a part of his course to accompany Captain Bellings, a Russian officer, to Irkutsk.

by the empress for Ledyard's seizure, the reason assigned being, that he was regarded as a French spy. It, however, is now evident that it originated either in the political jealousy of the government, which did not wish the attention of other powers called to the settlements the empress was then making on the north-west coast of America, or the commercial jealousy of the merchants at Irkutsk, who were engaged in the fur trade. Had he succeeded in reaching the north-west coast, it seems hardly possible he could have traversed this continent, without having his progress arrested by imprisonment or death, from some of the savage tribes whom he would have encountered in his journey. Nor would his voyage have cast much additional light, either on the character of the aborigines, or their origin. In their general appearance, the Indians of this continent resemble the Kalmucks of Asia enough to make it probable that they are scions of the same stock, as Ledyard believed, and it remains for the researches of philology, which has done so much in that way, to afford further proofs of their affinity.

Had Ledyard, however, succeeded in his subsequent attempt to penetrate into the interior of Africa, he might have anticipated much of that addition to geographical knowledge, which has been since made by Parke, Denham, Clapperton, and others.

He seems to have felt the liveliest attachment to Mr. Jefferson. Though he lived only about three months after he arrived in Egypt, he wrote three letters to his benefactor. In one of them, he thus warmly expresses himself: "Having been in Cairo only four days, I have not seen much of particular interest for you; and, indeed, you will not expect much of this kind from me. My business is in another quarter, and the information I seek totally new. Any thing from this place would not be so.

"At all events, I shall never want a subject when it is to you I write. I shall never think my letter an indifferent one, when it contains the declaration of my gratitude and affection for you; and this, notwithstanding you thought hard of me for being employed by an English Association, which hurt me much while I was at Paris. You know your own heart, and if my suspi-

cions are groundless, forgive them, since they proceed from the jealousy I have, not to lose the regard you have, in time past, been pleased to honour me with. You are not obliged to esteem me, but I am obliged to esteem you, or to take leave of my senses, and confront the opinions of the greatest and best characters I know. If I cannot, therefore, address myself to you as a man you regard, I must do it as one that regards you for your own sake, and for the sake of my country, which has set me the example."

In a letter to Mr. Jay, of January the 9th, Mr. Jefferson complains of the publication of his despatches of the 27th of May preceding, in which he had detailed a conversation with the Count de Vergennes on the subject of tobacco. "It will," he says, "tend to draw on the count the formidable phalanx of the farms; to prevent his committing himself to me in any conversasion which he does not mean for the public papers; to inspire the same diffidence into all other ministers with whom I might have to transact business; to defeat the little hope, if any hope existed, of getting rid of the farm on the article of tobacco; and to damp that freedom of communication which the resolution of Congress of May the 3d, 1784, was intended to re-establish."

His sensibility to every thing which might affect the reputation of his countrymen, even in small things, is manifested by a letter he wrote about this time to Monsieur de Creve Cœur, in which he asserted, for the farmers of New Jersey, the claim to the invention of the rim of a carriage wheel of one single piece, which had been recently spoken of in England, as an invention of that country. He says, the practice of making such wheels had long existed in New Jersey, and that it had been communicated by Dr. Franklin, when in London, to the very man who had there obtained the patent for it, as he had admitted to Mr. Jefferson himself.

CHAPTER X.

Political troubles of France. Meeting of the Notables. Shay's insurrection in Massachusetts. Newspapers. Thoughts on Government. Navigation of the Mississippi. Visits the South of France. His style of travelling. Nismes. Secret overtures from a Brazilian and a Mexican. His views of the new Constitution of the United States. Debt due to French officers. Is joined by his younger daughter. Note to the French minister. Cultivation of the vine and olive compared. His opinions on the power of coercion on the states—Moral philosophy—Religion—Travelling. Advice in a law question. Statuary costume. Increasing discontents in France. Effects of European wars on the United States. Progress of the French Revolution. Letter to Mr. Wythe. Imports the bones of a Moose. Imputed project of the English ministry.

1787.

At this period, when nearly all Europe wore the face of peace and order; when its two most powerful states, England and France, had apparently laid aside not only their ancient animosity, but even their commercial jealousy, and had entered into a treaty of a more liberal character than the world had before witnessed, there were causes secretly at work to bring about a convulsion, which, besides overturning all former establishments, whether of policy, religion, or morals, in the country where it broke out, agitated to its centre every civilized nation on the globe. Other revolutions have decided the political destiny of nations—have given freedom to people, or have transferred them from one set of rulers to another; yet customs, manners, habits, and ways of thinking remained unchanged. Even where conquest has been followed by a change in the institutions and character either of the vanquished or the victors, that

change has been gradual and slow. But in the French Revolution, the changes of power and of property, were not greater than that of opinion, and all these changes were almost immediate. The desire of reform soon became the love of innovation, until a prurient thirst for novelty, seeking gratification in every thing, from the highest to the lowest concerns of life, subverted all that seemed most stable by time, habit or affection.

Those who have speculated on this great event have dwelt on particular circumstances, as its direct causes, such as the financial embarrassments of the nation: the spirit of independence which had been for some years manifested by the Parliaments: the influence of their men of letters, who were mostly free thinkers in religion, and republicans in government: the American Revolution, the success of which, by gratifying the national pride of the French, had endeared its cause to their affections: and some have even supposed that, but for the imbecile character of Louis XVI. and the indiscretions of his queen, the throne of France would have yet retained its ancient splendour, and its monarch his place in the hearts of the people.

That each of these circumstances contributed to bring about the revolution at the precise time it happened, and to give it the very form and character it assumed, will be ready conceded: but it seems probable, that there were causes yet deeper than those, which had been long silently at work, and which must, at no remote period, have wrought an entire change in the civil condition of France, though none of the circumstances referred to had ever existed; though the American Revolution had not occurred; though the reigning monarch had possessed firmness and decision, and the Parliaments had wanted them; though Voltaire and Rousseau had never lived; and though the public debt had not exceeded the resources of the treasury.

If we take a general survey of the progress of society in modern Europe, we shall perceive the following great causes of change, operating steadily and universally, though with unequal steps, in different times and places: science of every description is constantly acquiring new facts, discovering new relations, and settling new principles: all the useful arts of life receive a simi-

lar improvement by the invention of new machines, new processes, and by a greater variety of materials. The correspondent increase of the materials of thought have disposed man more to reasoning and reflection, so that he is less under the deceptious influence of his passions; less prone to superstitious fear; less ferocious and implacable in his resentments: the advancement of art, too, and the greater diffusion of wealth has elevated the inferior ranks of society nearer to a level with the highest: and lastly, since such members now desire a support from the exercise of their own industry, rather than from the bounty of a feudal baron, much of that deference for rank which formerly existed has disappeared, and the pride of family has been superseded by the pride of talents and wealth. In a word, knowledge and prosperity, which are yet more efficient in swaying the acts of civilized man than physical force, have greatly augmented, and become more diffused throughout the community.

The consequence of this altered state of things was, that political power required a new distribution, correspondent with the changes of moral power, and the discordance between the civil institutions, and the state of society becoming every day greater, such distribution must, sooner or later, necessarily take place. If those institutions were so organized as to admit of partial and gradual amendments, as seems to be the character of the British government, the political change might be both peaceable and safe; but if they were not, revolution and civil convulsion seemed the inevitable consequence. The institutions of France did not possess this conservative principle of amendment. Usage there made the law, and whatsoever had its sanction, acquired thereby an authority which could not be resisted. Now, as the few to whom this supreme law gave exclusive privileges and the power of enforcing them, could not be expected to make a voluntary surrender of their advantages, and those who were excluded more and more felt the grievance, and their power of redressing it, the change that was to ensue could scarcely be brought about except by violence and revolution.

It was in January, 1787, that Mr. Jefferson first mentioned this subject in his official despatches, by noticing those political difficulties which induced the French government to call the Notables of the country—a step which had not been taken for one hundred and sixty years before. The conjectured motives, he says, in his letter to Mr. Jay, were the following: the toleration of the Protestant religion: the removal of the custom houses from the interior to the frontier: the equalization of the *gabelles*, or duties on salt throughout the kingdom: the sale of the king's domains to raise money, or finally, to effect this last necessary end by some other means. He admits, however, that the purpose was known only to the government.

In a letter to a friend, he observes, that "this event, which will hardly excite any attention in America, is deemed here the most important one which has taken place in their civil line, during the present century. Our friend, de La Fayette, was placed on the list (of notables) originally. Afterwards his name disappeared; but finally was reinstated. This shows that his character here is not considered as an indifferent one; and that it excites agitation. *His education in our school has drawn on him a very jealous eye, from a court whose principles are a most absolute despotism.*"

In his remarks on Shay's rebellion in Massachusetts, he expresses principles in favour of popular opinions and feelings to which he seemed to have steadily adhered through life. "The interposition of the people themselves, on the side of government, has had a great effect on the people here. I am persuaded myself, that the good sense of the people will always be the best army. They may be led astray for a moment, but will soon correct themselves. The people are the only censors of their governors; and even their errors will tend to keep them to the true principles of their institution. To punish these errors too severely, would be to suppress the only safe guard of the public liberty. The way to prevent these irregular interpositions of the people is, to give them full information of their affairs, through the channel of public papers, and to contrive that those papers should penetrate the whole mass of the peo-

ple. The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide, whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean, that every man should receive those papers, and be capable of reading them."

Mr. Jefferson, however, lived to see that these, his favourite means of enlightening and instructing the people, were as potent, and often as ready instruments for the diffusion of falsehood as truth; that if the latter is sure in the end to prevail in the struggle for the mastery between them, it is often only after a long contest, frequent discomfitures, and the most arduous efforts of her adherents; and that if these should chance to have feeble heads, or failing hearts, as is sometimes the case, error may then obtain a triumph, and may long enjoy it. He became, in a subsequent part of his life, so sensible of this, that he almost ceased to read the newspapers, and, as he says to one of his correspondents, confined himself to a single one, the Richmond Enquirer, in which *he* found nothing politically heterodox, or personally offensive. But while these ephemeral teachers of truth and vehicles of information are, in common with every thing belonging to man, thus imperfect, and liable to abuse, it is not seen how a large community could continue free or intelligent without them; as the air which, though it sometimes conveys offensive odours, sometimes noxious vapours, and, in its greatest agitations, becomes the destructive hurricane, is, nevertheless, the indispensable aliment of life. It was only to this great result that Mr. Jefferson had reference.

The following opinions* savour somewhat of those Eutopian notions of civil society and government, which had been recommended by Rousseau, in the wantonness of conscious eloquence, and which were then much in favour among the literati of France.

"I am convinced that those societies (as the Indians) which

* In a letter to Colonel Edward Carrington of Virginia.

live without government, enjoy, in their general mass, an infinitely greater degree of happiness than those who live under the European governments. Among the former, public opinion is in the place of law, and restrains morals as powerfully as laws ever did any where. Among the latter, under the pretence of governing, they have divided their nations into two classes, wolves and sheep. I do not exaggerate: this is a true picture of Europe. Cherish, therefore, the spirit of our people, and keep alive their attention. Do not be too severe upon their errors, but reclaim them by enlightening them. If once they become inattentive to the public affairs, you and I, and Congress and Assemblies, Judges and Governors, shall all become wolves."

A letter to Mr. Madison this month, January, contains some further speculations on government, which were suggested by the same occurrences in the eastern states, and which manifest the same arguments in favour of democratic principles. He expresses a hope, that the excesses into which the people have been betrayed, "will provoke no severities from their governments."

"Societies," he says, "exist under forms sufficiently distinguishable. 1. Without government, as many of our Indians. 2. Under governments, wherein the will of every one has a just influence; as is the case in England, in a slight degree, and in our states in a great one. 3. Under governments of force; as is the case in all other monarchies, and in most of the other republics. To have an idea of the curse of existence, under these last, they must be seen. It is a government of wolves over sheep. It is a problem, not clear to my mind, that the first condition is not the best. But I believe it to be inconsistent with any great degree of population. The second state has a great deal of good in it. The mass of mankind, under that, enjoys a precious degree of liberty and happiness. It has its evils too: the principal of which is the turbulence to which it is subject. But weigh this against the oppressions of monarchy, and it becomes nothing. *Malo periculosam libertatem quam quietam servitutem.* Even this evil is productive of good. It prevents the degeneracy of government, and nourishes a general attention to the

public affairs. I hold it, that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions, indeed, generally establish the encroachments on the rights of the people which have produced them. An observation of this truth should render honest republican governors so mild in their punishments of rebellions, as not to discourage them too much. It is a medicine necessary for the sound health of the government."

His views on the navigation of the Mississippi, which he had been informed Congress thought of abandoning to Spain, are likely to meet with a more general concurrence than the preceding. He confidently predicted that such a course would occasion a separation of the western from the eastern country. He thus reasons on that event. "If they declare themselves a separate people, we are incapable of a single effort to retain them. Our citizens can never be induced, either as militia or as soldiers, to go there to cut the throats of their own brothers and sons, or rather, to be themselves the subjects, instead of the perpetrators of the parricide. Nor would that country quit the cost of being retained against the will of its inhabitants, could it be done. But it cannot be done. They are able already to rescue the navigation of the Mississippi out of the hands of Spain, and to add New Orleans to their own territory. They will be joined by the inhabitants of Louisiana. This will bring on a war between them and Spain; and that will produce the question with us, whether it will not be worth our while to become parties with them in the war, in order to re-unite them with us, and thus correct our error? And were I to permit my forebodings to go one step further, I should predict that the inhabitants of the United States would force their rulers to take the affirmative of that question. I wish I may be mistaken in all these opinions."

In the same letter, he gives Mr. Madison his opinion of some public men, of whom, as he had again become a member of Congress, it was important that he should form a correct estimate. The sketches are made with that freedom which a friend would have a right to expect, yet some may think that

the dark touches are sufficiently strong. There is but one which is not relieved by some excellence or virtue: the only shade to the character of La Fayette is an undue love of popularity, and Mr. Jefferson predicts he would one day rise above it.

His warm attachment to France thus expresses itself: "nothing should be spared on our part to attach this country to us. It is the only one on which we can rely for support, under every event. Its inhabitants love us more, I think, than they do any other nation on earth. This is very much the effect of the good dispositions with which the French officers returned."

The dislocation of his wrist still giving him pain, and not yielding to other remedies, he determined to try the effect of mineral baths, which had been recommended, and for that purpose set out on a tour to the south of France. But this was far from constituting his sole, or even perhaps his principal inducement; for, as he states in his letter to Mr. Madison, he would then have an opportunity of seeing the canal of Languedoc, and of acquiring a knowledge of inland navigation, that would be useful thereafter; and it would enable him to visit the commercial ports on the Mediterranean, and there see the practical effect of the recent regulations of commerce with the United States. He seems to have travelled with a disposition to observe and to inquire into every thing that might be useful to himself or his country; and the remarks he then made were so impressed on his mind, that they readily suggested themselves, and gave a zest to his conversation, throughout all his subsequent life. He left Paris in the beginning of March. He passed through Champagne, Burgundy, Dauphiné, Languedoc, and the north of Italy. He also visited Marseilles, Nantes, and Bordeaux. He says, it was his practice, whenever he visited any town, to see all that was curious to the traveller in a single day. But that he was never wearied with rambling through the fields and farms, examining the culture and the cultivators with a degree of curiosity which made some suppose him a fool, and others, that he was a great deal wiser than he was.

At Nismes, he was gratified with a sight of the *Maison quarrée*,

the model of which had previously so delighted him; and he writes of it, to a female correspondent, in a strain of enthusiasm. In the notes he made on his journey, he wisely omitted the common place statistics which may be found in books, and noticed only those things which were new to him, or which conveyed some information, or hint, that might be afterwards useful. The price of labour, the diet of the labourers, the mode of husbandry, as well as articles of culture, and their price, seemed to be general objects of inquiry. In a letter to his friend, La Fayette, dated at Nice, he earnestly recommends the marquis to make a similar journey. "It will," he says, "be a great comfort for you to know, from your own inspection, the condition of all the provinces of your own country, and it will be interesting to them, at some future day, to be known to you. This is, perhaps, the only moment of your life in which you can acquire that knowledge. And to do it most effectually, you must be absolutely incognito: you must ferret the people out of their hovels as I have done; look into their kettles; eat their bread; loll on their beds, under pretence of resting yourself; but, in fact, to find if they are soft: you will feel a sublime pleasure in the course of this investigation, and a sublimer one hereafter, when you shall be able to apply your knowledge to the softening of their beds, or the throwing a morsel of meat into their kettle of vegetables."

It would seem from the preceding passage, that his thirst for knowledge, and the interest he took in the condition of the people he visited, prevailed over the attentions and respect he was likely to have received in every part of France at that day, as the public minister of the United States.

While he was at Nismes, he had a singular interview with an individual, who had written him a letter from Montpellier in the preceding October, saying that he was a foreigner, and having important intelligence to communicate, desired that Mr. Jefferson would indicate a safe channel of communication. His request being complied with, Mr. Jefferson soon afterwards received from him a letter, the material parts of which were as follows:

"I am a native of Brazil—you are not ignorant of the frightful slavery under which my country groans. This continually becomes more insupportable, since the epoch of your glorious Independence: for the cruel Portuguese omit nothing which can render our condition more wretched, from an apprehension that we may follow your example. The conviction that these usurpers against the laws of nature and humanity only meditate new oppressions, has decided us to follow the guiding light which you have held out to us, to break our chains, to revive our almost expiring liberty, which is nearly overwhelmed by that force which is the sole foundation of the authority that Europeans exercise over America. But it is necessary that some power should extend assistance to the Brazilians, since Spain would certainly unite herself with Portugal; and in spite of our advantages for defence, we could not make it effectual, or at least, it would be imprudent to hazard the attempt, without some assurance of success. In this state of affairs, sir, we can with propriety look only to the United States, not only because we are following her example, but, moreover, because nature, in making us inhabitants of the same continent, has, in some sort, united us in the bonds of a common patriotism. On our part, we are prepared to furnish the necessary supplies of money, and at all times, to acknowledge the debt of gratitude to our benefactors. I have thus, sir, laid before you a summary of my views. It is in discharge of this commission that I have come to France, since I could not effect it in America, without exciting suspicion. It now remains for you to decide whether those views can be accomplished. Should you desire to consult your nation on them, it is in my power to give you all the information you may require."

Mr. Jefferson having intended by this time to try the waters of Aix for his wrist, wrote to his unknown correspondent that he would meet him at Nismes. They there accordingly met, and the Brazilian gave him detailed information of the state of his country: its military strength and resources: the different classes of its population: its mines: its agriculture. Mr. Jefferson replied to him with proper caution; stated that he had no

authority whatever to treat on such a subject, but that as an individual, he could give his opinion that the United States were not in a condition to engage in a war; though our citizens, who are free to enter any service they please, might perhaps be tempted to embark in their cause. It deserves notice, that nearly about the time that Mr. Jefferson received the first communication from this person, he was waited on by a Mexican, with similar views, as to the emancipation of his country from Spain.

Mr. Jefferson says that he used still more caution with this last than with the Brazilian, in consequence of having observed that he was intimate at the Spanish ambassador's, and that he was then at Paris, employed by Spain to settle her boundaries with France on the Pyrenees.

It seems highly probable that both these individuals were agents of their respective governments, or perhaps of Spain alone, who wished thus to ascertain the part which our government was likely to take, if their American colonies should be tempted to follow our example; or she might have sought a pretext for avowing, both to us and to other nations, the jealousy of the United States which she undoubtedly felt, and for refusing to them the navigation of the Mississippi; or it might have been the device of some petty intriguer of any nation, who aimed in this way to create dissentions between those governments and ours.

He returned to Paris on the 11th of June, and although the waters of Aix were of no service to his wrist, yet, he was amply rewarded for the trouble of his journey, by the pleasure and information it afforded him. He said that he had never passed three months and a half so delightfully.

While the new constitution which the states found it necessary to form, from the utter insufficiency of the existing confederacy, was under discussion, he communicated his sentiments very freely to Mr. Madison, and they, in general, strongly manifest his confidence in the capacity of the people for self government, and his jealousy of their delegates. These sentiments seem to have determined his approval, or condemnation of each

particular provision, whether it was new in its character, or had the sanction of established usage.

Thus he was decidedly in favour of separating the executive, legislative, and judiciary powers. The negative proposed to be given on the legislative acts of the several states, he said, *prima facie*, he did not like. "It fails in an essential character; the hole and the patch should be commensurate. But this proposes to mend a small hole by covering the whole garment. Not more than one out of a hundred state acts concern the confederacy. This proposition then, in order to give them one degree of power which they ought to have, gives them ninety-nine more which they ought not to have, upon a presumption that they will not exercise the ninety-nine. But upon every act there will be a preliminary question: does this act concern the confederacy? And was there ever a proposition so plain as to pass Congress without debate? Their *decisions* are almost always wise; they are like pure metal; but you know of how much dross this is the result."

This check to the power of the state governments is said to have received the support of some of the ablest statesmen in the convention, and was doubtless suggested to them by the violent opposition which the proposed constitution already encountered in most of the states, and the hostility that might be anticipated to all the measures of the federal government. Yet, we can scarcely now doubt that such a check would have been inconvenient and vexatious in practice, unless indeed it had been a dead letter, and that it would have had the effect either of bringing the states under complete subjection to the general government, or of producing irritation and bickerings between the two, which, if they had not endangered their union, would have more than compensated any advantage of giving greater congruity to the system.

Mr. Jefferson suggests, as a better mode of effecting the same object, that there should be an appeal from the state judicature to the federal, where the constitution controlled the question, and that principle finally prevailed.

It had been proposed to him to join Mr. Carmichael at Ma-

drid, for the purpose of endeavouring to procure the assent of the Spanish government to the navigation of the Mississippi. Mr. Short had also urged his appointment as minister to Holland, for the purpose of negotiating a loan there; but both these offices he unhesitatingly declined from considerations of prudence: the first, from the probability of failure, and the fear of exciting the jealousy of Mr. Carmichael: the last, because it was "a business which would be the most disagreeable to him of all others," and for which he was "the most unfit person living," as he did not understand bargaining, nor possessed the dexterity requisite for the purpose.

In this letter, he expresses to Mr. Madison some fears that the same divisions which he had witnessed in Congress, as to other foreign ministers, would exist in his own case; and the danger was the greater, from the fact, that there generally being but seven or eight states present, one or two votes might be sufficient to reject him. He, therefore, requests Mr. Madison to give him the earliest notice of such a result, or of its probability, that he might make preparations for it: as, whenever he left the place, "it would be necessary for him to begin his arrangements six months before his departure; and these once fairly begun, and under way, and his mind set homewards, a change of purpose could hardly take place."

In his solicitude to extend the commerce of the United States, he was naturally actuated by his wish to counteract the policy of England, as well as to benefit his own country. He exerted himself to change the depôt of rice from Cowes, in the Isle of Wight, to Honfleur, on the Seine; and he hoped to get it received at the latter place, so as to "draw that branch of commerce from England." When in Italy, he put matters into a train to induce the government there "to draw their tobaccos directly from the United States, and not as heretofore, from Great Britain."

In his letter to Mr. Adams, of July 1, 1787, adverting to the successor of the Count de Vergennes, Monsieur de Montmorin, he remarks, "I have reasons to hope good dispositions in the new ministry towards our commerce with this country. Be-

sides endeavouring, on all occasions, to multiply the points of contact and connexion with this country, which I consider as our surest main stay under every event, I have had it much at heart to remove from between us every subject of misunderstanding or irritation. Our debts to the king, the officers, and the farmers, are of this description. The having complied with no part of our engagements in these, draws on us a great deal of censure, and occasioned a language in the *Assemblée des Notables*, very likely to produce dissatisfaction between us." On this account, he urged Mr. Adams to endeavour to effect a loan in Holland, by which the debt to France would be paid off. The debt, at that time, due from the United States to the French officers, bore an interest of only two thousand guineas; and "this, he says, makes more noise against us than all our other debts put together."

At this time, he had the satisfaction of meeting his daughter Maria, who came by way of London, and was then about nine years of age. His youngest, Lucy, died at Eppington, in Virginia, the year preceding.

He lost no time in bringing our commercial relations with France to the notice of the Count de Montmorin, and in a memoir, written for the occasion, endeavoured to impress on his mind the following recommendations of a trade with America, compared with that of other nations: that merchandise from them takes employment from the poor of France; our's gives it: their's is brought in the last stage of manufacture; our's in the first: we bring our tobaccos to be manufactured into snuff; our flax and hemp into linen and cordage; our furs into hats; skins into saddlery, shoes, and clothing: we take nothing till it has received the last hand. In a few days afterwards, he addressed a letter to him on the subject of tobacco, in which he reiterates the advantage it would prove to the commerce between the two countries, if the trade in that commodity were free, on the payment of an impost. He adds these general reasons in favour of an unrestricted commerce: "nature, too, has conveniently assorted our wants, and our superfluities to each other. Each nation has exactly to spare the articles which

the other wants. We have a surplus of rice, tobacco, furs, peltry, potash, lamp oils, timber, which France wants: she has a surplus of wines, brandies, esculent oils, fruits and manufactures of all kinds, which we want. The governments have nothing to do, but *not to hinder* their merchants from making the exchange. The difference of language, laws, and customs, will be some obstacle for a time; but the interest of the merchants will surmount them."

He again shows how deeply he was impressed with the mischiefs of contracting debt, and of indulging in unwarrantable expenses, to which the southern portion of his countrymen were particularly exposed, both from their agricultural pursuits, and their being slave-holders. He feared that this propensity would perpetuate their dependance on British merchants; weaken their sense of honour and justice; and justly expose the nation, then about to form its character in the world, to those taunts and censures of the English people, which so greatly annoyed him. To one correspondent, Mr. Henry Skipwith, who married a sister of Mrs. Jefferson, he says, "all my letters are filled with details of our extravagance. From these accounts I look back to the time of the war, as a time of happiness and enjoyment, when amidst the privation of many things not essential to happiness, we could not run in debt, because nobody would trust us; when we practised, of necessity, the maxim of buying nothing but what we had money in our pockets to pay for; a maxim, which, of all others, lays the broadest foundation for happiness."* "The eternal and bitter strictures on our conduct which teem in every London paper, and are copied from them into others, fill me with anxiety on this subject."

He wrote to William Drayton, Esq., of South Carolina, the result of his enquiries in Italy about the cultivation of rice, and he proceeds to consider in detail the several objects of culture which are probably suited to the climate of that state and

* It is a subject of melancholy reflection, that neither Mr. Jefferson nor his correspondent were able to profit by these wise maxims. They both left large estates so encumbered with debt as to afford little or no provision for their families.

Georgia. These are the vine, almond, caper, fig, mulberry and olive; of these, he unhesitatingly rejects the vine, the culture of which he regards as not desirable in lands capable of producing any thing else. "It is a species of gambling, and of desperate gambling too, wherein, whether you make much or nothing, you are equally ruined. The middling crop alone is the saving point, and that the seasons seldom hit. Accordingly, we see much wretchedness among this class of cultivators. Wine, too, is so cheap in those countries, that a labourer with us, employed in the culture of any other article, may exchange it for wine, more, and better than he could raise himself. It is a resource for a country, the whole of whose good soil is otherwise employed, and which still has some barren spots, and a surplus of population to employ on them. There the vine is good, because it is something in the place of nothing. It may become a resource to us at a still earlier period; when the increase of population shall increase our productions beyond the demand for them, both at home and abroad. Instead of going on to make a useless surplus of them, we may employ our supernumerary hands on the vine."

He is in favour both of the fig and the mulberry, and yet more of the olive, which he regards as "the second most precious gift of heaven to man," if not the first. "Perhaps," he says, "it may claim a preference even to bread; because there is such an infinitude of vegetables, which it renders a proper and comfortable nourishment:" and he adds, "if the memory of those persons is held in great respect in South Carolina, who introduced there the culture of rice, a plant which sows life and death with almost equal hand, what obligations would be due to him who should introduce the olive tree, and set the example of its culture."

But notwithstanding these various recommendations, the culture of this useful plant has made but little progress in our country as yet; nor is it likely to do so, as long as animal food, of which it supplies the place, has its present abundance and cheapness. It may be questioned, whether two pounds of bacon, or even of butter, cannot be produced with more ease than one

pound of oil, in those parts of our country in which the olive can grow.

His opinion of the power of coercion on the states which the articles of confederation conferred on Congress, differed very widely from that of some who profess to be his disciples, and the discrepancy is the greater, as he was then in favour of a smaller enlargement of the powers of the confederation than actually took place. He thus writes to Colonel Edward Carrington, of Virginia, on the 4th of August, 1787.

"My general plan would be to make the states *one*, as to every thing connected with foreign nations, and *several*, as to every thing purely domestic. But with all the imperfections of our present government, it is, without comparison, the best existing, or that ever did exist. Its greatest defect is the imperfect manner in which matters of commerce have been provided for. It has been so often said as to be generally believed, that Congress have no power by the confederation to enforce any thing; for example, contributions of money. It was not necessary to give them that power expressly; they have it by the law of nature. *When two parties make a compact, there results to each a power of compelling the other to execute it.* Compulsion was never so easy as in our case, where a single frigate would soon levy on the commerce of any state, the deficiency of its contributions; nor more safe than in the hands of Congress, which has always shown that it would wait, as it ought to do, to the last extremities, before it would execute any of the powers that are disagreeable."

He seemed to feel particular solicitude for the education of his nephew Peter Carr, son of Dabney Carr, then at the college of William and Mary; and he recommended to him not only a very comprehensive course of study, but also endeavoured to inspire him with good precepts of conduct. But some of his notions may be regarded as peculiar, such as his reasons for thinking moral philosophy not a useful branch of education; and his opinion, that the "writings of Sterne form the best course of morality that ever was written."

The freedom of inquiry into the truths of religion, which he

inculcates in his nephew, has been generally condemned. For though investigation may not seem objectionable in the abstract, and least of all, be feared by the sincerely religious, yet the very coolness that is here recommended, implies an indifference to the result, which is, of itself, painful to the true believer. Nor is the moralist himself without his fears of the consequences.

The popular religion of every country has something mingled with it, which it is difficult to reconcile with reason and experience; but the whole has been impressed on the tender mind of the infant as sacred truth, and the creed is more or less connected with rules for his moral conduct. There is, therefore, always danger that in shaking the pillars of the one, we may, at the same time, weaken the foundations of the other; and that he who has lost his confidence in opinions, which he once regarded with veneration, will feel less respect for those principles of action which were intimately associated with them. A wise lawgiver, a prudent instructor of youth, will leave individuals to follow the tenets in which they have been brought up, where they are not manifestly subversive of the interests of the individual or society, and be cautious of encouraging a cavilling spirit, which may come in time to find arguments to release its possessor from the obligations of every religious creed, and every code of morals.

His advice to the same nephew on the subject of travelling is founded on good sense and acute observation on human life. "Travelling," he says, "makes men wiser, but less happy. When men of sober age travel, they gather knowledge, which they may apply usefully for their country; but they are subject ever after to recollections mixed with regret; their affections are weakened by being extended over more objects; and they learn new habits which cannot be gratified when they return home. Young men who travel are exposed to all those inconveniences in a higher degree; to others still more serious; and do not acquire that wisdom for which a previous foundation is requisite, by repeated and just observations at home. The glare of pomp and pleasure is analogous to the motion of the blood; it absorbs all their affection and attention; they are torn

from it as from the only good in this world, and return to their home as to a place of exile and condemnation. Their eyes are forever turned back to the object they have lost, and its recollection poisons the residue of their lives. Their first and most delicate passions are hackneyed on unworthy objects here, and they carry home the dregs, insufficient to make themselves or any body else happy. Add to this that a habit of idleness, an inability to apply themselves to business, is acquired, and renders them useless to themselves and their country."

The preceding remarks are, however, more particularly applicable to the traveller from this country to the luxurious regions of Europe. The taste for their more pungent and diversified enjoyments weakens the relish for the simpler pleasures of their native land. Yet there is occasionally much to outweigh these disadvantages. Nothing so effectually rids one of narrow local prejudices as visiting other countries, and familiarizing himself to modes of thinking and acting different from his own. It moreover often teaches him to prize his own country the more for the comparison; and his affection for it may be increased, not only by absence itself, but by those frequent assaults on his national pride which every traveller abroad is sure to experience. By this process many a malcontent has returned home a zealous and approving patriot. Perhaps the best way for us to secure the benefits of travel and avoid its evils, is to remain long enough for its pleasures to lose the zest of novelty, but not long enough to let our relish for its modes of life acquire the force of habit.

A letter to Dr. Gilmer, a much respected neighbour and a well educated physician, remarkable for his companionable qualities, shows that his long estrangement from the practice of the law had not made him forget its principles. A gentleman of the name of Harmer had devised a considerable landed estate to Dr. Gilmer, and the question, which was a nice one, was, whether the words conveyed only a life estate, or an absolute property. Mr. Jefferson pronounced in favour of the latter construction, and that proved the final decision of the Supreme Court of the United States many years afterwards.

While Houdon was employed about the statue of Washington, the old question, whether the costume should be ancient or modern, arose; and the general having signified that he approved the modern dress, Mr. Jefferson wrote to him in August, and stated that West, Copeley, Trumbull, and Brown, as well as himself, also preferred it. "I think," said he, "a modern in an antique dress, is just as much an object of ridicule as a Hercules or Marius with a periwig or *chapeau bras*."

But the opposite opinion will not be found so unreasonable or absurd as it may at first sight appear. The objection to the modern dress is, that its forms are constantly changing, and after a few years a dress, which may be associated with rank and dignity, may become, by intervening changes of the fashion, supremely quaint and ridiculous, and be so far utterly inconsistent with the sentiments of respect and veneration which it is the object of the statuary to inspire. It must be recollected that a work of marble is meant for the eyes not of contemporaries merely, but for those of succeeding ages—a far greater number—and if a representation of an individual in the dress which he actually wore may give those who have seen the original a juster idea of him than one in a foreign dress, yet the same representation is likely to give the greater number who have never seen him a more mistaken notion of him, thus presented to them in a grotesque costume, than an antique dress in which the eye, having always been familiar with it, finds nothing ludicrous or contemptible. In a word, it seems better that a few should see a small unimportant incongruity between the statue and the original, than that a much larger number should be made to see that which conflicts with all ideas of moral grandeur and dignity.

The antique dress has this intrinsic advantage over the modern, that it approaches nearer to the simplicity of nature, so that however it may deviate from the prevailing fashion, it never shocks those to whom it may be new, as wild or uncouth. It is on this account, principally, that it is preferable to a modern costume. But even if it deviated as much from simplicity, if it were equally fantastic and *bizarre*, it would still have this

advantage over a modern dress, that all eyes have been more or less familiarized to it, which is not the case with the ever changing fashions of the day; and by force of very natural associations, the ancient costume is intimately connected in our minds with the *beau ideal* both of the physical and moral man.*

His views of the great events which were then passing in France were very correctly detailed to his correspondents, and the reflections and anticipations they suggested were in general justified by the event. After noticing the good of which the assembly of Notables had been productive, he adds,† "Notwithstanding all this, the discovery of the abominable abuses of public money by the late Comptroller General, some new expenses of the court, not of a piece with the projects of reformation, and the imposition of new taxes, have in the course of a few weeks raised a spirit of discontent in this nation, so great and so general as to threaten serious consequences. The parliaments in general, and particularly that of Paris, put themselves at the head of this effervescence, and direct its object to the calling the states general, who have not been assembled since 1714. The object is, to fix a constitution, and to limit expenses. The king has been obliged to hold a bed of justice to enforce the registering the new taxes: the parliament, on their side, propose to issue a prohibition against their execution. Very possibly this may bring on their exile. The mild and patriotic character of the new ministry is the principal dependence against this extremity." The parliament, as he feared, were exiled the next day to Troyes, seventy miles from Paris.

Speaking of the prospect of a war in Europe, which then appeared probable, and of its seeming benefits to us as a neutral nation, he makes the following reflections, which have well

* Chantrey has made a happy compromise between these two styles of dress in his statue of Washington in Boston; for while he would not venture to represent the leader of the American armies in a Grecian or Roman costume, on the very spot where he first assumed the command, yet he has given to him a dress which is without particularity, and holds a middle place between the modern and antique.

† Jeff. Mem. Vol. II. p. 222.

accorded with the subsequent experience of the United States. "The wealth acquired by speculation and plunder is fugacious in its nature, and fills society with the spirit of gambling. The moderate and sure income of industry begets permanent improvement, quiet life, and orderly conduct, both public and private. We have no occasion for more commerce than to take off our superfluous produce, and the people complain that some restrictions prevent this; yet the price of articles with us, in general, shows the contrary. Tobacco, indeed, is low, not because we cannot carry it where we please, but because we make more than the consumption requires. Upon the whole, I think peace advantageous to us, necessary for Europe, and desirable for humanity."

Being a close and attentive observer of those movements, both of the government and people of France, which portended change, but whose real consequences the most fertile imagination never approached, his letters at that time give not a very faint outline of the French revolution, and occasionally spirited sketches of the passing events; though he seems, in his narratives to correspondents, to have aimed rather at accuracy than effect. About the last of August he wrote to Mr. Adams:—"I have brought together the principal facts, from the adjournment of the Notables to the present moment, which, as you will perceive from their nature, required a confidential conveyance. I have done it the rather, because you will have heard many of them, and seen them in the public papers; yet, floating in the mass of lies which constitute the atmosphere of London and Paris, you may not have been sure of their truth, and I have mentioned every truth of any consequence, to enable you to stamp as false the facts pretermitted. I think that in the course of three months the royal authority has lost, and the rights of the nation gained, because it is defended by the young and middle aged, in opposition to the old only. The first party increases and the latter diminishes daily from the course of nature."

He had some short time before thus sketched the state of things in Paris, while the contest was going on between the king and the parliament about registering the edicts for new

taxes: "In the mean time all tongues in Paris, (and in France it is said,) have been let loose, and never was a license of speaking against the government exercised in London more freely or more universally. Caricatures, placards, bon mots, have been indulged in by all ranks of people, and I know of no well attested instance of a single punishment. For some time, mobs of ten, twenty, and thirty thousand people, collected daily, surrounded the parliament house, huzzaed the members, even entered the doors and examined into their conduct, took the horses out of the carriages of those who did well, and drew them home. The government thought it prudent to prevent them; drew some regiments into the neighbourhood, multiplied the guards, had the streets constantly patrolled by strong parties, suspended privileged places, forbade all clubs, &c. The mobs have ceased: perhaps this may be partly owing to the absence of parliament. The Count d'Artois, sent to hold a bed of justice in the *Cour des Aides*, was hissed and hooted without reserve by the populace; the carriage of Madame de (I forget the name) in the queen's livery, was stopped by the populace, under the belief that it was Madame de Polignac, whom they would have insulted; the queen, going to the theatre at Versailles with Madame de Polignac, was received with a general hiss. The king, long in the habit of drowning his cares in wine, plunges deeper and deeper. The queen cries, but sins on. The Count d'Artois is detested, and Monsieur the general favourite. The archbishop of Thoulouse is made minister principal; a virtuous, patriotic, and able character."

In a letter to his old preceptor, Mr. Wythe, he thus speaks of the Federal Convention, in answer to that gentleman's inquiry about his views. "My own general idea was, that the states should generally preserve their sovereignty in whatever concerns themselves alone; and that whatever may concern another state, or any foreign nation, should be made a part of the federal sovereignty. That the exercise of the federal sovereignty should be divided among three several bodies—legislative, executive, and judiciary, as the state sovereignties are; and that some peaceable means should be contrived for the

federal head to force compliance on the part of the states." Knowing his correspondent's classical predilections, in adverting to the recent rupture between the Turks and Russians, he adds, "Constantinople is the key of Asia—Who shall have it? is the question. I cannot help looking forward to the re-establishment of the Greeks as a people, and the language of Homer becoming again a living language, as among possible events. You have now with you Mr. Paradise, who can tell you how easily the modern may be improved into the ancient Greek."

Amidst the serious and momentous concerns on both sides of the Atlantic which now engaged his attention, we may find amusement in the penalty which he had to pay for his zeal to convince the Count de Buffon that he had underrated the animal creation on this side of the Atlantic. He had written to Mr. Sullivan,* in Maine, to procure him the skin and skeleton of a moose. Some time afterwards, a bill was presented to him for payment, drawn by Mr. Sullivan, and as it was accompanied by no letter, he conjectured it to be on account of the moose, except that its amount seemed to be too great for that object.

He soon afterwards, however, did receive a letter from Mr. Sullivan, by which his conjecture was confirmed: and he thus good humouredly speaks of it to Colonel Smith, Mr. Adams's son-in-law, who was then in London. "You ask if you shall say any thing to Sullivan about the bill. No, only that it is paid. I have, within two or three days received letters from him, explaining the matter. It was my fault, that I had not given him a rough idea of the expense I would be willing to incur for them. He had made the acquisition an object of a regular campaign, and that too of a winter one. The troops he employed sallied forth, as he writes me, in the month of March —much snow—a herd attacked—one killed in the wilderness—a road to cut twenty miles—to be drawn by hand from the frontiers to his house—bones to be cleaned, &c. &c. &c. In

* General John Sullivan. I have had the curiosity to know how much was paid for the bones of the moose, and find it to be entered in the account of his current expenses, 46*l.* 17 10 sterling, equivalent to 220 dollars, which was probably ten times as much as he expected.

fine, he put himself to an infinitude of trouble, more than I meant: he did it cheerfully, and I feel myself really under obligations to him. That the tragedy might not want a proper catastrophe, the box, bones and all are lost: so that this chapter of Natural History will still remain a blank. But I have written to him not to send me another. I will leave it for my successor to fill up, whenever I shall make my bow here."

It seems, however, that the skeleton of this moose, which was to vindicate the insulted honour of its country, did arrive in safety a few days afterwards, and was, in due form, sent to the Count de Buffon.

If governments are sometimes able to conceal their projects until they are ripe for execution, it must be admitted on the other hand, that they are often suspected of designs for which there is no foundation. It seems probable that the imputation against Mr. Pitt, in the following extract of a letter from Mr. Jefferson to Mr. Jay, of aiming to re-establish the British dominion in America, is of this character. Knowing the animosity then felt by England towards this country, he seemed to believe it capable of any scheme of injury, however impolitic, extravagant, or impracticable. "The following solution of the British armaments is supposed, in a letter of the 25th ultimo, from Colonel Blachden, of Connecticut, now at Dunkirk, to the Marquis de La Fayette. I will cite it in his own words. 'A gentleman who left London two days ago, and came to this place to-day, informs me, that it is now generally supposed, that Mr. Pitt's great secret, which has puzzled the whole nation so long, and to accomplish which design the whole nation is armed, is to make a vigorous effort for the recovery of America.' When I recollect the delay they have made in delivering the forts in America, and that little more than a year ago, one of the British ministry wrote to the king a letter, in which were these remarkable words, 'if your majesty pleases, America may yet be yours;' add to this, if it were possible for the present ministry in England to effect such a matter, they would secure their places and their power for a long time, and should they fail in the end, they would be certain of holding them during

the attempt, which it is in their power to prolong as much as they please; and, at all events, they would boast of having endeavoured the recovery of what a former ministry had abandoned, it is possible."

"A similar surmise has come in a letter from a person in Rotterdam to one at this place. I am satisfied that the king of England believes the mass of our people to be tired of their independence, and desirous of returning under his government; and that the same opinion prevails in the ministry and nation. They have hired their news-writers to repeat this lie in their Gazettes so long, that they have become the dupes of it themselves. But there is no occasion to recur to this, in order to account for their arming. A more rational purpose avowed, that purpose executed, and when executed, a solemn agreement to disarm, seem to leave no doubt that the re-establishment of the stadtholder was their object. Yet, it is possible that, having found this court will not make war in this moment for an ally, new views may arise, and they may think the moment favourable for executing any purposes they may have in our quarter." He, therefore, earnestly recommends that the present season of truce, or peace, should be used to fill our magazines with arms.

CHAPTER XI.

Mr. Jefferson's views of the Federal Constitution. His two principal objections. Visits Holland. National credit in Amsterdam. Prisoners in Algiers. Plan of liberating them. Expenses of American ministers. Consular convention. Gordon's History of the American Revolution. Some opinions in physical science—faith in its improvements. Silas Deane's letter book. Claims of French officers. Memoir on the admission of American fish oil into France. Asks leave to return home. Views of the future policy of the United States. Progress of the French Revolution. Meeting of the states-general. Scarcity of bread in Paris. Complaints of French officers against the United States.

1787—1789.

In September, of the present year, the convention which had met in Philadelphia to form a federal constitution, terminated its labours, after a session of four months, with closed doors, and submitted the constitution it had framed to the people of the several states for their ratification. Mr. Jefferson seems, at an early period, to have been dissatisfied with it, both on account of some of the articles it contained, and of others it omitted. His opinions can be collected from his remarks to his several correspondents. It not only gratifies our curiosity to know the first impressions on this important subject, of one whose opinions afterwards became the standard of orthodoxy with the democratic party of the country, but as these speculations of Mr. Jefferson have been since tested by experience, they cannot but be instructive in the intricate science of government, whether that experience has tended to invalidate or confirm them.

In November he writes to Mr. Adams, "How do you like our new constitution? I confess there are things in it which stagger all my dispositions to subscribe to what such an assembly has proposed. The house of federal representatives will not be adequate to the management of affairs, either foreign or federal. Their president seems a bad edition of a Polish king. He may be elected from four years to four years for life. Reason and experience prove to us that a chief magistrate so continuable is an office for life. When one or two generations shall have proved that there is an office for life, it becomes on every succession worthy of intrigue, of bribery, force, and even of foreign interference. It will be of great consequence to France and England to have America governed by a Galloman or Angloman. Once in office, and possessing the military force of the union without the aid or check of a council, he would not be easily dethroned, even if the people could be induced to withdraw their votes from him. I wish at the end of the four years they had made him for ever ineligible a second time."

To Colonel Smith he says of the constitution, "there are very good articles in it, and very bad. I do not know which preponderate. What we have lately read in the history of Holland, in the chapter on the stadtholder, would have sufficed to set me against a chief magistrate eligible for a long duration, if I had ever been disposed towards one: and what we have always read of the elections of Polish kings, would have forever excluded the idea of one continuable for life." Apprehending that arguments would be drawn for this enlargement of the powers of the federal government generally, and of its executive, in particular, from the recent insurrection in Massachusetts, he speaks of it not only as an unimportant affair, but as scarcely to be deprecated. "God forbid," he exclaims, "we should ever be twenty years without such a rebellion. The people cannot be all, and always well informed. The part which is wrong will be discontented, in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions, it is a lethargy, the forerunner of death to the public liberty. We have had thirteen states independent for eleven

years. There has been one rebellion. That comes to one rebellion in a century and a half for each state. What country before ever existed a century and a half without a rebellion? And what country can preserve its liberties, if its rulers are not warned, from time to time, that this people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed, from time to time, with the blood of patriots and tyrants. It is its natural manure. Our convention has been too much impressed by the insurrection of Massachusetts; and on the spur of the moment, they are setting up a kite to keep the henyard in order."

But in a letter to Mr. Madison, in December, he discloses his opinions more at length. The features of the constitution which he approved, were the self-acting power of the general government, by which it could peaceably go on without recurring to the state legislatures: the separation of the legislative, executive and judiciary powers: the powers of taxation given to the Legislature: and the election of the House of Representatives by the people. He doubts, however, whether the members would be as well qualified for their duties when chosen by the people, as if they were chosen by the Legislature. He was captivated by the compromise between the great and the small states—the latter, having the equality they asserted in the Senate; the former, the proportion of influence they regarded as their right in the House of Representatives. He preferred too the voting by persons, instead of by states: and he approved the qualified negative given to the executive, though he would have liked it still better if the judiciary had been invested with a similar check.

The grounds of his disapprobation were, the omission of a bill of rights, providing, clearly and without the aid of sophisms, for the freedom of religion, freedom of the press, security against standing armies, restriction of monopolies, trial by jury, and against all suspensions of the *habeas corpus*. He denied the principle that all is reserved which is not given to the gene-

ral government; because he thought that inferences to the contrary might be drawn from the instrument itself, and because, in the articles of the old confederation, there was such an express reservation. He also disliked the abandonment of the principle of rotation in office, especially in that of the president, and infers that, in consequence of the omission, he will be elected for life. The election of a president of America, he thinks, will some years hence be much more interesting to some nations of Europe than the election of a king of Poland ever was. He presses this point at great length, by arguments drawn from the examples of the Roman Emperors, the Popes, Emperors of Germany, Kings of Poland, and Deys of the Ottoman Empire: and he ascribes what he regards as too liberal a grant of power to the federal government, to the alarm excited by the Massachusetts insurrection. He speaks lightly of this; and having appealed to experience, to decide whether peace is best preserved by giving energy to the government, or information to the people, he thus concludes: "This last, is the most certain and the most legitimate engine of government. Educate and inform the whole mass of the people. Enable them to see that it is their interest to preserve peace and order, and they will preserve them. And it requires no very high degree of education to convince them of this. They are the only sure reliance for the preservation of our liberty. After all, it is my principle, that the will of the majority should prevail. If they approve the proposed construction in all its parts, I shall concur in it cheerfully, in hopes they will amend it, whenever they shall find it works wrong."

To another friend he writes, "as to the new constitution, I find myself nearly a neutral. There is a great mass of good in it, in a very desirable form; but there is also, to me, a bitter pill or two.

He seems to have gradually become more in favour of it as a whole, and to have looked to amendments for the purpose of incorporating with it a bill of rights, and such other principles as he deemed salutary. To the re-eligibility of the president, he never ceases to object, as immediately pregnant with the

mischief of foreign interference, and remotely with a change in the form of government. He feared it would, as he wrote to General Washington, make that an office for life first, and then hereditary.

His fears, as to this part of the constitution, have so far proved unfounded.* No president, during a period of forty-four years has been re-elected but once, and two have failed of a re-election; nor would it be now practicable for any one, whatever were his services or qualifications, to be chosen beyond two terms. The mischief of foreign interposition has never been experienced, and it every day becomes more and more impracticable. There are in this country neither the inducements to interfere, nor the means of interfering, which existed in a country of Europe, surrounded by ambitious and rival neighbours, who were connected with it by numerous ties of interest or policy, and where the votes were held but by a very small proportion of the community. The ineligibility is, however, still thought by many to be desirable, not merely for the reasons assigned by Mr. Jefferson, but also for the sake of lessening the attractions and influence of that office, and thereby diminishing the party feuds, intrigues and dissentions, which not only disturb the peace and harmony of social intercourse, but impede or divert the proper action of the government itself.

In the beginning of March, 1788, the financial concerns of the United States made it necessary for Mr. Jefferson to go to Holland. The impossibility of collecting from the several states the requisitions of Congress, compelled them to rely upon loans

* The experience of the United States may seem to have disproved this reasoning of Mr. Jefferson; yet, if the examples of General Washington and Mr. Jefferson himself had not, by their peremptorily declining re-election after two terms, done so much to impress on the public mind the importance of narrowing the president's re-eligibility, and to give it the force of usage, it is not easy to say, whether the office would not have gradually become an office for life. And whilst that result could not now occur, since the usage has received such confirmation, without important changes in the public sentiment, yet, many believe that these changes are very possible, and consequently, that the danger which Mr. Jefferson apprehended is not yet over.

in Europe, for the means of paying even the interest on the foreign debts. The treasury board, which at that time managed the financial concerns of the general government, not doubting that the loan which had been authorized in Holland would be effected, had relied on this resource, and had so written to the American ministers abroad. But an unexpected difficulty in negotiating the loan arose from the fact that the bankers who had been principally engaged in furnishing money to America, had also become purchasers to *a large amount* of the domestic debt, and insisted on the payment of the interest on this debt as the condition of their taking the required loan. There being no authority with the American ministers to make such an agreement, and the necessity for the money being urgent, Mr. Jefferson was induced to proceed to Amsterdam, and to call at the Hague, for the sake of seeing Mr. Adams on the subject, before his departure for America. The two ministers succeeded in making a satisfactory arrangement with the Dutch bankers, without transcending their authority or making any sacrifice, by which the means of paying the interest was secured for the years 1789 and 1790, when it was expected that the resources of the government, under the new constitution, would be in operation. But this arrangement was not to take effect until it was ratified by Congress.

Mr. Jefferson soon afterwards wrote to the commissioners of the treasury on this subject, and suggested, that if their necessities should compel them to comply with the demands of the bankers and pay the interest on the *domestic debt* before they advanced a further sum, they should take measures to prevent the recurrence of the same difficulty hereafter. For, as he justly remarked, no monied man would give 96 per cent. for the foreign debt, bearing 5 per cent. interest, when he could purchase the domestic debt for 55 per cent., bearing 6 per cent. interest. He, therefore, recommended that obstacles should be thrown in the way of transferring the domestic debt to Europe; to effect which object, he suggested that the title to the debt, instead of existing on the treasury books, as the foreign debt did, should exist only on separate papers, by which means the

European holder would be compelled to confide to his American agent, not merely his interest, as in case of the foreign debt, but also the principal. This circumstance, he thought, would put a stop to future purchases of the domestic debt in that market.

In speaking of this transaction with the bankers of Amsterdam, to General Washington, he says, "much conversation with the bankers, brokers, and money holders, gave me insight into the state of national credit there, which I had never before been able satisfactorily to get. The English credit is the first, because they never open a loan, without laying and appropriating taxes for the payment of the interest, and there has never been an instance of their failing one day in that payment. The emperor and empress have good credit, because they use it little, and have hitherto been very punctual. This country (France) is among the lowest in point of credit. Our's stands in hope only. They consider us as the surest nation on earth for the repayment of the capital; but as the punctual payment of interest is of absolute necessity in their arrangements, we cannot borrow but with difficulty and disadvantage. The monied men, however, look towards our new government with a great degree of partiality, and even anxiety, If they see that we set out on the English plan, the first degree of credit will be transferred to us." He then urges the advantage of transferring the French debt to Holland, by way of removing the causes of bickering and irritation, which should never be permitted to subsist with a nation with which it is so much our interest to be on cordial terms as with France."

This business being completed, he left Amsterdam on the 30th of March, and returned by a devious course, for the sake of seeing some of the principal towns near his route. He reached Paris on the 23d of April, much satisfied with having succeeded in the main object of his journey.

The situation of Captain O'Bryan, and the other American captives at Algiers, still proved to him a subject of anxiety and perplexity. While he was desirous of obtaining their release, he also wished, with the very straitened means which his country then possessed, to effect it at as small an expense as

possible, and also to guard against the exactions which the captors are always inclined to make. It seems there was an order of monks, the Mathurins, instituted for the purpose of procuring the ransom of christian captives in the Barbary states, and in a conference with the general of the order on the subject of the redemption of the American prisoners, Mr. Jefferson learnt that French prisoners had been redeemed at from 300 dollars to 400 dollars each; but the general added, that he could expect to redeem the Americans at that rate only, by concealing that he acted under the authority of the American government. It was then necessary to obtain the sanction of Congress, and to conceal the fact from the Dey of Algiers, and even to impress it on his mind that the captives were abandoned to their fate. O'Bryan having in the mean while been informed that Mr. Jefferson had received the necessary authority to obtain their release, and regarding him as indifferent to their situation, addressed to him, what Mr. Jefferson calls a "cruel letter." Although the imputation was necessarily a painful one, Mr. Jefferson compelled himself to submit to it, because, if the intentions of the government in their behalf were communicated, they would not be able to keep their own secret, and in that case, such a price for their redemption would be demanded as Congress would think they ought not to comply with, lest it should have the effect of making many others of our citizens the victims of piratical rapacity, and thus, humanity to a few should prove cruelty to many.

He now found what has been experienced by all our public ministers, that it required strict economy to bring his expenses within the limits of the moderate salary allowed him; and that he must be reduced to the alternative of not living in the style expected from the representative of a foreign nation, or of drawing on his private funds. At first, it had been the practice to pay all the expenses of our ministers, and to allow them a moderate salary besides. Then they were allowed a stated salary of 2500 guineas, or $11111\frac{1}{9}$ dollars, besides the outfit, which comprehended clothes, household furniture, a carriage and horses. And finally, in 1784, the salaries were reduced to

9000 dollars. Mr. Jefferson, not having first been appointed a resident minister, did not consider he was entitled to an outfit. But after he was appointed Dr. Franklin's successor, he expected to receive it, or that the expenses it had been intended to defray would be paid. He accordingly begun to keep an account of such expenses, but finding them numerous, minute, and not capable of being vouched, and that, moreover, they would exceed a year's salary, he charged that sum in his accounts, and presumed that Congress would prefer a sum certain, and would make his case a precedent.

He represented the matter very fully to Mr. Jay and Mr. Madison, in May, 1788, and relied on the general practice of all nations, as well as its intrinsic reasonableness, in support of his claim. And he expressed great anxiety to have the matter settled before the new government went into operation, as he did not wish to be presented to it, in the first instance, in the character of a suitor. He, at the same time, requested them not to press the claim, if they deemed it improper, and assured them that he should be satisfied with their decision.

In July, he conferred with the Count de Montmorin, minister for foreign affairs, on the subject of the articles which had been prepared between France and the United States, to regulate the rights and duties of their respective consuls, according to those changes which had been desired by Congress. As some of the articles were contrary to the genius of our government and civil institutions, and the subject was altogether new in America, he further proposed that the consular convention should be limited to a term of years.

In the same month, he received a letter from Gordon, the historian of the American Revolution, asking his good offices in getting his forth-coming work translated into French, and at the same time inquiring into the details of the injuries he had suffered from Colonel Tarleton, during his invasion in Virginia. To the latter request he answered, that he had no cause to complain of Colonel Tarleton, as his property had been respected by the officer who had been despatched to Monticello. But

he gives the details of the injuries done to his property on another estate, near the Point of Fork, and which having taken place under the eye of Lord Cornwallis, he presumes were committed with his approbation.

Amidst his official duties, and his speculations on the great political changes which were going on both in France and America, he still took his wonted interest in physical science, and with few exceptions, welcomed every novelty that obtained celebrity, or exhibited ingenuity. He communicated to the Rev. James Madison, then the president of William and Mary college, and afterwards the bishop of Virginia, all which at that time interested the *savans* of Paris. He informs his correspondent, among other things, that an Abbé there had "shaken, if not destroyed, Newton's theory of the rainbow;" and denies the fact, that the spectator's eye is equidistant from every part of the bow, to which proposition Mr. Jefferson assents. He withholds his dissent from the conversion and reconversion of water and air; and he states, that in a conversation with Buffon, on the present ardour of chemical inquiry, he affected to regard chemistry only as cookery, and to place the toils of the laboratory on a footing with those in the kitchen. Mr. Jefferson's own views did more justice to that useful science, which he regarded "as big with future discoveries for the utility and safety of the human race;" though he little thought that its advancement would be so rapid as it has since proved. The attempt of Lavoisier to reform the chemical nomenclature, he thought to be "premature." He notices the fulminating powder, and the spathic (fluoric) acid; and mentions a report from Naples, that seventeen of the lost books of Livy had been recovered in an Arabic translation of them, which he hopes may be true.

It may be here remarked, that the interest which Mr. Jefferson took in the advancement of science, made him somewhat credulous as to its discoveries, its vaunted improvements, and its splendid promises of future benefit, of which we have some examples in the preceding letter—as in the supposed refutation of the Newtonian theory of the rainbow, and of the discovery of the lost books of Livy; and in a letter to another friend about

this time, he says, that he sees nothing impossible in the conjecture of some American philosopher, that the Creek Indians are descended from the Carthagenians, supposed to have been separated from Hanno's fleet, and he expresses a desire to have their language compared with that of the Carthagenians, which was supposed to be still spoken in the mountainous part of Barbary. Of the same character too was his disposition to refer the irregularity of the strata of the earth to the property which rocks have of growing like vegetables, rather than to explain the phenomenon by subterraneous explosions or convulsions. He was also, at the time he wrote his notes, evidently inclined to credit the Indian tradition, that the mammoth still existed in the interior of this continent; and at a much later period, he was thought to have given evidence of a too easy faith in supposing the existence of a "salt mountain." Yet, on other occasions, he seemed to go to the other extreme, and refuse his assent to what had obtained general credit. But in truth, it is the same disposition of mind which is too easy of belief at one time and incredulous at another; both being cases of judgments formed in haste, or under strong biasses. And thus the theories which were recommended to Mr. Jefferson's imagination by their promises of utility to mankind, to which he always manifested lively sensibility, he was too much inclined to believe, whilst those which were opposed to his national or personal prejudices, he as readily discredited.

About this time, a person called on him and stated, that Silas Deane owed him one hundred and twenty guineas, and being unable to obtain payment, he had laid hands on his account book and letter book which he had brought to Paris, to offer to the American government; and that, if it refused, he meant to offer them to the British minister. Mr. Jefferson requested him to leave them twenty-four hours, which he did. During this time, he took a note of the dates and addresses of the letters, and had that part of his accounts, which was subsequent to his arrival in Philadelphia, in 1778, transcribed. He did not think them of sufficient importance to give the sum demanded, without authority; though he thought it would be better to purchase them,

than that they should fall into the hands of the British minister. The individual was told by Mr. Jefferson that he would write to the government with orders on the subject; but he returned to London with them, without making any engagement.

The insufficiency of our national revenue subjected, as we have seen, our fiscal agents abroad to frequent embarrassment and mortification, of which fact Mr. Jefferson's correspondence affords abundant evidence. He was particularly earnest in recommending to persons in authority in America, to make an adequate provision for the payment of the pensions and other sums due to French officers, whose complaints, when disappointed, would be more heard than those of the money lenders, both by reason of their greater numbers, and because they could less bear the inconveniences of delay. But those to whom he addressed himself, had their full share of difficulties in money matters, and his representations were of necessity without effect. In this state of things, he received a letter in September from the Marquis de Rouerie, who had served in America, complaining of the want of punctuality in paying the arrears due to him; and in consequence of Mr. Jefferson's having inofficially consented to call the attention of the treasury board to such claims, and having further expressed his expectation, that the money would probably be paid in July, he wrote to demand immediately payment of the minister. To this demand Mr. Jefferson replied with proper spirit, that the business of paying the foreign officers constituted no part of his duties; that he had voluntarily written to the treasury board on the subject, and had stated his impressions that they would give the requisite orders; but that he had made no promise, nor had a right to make any; and that as his friendly interposition was misunderstood, he desired that all further correspondence between them should cease.

We are strongly impressed with the poverty of the federal treasury, and the imbecility of the federal government, when we recollect, that the national character was thus subjected

to the reproach both of bad faith and ingratitude, for an annual sum of less than ten thousand dollars.

A mercantile house of Paris, Schweighauser and Dobric, having had some arms of the United States attached, on the ground of debt due to them, Mr. Jefferson proposed, in behalf of his government, that the affair should be left to arbitration; but they refused his offer, by the advice of their counsel, upon which the minister applied to Monsieur Montmorin, and insisted that the articles should be given up, on the ground that the seizure of the goods of one sovereign in the dominions of another was contrary to the law of nations. This order was accordingly made, after which he again tendered the same proposition to the merchants, to which they finally acceeded.

But his most important official act this year, was an elaborate memoir on the subject of the admission of American whale oils into France, in which he stated, with great clearness and precision, the advantage which this measure would confer on both countries; and answered all the objections which a wish on the part of France to foster her own commerce and navigation, or her jealousy of Great Britain, could suggest. This memoir was so far successful, that the United States were relieved from the general prohibition which had been previously decreed. The paper shows an acquaintance with the details of the subject which he could not have been expected to possess, and although the facts were, without doubt, furnished by his correspondents in New England, yet it was not the less creditable to him to have given so thorough an attention to the subject, and to have digested the information he received in so satisfactory a way, as to have made his views at once clear and convincing.

He enters into minute details and estimates for the purpose of showing that the whale fishery could not be prosecuted with advantage by France, and that as she must receive her chief supply of fish oil from either Great Britain or the United States, every consideration of national policy should induce her to prefer them to her great rival.

The circumstances which induced him to write this letter to

Monsieur Montmorin, he thus states in a letter to Mr. Jay, of November the 19th. "The English had glutted the markets of this country with their oils: it was proposed to exclude them, and an *arret* was drawn, with an exception for us: in the last stage of the *arret*, the exception was struck out, without my having any warning, or even suspicion of this. I suspect this stroke came from the Count de la Luzerne, minister of marine; but I cannot affirm it positively. As soon as I was apprized of this, which was several days after it passed (because it was kept secret till published in their seaports,) I wrote to the Count de Montmorin a letter, of which the inclosed is a copy, and had conferences on the subject, from time to time, with him and the other ministers. I found them prepossessed by the partial information of their Dunkirk fishermen; and, therefore, thought it necessary to give them a view of the whole subject in writing, which I did, in the piece of which I inclose you a printed copy. I therein entered into more details than the question between us seemed rigorously to require. I was led to them by other objects. The most important was, to disgust Mr. Neckar, as an economist, against their new fishery, by letting him foresee its expense. The particular manufactures suggested to them, were in consequence of repeated applications from the shippers of rice and tobacco: other details, which do not appear immediately pertinent, were occasioned by circumstances which had arisen in conversation, or an apparent necessity of giving information on the whole matter. At a conference, in the presence of M. Lambert, on the 16th, (where I was ably aided by the Marquis de La Fayette, as I have been through the whole business,) it was agreed to except us from the prohibition. But they will require rigorous assurance, that the oils coming under our name are really of our fishery. They fear we shall cover the introduction of the English oils from Halifax."

In adverting to this subject, in a letter to General Washington, soon afterwards, he says, "whenever the French shall be at war with England, they must open the trade of their West India Islands to us, and perhaps during the war they may

see some price which might make them agree to keep them always open." In the meanwhile, he endeavoured to open the market of France for our produce, and render its transportations a nursery to our seamen, since a maritime force was the only one by which we could act on Europe: and inasmuch as our exports are bulky, he suggests that our navigation law, if we had any, should be the reverse of that of England, and instead of "confining our *importations* to home bottoms, or those of the *producing nations*, we should confine our *exportations* to home bottoms, or to those of nations *having treaties with us.*"

In November, of this year, he asked leave of Congress to return to America in the summer of the following year, partly to attend to his private affairs, which could be managed by no one but himself, but principally for the purpose of carrying his daughter back to her country and friends. His purpose then was to return to France, after an absence of five months, which would allow him three months to be at sea, and two months to be at home. In favour of his application he pleads that he was first appointed for two years, but had been absent twice as long; and that he had left America without first going home to make any arrangements in his private affairs: and on referring to all the business confided to him, he shows that no part of that which was unfinished, or would remain so, could suffer by his absence. He proposes that Mr. Short, of whose talents and character he speaks highly, should be left Chargé d'Affaires in his absence.

It appears by his letter to General Washington, in December, that he was better reconciled to the new constitution, though he still hoped that a bill of rights would be annexed to it, and that this might be added by way of amendment, without putting all to hazard by a new convention.

He considers, that the United States will hereafter be exposed to war by "the tyranny" of those European nations who have colonies in America, and who deprive us of the natural right of trading with our neighbours; that our native products would soon exceed the European demand, and that we should open a market by force for the surplus, "with those placed on the same continent with us, and who wish for nothing better." It does not

appear whether his views were limited to Canada and the West Indies, or were extended to Spanish and Portuguese America. But there was another alternative to which he might have looked forward with equal confidence, which is this: whenever labour devoted to agricultural products shall find itself uncompensated, in consequence of a fall in price from a redundant supply, a part of it will be diverted to the fabrication of some of those foreign articles for which raw produce had been previously exchanged. Mr. Jefferson lived long enough to see much of this diversion of labour in the middle states; but it was little to what would have been seen, if our agriculturists had not found in cotton a new article of profitable culture.

Let us now turn our attention to the progress of that Revolution which already began to be manifest to the most careless observer. The expedient which the administration had resorted to, of consulting the principal men of the nation on its difficulties, had proved altogether inadequate to the occasion. They had suggested various minor reforms and retrenchments, some of which were evaded or imperfectly executed, and the whole of which were insufficient to restore national credit, and consequently to silence the complaints of the public creditors. In the evident failure of this experiment, it was necessary to resort to some other expedient, and nothing appeared capable of applying a remedy commensurate with the disease, but to call together the *states-general*, who, in the capacity of representatives of the whole nation, and of the counsellors of the crown, might alone be able to carry into effect such scheme of reform as they should adopt. Besides, as nothing less than a general contribution to the revenue by the nobility and clergy, as well as the *tiers etat*, would satisfy the nation, the support of the representatives of the people was necessary to secure the adoption of this measure. Many motives concurred to make this expedient popular with the nation. All those who had been influenced by their speculative views on government to wish for an extension of civil liberty in France, were pleased to see an assembly about to meet, which already had some of the essential features of a representative body, and which might at

any rate be easily improved into one. Those who admired the English government saw in this assembly a future parliament in embryo, and flattered themselves that, by opening the purse strings of the nation to the necessities of the government, they would be able to effect an extension of the nation's rights. In the intercourse which had been so augmented between France and England of late years, they had opportunities of seeing the advantages which Great Britain derived from her navigation and commerce; her numerous colonies; her flourishing manufactures; and these solid benefits they would naturally ascribe to the respectability of the *tiers etat*, the equality of civil rights, and the sacredness of property which there prevailed. The freedom of debate, and of the press, which they also witnessed in that country, though often offending the fastidiousness and loyalty of Frenchmen, had much in it that was imposing to the imagination; and assimilated the English people, in many points of character, to the classic models of antiquity. The love of change itself will always have its influence on many, either because they hope to profit by it, or because it will relieve them from the languor of idleness or sameness. The administration, being able to devise no better expedient, and finding some change indispensable, acquiesced in this measure; and either not perceiving its danger, or fondly confiding in their ability to overcome it, they looked forward to it with hope rather than apprehension.

When Mr. Jefferson returned from his visit to Holland, in April, he found Paris as he had left it, in a state of high fermentation. He thought that if the Archbishop of Sens had immediately adopted the retrenchments and plans of reform which the notables had recommended, they would all have been registered by the Parliament of Paris, and that cause of civil commotion would not have existed. But as the edicts he prepared were presented slowly, and in succession, there was time for new claims to be set up as men's minds became familiarized to the old, until they finally settled down on the necessity of a fixed constitution, which would be independent of the will of the monarch. It must, moreover, be confessed

that by the ordinary operation of the government, they were daily reminded of evils to which no length of usage or prescription could reconcile them at the present day, and which would be more felt now that their thoughts had been turned to the subject of civil government, and when popular rights appeared in a more attractive form, and arbitrary power more odious than they had ever before been exhibited to the eyes of Frenchmen. The unjust system of taxation, the restraints in the freedom of conscience, and of the press, the extravagance of the government, the insolence of the noblesse, the money thus hardly wrung from the earning of industry and skill, lavished on worthless favourites and pensioners, now seen and understood by the mass of the people, rendered it impossible for the public mind to settle down satisfied with the first concession, which the prudence or timidity of their rulers had yielded to the demands of the people.

Encouraged by the open discontents of the nation, the Parliament refused to register those edicts which created the most unpopular taxes, especially the stamp tax, and proposed a meeting of the states-general, as alone competent to the emergency. The administration, thereupon, determined upon what is called a *bed of justice*, in which the king's presence was expected to overrule the opposition of the Parliament. The edicts were duly registered, according to ancient usage; but new difficulties then arose, which frustrated their execution. The Parliament itself, by way of atoning for its reluctant support of the crown, sent a bold remonstrance to the king, in which they ventured to deny the legality of the recent edicts, and even to declare, that the states-general alone had the power of permanent taxation. The provincial parliaments maintained the same doctrines, and the Chamber of Accounts and Court of Aids refused to enforce them. The refractory Parliament was banished to Troyes, a distance of seventy miles from Paris. But no longer supported by the popular voice, and their merits and sacrifices being not likely to be much better remembered by the people than they had been respected by the government, they came to a compromise with the minister, and on

their consenting to continue some of the former taxes, they were recalled from their exile. The king met them in November, 1787, in what is called a royal sitting, promised to call the states-general in 1792, and a majority of them consented to register an edict for several annual loans, amounting to eighty-four millions, until the proposed meeting of the states-general. But the Duke of Orleans, who had now sided with the popular party, having entered a protest against the edict, and some of the majority retracting their consent, the king peremptorily ordered the registry, and closed the sitting. The Parliament then entered a protest against the legality of the loans, which had the effect of defeating them. The consequence was, that two members of the Parliament were imprisoned, the Duke of Orleans was exiled to his estate, and a *Cour Pleniere*, composed of the principal persons in the kingdom, was called, by the aid of which it was meant to supersede the functions of the Parliament, except those that were strictly judicial. This course being more fit for furthering the views of the government than for fulfilling the wishes of the people, was vehemently opposed by all the Parliament, who again were backed by the mass of the nation. The government found itself forced to give way; and the king, by an edict of July 5th, revoked the order for the *Cour Pleniere*, and promised to call the states-general in the first of May following. The archbishop, retreating from the storm in September, betook himself to Italy, and Neckar was once more placed at the head of the finances. The exultation at this victory and the prospect of future benefits excited the national joy to the highest pitch; and their public rejoicings being interrupted by the city-guard, several successive rencounters ensued between the people and the military, in which ten or twelve of the citizens and a few of the guard lost their lives. The city was then put under martial law, and in a short time order was restored.

After the convocation of the states-general was determined on, two most important questions arose, 1st. What proportion should the deputies of the *tiers etat* bear to those of the nobles and clergy? And 2ndly. Should the nobles, clergy and third

estate sit in several chambers, or sit and vote as one body? The questions were referred by Neckar to the Notables, who were called together a second time to decide them. They met on the 9th of November, and, by a large majority, recommended the forms which had been observed in 1614, when the states-general met in separate chambers. But the voice of the nation was so general and so loud in favour of their making one body, and that the *tiers etat* should equal the other two orders, that the latter point was so determined by a declaration of December 27th. A report from Neckar, about the same time, made the following concessions to the popular party. 1. That the king should neither lay a new tax, nor prolong an old one. 2. It professed a readiness to agree upon a periodical meeting of the states-general; 3. to consult on the necessary restriction of *Lettres de Cachet;* 4. to extend the liberty of the press; 5. that the states should appropriate the public money; 6. that ministers should be responsible for public expenditures.

While the nation was in this state of feverish expectation on this subject of its political rights, there was a scarcity of bread in the country, owing to the destructive hail storms of the preceding summer, and a winter whose severity was beyond all example. The government, with its exhausted treasury, was compelled to expend large sums for the mitigation of these distresses in Paris. It had great fires built in the cross streets, at which the people warmed themselves, to avoid perishing with cold. Bread was bought and distributed daily among the labouring class. "So great," says Mr. Jefferson, "was its scarcity, that from the highest to the lowest citizen, the bakers were permitted to deal but a scanty allowance per head, even to those who paid for it; and in cards of invitation to dine in the richest houses, the guest was notified to bring his own bread." This scarcity having been foreseen by the government, De Montmorin had requested Mr. Jefferson to give information of it in the United States, and promised that a bounty should be given on their grain imported into France.

This state of things had produced some popular disturbances in the interior of the kingdom, but none in Paris, where it seem-

ed as if the attention of all classes was so absorbed by the one object, the meeting of the states-general, and so confidently looked to that for relief from every suffering, that all present ills were borne in patience. Mr. Jefferson thus describes the sudden alteration of character that had now taken place among the people of France, in a letter to Colonel Humphreys, dated the 18th of March, 1789. "The change in this country since you left it, is such as you can form no idea of. The frivolities of conversation have given way entirely to politics. Men, women and children talk nothing else: and all, you know, talk a great deal. The press groans with daily productions, which, in point of boldness, makes an Englishman stare, who hitherto has thought himself the boldest of men. A complete revolution in this government has, within the space of two years (for it began with the Notables of 1787,) been effected merely by the force of public opinion, aided indeed by the want of money, which the dissipations of the court had brought on. And this revolution has not cost a single life, unless we charge to it a little riot lately in Bretagne, which began about the price of bread, became afterwards political, and ended in the loss of four or five lives."

If foreign officers sometimes had cause to complain of the United States, it must also be confessed that the former occasionally magnified their services, and overrated their claims to remuneration. A remarkable instance of this occurred in the case of a Monsieur Klein, who asked compensation for public services rendered to the United States during the war, and who prevailed on Madame Neckar to espouse his cause. According to Mr. Jefferson, he and two other Germans, in the year 1788, proposed to enlist a body of men from among the German prisoners, taken with General Burgoyne at Saratoga, on condition that Klein should be lieutenant-colonel, and his two associates captains in the American service: they were allowed three months to do this. At the end of ten months they had enlisted twenty-four men, and all of these, except five, had deserted. Congress, therefore, put an end to the project in June, 1779, by informing Monsieur Klein they had no further use for his

services, and giving him a year's pay and subsistence to bring him to Europe. He, however, stayed three years and a half, as he says, to solicit what was due him; but Mr. Jefferson presumes, "in hopes of finding some opening for further employment." Madame Neckar is further told, that if he has not a *certificate* of what was allowed him, he must have received the money, and if he has the *certificates*, Mr. Jefferson will represent his claims, and will ensure its meeting with justice; and lastly, that his object is to be received into the Hospital of Invalids, and having no just title to admission, wishes to found a claim on his American commission and American grievances.

CHAPTER XII.

Further opinions on the Federal Constitution. Mr. Madison's and Mr. Jefferson's respective views on Declarations of Rights. Discoveries and improvements in Science. Progress of the French Revolution. Mr. Jefferson submits a Bill of Rights to La Fayette. Visits Versailles almost daily. Connexion of Lake Erie with the Ohio. Views of the French Revolution. Titular distinctions in the United States. The doctrine that one generation cannot bind another. Mr. Madison's views on this subject. Further objections to the doctrine. State of parties in Paris. His mode of passing his time there. Leaves France. Stops at the Isle of Wight. Arrival at Norfolk. His papers narrowly escape conflagration. Return to Monticello. Reception by his slaves. Appointed Secretary of State. Marriage of his eldest daughter. Sets out for New York. Interview with Dr. Franklin.

1789—1790.

In March of that year, about the time that the new constitution of the United States was about to be subjected to the test of experiment, Mr. Jefferson gave a full exposition of his views of it in a letter to Judge Hopkinson, of Pennsylvania. It seems that the judge had written to Mr. Jefferson that he was regarded as an *anti-federalist*, as the opposers of the constitution were now denominated. Mr. Jefferson thus states how far he agreed with the two parties: "I am not a federalist, because I never submitted the whole system of my opinions to the creed of any party of men whatever, in religion, in philosophy, in politics, or in any thing else, where I was capable of thinking for myself. Such an addiction is the last degradation of a free and moral agent. If I could not go to heaven without a party, I would not go there at all. Therefore, I protest to you, I am

not of the party of federalists. But I am much farther from that of the anti-federalists. I approved, from the first moment, of the great mass of what is in the new constitution: the consolidation of the government; the organization into executive, legislative and judiciary; the subdivision of the legislative; the happy compromise of interests between the great and little states, by the different manner of voting in the different houses; the voting by persons instead of states; the qualified negative on laws given to the executive; which, however, I should have liked better if associated with the judiciary also, as in New York; and the power of taxation. I thought, at first, that the latter might have been limited. A little reflection soon convinced me it ought not to be. What I disapproved from the first moment also, was the want of a bill of rights, to guard liberty against the legislative, as well as executive branches of government: that is to say, to secure freedom in religion; freedom of the press; freedom from monopolies; freedom from unlawful imprisonment; freedom from a permanent military, and a trial by jury, in all cases determinable by the laws of the land. I disapproved also the perpetual re-eligibility of the president. To these points of disapprobation I adhere." He then states, that although he had wished that the nine first conventions might accept the constitution, as that number was sufficient for it to go into operation, and the four last reject it, as the means of obtaining amendments, yet he rather preferred the plan pursued by Massachusetts, which adopted the constitution, and at the same time recommended amendments.

On the subject of the re-eligibility of the president, he says: "since the thing is established, I would wish it not to be altered during the life of our great leader, whose executive talents are superior to those, I believe, of any man in the world, and who, alone, by the authority of his name, and the confidence reposed in his perfect integrity, is fully qualified to put the new government so under way, as to secure it against the efforts of opposition. But having derived from our error all the good there was in it, I hope we shall correct it the moment we can no longer have the same name at the helm." He thus notices his

practice of openly avowing his sentiments, a virtue which he often carried beyond the verge of prudence, and for the exercise of which he occasionally incurred the censure both of friends and enemies; from one, for the opinions themselves, and from the other, for his unguarded frankness in avowing them. "I never had an opinion in politics or religion which I was afraid to own. A costive reserve on these subjects might have procured me more esteem from some people, but less from myself. My great wish is, to go on in a strict and silent performance of my duty: to avoid attracting notice, and to keep my name out of newspapers, because I find the pain of a little censure, even when it is unfounded, is more acute than the pleasure of much praise. The attaching circumstance of my present office is, that I can do its duties unseen by those for whom they are done."

We have seen that one of Mr. Jefferson's objections to the new constitution was, that it was not accompanied with a Declaration of Rights. Mr. Madison, though, on the whole, friendly to such declarations, did not attach the same importance to them as Mr. Jefferson. His views on the subject are fully disclosed in a letter to Mr. Jefferson, dated in October, 1788, and they are so marked by that deep sagacity and dispassionate wisdom which have ever characterized his political speculations, that they are here given at length, with the permission of the venerable author, in the following

Extract of a letter from James Madison to Thomas Jefferson.

New York, October 17, 1788.

"Dear Sir,

The little pamphlet herewith inclosed will give you a collective view of the alterations which have been proposed* for the new Constitution. Various and numerous as they appear, they certainly omit many of the true grounds of opposition. The articles relating to treaties, to paper money, and to contracts, created more enemies than all the errors in the system, positive and negative, put together. It is true, nevertheless, that not a

* By the State Conventions.

few, particularly in Virginia, have contended for the proposed alterations from the most honourable and patriotic motives; and that among the advocates for the Constitution, there are some who wish for further guards to public liberty and individual rights. As far as these may consist of a constitutional declaration of the most essential rights, it is probable they will be added; though there are many who think such addition unnecessary, and not a few who think it misplaced in such a Constitution. There is scarce any point on which the party in opposition is so much divided, as to its importance and its propriety. My own opinion has always been in favour of a bill of rights; provided it be so framed as not to imply powers not meant to be included in the enumeration. At the same time, I have never thought the omission a material defect, nor been anxious to supply it even by *subsequent* amendment, for any other reason than that it is anxiously desired by others. I have favoured it because I supposed it might be of use, and, if properly executed, could not be of disservice. I have not viewed it in an important light.

1. Because I conceive that in a certain degree, though not in the extent argued by Mr. Wilson, the rights in question are reserved by the manner in which the federal powers are granted.

2. Because there is great reason to fear that a positive declaration of some of the most essential rights could not be obtained in the requisite latitude. I am sure that the rights of conscience in particular, if submitted to public definition, would be narrowed much more than they are likely ever to be by an assumed power. One of the objections in New England was, that the Constitution, by prohibiting religious tests, opened a door for Jews, Turks, and Infidels.

3. Because the limited powers of the federal government, and the jealousy of the subordinate governments, afford a security which has not existed in the case of the state governments, and exists in no other.

4. Because experience proves the inefficacy of a bill of rights on those occasions when its control is most needed. Repeated

violations of these parchment barriers have been committed by overbearing majorities in every state. In Virginia I have seen the bill of rights violated in every instance where it has been opposed to a popular current. Notwithstanding the explicit provision contained in that instrument for the rights of conscience, it is well known that a religious establishment would have taken place in that state, if the legislative majority had found, as they expected, a majority of the people in favour of that measure; and I am persuaded that if a majority of the people were now of one sect, the measure would still take place, and on narrower ground than was then proposed, notwithstanding the additional obstacle which the law* has since created.

Wherever the real power in a government lies, there is the danger of oppression. In our governments the real power lies in the majority of the community, and the invasion of private rights is *chiefly* to be apprehended, not from acts of government contrary to the sense of its constituents, but from acts in which the government is the mere instrument of the major number of the constituents. This is a truth of great importance, but not yet sufficiently attended to; and is probably more strongly impressed on my mind by facts, and reflections suggested by them, than on yours, which has contemplated abuses of power issuing from a very different quarter. Wherever there is an interest and power to do wrong, wrong will generally be done, and not less readily by a powerful and interested party than by a powerful and interested prince. The difference, so far as it relates to the superiority of republics over monarchies, lies in the less degree of probability that interest may prompt abuses of power in the former than in the latter; and in the security in the former against an oppression of more than the smaller part of the society, whereas in the former it may be extended in a manner to the whole. The difference, so far as it relates to the point in question—the efficacy of a bill of rights in controlling abuses of power—lies in this, that in a monarchy the latent force of the nation is superior to that of the sovereign,

* The Religious Bill of Mr. Jefferson.

and a solemn charter of popular rights must have a great effect as a standard for trying the validity of public acts, and a signal for rousing and uniting the superior force of the community; whereas in a popular government the political or physical power may be considered as vested in the same hands, that is, in a majority of the people, and consequently the tyrannical will of the sovereign is not to be controlled by the dread of an appeal to any other force within the community.

What use then, it may be asked, can a bill of rights serve in popular governments? I answer the two following, which, though less essential than in other governments, sufficiently recommend the precaution. 1. The political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free government, and as they become incorporated with the national sentiment, counteract the impulses of interest and passion. 2. Although it be generally true, as above stated, that the danger of oppression lies in the interested majorities of the people rather than in usurped acts of the government, yet there may be occasions on which the evil may spring from the latter source; and on such, a bill of rights will be a good ground for an appeal to the sense of the community. Perhaps, too, there may be a certain degree of danger, that a succession of artful and ambitious rulers may, by gradual and well timed advances, finally erect an independent government on the subversion of liberty. Should this danger exist at all, it is prudent to guard against it, especially when the precaution can do no injury. At the same time I must own that I see no tendency in our governments to danger on that side.

It has been remarked that there is a tendency in *all* governments to an augmentation of power at the expense of liberty. But the remark, as usually understood, does not appear to me well founded. Power, when it has attained a certain degree of energy and independence, goes on generally to further degrees. But when below that degree, the direct tendency is to further degrees of relaxation, until the abuses of liberty beget a sudden transition to an undue degree of power. With this explanation the remark may be true; and in the latter sense only is it, in

my opinion, applicable to the existing governments in America. It is a melancholy reflection, that liberty should be equally exposed to danger, whether the government have too much or too little power; and that the line which divides these extremes should be so inaccurately defined by experience.

Supposing a bill of rights to be proper, the articles which ought to compose it admit of much discussion. I am inclined to think that *absolute* restrictions in cases that are doubtful, or where emergencies may overrule them, ought to be avoided. The restrictions, however strongly marked on paper, will never be regarded when opposed to the decided sense of the public; and after repeated violations in extraordinary cases, they will lose even their ordinary efficacy. Should a rebellion or insurrection alarm the people as well as the government, and a suspension of the *habeas corpus* be dictated by the alarm, no written prohibitions on earth would prevent the measure. Should an army in time of peace be gradually established in our neighbourhood by Britain or Spain, declarations on paper would have as little effect in preventing a standing force for the public safety. The best security against these evils is, to remove the pretext for them. With regard to monopolies, they are justly classed among the greatest nuisances in government. But is it clear that, as encouragements to literary works and ingenious discoveries, they are not too valuable to be wholly renounced? Would it not suffice to reserve in all cases a right to the public to abolish the privilege, at a price to be specified in the grant of it? Is there not also infinitely less danger of this abuse in our government than in most others? Monopolies are sacrifices of the many to the few. Where the power is in the few, it is natural for them to sacrifice the many to their own partialities and corruptions. Where the power, as with us, is in the many, not in the few, the danger cannot be very great that the few will be thus favoured. It is much more to be dreaded that the few will be unnecessarily sacrificed to the many."

In a letter written two days afterwards to Mr. Madison, he

discusses the importance of a declaration of rights, to which, as we have seen, Mr. Madison did not attach so much importance. We may here remark in Mr. Jefferson an opinion of the judicial functions very different from that subsequently entertained by him. He then regarded the judiciary as vested with the power of checking or arresting unconstitutional legislative acts, for, he says, "in the agreements in favour of a declaration of rights, you omit one which has great weight with me; the legal check which it puts into the hands of the judiciary. This is a body which, if rendered independent, and kept strictly to their own department, merits great confidence for their learning and integrity. In fact, what degree of confidence would be too much, for a body composed of such men as Wythe, Blair, and Pendleton? On characters like these, the *civium ardor prava jubentium* would make no impression. I am happy to find that, on the whole, you are a friend to this amendment."

He then answers the four objections which had been made to these declarations: 1st Objection. "That the rights in question are reserved by the manner in which the federal powers are granted."

Answer. A constitution may be so framed as to require no declaration of rights. But where some important objects are unnoticed, such a declaration becomes then necessary. He states, that the draught which he had made of a constitution for Virginia, was intended to dispense with a declaration.

2nd Objection. "A positive declaration of some essential rights could not be obtained in the requisite latitude."

Answer. That we may not be able to secure all, furnishes no good argument against securing all that we can.

3d Objection. "The limited powers of the general government, and the jealousy felt by the subordinate governments, affords a security on this subject which exists in no other instance."

Answer. This jealousy is admitted to be a valuable reliance; but those governments are only agents, and they must have principles furnished them on which to ground their opposition.

It will also be useful to the federal government, as by this it may try the opposition of the subordinate governments.

4th Objection. "Experience proves the inefficacy of a bill of rights."

Answer. But though not absolutely efficacious under all circumstances, it is always potent and rarely inefficacious. "A brace the more will often keep up the building, which would have fallen with that brace the less. There is a remarkable difference between the inconveniences attending a declaration of rights, and those attending the want of them." By the first of these, government may be cramped in its useful exertions. But this evil is, he says, "short lived, moderate and reparable." But the last are "permanent, afflicting and irreparable."

The executive, he says, in our governments, is not the sole, and was scarcely the principal, object of his jealousy. The tyranny of the legislatures is the most formidable dread at present, and will be for many years. That of the executive will come in its time, but it will be at a remote period. "I know," he adds, "there are some among us who would now establish a monarchy. But they are inconsiderable in number and weight of character."

In a letter to Mr. Willard, of Massachusetts, among much literary and scientific intelligence of the day, he thus remarks on Lavoisier's discovery and the new nomenclature of chemistry. They forcibly remind us how much that useful science has advanced in the intermediate time.

"The chemical dispute about the conversion and reconversion of air and water continues still undecided. Arguments and authorities are so balanced, that we may still safely believe, as our fathers did before us, that these principles are distinct. A schism of another kind has taken place among the chemists. A particular set of them here have undertaken to remodel all the terms of the science, and to give to every substance a new name; the composition, and especially the termination of which shall define the relation in which it stands to other substances of the same family. But the science seems too much in its infancy as yet for this reformation; because, in fact, the refor-

mation this year must be reformed again the next year, and so on, changing the names of substances as often as new experiments develope properties in them undiscovered before. The new nomenclature has accordingly been already proved to need numerous and important reformations. Probably it will not prevail. It is espoused by the minority only here, and by very few indeed of the foreign chemists. It is particularly rejected in England."

He then mentions Paine's iron bridge, and Rumsey's plan of steam navigation. After noticing the rich and almost unexplored field which America presents to the mineralogist, botanist and zoologist, he adds: "It is for such institutions as that over which you preside so worthily, sir, to do justice to our country, its productions, and its genius. It is the work to which the young men whom you are forming should lay their hands. We have spent the prime of our lives in procuring them the precious blessing of liberty. Let them spend theirs in showing that it is the great parent of *science* and virtue; and that a nation will be great in both, always in proportion as it is free."

He had a short time before received the degree of Doctor of Laws from the University of Harvard, conferred in September, 1788: but he never availed himself of the title.

On the 5th of May, 1789, took place the memorable meeting of the States General, a body to which the whole nation looked most anxiously with eyes of hope or of fear. It consisted of about twelve hundred members, of whom a fourth were the representatives of the clergy, another fourth of the nobility, and one half of the commons or the rest of the nation, termed the *tiers etat*. The first question which presented itself was, whether the clergy and nobles should sit and vote in a separate chamber, or whether all the members should sit and vote as a single body. As the members of the *tiers etat* outnumbered the other two united, every one felt that the decision of this question would decide whether the meeting were to end in a mere political reform, or in a revolution. The several parties then prepared themselves to defend their respective claims, but with fearful odds; the smaller party being rendered yet weaker by

a want of unanimity among themselves, and the more numerous body being united and supported not only by the dissentionists of the other orders, but by all the rest of the nation.

That he might be sooner and better informed of the progress of events, Mr. Jefferson went every day from Paris to Versailles to attend the debates.

The Marquis La Fayette had been chosen a member by the noblesse of Auvergne, who had instructed him to vote for the decision by orders, and not by persons. On the 6th of May Mr. Jefferson wrote him a letter, earnestly advising him to disregard his instructions, and to follow his principles and inclinations, by voting for the decision by persons. He made strong appeals to his interest, his love of popularity, and his wish to be useful; showed that they all pointed out the same course, that if he took a contrary one he would sooner or later be dropped by the noblesse, and that he might then not be received by the popular party. He even endeavours to reconcile this course with his instructions by the following reasoning, which, it must be admitted, is by no means conclusive. "Will it be impossible," he says, "to persuade all parties that, (as for good legislation two houses are necessary,) the placing the privileged classes together in one house, and the unprivileged in another, would be better for both than a scission. I own I think it would. People can never agree without some sacrifices; and it appears but a moderate sacrifice in each party to meet on this middle ground. The attempt to bring this about might satisfy your instructions, *and a failure in it* would justify your siding with the people, even to those who think instructions are laws of conduct." La Fayette, however, adhered to his instructions, and, as it appears, without any immediate loss of his popularity.

While these preliminary questions were under discussion, Mr. Jefferson, who was in habits of extreme intimacy with La Fayette and others, suggested to Mons. St. Etienne, that the king, in a *seance royale*, should come forward with a charter of rights in his hand, to be signed by himself and every member of the three orders—this charter to contain the five great points which the Resultat of December offered on the part of

the king; the abolition of pecuniary privileges offered by the privileged orders, the assumption of the national debt, and a grant of the sum of money asked from the nation—the States General to adjourn to the next annual meeting. By this course he thought time would be gained, the public mind would become better informed, and "the basis of support prepared with the people themselves." He apologises for the course he had taken by his "immeasurable love for the French nation, and a painful anxiety lest despotism, after an unaccepted offer to bind its own hands, should seize on its prey with tenfold fury."

The charter of rights which the American minister thus prepared for the French people, consisted of ten articles, as follows:

"1. The States General shall assemble, uncalled, on the first day of November, annually, and shall remain together so long as they shall see cause. They shall regulate their own elections and proceedings, and, until they shall ordain otherwise, their elections shall be in the form observed in the present year, and shall be triennial.

2. The States General alone shall levy money on the nation, and shall appropriate.

3. Laws shall be made by the States General only, with the consent of the king.

4. No person shall be restrained of his liberty but by regular process from a court of justice, authorized by a general law. (Except that a noble may be imprisoned by order of a court of justice, on the prayer of twelve of his nearest relations.) On complaint of an unlawful imprisonment to any judge whatever, he shall have the prisoner immediately brought before him, and shall discharge him, if his imprisonment be unlawful. The officer in whose custody the prisoner is, shall obey the orders of the judge, and both judge and officer shall be responsible, civilly and criminally, for a failure of duty herein.

5. The military shall be subordinate to the civil authority.

6. Printers shall be liable to legal prosecution for printing and publishing false facts, injurious to the party prosecuting; but they shall be under no other restraint.

7. All pecuniary privileges and exemptions enjoyed by any description of persons, are abolished.

8. All debts already contracted by the king, are hereby made the debts of the nation, and the faith thereof is pledged for their payment in due time.

9. Eighty millions of livres are now granted to the king, to be raised by loan, and reimbursed by the nation; and the taxes heretofore paid, shall continue to be paid to the end of the present year, and no longer.

10. The States General shall now separate, and meet again on the 1st day of November next."

It does not appear that this advice resulted in any measure, or was ever acted on. Supposing they had satisfied the demands of the popular party, then enlarging their views and rising in their demands, they were in far too liberal a spirit of concession for the government party. The three orders continued to debate for several weeks the important questions which divided them, so that they could not agree even about the verification of their own powers, when on the 10th the commons invited the nobles and clergy to attend in the Hall of the States for that purpose, on that day. They accordingly then proceeded to the verification, and it being finished on the 15th, a motion was made *that they constitute themselves a national assembly*, which motion was adopted on the 17th. During these debates, a few of the clergy joined the commons, while the nobles remained unbroken. After a vain attempt, by removing the king to Marly, to unite him to the party of the nobles, both they and the clergy were compelled to yield, at the instance of the king himself, to the popular sentiment, and to unite themselves with the commons, where the three orders amalgamated into one assembly, consisting of about twelve hundred members.

The particulars are all faithfully detailed by Mr. Jefferson in his letters to Mr. Jay, written every day or two immediately after the occurrences which they detail.

Mirabeau, in his debates of the national assembly, having, for the purpose of casting censure on Neckar, stated that Mr. Jefferson had made an offer to the French minister to have

corn brought over from America, which Neckar had refused, Mr. Jefferson wrote to La Fayette to contradict the statement; the only foundation for it being the fact, that Mr. Neckar had, the year before, asked Mr. Jefferson to have it made public in the United States, that corn and flour would meet with a good market in France; which information he had communicated to Mr. Jay. He requested La Fayette to make these facts known to the assembly. He also gave the same explanation to Mons. Neckar. But the contradiction having now transferred public censure from Neckar to Mirabeau, to put a stop to it, he writes to La Fayette to have his letter printed.

It seems that during the public ferment, Mr. Jefferson's hotel was repeatedly robbed, in consequence of which he was induced to apply to Monsieur de Montmorin for a guard.

It appears from several letters between General Washington and Mr. Jefferson, that, at this time, it was generally believed that a canal connecting Lake Erie with the river Ohio would be likely to bring the trade of the western country to Virginia, as the distance to the Atlantic is less in that direction than any other. But by reason of the subsequent more rapid growth of New York, and of the canal which has since been executed, and which the most visionary projector of that day had not even conceived, trade now takes a contrary course, and goes from the Ohio to Lake Erie, thence down the lake, by the canal, to the Hudson, instead of up Lake Erie, down the Ohio, and thence across to Virginia. The time may, however come, when raw produce which is now transported from the Ohio to the lake, by the Cleveland canal, will be transported in an opposite direction.

After the several orders of the states general were amalgamated into one body, and this was regarded as the constitutional representative of the nation, Mr. Jefferson evidently partook of the high hopes, and the warm enthusiasm which pervaded not only the mass of the French people, but the friends of civil freedom every where. Yet his mind was not without certain secret misgivings, as appears by his letter to T. Paine, dated July 11, 1789. After speaking of a report of a committee con-

cerning the rights of man, the nation, and the king, on which it was proposed to found the new government, he thus proceeds:

"You see that there are the materials of a superb edifice, and the hands which have prepared them are perfectly capable of putting them together, and of filling up the work of which these are only the outlines. While there are some men among them of very superior abilities, the mass possess such a degree of good sense as enables them to decide well. I have always been afraid their numbers might lead to confusion. Twelve hundred men in one room are too many. I have still that fear. Another apprehension is, that a majority cannot be induced to adopt the trial by jury; and I consider that as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The actual fury of the civil tempest, however, when it did burst, soon outwent all his anticipations. On the very day on which this letter was dated, Neckar received his dismissal, and, at midnight, set out for Brussels. The Baron de Breteuil was appointed to succeed him; and he, as well as all the other new ministers, had been known to be in favour of the most arbitrary principles of government. Their policy seems to have been to put down civil commotion by force, for which purpose troops were marched to Paris and Versailles, to the amount of 30,000, and placed under the command of Marshal Broglio, on whose firmness and principles they could rely. But these measures served only to hasten the catastrophe. The people began to arm in turn, and in applying to the Governor of the Bastile for arms, four men were killed by a discharge from that prison. On this, the people assembled in great numbers, forcibly entered the Bastile defended by 100 men, seized the governor and lieutenant-governor, and having carried them to the place of execution, cut off their heads. The next day, July the 15th, the Bastile was attacked and razed to the ground.

Mr. Jefferson thinks that here again the Revolution might have been arrested, if the queen had been put into a convent, and Louis been left to follow his own good feelings, and the advice of his more prudent counsellors. Neckar had not reached

Basle before he received a letter of recall, and a new administration was formed, more in accordance with the popular feeling. But on the 4th of August, the National Assembly abolished all distinctions of rank, titles, and every other feudal privilege whatever. A committee was appointed to prepare a constitution, of which the Archbishop of Bordeaux was chairman. Mr. Jefferson had received a letter from the archbishop, inviting him to attend the sittings of the committee, which, he thought, it became him to decline, as interfering in the internal concerns of a foreign country.

During the time of these commotions, Mr. Jefferson feeling the liveliest interest in all that was passing around him, took the utmost pains to acquire an accurate knowledge of facts, and he wrote from personal information whenever he could. "I went," he writes to Mr. Jay on the 19th of July, "yesterday to Versailles, to satisfy myself what had passed there; for nothing can be believed but what one sees, or has from an eye witness. They believe there still, that three thousand people have fallen victims to the tumults of Paris. Mr. Short and myself have been every day among them, in order to be sure of what was passing. We cannot find, with certainty, that any body has been killed, but the three before mentioned, and those who fell in the assault or defence of the Bastile. How many of the garrison were killed nobody pretends to have ever heard. Of the assailants, accounts vary from five to six hundred. The most general belief is, that there fell about thirty."

From the capture of the Bastile to the last of August there was no disturbance, and in this interval, Mr. Jefferson seemed to have had more fears that the aristocracy would regain the ground they had lost than that the people would be led to greater excesses. He writes to Mr. Madison on the 28th of August, "that enemy of the Assembly (the civil and ecclesiastical aristocracy) begins to raise its head." It was his opinion, that, if the Assembly should rise without forming a constitution, from the delays which must necessarily attend the deliberations of twelve hundred men, the plan of one would be proposed by the national militia, urged by the individual members of the

Assembly, signed by the king, and supported by the nation, to prevail till circumstances permitted its revision and more regular sanction. This, he supposed "the *pis aller* of their affairs, and their probable event, a peaceable settlement of them." He thus exults in the favourable dispositions of the Assembly towards America. "Our proceedings have been viewed as a model for them on every occasion; and, though in the heat of debate men are generally disposed to contradict every authority urged by their opponents, our's has been treated like that of the bible, open to explanation, but not to question."

He then deprecates our putting the French and the English nations upon the same footing, as to trade; the one being our friends and benefactors, the other our rivals and enemies. He knows, he says, "but one code of morality for men, whether acting singly or collectively."

In answer to Mr. Madison's inquiry, whether he would accept any appointment at home, he answers—"You know the circumstances which led me from retirement, step by step, and from one nomination to another, up to the present. My object is a return to the same retirement. Whenever, therefore, I quit the present, it will not be to engage in any other office, and, most especially, any one which would require a constant residence from home."

While Mr. Jefferson saw with pleasure and a degree of national exultation, the abolition of titles, and the privileges of rank in France, it was with a proportionate degree of surprise and mortification that he heard of a disposition to create these artificial distinctions in America. He had partaken of the jealousy which was felt by his countrymen against the order of Cincinnati, as an attempt to disturb that equality of rights which seems essential in a popular government, and he regarded the official titles which some wished to annex to the functionaries under the new constitution, as of a similar character. He thus expresses his sentiments on the subject to Mr. Carmichael.

"The Senate and House of Representatives differed about the title of the President. The former wanted to style him, 'his Highness George Washington, President of the United

States, and Protector of their Liberties.' The latter insisted and prevailed to give no title but of office, to wit: George Washington, President of the United States. I hope the terms of Excellency, Honour, Worship, Esquire, may forever disappear among us from that moment. I wish that of Mr. would follow them." He was consistent in this dislike of empty titles, and when he became President, as well as at all times before and after, his invitations and visiting cards never had any addition to the name of "Thomas Jefferson."

Among the speculative opinions in which Mr. Jefferson occasionally indulged, and on which his enemies founded their charge against him of being visionary, was one which he communicates to Mr. Madison, in a letter dated in September, and which was probably suggested by some of the questions of first principles which were then under discussion in the National Assembly; and were in great vogue throughout Paris.

He insists that the use of the earth belongs to the living generations, and that the dead have no more right than they have power over it. In the application of this principle he maintains, that no generation can pledge, or encumber the lands of a country beyond the average term of its own existence, which term, by a reference to the annuity tables of Buffon, he estimates first to 34 years, and afterwards reduces to 19 years. By reason of this restriction, founded in nature and the first principles of justice, he maintains that every law, and even constitution, naturally expires at the expiration of this term; and that no public debt can be contracted which would be rightfully binding on the nation after the same lapse of time.

He thus earnestly invites Mr. Madison's attention to his theory. "Turn this subject in your mind, my dear sir, and particularly as to the power of contracting debts, and develope it with that cogent logic which is so peculiarly your's. Your station in the councils of our country, gives you an opportunity of producing it to public consideration, of forcing it into discussion. At first blush, it may be laughed at, as the dream of a theorist; but examination will prove it to be solid and salutary. It would furnish matter for a fine preamble to our first law for appro-

priating the public revenue; and it will exclude, at the threshhold of our new government, the ruinous and contagious errors of this quarter of the globe, which have armed despots with means which nature does not sanction, for binding in chains their fellow men. We have already given, in example, one effectual check to the dogs of war, by transferring the power of declaring war from the executive to the legislative body: from those who are to spend, to those who are to pay. I should be pleased to see this second obstacle held out by us also in the first instance."

As the reader may be curious to see Mr. Madison's views of this novel principle in legislation, an extract of his reply to the preceding letter is here subjoined: and although we may be disposed to question with him, both the justice and the expediency of such a principle, adopted without discrimination, yet we cannot but yield our respect to the ever active spirit of benevolence which dictated it. Mr. Jefferson's very sanguine temper was never so likely to mislead his judgment as in schemes for the promotion of human happiness, and advancing the condition of civil society. The reply is very characteristical of the cautious spirit and profound reflection of its author.

"*New York, February* 4, 1790.

Dear Sir,

Your favour of January 9th, inclosing one of September last, did not get to hand till a few days ago. The idea which the latter evolves is a great one, and suggests many interesting reflections to legislators, particularly when contracting and providing for public debts. Whether it can be received in the extent to which your reasonings carry it, is a question which I ought to turn more in my thoughts than I have yet been able to do, before I should be justified in making up a full opinion on it. My first thoughts lead me to view the doctrine as not *in all respects* compatible with the course of human affairs. I will endeavour to sketch the grounds of my scepticism.

'As the earth belongs to the living, not to the dead, a living generation can bind itself only: in every society the will of the

majority binds the whole: according to the laws of mortality, a majority of those ripe for the exercise of their will, do not live beyond the term of 19 years: to this term then is limited the validity of every act of the society; nor can any act be continued beyond this term, without an *express* declaration of the public will.' This I understand to be the outline of the argument.

The acts of a political society may be divided into three classes:

1. The fundamental constitution of the government.

2. Laws involving some stipulation, which renders them irrevocable at the will of the legislature.

3. Laws involving no such irrevocable quality.

1. However applicable in theory the doctrine may be to a constitution, it seems liable in practice to some weighty objections.

Would not a government ceasing of necessity at the end of a given term, unless prolonged by some constitutional act, previous to its expiration, be too subject to the casualty and consequences of an interregnum?

Would not a government so often revised, become too mutable and novel to retain that share of prejudice in its favour, which is a salutary aid to the most rational government?

Would not such a periodical revision engender pernicious factions, that might not otherwise come into existence, and agitate the public mind more frequently and more violently than might be expedient?

2. In the second class of acts involving stipulations, must not exceptions, at least, to the doctrine be admitted?

If the earth be the gift of *nature* to the living, their title can extend to the earth in its *natural* state only. The *improvements* made by the dead form a debt against the living, who take the benefit of them. This debt cannot be otherwise discharged than by a proportionate obedience to the will of the authors of the improvements.

But a case less liable to be controverted may perhaps be stated. Debts may be incurred with a direct view to the in-

terest of the unborn, as well as of the living. Such are debts for repelling a conquest, the evils of which descend through many generations. Debts may be incurred principally for the benefit of posterity: such, perhaps, is the debt incurred by the United States. In these instances, the debt might not be dischargeable within the term of 19 years.

There seems then to be some foundation in the nature of things, in the relation which one generation bears to another, for the *descent* of obligations from one to another. Equity may require it. Mutual good may be promoted by it; and all that seems indispensable in stating the account between the dead and the living, is to see that the debts against the latter do not exceed the advances made by the former. Few of the incumbrances entailed on nations by their predecessors, would bear a liquidation even on this principle.

3. Objections to the doctrine, as applied to the third class of acts, must be merely practical. But in that view alone they appear to be material.

Unless such temporary laws should be kept in force by acts regularly anticipating their expiration, all the rights depending on positive laws, that is, most of the rights of property, would become absolutely defunct, and the most violent struggles ensue between the parties interested in reviving, and those interested in reforming the antecedent state of property. Nor does it seem improbable that such an event might be suffered to take place. The checks and difficulties opposed to the passage of laws, which render the power of repeal inferior to an opportunity to reject, as a security against oppression, would have rendered the latter an insecure provision against anarchy. Add to this, that the very possibility of an event so hazardous to the rights of property could not but depreciate its value; that the approach of the crisis would increase the effect; that the frequent return of periods, superseding all the obligations depending on antecedent laws and usages, must, by weakening the sense of them, co-operate with motives to licentiousness already too powerful; and that the general uncertainty and vicissitudes of such a state of things would, on one side, discourage every use-

ful effort of steady industry, pursued under the sanction of existing laws, and on the other, give an immediate advantage to the more sagacious over the less sagacious part of society.

I can find no relief from such embarrassments but in the received doctrine that a *tacit* assent may be given to established governments and laws, and that this assent is to be inferred from the omission of an express revocation. It seems more practicable to remedy by well constituted governments, the pestilent operation of this doctrine, in the unlimited sense in which it is at present received, than it is to find a remedy for the evils necessarily springing from an unlimited admission of the contrary doctrine.

Is it not doubtful, whether it be possible to exclude wholly the idea of an implied or tacit assent, without subverting the very foundation of civil society?

On what principle is it that the voice of the majority binds the minority?

It does not result, I conceive, from a law of nature, but from compact founded on utility.

A greater proportion might be required by the fundamental constitution of society, if under any particular circumstances it were judged eligible. Prior, therefore, to the establishment of this principle, *unanimity* was necessary; and rigid theory accordingly presupposes the assent of every individual to the rule which subjects the minority to the will of the majority. If this assent cannot be given tacitly, or be not implied where no positive evidence forbids, no person born in society could, on attaining ripe age, be bound by any acts of the majority, and either an unanimous renewal of every law would be necessary, as often as a new member should be added to the society, or the express consent of every new member be obtained to the rule by which the majority decides for the whole.

If these observations be not misapplied, it follows that a limitation of the validity of all acts, to the computed life of a generation establishing them, is, in some cases, not required by theory, and, in others, not consistent with practice. They are not meant, however, to impeach either the utility of the prin-

ciple, as applied to the cases you have particularly in view, or the general importance of it in the eye of the philosophical legislator. On the contrary, it would give me singular pleasure to see it first announced to the world in a law of the United States, and always kept in view as a salutary restraint on living generations, from *unjust* and *unnecessary* burthens on their successors. This is a pleasure, however, which I have no hope of enjoying. It is so much easier to descry the little difficulties immediately incident to every great plan, than to comprehend its general and remote benefits, that further light must be added to the councils of our country, before many truths which are seen through the medium of philosophy, become visible to the naked eye of the ordinary politician."

In addition to the preceding objections urged by Mr. Madison, it may admit of a question, whether it would impose a material restriction on the power of governments to contract loans for the purposes of improvident expenditure. For supposing a loan to be contracted redeemable at the end of 19 years, or even a less time, the existing generation at the time it became due, might find it easier to provide for its payment by new loans, rather than by taxes, and thus postpone the payment for a further term, and so on *ad infinitum;* each succeeding generation shifting off the burthen of payment upon that which was to succeed. The mischief of a public debt consists in its encouraging the improvidence of the government, whereby it is enabled to spend that portion of the national capital improductively, which would otherwise have found productive employment; and this mischief is the same, both in extent and duration, whether the money be borrowed for a longer or shorter time, on short annuities, or perpetual ones.

Nor does the provision seem more capable of defence on the ground of natural justice. For every generation is in the enjoyment of the fruits of the labour expended by preceding generations: most of the houses it inhabits have been built by them —roads—canals—public buildings, are the work of their hands. Much of the furniture, plate, engines and utensils, have had the same origin; and the existing generation ought not to object to

take these benefits *cum onere*. The capital which has been procured by loan, and expended, may perhaps have been as advantageous to the posterity of those who contracted it as to themselves, and their own enjoyments and incomes may be quite as much enhanced as their burthens. We speak not merely of loans contracted in defence of national rights or independence, but of the mere question of pecuniary loss or gain. Thus, suppose ten millions of dollars borrowed at an interest of 5 per cent., and employed in cutting a canal—posterity would thus be burthened with a perpetual tax of 500,000 dollars. Suppose, however, that the canal, at the same time, yields an income of 1,000,000; in that case, subsequent generations would annually gain by the debt half a million beyond the amount of the tax the debt had occasioned.

It is true, that all the loans contracted by government are not of this character. Many of them owe their origin to purposes that do not affect posterity, and some that are not even advantageous to the existing generation; but the affairs of nations do not admit of being reduced to very precise rules, and we must look to their general character and tendencies. If, in many cases, both policy and justice would imperiously require of us to fulfil contracts made by the past generation, it affords sufficient ground for introducing the general principle, though cases may occasionally occur which do not fall within the reason of it.

It may be further remarked, that whatever may be the good or evil of the principle, we may safely pronounce, that it is one on which no community will ever consent to act. Men have always affected, says Sir William Blackstone, to do as they please during their lives, and to restrain those who are to come after them; but the principle recommended by Mr. Jefferson is in direct collision with this general propensity.

With respect to the duration of laws, the presumption is, that if they were considered to be so salutary as not to deserve repeal, they would be regularly re-enacted before the term of their continuance expired. And as it would be foreseen, that it might not always be easy to re-enact a law that is salutary,

from the accidental prejudices of the legislators, or from the influence of private motives, or the delays incident to popular assemblies, laws of this character would often be re-enacted before they expired, as we occasionally see in the renewal of charters some years before they terminate.

But if, on the other hand, the re-enactment did not take place, other inconveniences would probably follow. It might often happen, that acts deserving punishment, and formerly punishable, would go unpunished; property might pass by a new rule, or would remain undisposed of, for want of a rule; and legislation, of which there is apt to be too much, might, by this provision, be needlessly multiplied, and extended to cases where it would not have been thought of, but for the necessity of re-enactment thus created. It seems to be far safer and better to leave it discretionary with the legislature to give laws a temporary existence whenever it thinks proper, and to make their duration in general indefinite, so that they can be repealed if found inconvenient on trial, and be quietly permitted to continue so long as they are not objected to.

It must be remembered too, that the mere frequency of change in the laws is itself an evil, not merely because it is always more or less an inconvenience either to learn a new rule, or to remain ignorant of it, but also, because the people in the course of time adapt themselves to laws, where the laws might not at first be adapted to them. The parts not suited to the purpose of their framers become obsolete from disuse, while those of a different character acquire an increased efficacy by usage; in the same way as an old shoe is easier than a new one. But the principle proposed by Mr. Jefferson would greatly augment this evil of change, by compelling legislation on every subject, after every term of nineteen years.

In September, Mr. Jefferson proposed to Mr. Neckar to draw supplies of salted provisions from America to France, suggesting in favour of the measure, that it was much cheaper than fresh meat, and that, by enabling the French people to turn a part of their lands from pasturage to the growth of corn, it would make the supply of that article more abundant. He

relies on the experience of America to prove that salt meat, when eaten with vegetables, is as wholesome as fresh.

Before he left Paris, he wrote to Mr. Jay a long letter on the state of parties, of which he makes the following enumeration: 1. "The *aristocrats*, comprehending the higher members of the clergy, military, nobility, and the parliaments of the whole kingdom. This forms a head without a body. 2. *The moderate royalists*, who wish for a constitution nearly similar to that of England. 3. The *republicans*, who are willing to let their first magistracy be hereditary, but to make it very subordinate to the legislature, and to have that legislature consist of a single chamber. 4. The *faction of Orleans*. The second and third descriptions are composed of honest well-meaning men, differing in opinion only, but both wishing the establishment of as great a degree of liberty as can be preserved. They are considered as constituting the patriotic part of the Assembly, and they are supported by the soldiery of the army, the soldiery of the clergy, that is to say, the *Curés* and monks, the dissenters, and part of the nobility which is small, and the substantial *Bourgeoisie* of the whole nation." He was of opinion that these two parties would not separate, but would still more closely coalesce; and he mentions La Fayette, among other bonds of union between them; says, he left the Assembly while they as yet formed but one party, that his attachment to both was equal, and that he laboured incessantly to keep them together.

He discusses the chances which might be brought about, either by the want of bread, by a public bankruptcy, or the absconding of the king from Versailles. He, however, concluded that no commotion would take place; and though it should, "that the patriotic party would hold together." In this case, he says, "there would be against them the aristocracy and the Orleans faction. This consists, at this time, of only the Catalines of the Assembly, and some of the lowest descriptions of the mob."

On the 26th of September he took leave of Paris, after a residence of something more than five years. He had come to France with strong prepossessions in favour of its people, which a more intimate acquaintance seemed to improve. Their sci-

ence, their literature, their cultivation of the arts, their manners and modes of life, were all to his taste. There was nothing but the character of the government and the influence of the clergy that he seriously disapproved, and these seemed about to be swept away by a political revolution. It is not then a matter of wonder that his partiality for France should have been so strong, and should have influenced his tastes and opinions through the rest of his life.

During his residence in Paris, his manner of passing his time exhibited the same habitual industry, regularity, and attention to method, by which he had been previously characterized. He was always a very early riser, and the whole morning, until one o'clock, was devoted to business, with the exception of the respite afforded by the breakfast table, at which he frequently lingered to enjoy the pleasures of conversation. He was also fond of riding on horseback, and occasionally adopted that mode of going to Versailles. In his walks, he often rambled as far as seven miles into the country. It was in one of these walks that he fractured his wrist.

He left Havre on the 8th of October, with his two daughters, and on the 9th he crossed over to Cowes, to which he had previously engaged a vessel to touch for him. He was detained at the Isle of Wight by contrary winds till the 22nd. During the ten days he was at Cowes, he visited what was most remarkable in the Island, especially Carisbroke Castle, where Charles the First had taken refuge in 1648. Though he was entitled to no peculiar privileges here as a foreign minister, yet, in consequence of a special application to Mr. Pitt, from Colonel Trumbull, who had engaged the ship for him in London, his baggage, by an extension of the ordinary courtesy, was exempted from search by the officers of the customs. His voyage across the Atlantic was again prosperous, and he landed at Norfolk in thirty days after he left Cowes. But at its termination, he narrowly escaped more than one serious disaster. When they reached the coast, a thick mist completely shrouded every landmark from their view; and after they had beaten about for three days in the hope of seeing a pilot boat, the captain boldly

ventured to run in, and succeeded in getting within the capes just in time to escape being blown off the coast, as happened to several other vessels in company. A few hours too, after they had landed, a fire broke out in the ship, but after making considerable progress, was, by the aid afforded from the other ships in the harbour, extinguished, and the whole of Mr. Jefferson's trunks and papers were saved.

At that time there being but few public houses in Norfolk, Mr. Jefferson and his daughters would have found a difficulty in procuring accommodations, if some of the lodgers in Lindsay's hotel had not voluntarily given up their rooms to them. As there were no public stages, they were indebted to their friends for the means of conveyance home.

He passed some days with his friend and brother-in-law, Mr. Eppes, of Chesterfield. While here, he received a letter from General Washington, offering him the place of secretary of state.

Mr. Jefferson says that he received this offer with real regret. His inclinations led him to return to Paris, now more recommended to him than ever by the prevalence of republican principles, and there await the end of the revolution, which he candidly admits, he then thought "would be certainly and happily closed in less than a year." His purpose then was to return home, and, bidding adieu to politics, devote himself to studies more congenial to his mind. In his answer to General Washington, he frankly avows his preference for the situation he then held; but, at the same time, declares his readiness to acquiesce in the President's final decision, which he requests him to make known.

Continuing his journey from Eppington, as before, by easy stages, and passing a few days with such of their friends as lived on the route, they reached Monticello on the 23d of December. The scene that ensued is thus described by the only survivor of the party, and on whom, with whatever feelings of partiality she may have sketched the picture, we may confidently rely for the truth of the resemblance.

"The negroes discovered the approach of the carriage as

soon as it reached Shadwell, and such a scene I never witnessed in my life. They collected in crowds around it, and almost drew it up the mountain by hand. The shouting, &c. had been sufficiently obstreperous before, but the moment the carriage arrived on the top, it reached the climax. When the door of the carriage was opened, they received him in their arms, and bore him into the house, crowding around, and kissing his hands and feet—some blubbering and crying—others laughing. It appeared impossible to satisfy their eyes, or their anxiety to touch, and even kiss the very earth that bore him. These were the first ebullitions of joy for his return, after a long absence, which they would of course feel, but it is perhaps not out of place to add here, that they were, at all times, very devoted in their attachment to him. They believed him to be one of the greatest, and they knew him to be one of the best of men, and kindest of masters. They spoke to him freely, and applied confidingly to him in all their difficulties and distresses; and he watched over them in sickness and in health; interested himself in all their concerns; advising them, and showing esteem and confidence in the good, and indulgence to all."

At Monticello he received a second letter from the President, urging his acceptance, but, at the same time, leaving him at liberty to "follow his own inclinations." This course, he says, silenced his objections, and he accepted the appointment. While he remained at Monticello, his eldest daughter, Martha, was married to Mr. Thomas Mann Randolph, a young Virginian of great promise and handsome fortune, who had been educated in Edinburg, and had seen Miss Jefferson during a visit to Paris. Mr. Jefferson continued at his residence until the 1st of March, 1790, when he set out for New York, where the Congress was about to close its second session.

In passing through Philadelphia he called to see his former associate Dr. Franklin, now sinking under the weight of disease and old age. The venerable philosopher inquired with great earnestness about the course and the fate of his numerous friends in France. After a while Mr. Jefferson spoke to Franklin of his biography, which, it was said, he was employed in

preparing. "I cannot say much of that," he replied, "but I will give you a sample of what I shall leave," and he directed his little grandson, standing by his bed-side, to hand him a paper from the table to which he pointed. He did so, and Dr. Franklin put the paper into Mr. Jefferson's hands, desiring him to read it at his leisure. It was about a quire of folio paper, apparently written in his own hand. On Mr. Jefferson's saying he would read the paper and carefully return it, the Doctor insisted on his keeping it. He died on the 17th of the following month, and Mr. Jefferson understanding that he had bequeathed his papers to his grandson, William Temple Franklin, immediately informed this gentleman that this paper was in his possession, and that it would be delivered to his order. It was afterwards delivered to him in person, at which time Mr. Franklin observed that he had the original, or another copy of it. It then occurred to Mr. Jefferson, for the first time, that the paper was intended as a deposit in his hands.

The paper contained, Mr. Jefferson states, a narrative of the negotiations between Dr. Franklin and the British ministry, before the Revolution, and is thus cited by Mr. Jefferson, from memory:

"The negotiation was brought about by the intervention of Lord Howe and his sister, who, I believe, was called Lady Howe, but I may misremember her title. Lord Howe seems to have been friendly to America, and exceedingly anxious to prevent a rupture. His intimacy with Dr. Franklin, and his position with the ministry, induced him to undertake a mediation between them; in which his sister seemed to have been associated. They carried from one to the other, backwards and forwards, the several propositions and answers which passed, and seconded with their own intercessions, the importance of mutual sacrifices, to preserve the peace and connexion of the two countries. I remember that Lord North's answers were dry, unyielding, in the spirit of unconditional submission, and betrayed an absolute indifference to the occurrence of a rupture; and he said to the mediators distinctly, at last, that a 'rebellion was not to be deprecated on the part of Great Britain;

that the confiscations it would produce would provide for many of their friends.' This expression was reported by the mediators to Dr. Franklin, and indicated so cool and calculated a purpose in the minority as to render compromise hopeless, and the negotiation was discontinued." Mr. Jefferson then adds, "if this is not among the papers published, we ask what has become of it? I delivered it with my own hands into those of Temple Franklin. It certainly established views so atrocious in the British government, that its suppression would to them be worth a great price. But could the grandson of Dr. Franklin be in such degree an accomplice in the parricide of the memory of his immortal grandfather? The suspension for more than twenty years of the general publication bequeathed and confided to him, produced for a while hard suspicions against him; and if at last all are not published, a part of these suspicions may remain with some."

CHAPTER XIII.

Mr. Jefferson arrives at New York. Sketch of parties after the Revolution. Sense of the necessity of union. Local jealousies. Federalists and anti-federalists. Partiality for the British Constitution. Illusions of rank. Mr. Jefferson's sentiments. Proceedings of the first Congress. Impost. Permanent seat of government. Mr. Hamilton's report on public credit. Discrimination in favour of the original public creditors proposed by Mr. Madison. Arguments for and against it. Public opinion on the question. Assumption of state debts. Mr. Jefferson's impressions of the arguments urged for and against the assumption. The proposition rejected. Mr. Jefferson joins in affecting a compromise. Merits of the question. Local division of the parties.

1790.

Mr. Jefferson arrived at New York on the 21st of March, and here commenced a new and important epoch of his life. From this time, until he retired from public affairs, in March, 1809, a period of nineteen years, his history is closely connected with the history of his country; and it is emphatically and completely a history of the political parties into which that country has been divided.*

* In delineating the character of these parties, as the biography he has undertaken requires him to do, the author is aware of the difficulty of his undertaking. He knows that after the outward acts of men have been fully and accurately ascertained, the views and motives of the actors, which form a most important class of facts, are often shrouded in darkness and uncertainty; and that where they admit of different interpretations, as they often do, they will be thus differently interpreted, according to the prepossessions of each individual. He is aware too that our peculiar views and feelings commonly give a colouring to our opinions of men's motives, and that he cannot presume himself exempt from this bias. He

In the same degree that the private citizen takes an interest in the public concerns, and can express his opinions with impunity, there will be political parties; and whatever may be the inconveniences of the civil strife they occasion, it must be considered as inseparably connected with civil liberty. It is true, that where there is a lively sense of common danger, party contentions, for a time, yield to a sense of the necessity of co-operation, and to the anxiety felt for the common interest. But, at all other times, questions of public concern are certain to divide the citizens of free countries into two angry and hostile communities. On these occasions, pride, interest, vanity, resentment, gratitude—every passion, in short, finds room for exercise, and contributes its part to irritate and prolong the controversy.

As soon as the thirteen colonies had formed themselves into one nation, having the same general interests, they furnished another example of this portion of human destiny, which even the sense of common danger and the aspirations after the common blessing of independence could check, but was not able altogether to extinguish. Thus, in the beginning of the Revolution there was the division of whig and tory, on the question of submission or resistance. Then arose that of independence or qualified submission. When the nation had become almost unanimous on this question, parties were formed as different men were well or ill-disposed towards General Washington, or as they differed about the mode of conducting the war, or the agents who should be employed abroad.* But after the war of the Revolution was at an end, and men's minds were turned to the subject how they might best improve the right of self-government, party spirit took another direction, and assumed a new

will, however, be on his guard against this influence, and in passing judgment on the questions which once so deeply agitated the minds of the American people, he will, besides endeavouring to do justice to all, state the reasons of his opinions, that the influence of any lurking prejudice or party sympathy, if it actually exist, may be more easily detected.

* There had also arisen questions about the apportionment of taxes among the states; about every state having an equal vote; and about the right to the western lands, which had all, for a time, divided Congress into two great parties.

aspect. One of the first, as well as most interesting occasions for a difference of opinion which presented itself, was the precise character of the political connexion which should exist among the several states, which had, by a joint effort and a common triumph, effected a separation from their European rulers. Every reflecting mind believed that a confederate government of some sort was indispensable to their future safety and prosperity. Such a one would learn from all history that neighbouring states would be exposed to perpetual disagreements and quarrels, which would soon or late terminate in war, by the chances of which some of the parties would be vanquished and subjugated, and when the conquerors would purchase the triumphs of victory at the price of burdensome taxes, military services, and finally the loss of civil freedom. Nor did any one form of government afford a security against such quarrels and conflicts. The history of republics attested the warring propensities of our nature as much as any other sort of government. It was then obviously wise to form that species of political union among the several states which would keep down insurrections and civil strife, and enable them, in their common relations with foreign countries, to prosecute with more effect their negotiations in peace, and their operations in war.

Besides these general speculations in favour of a political union, there was another consideration which had a more general and immediate operation, because it was felt as well as seen. The people had practically experienced, since the peace, the inconvenience of so many independent sovereignties, in their conflicting regulations of foreign trade. The benefits to be derived from the union were the greater, from the fact that one division of the states was agricultural in its pursuits, and the other commercial. We had been accustomed to derive our principal manufactures from Europe, and to find there a market for the redundant products of our agriculture. By means of this exchange, we equally profited by our own abundance and the cheapness of foreign fabrics. Every state then, as soon as it was free to act, sought to appropriate as much of this advantage to itself as it could. It endeavoured to enlarge its foreign

commerce, and by subjecting its imports to a duty, was able to levy a tax on those states which received goods through its ports. In this way, New York derived revenue from a part of Connecticut and Massachusetts; Virginia, from North Carolina; South Carolina, from the same state and from Georgia. Besides, if some states, by an impost attempted to raise a revenue, or to discourage the consumption of foreign merchandise, for the sake of fostering its own manufactures, its purposes could be easily counteracted by the lower impost of its neighbours, through whose ports foreign commodities, subjected to a higher duty, would find their way to the remotest corner of its territory; and thus, while one state complained of the tribute extorted from her by a neighbouring state, another felt itself no less aggrieved by the underbidding policy of its rival.

With such strong inducements for a united government, it is no wonder that the belief of its necessity was very prevalent. But about the character of the confederacy men were much divided; and some saw, or thought they saw, in too close a union, dangers as great, and consequences as distasteful, as in their entire separation. It was believed by many that the territorial extent of the country, and the great diversity of character, habits, and pursuits, among the several states, presented insuperable obstacles to a closer union than already existed—some states being addicted to commerce, and others exclusively agricultural; some having domestic slavery entwined in their civil polity, and others free from that institution and averse to it. With such serious points of diversity, it was insisted that their affairs could be well managed by no single government, and could not be administered at all, but by a greater delegation of power than suited the feelings and opinions of the American people. Some then looked most at these apprehended consequences of a close union and a single government, while others chiefly regarded the dangers arising from disunion, domestic dissentions, and even war. One party accordingly dreaded consolidation; the other, anarchy and separation. Each saw in the object of its dread the destruction of good government,

though one party looked too exclusively to its characteristic of *order*, and the other to that of *civil liberty*.

Such were the feelings of the great mass of the people; and it was to their sentiments, thus differing, but all equally honest, that the politicians addressed themselves. Without doubt there mingled with these sentiments other feelings which served to inflame the controversy. There had always existed in most of the colonies a certain degree of prejudice against the people of other colonies, whose manners and habits were different from their own; and those who now felt this prejudice most strongly, to whatever state they belonged, were more unwilling to subject themselves to the control of a general government. The obvious necessity of harmony in their united efforts to obtain political independence, and the good feelings which a sense of common danger and endeavours for a common good naturally inspire, suppressed these jealousies for a time among the leaders of the revolution. But in those who felt a less lofty or ardent patriotism, or whose jealousies were more easily excited, these local antipathies and prejudices were discernible even at the most critical periods of the revolution.

There was also a fear with some individuals that their personal consequence would be lessened, when the higher attributes of sovereignty should be transferred from the separate states to a national government. They seemed to feel the force of the remark made by James the First to induce his nobles to remain in the country in preference to coming to the metropolis, that "on their estates they were like great ships in a river, while in London they were the same ships in the sea." On the other hand, they who were apprehensive of violence and disorder, thought they saw more security against those evils in a general government than in one in which individual popularity or local discontent would have so much more influence. Their previous military habits too inclined some to a government in which there would be more pomp, where authority would command more respect, and possess a more ready means of enforcing obedience. The officers and soldiers, moreover, would consider their claims against the country more likely to be discharged, when the

government to which they were preferred should be invested with the means of providing for them: and the difficulty which the existing government had experienced of paying the public creditors in Europe, made all those who regarded either the gratitude or faith of the nation, also desirous of a system of government which alone could be certain to raise an adequate revenue for that object.

Of this description were the sentiments and motives on the subject of a national government which floated in men's minds for three or four years after the peace of 1783. But when they had produced a general convention, for the purpose of forming a constitution, the community settled down into two great parties of federalists and anti-federalists; the first believing that the most imminent danger to our peace and prosperity was in disunion; and that popular jealousy, always of itself sufficiently active, would, when artfully inflamed by ambitious demagogues, withhold that portion of power which was essential to good order and rational safety: the last believing that the danger most to be apprehended was in too close a union, and that their most powerful opponents wished a consolidated, and even a monarchical government.

This imputation of the anti-federal party against their leading adversaries, that they were desirous of paving the way for a monarchy, has been strenuously denied by the federalists, and it is one among those points on which the two parties have most warmly disputed. Mr. Jefferson was one of those who gave credit to the charge; and in the latter period of his life, when he considered that all his party feelings had passed away, and when they unquestionably must have greatly abated, he revises the evidence which he had formerly collected on this subject, and rejecting that part which further experience and cooler views had disapproved, he still maintains that some of our principal politicians, at the time the constitution was formed, gave a deliberate preference to monarchical government. The testimony adduced by Mr. Jefferson on the subject, if credited, must be deemed conclusive; and it certainly has not that intrinsic

improbability which would warrant us in rejecting it, if we transport ourselves back to the times of which we speak.

Men's minds have undergone a great change upon the subject of government since that day. It must not be overlooked that the history of the world had furnished no examples of popular government, except those which suggested to most men as many arguments against them as in their favour. It was therefore a prevalent opinion among speculative writers, particularly those of England, that no government more popular than that of their own country was consistent either with internal tranquillity, the supremacy of the laws, or an extensive empire. The constitution of that country was accordingly regarded as the best which had ever existed. The writings of Montesquieu, and De Lolme, together with the ingenious and masterly eulogy of Blackstone, had rendered this almost the universal opinion of the scholar, the lawyer, and speculative reasoner in England and her dependencies, as well as the general sentiment of patriotism. When then the confederate states were about to enter on the experiment of a permanent constitution of government, these preconceived opinions would naturally exert an influence, and those who entertained them would be led to inquire how far the same benefits were attainable by us. They would of course know that there were no materials in this country whereof to form either kings or nobles; since as there had always existed a perfect equality of civil rights, there would be an invincible repugnance to a privileged class and hereditary distinctions. Yet some may have indulged the hope that the prejudices which could not be instantaneously overcome might be sapped by degrees; and thus the minds of our citizens be reconciled in time to that form of government, and to those civil institutions which they deemed essential to stability.

The *prestige* of rank too was somewhat greater with some in this country, in consequence of our never having had a nobility. Our people knowing nothing of these privileged orders, except as exhibited in works of fiction, or in the occasional details of a newspaper, saw them through the magnifying process of the

imagination, and thus conceived for them a degree of homage and respect which the reality would not have inspired.

But, in addition to the probability of those opinions deduced from general reasoning, we have the direct evidence of many facts to shew that a kindred desire of the artificial distinctions of rank prevailed. Of this character were the fondness with which the Society of the Cincinnati clung to that institution, and the reluctance with which they relinquished the hereditary principle: the actual attempt to bestow a titular dignity on the office of President: the further attempts to make a distinction between the members of the Senate and of the House of Representatives, both as to their daily compensation and the style of their address:* the imitation of regal forms, so far as public opinion would tolerate them, in the President's morning levees; in his opening speeches at each session of Congress; and in the ceremonial adopted when he appeared in public; and lastly, the fact that at a ball in New York, a raised seat, obviously and purposely having an analogy to a throne, was prepared for the President and Mrs. Washington. Besides, the predilections of Alexander Hamilton for a monarchical government were well known.†

* Some of the journals of the day in the northern states, not satisfied with bestowing the gratuitous title of "honourable" on the members of the house of representatives, affected to style the members of the senate "most honourable." Nay, some went so far as to extend this distinction to the wives of the members, as "the *most honourable* Mrs. A." and "the *honourable* Mrs. B."

† The opinions which Mr. Jefferson imputed to Mr. Hamilton have been frequently called in question by some of Mr. Hamilton's admirers, for the double purpose of screening him and his political adherents from the popular odium attached to those sentiments, and of casting on Mr. Jefferson the reproach of uttering an unfounded slander against an adversary. But they thus aim at a concealment of his opinions, which his own frank and proud spirit disdained. Those opinions are well known to all his associates, and they who may refuse to abide by the testimony of a rival and an opponent, cannot reject that of a personal and party friend, as was Mr. Gouverneur Morris.

In a letter from Mr. Morris to Mr. Walsh, of Philadelphia, in a sketch of the political character of Hamilton, he says: "*General Hamilton hated republican government*, because he confounded it with democratic government, and he detested the latter, because he believed it must end in despotism, and be, in the mean time, destructive of morality." And

With his usual frankness he did not disguise them from his friends; and it furnished a fair presumption that those who admired him as a politician, and supported all his measures, could not have strongly objected to his principles. If they had, however they may have esteemed the talents and virtues of the individual, for they were many, they would have opposed those plans which had an obvious tendency to favour the augmentation of executive power, and which there was reason to suppose constituted with him their strongest recommendation.

Such we can easily suppose to have been the views of Mr. Hamilton, Mr. Adams, and a large proportion of those whose opinions on government had been formed before the revolution. But the speculations on political rights, to which the contest with Great Britain and the question of independence gave rise, greatly favoured the doctrines of political equality and the hatred of power, in any form that could control the public will. There are in the heart of every man principles which readily prepare him for republican doctrines, and, after a few years, some of the speculative politicians began to think that the free, simple, and equal government, which was suited to the tastes and habits of our people, was also the best in theory. But they were jealous of the opposite opinion, from a consciousness of the revolution their own minds had experienced, and the known prevalence of the favourable opinion which was generally entertained of the English government.

Thus, while the great body of the people were partial to the form of government to which they had been accustomed, and

subsequently: "But although General Hamilton knew these things ['that no monarchy could be established but by the mob'] from the study of history, *he never failed on every occasion to advocate the excellence of, and avow his attachment to, monarchical government.*"

The same gentleman writes to Mr. Aaron Ogden, December 28, 1804, a few months after General Hamilton's death: "Our poor friend Hamilton bestrode his hobby to the great annoyance of his friends, and not without injury to himself. More a theoretic than a practical man, he was not sufficiently convinced that a system may be good in itself, and bad in relation to particular circumstances. He well knew that his *favourite form* was inadmissible, unless as the result of civil war," &c.

Life of G. Morris, Vol. III.

dreamt of no other, the leading statesmen did differ on this point; some preferring the republican form in theory, and believing that no other would be tolerated in practice; and others regretting that they were obliged to yield so far to popular prejudice as to forego the form they deemed the best, but determined to avail themselves of every opportunity of improving the existing government into that form. Nor were they without hopes that, by siding with the general government in every question of power between that and the separate states, and with the executive in all questions between that and the legislature, and by continually increasing the patronage of the executive by means of an army, a navy, and the multiplication of civil offices, they would ultimately obtain their object.

There were strong reasons why Mr. Jefferson's sentiments should be of an opposite character. He had always been among the foremost of his countrymen in favour of popular rights; and when these became fashionable in Paris, and were there recommended by wit and genius—were advocated by philosophers, and even by ladies, and many of the courtiers—all his partialities for that imposing metropolis, and its gay and cultivated society, gave new force to his republican zeal. When he returned to America he found its politicians even then differing in their views of the incipient revolution in France. Some already regarded it with distrust, and prognosticated evil from the violence and excesses with which it had been recently accompanied. These persons were the party who were most liberally disposed towards England. Mr. Jefferson's resentment towards that country, which neither his mission to France nor the illiberal commercial policy of England herself had suffered him to weaken, still further inclined him to take a different side from her partizans, and this circumstance might have influenced his course, if that had not been already decided by his attachment to liberal principles.

The first Congress under the new constitution assembled at New York on the 1st day of April, 1789, and continued in session till the 29th of September following. It is from the discussions of a body thus constituted that the historian can learn

the form and pressure of the times, whether it merely reflects the sentiments of its constituents, or, as is sometimes the case, gives to them their first impulse. In the deliberations of this body it is easy to see in embryo those local and political divisions which have since so agitated and distracted the country, and which, for good or for evil, seem likely to continue to be the grounds of party distinction among us.

On two of the most interesting subjects discussed, the members seem to have been governed altogether by local considerations: these were the impost, and the selection of a spot for the permanent seat of government. In providing an adequate revenue, it was admitted on all sides that no mode was as eligible as by laying duties on imports; but in selecting the objects of duty, and determining its amount, it was soon found that there was a conflict of interests and wishes between the two great divisions of the union. The northern states having already succeeded in manufacturing some articles, both for themselves and the southern states, would be obviously benefitted by taxing similar articles imported from abroad, by way of securing to themselves a greater share of the home market; while the last mentioned states, being exclusively agricultural, and consequently mere consumers, had as direct an interest in keeping open the competition between foreign and domestic producers. This collision of interests manifested itself in laying duties on iron, salt, and foreign tonnage; but in nothing was it so apparent as in laying the duty on molasses, which was opposed by the eastern states, not only because that commodity had a more extensive consumption in those states, but also because it furnished the great material for their distilleries. Notwithstanding this clashing of interests, which appears to have been as plainly seen then as since, the whole subject was adjusted in a liberal spirit of compromise. The southern states acquiesced in a system of duties that encouraged manufactures at a cost of which they pay more than their just proportion, and, on the other hand, the manufacture of rum was virtually taxed in the tax on molasses. The other local question, which was brought forward near the end of the session, called forth much more

lively feeling. Various spots, from the Delaware to the Potomac, were proposed as the seat of the federal government. A majority at length united in favour of a site on the banks of the Susquehanna, but the bill they passed was postponed in the Senate.

The subjects which farther excited the most interest and debate, seemed to turn on those principles that had already divided the federalists and their opponents when the constitution was under consideration. While one party was disposed to carry into execution all the powers which the constitution had conferred, and to make a liberal interpretation of those powers, the other construed every grant of power with the utmost strictness, and were more particularly jealous of the federal executive. As not one third of the members had belonged to the anti-federal party, they were uniformly outvoted on all these questions. If their more ardent love of civil liberty, or their greater confidence in popular government made them sometimes apprehend dangers which subsequent experience has shown to be imaginary, as from the establishment of federal District courts, or from the authority given to the Secretary of the Treasury to prepare plans of finance, yet, in other cases, their fears of future evil have not proved unfounded: and it must be confessed, that the course pursued by the federal party was not ill-calculated to alarm their fears, and awaken their jealousy of a too energetic government. They thought they saw, in the attempt of the Senate to bestow the title of "his Highness" on the President, a predilection for the distinctions of rank; and in their requiring that all process from the federal courts should run in the name of the President, a disposition to assimilate his office to that of a sovereign prince. Even the difference in the pay of the members of the two houses, which the representatives, after resisting, finally submitted to, for one session, seemed more consistent with the spirit of aristocracy than the equality of rights in a republic. Although, on these questions, men were found for and against them in every division of the union, yet a decisive majority of their supporters were north of the Potomac. At the second session of the same

Congress, which commenced on the 4th of January, 1790, Mr. Hamilton, in pursuance of a resolution of the preceding session, reported a plan for the support of public credit, which excited a far greater interest than any previous subject of discussion, and which laid the foundation for a new division of parties that continued throughout the first and the three succeeding administrations.

This report, to which both the friends and enemies of its author have concurred in giving celebrity, after insisting on the advantages of public credit to every country, and especially one so inadequately supplied with capital as this, maintained that the United States were bound to provide for the payment of their public debt by the strongest considerations of justice and national faith, as well as of policy; and that they were as much bound to pay the interest as the principal. The report, then adverting to the fact that many of the holders of the evidences of the debt had purchased them for a fourth or fifth of their nominal value, examined the question whether any discrimination should be made between such purchasers of the debt and the original creditors; and its author was clearly of opinion, that no discrimination could be made without a breach of public faith, and even lessening the value of the debts still remaining in the hands of the original holders. He thought too, that the debts contracted by the individual states on account of the Revolution, ought to be assumed by the federal government. The whole of the debts which he thus proposed to provide for, including arrears of interest, amounted to about 80 millions of dollars. Of which, about 12 millions was due in Europe, 42 millions to domestic creditors of the United States, and 25 millions to the creditors of the individual states. The annual interest on the whole amounted to about 4½ millions.

Believing that this sum, in addition to the current expenses of the government, would press heavily on the resources of the country, he proposed to lessen the part due to the domestic creditors, by offering them a satisfactory equivalent.

The equivalent to be thus offered was founded on the supposed future decline of interest, or the profits of capital. Hav-

ing shown that the interest of money which was now 6 per cent., might be reasonably expected to fall here, as it had fallen in Europe, he inferred that in five years the United States would probably be able to borrow at 5 per cent., and in fifteen years more, at 4 per cent. In this event, the government would be able to make a proportional annual saving, by paying off the debt with the money obtained by a new loan.

If, however, the government should engage to forbear thus to profit by the fall of interest, and to postpone the redemption of its debt for a stipulated time, the creditor, whose stock bearing a fixed interest, must rise in value with the general fall of interest, would be proportionally benefitted by the postponement. The secretary, therefore, proposed to stipulate for such postponement, in consideration of the creditors agreeing to take either a smaller amount of principal, or a smaller rate of interest. In addition to the relief to be thus obtained, he further proposed to pay a portion of the debt in the public lands, at the moderate price of 20 cents the acre; and, to accommodate his plan to the various circumstances and tempers of different classes of creditors, he proposed to them several alternatives, by which they might either take a part of their debt in lands, or a higher present interest, subject to redemption at any time, or a less interest, irredeemable for a fixed term, or be paid in annuities to commence at a distant day. He further proposed, to make provision for such as would not accede to these terms, by an interest not exceeding 4 per cent. on the whole debt.

By way of providing the revenue which would be thus required, the report recommended a tariff of duties on imported wines, spirits, tea, and coffee, and an excise on home distilled spirits; and lastly, he proposed that a sinking fund to the amount of a million, annually, should be created for the gradual extinction of the debt.

The house having entered on the discussion of this report on the 28th of January, it appeared to call forth no material opposition, except on two points: one was, the proposed discrimination between the original creditors and the purchasers of the debt; the other, the assumption of the state debts.

After much desultory debate, on the 11th of February, Mr. Madison proposed that where the public securities had been alienated, the present holders should receive the highest market price of such securities, and the residue should be paid to the original proprietors. In support of his motion, he maintained that the government which had failed to pay its creditors, according to its most solemn engagements, was bound to compensate them for the loss they had sustained by reason of such failure. That this obligation of faith and justice was enhanced by the meritorious character of the services rendered: that, as the certificates given to the creditors were made transferable, the holder had also a claim founded on this public pledge, which neither honour nor policy would allow them to disregard: that while it was beyond the means of the nation to satisfy both these claims, it should do justice as far as it was able, and pay to the purchaser a price which would in general yield him a handsome profit, and pay to the original creditors the residue, which, though not sufficient to indemnify them, would make them some reparation for their past privations. He said, that the ordinary maxims of right did not apply to a case like the present; and that the fluctuations of stock in the examples which had been relied on, to show that the government ought not to interfere, never exceeded 60 or 70 per cent.; but in the present instance, they often amounted to 700 or 800 per cent. He denied that public credit would be injuriously affected by the proposed measure, because the government was not a gainer by it; because it had provided fully for its foreign debt; and because all future loans would be made on the credit of adequate funds. He referred to the course pursued by the Parliament of Great Britain in their settlement of the South Sea speculation, as a precedent, both to show that on extraordinary occasions legislatures should not be governed by technical rules, and that such a course would not injure public credit: and he admitted, that whatever were the claims of the original creditors on the gratitude, or even justice of the nation, they could not affect the rights of the holders of the certificates.

The arguments relied on by the other side were, that as the

government had stated upon the face of the certificates which it had issued to its creditors, that they should be paid to the bearer, and these certificates had been purchased in the belief of this assurance, to refuse an exact compliance, would be a breach of faith, not more dishonourable than injurious in all future transactions of the state; that such a course would depreciate the value of the certificates still held by the first owners, and would benefit one portion of the creditors at the expense of another, which was not only more numerous, but had also the merit of retaining its confidence in the faith of the government. They said that the soldiers and others who had sold their certificates had not asked for relief, and would not accept a provision which could be made only by a violation of their own contracts. That if there were no other objections, the impracticability of ascertaining who were the original creditors presented insuperable difficulties, as the certificates being made payable to the bearer, the names inserted in them did not always show the real creditor, but were sometimes those of an agent, or even of the purchasing officer; and the investigation of these facts would give rise to endless litigation, perjury, and fraud; would often prove fruitless; and where it was successful, it would operate with the most capricious inequalities among the different purchasers. They denied the interference of Parliament with the South Sea contracts was applicable to the present case; and they challenged their opponents to adduce any case in which a government had annulled its own solemn engagements.

In reply to this challenge, Mr. Madison cited the case of the Canada bills, which having been issued by the French government during the war of 1756, underwent great depreciation, and were then purchased by English merchants. At the peace, in 1763, it was agreed by the English and French governments that the holders should receive for them only the purchase money and interest. He cited another case from Great Britain in 1713, in which those who had sold government debentures at a loss, were allowed to redeem them on paying the purchase money, with interest. He again deprecated in this ex-

traordinary case, "the niceties of forensic reasoning;" and in answer to the charge of having appealed to the feelings in a question of right, he said, "that in great and unusual questions of morality, the heart is the best casuist." He admitted there would be difficulties in the execution of his plan; but they were not insuperable. Tribunals might be distributed throughout the union to investigate the claims, and with the aid afforded by public documents, the ownership could be easily ascertained. If, however, justice should not be always done, it was certain that enormous injustice would be prevented.

After a spirited debate of ten days, which called forth nearly all the talents of the house, the motion was lost by a vote of 36 to 13.

The great inequality of the votes given on this question cannot be considered to afford the usual evidence of its merits, or even of the state of public opinion concerning it. The parties immediately interested in its decision were very unequally matched in the means of supporting their respective interests. On the one hand, *the speculators*, first then known as a separate class, were possessed of wealth, intelligence, and activity, while the greater part of those who had sold their certificates were ignorant, indigent, and incapable of concerted action. Such as were not of this description thought it became them to be merely passive, when the question was whether they were to be benefitted by the partial annulment of their own contracts, and some even doubted whether they were not bound in honour to refuse the benefit, in case it were proffered them by the legislature. The speculators were under no such restraints. The hope of gain, which had not scrupled to take advantage of the necessities of the public creditors, and to improve that advantage by every device of misrepresentation, lost none of its force now when they had a near prospect of realizing it. They could also press their claims with more boldness, because they were exhibited under the imposing forms of redeeming public pledges and fulfilling private contracts. They therefore exerted all their influence on the question, through the public journals, by canvassing with the members, and even, as it is said, by the

more potent appeals to their interests, in offering to make them partners in their speculations. During the whole of the discussion the gallery of the House of Representatives was thronged with this class, eager to know the result of their past speculations, and to regulate their future efforts. Certificates, which it was proposed by funding to raise to par, had been currently sold at two shillings and sixpence in the pound, some at still less; and even at the time of the debate they had not risen above ten shillings. Three vessels had left New York, immediately after the secretary's report, freighted with the means of purchasing those evidences of the public debt in the Carolinas and Georgia.

Notwithstanding all these circumstances, it is believed that a large majority of the nation were in favour of some form of discrimination, and had the same means of ready communication between the people and their representatives then existed as at present, the public sentiment would have been uttered in a voice too strong to be resisted. It is true that after the house had decided against the claims of the first holders, the manifestations of popular discontent were not general. This, however, was partly because public attention was soon engrossed by the subsequent question of the assumption; partly because the tide of public prosperity, which had already begun to set in, tended as usual to put the people in good humour with the government; and lastly, because the voice of complaint was drowned by the plaudits bestowed by the speculators on the Secretary of the Treasury, who was hailed as the first of financiers, and was ever after regarded by them with the most grateful and enthusiastic attachment.

The public dissatisfaction, though thus mitigated, was not extinguished. It was extensive and lasting. For many years afterwards the lovers of justice were every where scandalized at the spectacle of a few cunning or fortunate speculators drawing large incomes from the public treasury, while those whose patriotic earnings they had intercepted were in indigence and obscurity. Nor did the community experience any general benefit from the course adopted, to compensate it for the shock

given to its sense of justice. The inordinate gains of the purchasers, by encouraging a gambling spirit in the community and a laxity of morals in dealing, excited for a time a deleterious influence on the national character and pursuits. The wealth thus suddenly acquired generally served to introduce in the community premature habits of expense, or to increase the number of its idle class: and if, in a few cases, it was a stimulus to productive industry, it can hardly be doubted that the sum of national wealth, as well as of individual comfort, would have been increased, if the public bounty had been more diffused throughout the community.

Now that the feelings of personal interest and party sympathy, which mingled in this discussion, have passed away, it will appear to most men that, as to the *right* of the question, to make all other considerations bend, as the speculators and their advocates contended, to the literal fulfilment of contracts under circumstances not contemplated by the parties, is to confound the best settled moral distinctions, and to disregard rules of equity and principles of legislation universally recognised: that the *difficulty* of ascertaining the original holders, presented no insuperable objection to the discrimination, since the certificates issued to the soldiers, comprehending the largest class, showed upon their face the real owner: that the same thing may be said of those issued for provisions and military supplies; and in the small proportion of cases where such evidence was not afforded, it would not have been difficult for a board of commissioners to ascertain the truth, considering that none of the transactions could have been more than of ten or twelve years standing: that though they had sometimes failed, that evil shrunk into insignificance compared with the enormous injustice which would have been prevented: and that on these accounts it must be a matter of lasting regret that so many of the soldiers of the revolution did not profit by the tardy compensation provided for them by their country, but that the crafty speculator, like the fox in the fable, was thus permitted to run off with the spoils due to valour.

The question of assuming the debt contracted by the indivi-

dual states, on account of the revolution, next engaged the attention of the house, and on this question the house being more equally divided, the debate was yet warmer and more protracted. It was during the heat of the discussion that Mr. Jefferson reached New York on the 20th of March, and it may not be uninteresting to learn from himself his views of the politics of the day, as well as his opinion of the questions then agitated in Congress. In his private memoranda he thus animadverts on them.

"Here, certainly, I found a state of things which, of all I had ever contemplated, I the least expected. I had left France in the first year of her revolution, in the fervour of natural rights and zeal for reformation. My conscientious devotion to these rights could not be heightened, but it had been aroused and excited by daily exercise. The President received me cordially, and my colleagues and the circle of principal citizens, apparently with welcome. The courtesies of dinner parties given me, as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversations filled me. Politics were the chief topic, and a preference of kingly over republican government was evidently the favourite sentiment. An apostate I could not be, nor yet a hypocrite; and I found myself, for the most part, the only advocate on the republican side of the question, unless among the guests there chanced to be some member of that party from the legislative houses. Hamilton's financial system had then passed. It had two objects; 1st. As a puzzle, to exclude popular understanding and inquiry; 2nd. As a machine for the corruption of the Legislature: for he avowed the opinion, that man could be governed by one of two motives only, force or interest; force, he observed, in this country was out of the question, and the interests, therefore, of the members must be laid hold of, to keep the Legislature in unison with the executive. And with grief and shame, it must be acknowledged, that his machine was not without effect; that even in this, the birth of our government, some members were found sordid enough to bend their duty to

their interests, and to look after personal, rather than public good."

The arguments urged in favour of the assumption were, that the states having taken up arms in a common cause, and all sharing alike in the boon of Independence which their common efforts had won, they were all equally bound to contribute to the expense of the war, according to their ability; and that the debts contracted in support of the war by the individual states, were as much the debts of the whole, as those contracted in the name of the confederation: That the creditors, in such cases, had therefore a right to look to the general government for payment, and government was under a moral obligation to pay them: that justice to the several states required this course, no less than justice to the creditors, as some, by being more exposed to the ravages of war than others, had also made greater efforts; and that by assuming the debts of all the states, and discharging them by a system of taxation which would bear equally on all, the inequality would be corrected. The obligation, on the part of the general government, to provide for these debts was the greater, not only because all attempts to have a settlement among the states had hitherto proved ineffectual, but also, because the states had yielded up those sources of revenue from which they might have provided for their payment, and that, in fact, it would be impossible for some of the states, especially Massachusetts and South Carolina, to pay their creditors, now that they had, by the constitution, deprived themselves of the right of laying imposts; that the course, which was thus conformable to justice, was recommended by the strongest considerations of policy; that all admitted the debts ought to be paid, and whether paid by one government or the other, the money must be drawn from the people; and that taxation would be more productive, and be more economically managed by one government and one set of revenue officers than by two, and that inconvenient collisions between the federal government and the states would thereby be avoided; that the jealousies which would arise among state creditors, on finding some debts provided for, while their own were overlooked,

would also be prevented; that, thus attaching a numerous class of men to the government by the strong ties of interest and gratitude, it would derive a support which, when the extent and vehemence of the opposition it had encountered was recollected, all its friends must think desirable.

To those arguments, the party opposed to the assumption replied, that the distinction between the debts of the United States and of the individual states was as well settled as that of the governments themselves; that it had been recognised and acted on by both classes of debtors and creditors; that, under the old confederation, Congress and the state governments had aimed to provide for their respective creditors, who had also looked only to the governments with which they had contracted, and that such had been the general understanding of the nation, as was evinced by the various prices the debts of the states had borne on the market, according to the confidence had in their respective means of repayment; that neither the state creditors nor the states themselves had any right to look to the United States for payment—not the *creditors*, because they had contracted solely with the individual states; nor the *states*, because they having acted at their own discretion in contracting these debts, it was impossible to know, until an investigation and settlement took place, how far the money was expended for their exclusive purposes, or in the common cause; that, hitherto, no state could obtain credit for the smallest disbursement until such investigation had taken place.

Such being the relative rights of the parties when the constitution was adopted, they said if it had been the intention of its framers to alter that relation, and to make the debts of the states the debts of the nation, they would have inserted an express provision to that effect; that not having done so, and the general government having no powers but what are expressly delegated, it might well be doubted whether Congress could make the proposed assumption: the most that the constitution seemed to authorize was, that if after a settlement among the states, it should be found that any of them had advanced more than their just proportion for general purposes, the amount

of such excess might be assumed by the federal government, as being then a just debt of the United States.

Admitting the power to be possessed by Congress, they maintained that a general assumption would be grossly unjust: that if the states differed as to the amount of debt contracted by them on account of the war, they differed also in the exertions they had made to discharge such debt, and to assume the debts they now owed, indiscriminately, would be to relieve those states most who least deserved it, and subject those states which, like Pennsylvania and Virginia, had already heavily taxed themselves, for the sake of reducing their debts, to the burthen of further taxation, for the purpose of paying the debts of others: that the inequality would be further increased, if some of the state creditors refused to subscribe their debts according to the plan of the assumption, which was the more probable, as the debts of some of the states having been well funded, and bearing an interest of 6 per cent., would be worth more than those of the United States; in which case such states would have to bear their share of the new burthen, without being relieved, like other states, from that previously existing: they denied that the states of Massachusetts and South Carolina, whose debts were largest, would be unable to provide for their creditors: if, however, that were the case, it must be because they had contributed more than their just proportion to the common cause, which furnished indeed a strong argument for a settlement by which they would be relieved from such excess, but none for assuming the whole amount.

They insisted that the assumption was as repugnant to policy as to justice: that the debts, foreign and domestic, which were contracted by the United States, and for which they were bound, and had agreed to provide, were sufficient to exhaust the sources of revenue from the impost; and that so large an addition to the debt as was now proposed would make a resort to excises and direct taxes indispensable: that the first was odious, the last inconvenient, and both would be expensive in the collection; and that therefore the assumption would not be economical to the nation: nor could the federal government

singly draw more money from the people than that government and the state governments united, because the general taxes which would be productive in one state might not be so in another, and because the state legislatures, from their more intimate knowledge of the people, and the greater confidence they possessed, might draw a revenue from sources which could not be reached by the federal government: that the state debts, if assumed, would, like those of the United States, fall into the hands of speculators, and thus the money drawn from the people to pay the interest would not be kept in circulation, as now in the several states, but be either sent abroad, or confined to the large cities: that if the measure was likely to bring strength to the federal government by adding a large class of creditors to its support, it could produce this effect only at the expense of the state governments, whose influence and independence were equally essential in our system of polity; but that as the measure would probably be followed by an excise and direct taxes, the government might lose far more in popularity than they gained in power. They lastly deprecated a hasty decision, urged that no state had asked for the assumption, and South Carolina alone had seemed to expect it; that the state creditors had not sought it; and that a measure of so much importance had better be defeated, or, at all events, delayed, than be passed by a bare majority.

These arguments finally prevailed on the 10th of April, by a vote of 31 to 29, notwithstanding some indications in the earlier part of the debate that a majority was in favour of the assumption, and although the measure was supported by Mr. Hamilton's influence, and by that large proportion of the state creditors who believed that their debts would be thereby greatly enhanced.

But the advocates of the assumption were not to be thus driven from their purpose. On the 24th of May, Mr. Gerry, of Massachusetts, renewed the proposition with the important modification that the amount to be assumed from each state should be previously settled by Congress, so as to prevent the gross injustice which would have been done to some of the

states on the plan first proposed; and on the following day, Mr. Sherman, of Connecticut, Mr. Boudinot, of New Jersey, and Mr. Ames, of Massachusetts, spoke at length in favour of it, and took occasion to advert to the arguments formerly urged by Mr. Madison against the assumption. The proposition was then rejected without a count. Its friends still persevered, and finally prevailed by one of those compromises which occasionally take place in legislative bodies, and by which sometimes each of two excited parties being induced to recede from its wishes, a course is adopted that is preferable to that proposed by either, but by which, on other occasions, two measures are carried when neither could pass, or perhaps ought to pass, on its own merits. To which class the present compromise belonged, the opinions of men have been greatly divided. Mr. Jefferson had some agency in bringing about this compromise, of which he thus speaks:

"This game* was over, and another was on the carpet at the moment of my arrival; and to this I was most ignorantly and innocently made to hold the candle. This fiscal manœuvre is well known by the name of the Assumption. Independently of the debts of Congress, the states had during the war contracted separate and heavy debts; and Massachusetts particularly, in an absurd attempt, absurdly conducted, on the British post of Penobscot; and the more debt Hamilton could rake up, the more plunder for his mercenaries. This money, whether wisely or foolishly spent, was pretended to have been spent for general purposes, and ought, therefore, to be paid from the general purse. But it was objected, that nobody knew what these debts were, what their amount, or what their proofs. No matter; we will guess them to be twenty millions. But of these twenty millions, we do not know how much should be reimbursed to one state, or how much to another. No matter; we will guess. And so another scramble was set on foot among the several states, and some got much, some little, some nothing. But the main object was obtained, the phalanx of the treasury was reinforced by additional recruits.

* The funding of the debt.

This measure produced the most bitter and angry contests ever known in Congress, before or since the union of the states. I arrived in the midst of it. But a stranger to the ground, a stranger to the actors on it, so long absent as to have lost all familiarity with the subject, and as yet unaware of its object, I took no concern in it. The great and trying question, however, was lost in the House of Representatives. So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met and adjourned from day to day without doing any thing; the parties being too much out of temper to do business together. The eastern members particularly, who, with Smith, from South Carolina, were the principal gamblers in these scenes, threatened a secession and dissolution. Hamilton was in despair. As I was going to the president's one day, I met him in the street. He walked me backwards and forwards before the president's door for half an hour. He painted pathetically the temper into which the Legislature had been wrought; the disgust of those who were called the creditor states; the danger of the *secession* of their members, and the separation of the states. He observed, that the members of the administration ought to act in concert; that though this question was not of my department, yet a common duty should make it a common concern; that the president was the centre on which all administrative questions ultimately rested, and that all of us should rally around him, and support, with joint efforts, measures approved by him; and that the question having been lost by a small majority only, it was probable that an appeal from me to the judgment and discretion of some of my friends might effect a change in the vote, and the machine of government, now suspended, might be again set into motion.

I told him that I was really a stranger to the whole subject; that not having yet informed myself of the system of finance adopted, I knew not how far this was a necessary sequence; that undoubtedly, if its rejection endangered a dissolution of our union at this incipient stage, I should deem that the most unfortunate of all consequences, to avert which all partial and temporary evils should be yielded. I proposed to him, howev-

er, to dine with me the next day, and I would invite another friend or two, bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which was to save the union. The discussion took place. I could take no part in it, but an exhortatory one, because I was a stranger to the circumstances which should govern it. But it was finally agreed, that whatever importance had been attached to the rejection of this proposition, the preservation of the union, and of concord among the states, was more important, and that, therefore, it would be better that the vote of rejection should be rescinded, to effect which some members should change their votes. But it was observed that this pill would be peculiarly bitter to the southern states, and that some concomitant measure should be adopted, to sweeten it a little to them. There had before been propositions to fix the seat of government either at Philadelphia, or at Georgetown, on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but White with a revulsion of stomach almost convulsive) agreed to change their votes, and Hamilton undertook to carry the other point. In doing this, the influence he had established over the eastern members, with the agency of Robert Morris with those of the middle states, effected his side of the engagement; and so the assumption was passed, and twenty millions of stock divided among favoured states, and thrown in as a pabulum to the stock-jobbing herd. This added to the number of votaries to the treasury, and made its chief the master of every vote in the Legislature which might give to the government the direction suited to his political views."

However equitable may appear the claims of the creditor states, or of the creditors themselves in the abstract, it must be admitted that a singular spectacle was exhibited, when a nation already so burthened with debt as to propose terms of compro-

mise to its creditors, and to urge its necessities on those creditors as a reason why they should accept the proffered terms, was seen voluntarily to impose on itself the burden of new debts; and however just and urgent may have been the claims of such states as Massachusetts or South Carolina to be relieved from a part of the debt they had incurred in the common cause, it can scarcely be doubted, that no assumption would have been made without a previous settlement, and still less one large enough to cover the whole state debts, if in addition to the influence of private interests, which is so efficient in all legislation affecting them, it had not been believed that the extension of the public debt would prove a cement to the union, and give an accession of strength to the government. On these two motives it may be remarked, that our sympathy in behalf of the creditors is very much weakened, when we recollect that much of the debt which would be enhanced in value by the assumption was not in the hands of the original creditors, but in those who had speculated on their necessities; and that as to the cementing effect of the debt, it seems to have been much overrated. Those persons who were likely to be public creditors belong to a class who have other motives for supporting the government; and if they have a farther and peculiar interest in upholding its measures, that interest is as obvious to others as themselves, and a knowledge of the fact tends to lessen the weight of their support. Many a fundholder, who, if there had been no public debt, might have proved a valuable auxiliary of the government, has had his interest more than counterbalanced by the popular belief that his efforts were dictated by his interests. Besides, if the government gained one way by the assumption, it lost by another, as the excise, an unpopular tax, and most unpopular where the new administration most wanted friends, would not have been necessary but for the assumption.

On this question, before the compromise, the three New England states, New Jersey, and South Carolina were warmly and unanimously in its favour, whilst Virginia, North Carolina, and Georgia were as decidedly opposed to it, and the other states were either divided or comparatively indifferent.

CHAPTER XIV.

Mr. Jefferson's party attachments. Injurious effects of the assumption. Leading measures of Congress. Discriminating duties. Commercial retaliation proposed. Closed doors of the Senate. Navigation of the Mississippi. Diplomatic intercourse with England. Mr. Jefferson's reports on a copper coinage—on weights and measures—the fisheries. Excise. Mr. Hamilton's report on public credit. He proposes a national bank. Arguments for and against its constitutionality. Letter to the National Assembly in memory of Franklin. Navigation of the Mississippi. Tonnage duty. Political sentiments of John Adams and Alexander Hamilton. Practice of recording conversations considered. Public prosperity. Public credit. Spirit of speculation—its causes and effects. Discriminating duties in France. French West Indies. Indian territorial rights. The surrender of fugitives from justice. Deputies from St. Domingo.

1790—1791.

Though Mr. Jefferson had been induced to give a reluctant support to the favourite measures of the Secretary of the Treasury and his friends, it was impossible that he could long continue to co-operate with that party, or even remain neutral. All his theoretical opinions; all his national predilections and antipathies were opposed to such a result. The party of Mr. Hamilton were cordial admirers of the British government, and obsequious copyists of its laws and institutions. The distrust with which they had just viewed the French revolution was gradually ripening into aversion and horror. Mr. Jefferson was opposed to them on both those particulars, and he was by temperament more in favour of a cheaper and more tranquil government; one which imposed moderate restraints on individual liberty with little resort to taxation, and no resort to force.

Military triumphs he neither coveted for himself, nor beheld with favour in others. He looked upon them as no less burdensome to the citizen than dangerous to the supremacy of the laws.

In addition to these sources of division, men began already to differ about the construction of the constitution, according to their general tenets and principles of government; those who thought the political danger most to be apprehended by the United States to be that of disunion, inclining to that construction which would enlarge the powers of the federal government, and those who thought the tendency to consolidation the most imminent danger, seeking to give to that instrument a more strict and literal interpretation. Most of the southern members belonged to this party, especially those who had been opposed to the adoption of the constitution; and Mr. Madison, ever since the question of assumption, had united with them, and had, in fact, taken the lead in endeavouring to keep the new government to the letter of its charter. It was not, however, until the succeeding session that this diversity became that plain and palpable line of distinction which it has remained ever since.

On the final settlement of the accounts among the states, the predicted injustice and inexpediency of the assumption were fully verified. Had there been no assumption, the sum of 8,047,390 dollars was due to the states of Massachusetts, Rhode Island, Connecticut and South Carolina from the other states. In the very lucid exposition of the finances of the United States, given by Mr. Gallatin some years afterwards, it appears that the whole amount assumed on account of the state debts, principal and interest, was 22,492,888 dollars; and that after the assumption, the sum of 2,450,390 dollars was due from the states of New York, Delaware, and North Carolina, to the other ten states: that if the assumption had been founded on accurate data instead of conjecture, it would have been necessary to assume only to the amount of 11,609,259 dollars to produce the same result; and, in that case, the sum of 2,450,390 dollars would have been due from the four states of New York, Penn-

sylvania, Delaware and Maryland, to the other nine: and "Thus," as he justly remarks, "had the United States waited to assume the state debts till the accounts had been finally settled, instead of assuming at random before a final settlement had taken place, the very same result which now exists might have been effected; and the accounts of the union with the individual states might have been placed in the same relative situation in which they now stand, by assuming eleven millions instead of twenty-two. The additional and unnecessary debt created by that fatal measure amounts therefore to dollars 10,883,628$\frac{58}{100}$." It was a more uncompensated evil too, as the four creditor states of Massachusetts, Rhode Island, Connecticut, and South Carolina, would have received nearly the same amount of relief by the supposed assumption of eleven millions that they did receive under the actual assumption of twenty-two millions.

Two or three other incidents of this session may serve to show the complexion of public sentiment, and the germ of those political parties which subsequently so agitated the country. One part of the plan of funding the public debt was to make it unredeemable, except at the rate of one per cent. annually, or two-thirds of one per cent., according to the rate of interest. This feature was supported by some, partly because it had been recommended by Mr. Hamilton, and partly because it seemed to secure to the country the supposed benefits of a national debt: and it was opposed by others on these very accounts. Fortunately, this part of the secretary's plan underwent a material modification; for had either of his propositions on this subject prevailed, the public debt, instead of being now paid off, would have been unextinguishable before 1890, or 1940, (according to the terms selected by the creditor,) except at a rate which might have enhanced the amount more than 50 per cent.

When the friends to the shipping interest sought to increase the duties on foreign tonnage, Mr. Madison proposed to make a discrimination between those nations which had commercial treaties with the United States and those which had not; with

the avowed intention of making some return to France for her services in the revolution, and of retaliating on Great Britain for the illiberal course of her commercial policy towards the United States. But the proposition was earnestly resisted by Mr. Ames and Mr. Sedgwick of Massachusetts, Mr. Fitzsimmons of Pennsylvania, and Mr. Smith of South Carolina, who had been the principal supporters of Mr. Hamilton's schemes of finance. Their opposition may be ascribed rather to the fear that retaliation on the part of Great Britain would lead to irritating collisions, and to a conciliatory temper towards that country, than to alienation towards her rival. The French revolution had indeed already begun to be viewed very differently by men according as they had more or less confidence in the capacity of mankind for self-government, and as they more affected the blessings of civil liberty on the one hand, or those of peace, order, and security on the other; but it had not yet called forth those passions which afterwards blazed so fiercely, and which found fresh aliment for their heat and fury in every domestic controversy.

Mr. Madison having failed in his first proposition, offered two others, founded on the principle of reciprocity in commerce. By the first of these propositions, which was levelled at the restrictions on the West India trade, it was provided that whenever a foreign nation prohibited American ships from transporting merchandise from any of its ports to the United States, their ships should be subjected to a like prohibition; and should, moreover, be prohibited from transporting from the United States to such ports any products of the United States. The second, which was intended to countervail the British navigation act, provided that where any nation prohibits American ships from carrying to its ports any commodity, not the product of the United States, the ships of such nation should be subject to a similar restriction in their imports into the United States. This measure met with a more favourable reception from some of the members of the northern states. It was, however, unpalatable to a part of the southern members, and was not finally acted on.

At this session it was proposed that the senate should open its doors, when sitting in its legislative capacity. The motion was however rejected, and although it was renewed at each succeeding session, it was not adopted until February, 1794, when such had been the change of opinion in the body, or rather the force of public sentiment, that but eight members voted in the negative.

Two days after the adjournment of Congress on the 12th of August, Mr. Jefferson accompanied the President, with a small party, on a week's excursion to Rhode Island, and in the following month he sought a respite from his official duties by a visit to Monticello. He remained there until the middle of November, when he repaired to Philadelphia, to which place the seat of the federal government was now transferred.

When, during the summer, there was a prospect of a rupture between Great Britain and Spain concerning Nootka Sound, the Secretary of State wrote to our minister at Madrid, Mr. Carmichael, to press into the notice of the Spanish government the claims of our citizens to the navigation of the Mississippi, and the right of deposit at New Orleans. The people who had even then migrated from the Atlantic states to the West, had become extremely impatient of the difficulties which Spain had thrown in the way of the navigation of the Mississippi to the ocean, and of their having a depôt near its mouth, without which the navigation would be of little practical benefit. Mr. Jefferson conceived that if the rupture then expected between England and Spain should take place, it would be a favourable moment to press our claims, urged Mr. Short to sound the French government on the subject, and to endeavour to secure its good offices. He at the same time mentioned that the Count de Moustier, while minister here, had formed the project of establishing a French colony on the Mississippi, which project, he suggests, if it had been successful, would not have proved ultimately beneficial to France. He recommends Mr. Short to communicate with the Marquis de la Fayette, on whose kind offices to the United States he could safely count. At this time our wishes were limited to the Island of New Orleans, containing about

160 square miles, and lying 90 miles above the mouths of the Mississippi; and even this cession he was urged to propose with great caution. Yet in little more than ten years from that time, Mr. Jefferson was able, by a concurrence of good fortune with statesmanlike vigilance and promptitude, peaceably to acquire it, together with a country of a hundred times its value, and several thousand times its extent.

Another circumstance, noticed in Mr. Jefferson's official correspondence at this time, marks, by the force of contrast, the advancement which our country has since made in the eyes of other nations, particularly of the one which has always stood in the relation of either open enmity or commercial rivalship. Great Britain had at this time in New York an informal agent, Major Beckwith, who was afterwards Governor of Bermuda, for the purpose of watching the motions of Congress, and of performing the office of an informal minister, so far as concerned his own government. This gentleman had proposed that the nations should exchange ministers, which being assented to by the president, one was forthwith sent from the United States; but the ministry of Great Britain, under the influence of pride or ill humour, suffered three years to elapse without reciprocating this mark of national courtesy, though its appointment of an unaccredited agent virtually acknowledged the importance of having a representative in the United States.*

Through Major Beckwith the British ministry talked not only of a minister, but of a treaty of commerce and *alliance*, which last was viewed by Mr. Jefferson with no favour. "If the object be honourable," he remarked to Mr. Gouverneur Morris, then also an informal agent from this country to Great Britain, "it is useless; if dishonourable, inadmissible. These tamperings prove they view a war as very possible; and some symptoms indicate designs against the Spanish possessions ad-

* It has now [March, 1836] been four years since we had any minister in Great Britain above the rank of a Chargé d'Affaires, and in this interval she has sent a minister, Sir Charles Vaughan, of higher rank than she ever sent before. It is true that the circumstances attending this seeming failure in national courtesy, precludes the supposition of purposed disrespect. But forty years ago the explanation would hardly have been deemed sufficient.

joining us. The consequences of their acquiring all the country on our frontier, from the St. Croix to the St. Mary's, are too obvious to you to need developement. You will readily see the dangers which would then environ us. We wish you, therefore, to intimate to them that we cannot be indifferent to enterprises of this kind. That we should contemplate a change of neighbours with extreme uneasiness; and that a due balance on our borders is not less desirable to us than a balance of power in Europe has always appeared to them. We wish to be neutral, and will be so, *if they will execute the treaty fairly, and attempt no conquests adjoining us.* This communication was, however, restricted to the event of a war; but they were to be told that in no case the United States would accept any equivalent for the western posts still retained by Great Britain."

Among Mr. Jefferson's official acts this year were two reports on subjects referred to him by the House of Representatives. The first, dated April 14, was concerning the proposals made by an individual in England to supply the United States with a copper coinage. The secretary, after bearing testimony to the qualifications of the undertaker, thought that his proposals should be declined on the grounds that "coinage being an attribute of sovereignty," should not be submitted to another sovereign; that to exercise it in a foreign country would be on many accounts inconvenient, and was without example; and he recommended that a mint, whenever established, should be established at home.

The other report, on the subject of weights and measures, was sent in on the 17th of December. It recommended the pendulum in the latitude of 45° north, as the standard of lineal and other measures, and rainwater at a given temperature, as the standard of weight; and, it further recommended a system of decimal divisions both for measures and weights. Both reports were written with his accustomed perspicuity, neatness, and good sense. The one on coinage was virtually adopted. The other appears never to have been acted on. The difficulty on this subject has always been not so much in devising a uniform system of weights and measures as of carrying it into

execution, opposed as it is by the inveteracy of popular and familiar habits. The want of legislative provision concerning it has been long felt, and though the subject has been frequently brought to the notice of Congress, especially in the very full and able report of Mr. Adams, when Secretary of State, no reform has yet been attempted. Probably the inherent practical difficulties in introducing a system of uniformity have been so satisfactorily shown by Mr. Adams, that Congress, deeming that object unattainable, has become indifferent to a minor reformation.

He also made inquiries concerning the fisheries of the United States, in consequence of a reference by the House of Representatives of a memorial on the subject from the legislature of Massachusetts. These inquiries were directed to the number of vessels fitted out each year for the cod fishery; their tonnage; the number of seamen employed; the quantity of fish taken, distinguishing the superior from the inferior quality; the quantity exported, and to what places; the average prices at the places exported. Similar inquiries were directed as to the whale fishery, all of which information was digested into a report on the meeting of Congress.

He wrote a circular letter to our consuls and vice consuls pointing out their duties; the information expected from them; and the course of conduct to be observed by them in their communications with foreign governments.

By letters received from Mr. Gouverneur Morris, during the summer, it plainly appeared that the British ministry were not then disposed to settle matters amicably with us, as the principal inducement of their late friendly overtures, the prospect of a rupture with Spain, had now ceased. He was therefore requested by Mr. Jefferson, in a letter of the 17th of December, to discontinue his applications on the subject.

The first occasion on which there was an exhibition of party feeling in Congress, was that of an excise, or a duty on home distilled spirits. This had been one of the modes of revenue originally proposed by the Secretary of the Treasury, and the necessity of a species of tax which was supposed to be expen-

sive in the collection, and known to be odious, constituted one of the arguments against the assumption of the state debts. After there appeared to be a majority opposed to that measure at the last session, the bill laying an excise was, on the 2nd of June, rejected in the House of Representatives by 35 votes to 23, apparently on the ground that other taxes, more free from objection, might be substituted in its place.

But the house having, at the close of the session, required the Secretary of the Treasury to report such further provision as he should think necessary for the support of public credit, he accordingly, on the 13th of December, sent in a long and elaborate report, renewing his recommendation of an excise, and further recommending the establishment of a national bank. The excise was strongly opposed by a part of those who objected to it at the preceding session, but it finally passed by a large majority—35 to 21—from a conviction that a further revenue was necessary, since the state debts had been added to those of the United States, and Congress possessed no more eligible means of supplying it.

The bill to establish a national bank, which the Senate had passed on the 20th of January, with only five dissentients, afforded the next occasion for party excitement. The secretary in his first report had stated that he meant to submit the plan of such an institution; and the scheme was not viewed favourably from the first by the minority in Congress, because it obviously tended to benefit the moneyed interest, and to bring an accession of strength to the government; and because such were believed to be its main objects; but the bill encountered no serious opposition till after its third reading, when, on a motion to recommit it, commenced a debate which continued for eight days.

As men are still divided about the constitutionality of a bank of the United States, it may not be uninteresting to see by what arguments its establishment was first assailed and defended.

The opponents of the measure began with reminding its friends that the government of the United States was one of a peculiar character; that it could act only within the limits

expressly prescribed by the constitution; that Congress must therefore look into that instrument for the evidences of any power it would exercise, and if it cannot there be found, it does not exist. They then proceeded to examine in detail those parts of the constitution from which it had been, or might be claimed.

They said it could not be deduced from the clause which authorizes Congress to *lay taxes* to pay the debts of the nation, and to provide for the common defence and general welfare, for this clause did not give a general authority to Congress to further those objects, but only so far as it could be done by laying taxes, and it therefore could have no application to this bill, which imposed no tax whatever. To consider the words "general welfare" as giving any power of themselves would be inconsistent with the ordinary rules of interpretation, would render the enumeration of particular powers nugatory, and have the effect of annulling the powers reserved to the state governments.

That the power in question could not be derived from the clause which authorizes Congress to *borrow money*, as no money is borrowed by the bill; that the power to borrow money is merely the power to obtain it on loan from those who are both able and willing to lend; and to say that the power to borrow involves the power to create the *ability* to lend, with those who have the *will*, is as forced a construction as it would be to say that the clause gives the power to compel the will where the ability exists.

Nor can the power be derived from the authority given to Congress to *regulate commerce*, as the bill proposes no regulation of trade, but merely aims to provide one of the materials of trade; and indeed if the creation of a bank were a regulation of commerce, then it would be forbidden by the constitution, as it prohibits Congress from giving a preference to one port over another, which this bank would certainly give to Philadelphia.

Nor can any argument in support of the bill be drawn from the clause which authorizes Congress to pass all laws that are

necessary and *proper* for carrying the express powers into effect; for it is not enough that a measure may be *conducive* to any of the ends proposed by the constitution; it must also be *necessary*—that without which the end could not be effected; to give the enlarged construction contended for, would be to enable Congress to exercise any legislative power whatever; and supposes that the framers of the constitution had by one clause done away with all the restrictions they had been at so much pains by other clauses to impose; that by this doctrine of implication to borrow money is made the *end*, and the accumulation of capitals, *implied* as the *means;* accumulation is then the *end*, and a bank *implied* as the *means;* the bank is again the *end*, and a charter of incorporation, a monopoly, capital punishments *implied* as the means; and that by thus deducing one implication from another, a chain may be formed to reach every object of legislation.

It was further urged, that these arguments lost none of their force by the fact that the power now claimed was an unimportant one, and therefore had not been thought deserving of a special provision. The power to establish a corporation was said to be a substantive and highly important power, of which the present bill afforded a strong illustration in granting a valuable monopoly; in enabling the bank to make important by-laws; in conferring the right to purchase and hold real estate, which the United States themselves could not do, without the permission of the states; and in tying up the hands of future legislatures.

In answer to the argument drawn from the establishment of the bank of North America, it was said that that act was clearly unauthorized by the articles of confederation, and had been excused on the ground of necessity.

And lastly, it was insisted that the construction of the constitution, maintained by the opposers of the bill, was confirmed by the contemporaneous exposition of those who defended it before the people, as well as of the conventions who ratified it, and by some of the explanatory amendments; and that to disregard an interpretation so generally adopted then, would jus-

tify the predictions of the opposers of the constitution, and subject some of its friends to the reproach of having used one set of arguments to bring about its adoption, and another in administering it after it was adopted.

The advocates of the bank admitted that the powers of the government were limited by the constitution; but insisted that, in giving that instrument a proper interpretation, such a one as would make it answer the purposes intended by its framers, it must have implied as well as expressed powers; in proof of which they referred to many acts already done by Congress, and for which the constitution contained no express warrant; that the limited character of the government furnished no good reason for a strict, rather than a liberal construction, as there might be as much mischief in failing to exercise a power meant to be granted as in exercising one not so intended. It was urged, that the power given by the constitution to borrow, would be directly and greatly facilitated by the bank, and might even, on the event of war, prove indispensable; and they referred to the case of the bank of North America, established by the old Congress, as a proof of its great importance, and that Congress had the power to create a bank, as it confessedly possessed larger powers under the present constitution than its predecessors possessed under the articles of confederation; they insisted that the words "necessary and proper" meant, that which had an obvious and direct tendency to promote the end provided for by the constitution; that this interpretation was justified by the ordinary import of the words; by the sense in which they had been already understood; and by the inexecution of some of the powers of Congress, which would be the consequence of the opposite interpretation, since any particular measure could seldom be indispensably necessary to effect a constitutional object, but was only one of several modes which were conducive to that end; that a bank would afford a direct and important aid, which nothing else could supply in *borrowing money* whenever it should be necessary; in collecting taxes at all times; in paying the public creditors in the several states; in regulating commerce from state to state by regulating ex-

change; and being thus necessary and proper for the execution of these several powers expressly granted, it had the direct sanction of the constitution. They added that as to the powers said to be given to the corporation, they are such as the individuals composing it already possessed; to hold lands, lend money, issue notes, &c.; by which they were merely allowed to do, in their corporate capacity, what they previously could do as individuals; and although this difference is very important to the persons interested, and very beneficial to the community, it cannot be considered as bringing any important accession of power to the general government, or taking away any from the states.

In answer to the arguments drawn from the contemporaneous exposition of the constitution, they said, that in the interpretation of a written constitution, the instrument itself was alone to be consulted; and that to search for the intentions of its framers from extrinsic evidence would lead to endless uncertainty and dispute, and defeat the purpose of a written constitution, of the truth of which the present occasion afforded an example; as the convention refused to grant to Congress the power to establish commercial corporations, and the amendment proposed by several of the states, by which Congress should be prohibited from creating companies with exclusive privileges, showed that they thought the power was already possessed; that it seems more fair to presume, if it had not been intended that Congress should possess the power of creating a bank, they would have used negative words, than that they intended the contrary by their silence, when it is recollected that the same power had been exercised by the old Congress, and that its constitutionality had never been called in question; that if this mode of interpretation were resorted to, it would not avail the opponents of the bank, because the refusal of the convention to give to Congress the power to create corporations, related solely to commercial corporations, which would always be impolitic; because too, if the refusal had applied to a banking corporation, it could not appear whether some members had not voted against the proposition, on the ground that the power was already possessed, and that the specification of this case might be

construed to exclude the salutary exercise of power in analogous cases; which considerations are the more probable, as they knew that Congress had created a bank under the far more limited powers of the confederation; and that this exercise of power had received the silent acquiescence, or active co-operation of all the states; and lastly, because several of the states had proposed in their amendments to the constitution, that Congress should be prohibited from establishing commercial corporations, thus plainly showing that they considered the power to have been actually conferred by the constitution.

In March, 1791, Mr. Jefferson, by order of the President of the United States, addressed a letter to the President of the National Assembly of France, in answer to their decree of the 11th of June preceding, which paid the tribute of their respect to the memory of Dr. Franklin. After adverting to the decree, he thus proceeds:

"That the loss of such a citizen should be lamented by us, among whom he lived, whom he so long and eminently served, and who feel their country advanced and honoured by his birth, life and labours, was to be expected. But it remained for the National Assembly of France to set the first example of the representatives of one nation, doing homage, by a public act, to the private citizen of another, and by withdrawing arbitrary lines of separation, to reduce into one fraternity the good and the great, wherever they have lived or died."

"That these separations may disappear between us in all times and circumstances, and that the union of sentiment which mingles our sorrows on this occasion, may continue long to cement the friendship and the interests of our two nations, is our constant prayer. With no one is it more sincere than with him, who, in being charged with the honour of conveying a public sentiment, is permitted that of expressing the homage of profound respect, with which he is, sir, your most obedient and most humble servant."

"Th: Jefferson."

Mr. Carmichael was now instructed to press the surrender of

the port of Natchez, on the Mississippi; to represent to the Spanish government the dangers of further delay; and to demand indemnity for the seizure of an American citizen in that neighbourhood, by a party of Spanish soldiers, in the year 1787. Mr. Jefferson remarked, that "an accident at this day, like that now complained of, would put farther parley beyond our power; yet to such accidents we are every day exposed by the irregularities of their officers, and the impatience of our citizens. Should any spark kindle these dispositions of our borders into a flame, we are involved beyond recall by the eternal principles of justice to our citizens, which we will never abandon. In such an event Spain cannot possibly gain, and what may she not lose?"*

The attention of Mr. Short was also called to the same subject, and to the right of navigating the Mississippi, as the wishes of France were likely to have much weight with the court of Spain.

In the same month Mr. Jefferson entered into a discussion with the French minister, Mr. Otto, on the fair construction of our treaty with France, in consequence of an expression of the act of Congress which laid the tonnage duty, "without excepting those of France," which reservation he shows to be in strict conformity with the treaty, and with the

* There was reason to believe that the backwardness on the part of Spain to yield to the wishes and claims of our government, might be in part attributed to the representations which their minister to the United States, Mr. Gardoqui, made to his government, and which "tended to impress the court of Madrid with the belief, that the navigation of the Mississippi was only demanded, on our part, to quiet our western settlers, and that it was not sincerely desired by the maritime states." In commenting on this false view of the matter to Mr. Carmichael, Mr. Jefferson admits, that "there were characters whose stations entitled them to credit, and who, from geographical prejudices, did not themselves wish the navigation of the Mississippi to be restored to us, and who believe, perhaps, as is common with mankind, that their opinion was the general opinion. But the sentiments of the great mass of the union were decidedly otherwise then, and the very persons to whom Mr. Gardoqui alluded, have now come over to the opinion heartily, that the navigation of the Mississippi, in full and unrestrained freedom, is indispensably necessary, and must be obtained by any means it may call for."

construction which France, in her own commercial regulations, had practically adopted.

The two objects of foreign policy which the administration seemed to have most at heart at this time were, the free navigation of the Mississippi, together with a place of deposit near its mouth, and a navigation act. At the preceding session of Congress, a bill formed with the view of counteracting the policy of the British navigation laws had been prepared by a committee, but the subject not having been finally acted on, for want of time, it had been referred to the Secretary of State for him to examine it, and report on it at the subsequent session. During the following summer, in furtherance of the same object, our ministers at the courts of France, Spain and Portugal, were instructed to communicate with the governments of those countries, and to invite their co-operation, "with a view of reducing that power within safer limits, and of better securing the freedom of the ocean to all the world."

In April, General Washington having determined to make a tour through the southern states, addressed a letter to the secretaries, Jefferson, Hamilton and Knox, informing them of the time he expected to reach, and to leave each principal town in his route, that they might communicate with him whenever occasion required it; and requesting that if any question of importance occurred, they should, on consultation, determine whether his personal attendance was necessary, or could be dispensed with; he promising, in the first case, to return immediately, and, in the second, to approve and ratify all legal and proper measures taken by them. They were also requested to invite the Vice President to their consultations.

Some occasion for consultation having occurred during the President's absence, Mr. Jefferson accordingly invited Mr. Adams, together with the Secretaries of the Treasury and War and the Attorney General, to dinner, for the purpose of conferring on the subject. A conversation took place on this occasion, which seems to have made a very strong impression on Mr. Jefferson's mind, and of which he gives the following

account, "for the truth of which, he says, I attest the God who made me."

"After the cloth was removed, and our question argued and dismissed, conversation began on other matters, and by some circumstance was led to the British constitution, on which Mr. Adams observed, 'purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man.' Hamilton paused and said, 'purge it of its corruption, and give to its popular branch equality of representation, and it would become an *impracticable* government: as it stands at present, with all its supposed defects, it is the most perfect government which ever existed.' And this was assuredly the exact line which separated the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one: the other, for an hereditary king, with a house of lords and commons corrupted to his will, and standing between him and the people. Hamilton was indeed a singular character. Of acute understanding, disinterested, honest, and honourable in all private transactions, amiable in society, and duly valuing virtue in private life, yet so bewitched and perverted by the British example, as to be under thorough conviction that corruption was essential to the government of a nation. Mr. Adams had originally been a republican. The glare of royalty and nobility, during his mission to England, had made him believe their fascination a necessary ingredient in government; and Shay's rebellion, not sufficiently understood where he then was, seemed to prove that the absence of want and oppression was not a sufficient guarantee of order. His book on the American constitution having made known his political bias, he was taken up by the monarchical federalists in his absence, and, on his return to the United States, he was by them made to believe that the general disposition of our citizens was favourable to monarchy. He here wrote his Davila as a supplement to the former work, and his election to the Presidency confirmed him in his errors. Innumerable addresses, too, artfully and industriously poured in upon him, deceived him into

a confidence that he was on the pinnacle of popularity, when the gulf was yawning at his feet which was to swallow up him and his deceivers. For when General Washington was withdrawn, these *energumeni* of royalism, kept in check hitherto by the dread of his honesty, his firmness, his patriotism, and the authority of his name, now mounted on the car of state, and, free from control, like Phaeton on that of the sun, drove headlong and wild, looking neither to right nor left, nor regarding any thing but the objects they were driving at, until displaying these fully, the eyes of the nation were opened, and a general disbandment of them from the public councils took place."

It was no doubt under the influence of this and similar conversations that he wrote what is contained in the following

Extract of a letter to Mr. Short, dated July 28, 1791.

—"Paine's pamphlet has been published and read with general applause here." . . . . . "The Tory paper, Fenno's, rarely admits any thing which defends the present form of government in opposition to his desire of subverting it, to make way for a king, lords, and commons. There are high names* here in favour of this doctrine, but these publications have drawn forth, pretty generally, expressions of the public sentiment on this subject, and I thank God they are, to a man, firm as a rock in their republicanism."

A few months afterwards, August the 13th, as appears by extracts from his diary, appended to his correspondence, Mr. Jefferson had a conversation with Colonel Hamilton, in which he mentioned to Hamilton "a letter received from Mr. Adams, disavowing Publicola, and denying that he ever entertained a wish to bring this country under an hereditary executive, or in-

* The letter here refers to the following note, in cipher. "Adams, Jay, Hamilton, Knox, and many of the Cincinnati. The second says nothing: the third is open. Both are dangerous. They pant after union with England, as the power which is to support their projects, and are most determined Antigallicans. It is prognosticated that our republic is to end with the President's life, but I believe they will find themselves all head and no body."

troduce an hereditary branch of legislature, &c." Alexander Hamilton then, after having condemned Mr. Adams's writings, and most particularly Davila, as tending to weaken the present government, declared in substance as follows: 'I own it is my own opinion, though I do not publish it in Dan or Beersheba, that the present government is not that which will answer the ends of society, by giving stability and protection to its rights, and that it will probably be found expedient to go into the British form. However, since we have undertaken the experiment, I am for giving it a fair course, whatever my expectations may be. The success, indeed, so far, is greater than I had expected, and, therefore, at present, success seems more probable than it had done heretofore, and there are still other and other stages of improvement which, if the present does not succeed, may be tried, and ought to be tried, before we give up the republican form altogether; for that mind must be really depraved, which would not prefer the equality of political rights, which is the foundation of pure republicanism, if it can be obtained consistently with order. Therefore, whoever by his writings disturbs the present order of things, is really blameable, however pure his intentions may be, and he was sure Mr. Adams's were pure.' This is the substance of a declaration made in much more lengthy terms, and which seemed to be more formal than usual for a private conversation between two, and as if intended to qualify some less guarded expression which had been dropped on former occasions. Thomas Jefferson has committed it to writing in the moment of A. Hamilton's leaving the room."

There are persons who have censured Mr. Jefferson for thus committing private conversations to paper, and for preserving them, so as to give them the very probable chance of publicity; since every one is in the habit of expressing himself on these occasions, not only with more freedom than he would when writing for the public, but also more loosely and inaccurately; and, therefore, opinions which he may never have intended to pass beyond the pale of his intimate and confidential friends, are published to the world; and opinions, moreover, are given as

his, which he might not have deliberately entertained. There is no one who is not more guarded in writing than in conversation; in preparing a paper for publication, than one intended only for the eye of a friend; in framing a deposition, than in making a less solemn statement, yet the ethics, they say, which would justify the act in question, would confound these distinctions.

But, on the other hand, it may be said that the speculative opinions of politicians and statesmen stand upon a different footing from those of ordinary men. The public has a right to know the sentiments of him whom they entrust with political power; for whatever confidence they may have in his integrity, they are aware that he may, under an unconscious bias, favour his own opinions in doubtful cases. Nor can any man's mere integrity be as good a security for his doing right, as the same integrity coupled with his interest; for in the first case he is exposed to temptations, from which in the last he is exempt. These considerations are at once so obvious and so cogent, that the people always insist on knowing the political opinions of their agents, and these profess always to declare them. In the case of those public functionaries, indeed, who do not receive their appointment immediately from the people, there is often more uncertainty in their sentiments; but, according to the theory of our government, where all power flows from the people, and is intended to be exercised for their benefit, the right appears to be the same. It would follow then that the people may justly claim to be informed of the acts or speeches of such civil officers, so far as the same can convey information of their political sentiments.

Upon the whole, this seems to be one of those delicate but not uncommon questions among casuists, in which the arguments on both sides are so strong that it cannot always be decided in one way; but it may be sometimes right and sometimes wrong to treasure up and to communicate the disclosures of private intercourse. Thus we would say, that the rule ought not to be the same for an officer possessing large discretionary powers, and a mere subordinate; for a case in which there had

been an express injunction of secrecy, and where there had been no such precaution; for one in which the publication was immediate, and another where it had been postponed, until, by the death of the actors, or other circumstances, the communication could no longer be personally injurious; or where the sentiments uttered cast an imputation on the moral character, and one where they could have no such effect; or, lastly, where the publication was essential to the vindication of the publisher, and where it was altogether gratuitous.

Now all these distinctions serve to justify Mr. Jefferson, the last especially. He had been long charged by his enemies with imputing to a political rival opinions and designs which he knew were distasteful to the American people, and were at the same time unfounded, with a view of injuring that rival in the public estimation. He had been accused of a systematic opposition to a wise and patriotic administration, from selfish and illiberal motives, under the pretext that their measures were intended to prepare the people for a government of greater power and splendour. It is clear then that he had a direct interest in showing that his previous accusations were not false, nor his suspicions groundless, by exhibiting the private unreserved declarations of the individuals themselves. It has been further objected that Mr. Jefferson's testimony is that of an interested witness; but this circumstance can only effect the weight of his testimony, not the right to adduce it, and obtain for it as much as it is fairly worth in his own defence.

But he may be justified on still broader ground. Let it be granted that the conversation, as detailed by Mr. Jefferson, actually took place: if he conceived the sentiments then expressed to be dangerous in a man of Colonel Hamilton's talents, station, and popularity, was he not justified, as a true patriot and an honest man, in opposing his further acquisition of power, in endeavouring to prevent his eventual attainment of the presidency, and in suspecting the object and tendency of his favourite measures? Every candid mind will answer in the affirmative. It would naturally seem to him that he might, not merely for his own justification, but also to prevent mischief to his country, avail himself

of such evidence as he could obtain, without an immoral or dishonourable act, for establishing the truth; and divulge that which the people had a right to know, which Colonel Hamilton himself was under a moral obligation to disclose, and was in fact at no pains to conceal. It may be further remarked, that as to the political sentiments of such men as Alexander Hamilton, historical truth has its claims, and that one who had such opportunities of knowing them as Mr. Jefferson, would perhaps have been unfaithful to posterity, not to have shed on them all the light that he could.

In May, a consul was appointed to the new emperor of Morocco; his father and predecessor having, of all the Barbary powers, shown the most friendly disposition towards the United States. Mr. Barclay, of Virginia, who received the appointment, was authorized to make presents to the persons about the emperor, to the amount of 10,000 dollars.

Whatever dissatisfaction Mr. Jefferson may have felt at some of the measures pursued by the majority in Congress, it did not make him insensible to the prosperous state of the nation at that period, nor to the benign agency of the newly adopted government in producing so happy a result. He thus writes to Mr. Fulwar Skipwith, American consul in France: "In general, our affairs are proceeding in a train of unparalleled prosperity. This arises from the real improvement of our government; from the unbounded confidence reposed in it by the people; their zeal to support it, and their conviction that a solid union is the best rock of their safety; from the favourable seasons which, for some years past, have co-operated with a fertile soil and genial climate, to increase the productions of agriculture; and from the growth of industry, economy and domestic manufactures. So that, I believe, I may say with truth, that there is not a nation under the sun enjoying more present prosperity, nor with more in prospect."

To Colonel Humphreys he, about the same time, thus bears testimony to the state of the public credit; "our bank was filled with subscriptions the moment it was opened. Eight millions were the whole permitted to be subscribed, of which two mil-

lions were deposited in cash, the residue to be public paper. Every other symptom is equally favourable to public credit." This sudden influx of good fortune was attended with its usual abuse, a disposition to exchange the regular pursuits of industry for adventurous traffic, and whatever business held out the temptations of a lottery. Mr. Jefferson tells Mr. Gouverneur Morris in August of this year: "Our public credit is good, but the abundance of paper has produced a spirit of gambling in the funds which has laid up our ships at the wharves, as too slow instruments of profit, and has even disarmed the hand of the tailor of his needle and thimble. They say the evil will cure itself, I wish it may; but I have rarely seen a gamester cured, even by the disasters of his vocation."

The effect of the speculations in the funds on the habits and character of the people, especially in the cities and towns, was greater than can well be imagined by one who was not an eye witness. The claims on the government which had currently sold in the market for three or four shillings in the pound, and occasionally for even less, rose, after the debt was funded, first to par, and then to 25 per cent. above it. The fortunes which had been suddenly made by this extraordinary increase of price dazzled the imaginations of men, and seduced numbers from their ordinary pursuits to engage in the business of speculation; and as the wild lands of the country bore a very low price in the market, from the facility with which they were obtained in many of the states, they also furnished a ready means on which this gambling spirit could exercise itself. The field was the greater, as in some of the states which had the largest portions of vacant territory, by an imperfection in their system of land laws, the same land may have been comprehended in several different grants, and in these grants the state governments were not considered as guaranteeing the land to the patentee. They merely gave him authority to possess himself of such unoccupied land as he could find, for which authority, or "warrant," he paid some trifling sum—about two cents an acre; and the duty of finding land which had no previous owner, on which he could make his location, and of having a survey of the land, so

as to afford the material facts for his patent or grant, devolved wholly on the holder of the warrant. Under this vicious system, so fruitful of inaccuracy, and so encouraging to fraud, the market was glutted with wild lands; much of which being embraced in several different patents, could not be obtained but by a long and expensive course of litigation, and much too was utterly worthless when obtained. The spirit of speculation which was thus engendered, not only lessened the sum of useful industry and profitable enterprise, but greatly weakened the sense of justice and private integrity; and the tendency of these sudden acquisitions of wealth, by speculations, whether fair or fraudulent, and the hopes they would naturally excite in others, begat a taste for luxury and expense that greatly counteracted the extraordinary sources of prosperity which the nation then enjoyed.

One of the measures taken by the National Assembly of France to encourage their navigation gave great cause of complaint to the United States. This was a discriminating duty of 62½ livres per hogshead between their ships and ours, by the operation of which, our vessels must necessarily be excluded from their ports; and the measure was the more objectionable, as the whole shipping of France being inadequate to the wants of her foreign commerce, and this discrimination giving their vessels a monopoly of the commerce with the United States, a void would be left in other branches of their trade which would be filled by the English, Dutch and Swedes, so that the policy would have the effect of injuring us without benefitting themselves. The illiberality and impolicy of this course were pointed out by Mr. Jefferson to Mr. Short. It seems to have been meant as a retaliation on our tonnage duty on foreign vessels; but this was represented by Mr. Jefferson, as merely equivalent to certain port charges in France, under the specific forms of fees for anchorage, buoys and beacons, or of fees to measurers, weighers and gaugers.

In speaking of the French West Indies, he requests Mr. Short, while he disclaims all views of conquest on the part of the United States, to intimate with caution and delicacy, the natural

claim which every nation seems to have to trade with its neighbours. "In casting our eyes over the earth," he writes, "we see no instance of a nation forbidden as we are, by foreign powers, to deal with neighbours, and obliged by them to carry into another hemisphere the mutual supplies necessary to relieve mutual wants. This is not merely a question between the foreign power and our neighbour. We are interested in it equally with the latter, and nothing but moderation, at least with respect to us, can render us indifferent to its continuance." He thus concludes his remarks: "In policy, if not in justice, they should be disposed to avoid oppression, which falling on us as well as on their colonies, might tempt us to act together." This part of the letter was suggested, as he says in a note which presented it to the consideration of General Washington, by the "ill humour into which the French colonies were getting; and the little dependence on the troops sent thither, may produce a hesitation in the National Assembly as to the conditions they will impose in their constitution. In a moment of hesitation, small matters may influence their decision. They may see the impolicy of insisting on particular conditions, which, operating as grievances on us, might produce a concert of action." The President seems to have consented to the suggestions, especially as Mr. Short was to exercise his discretion, how he should make them known, and whether he should communicate them or not.

In a letter to General Knox, the Secretary of War, which noticed the claim of the South Carolina Yazoo company, Mr. Jefferson thus speaks of the territorial rights of the Indians: "I am of opinion that government should firmly maintain this ground;that the Indians have a right to the occupation of their lands, independent of the states within whose chartered lines they happen to be; that until they cede them by treaty, or other transaction equivalent to a treaty, no act of a state can give a right to such lands; that neither under the present constitution, nor the ancient confederation, had any state or person a right to treat with the Indians, without the consent of the general government; that that consent has never been given to any

treaty for the cession of the lands in question; that the government is determined to exert all its energy for the patronage and protection of the rights of the Indians, and the preservation of peace between the United States and them; and that if any settlements are made on lands not ceded by them, *without the previous consent of the United States*, the government will think itself bound, not only to declare to the Indians that such settlements are without the authority or protection of the United States, but to remove them also by the public force."

These doctrines are repugnant not only to the claims set up by the state of Georgia to the Indian lands within its limits, but also to the doctrines of exclusive sovereignty which have been asserted by South Carolina, and which, it deserves to be remarked, Mr. Jefferson's authority is mainly relied upon to support. But an abstract doctrine will appear very different to most men when it is resorted to for the purpose of upholding the claims of a private company, which originated in corruption, and when it is asserted by a sovereign state, whose citizens know themselves injured, and believe themselves oppressed; and the argument which seems very satisfactory, when used to disappoint the rapacity of those who had succeeded in buying up the majority in a state legislature, appears quite illogical when urged against Kentucky for resisting an unconstitutional law, or South Carolina for vindicating the supposed rights and interests of all the southern states; so true is it that, even in questions purely speculative, circumstances which, in the eye of reason, cannot effect the argument, do often entirely control our decisions.

Governor Pinckney, of South Carolina, had this summer proposed that our government should, by a compact with the Governor of Florida, agree that each party should surrender to the other all fugitives from justice. Mr. Jefferson, while he admits that the perpetrators of acknowledged crime ought to be surrendered, suggests the difficulty of drawing the line between offences of that character, and those which are "rendered criminal by tyrannical laws only;" and, expressing his doubts whether the Legislature of the United States would sanction a convention for this subject, he thought that we ought

not to give the Governor of Florida grounds to expect that we would deliver up fugitives from his government.

It may be here remarked, that at every step in the earlier part of our history, as on the present occasion, we meet with some obstacle or difficulty which has since disappeared, and which has yielded either to our growing power, or improvement in legislation, or to some fortunate incident. By the subsequent acquisition of Louisiana and Florida, those countries can no longer afford an asylum to our runaway slaves, which was the chief evil against which the proposition of Governor Pinckney meant to guard.

In consequence of the insurrection of the blacks in St. Domingo, the Assembly of that colony sent a deputy to the United States to obtain the aid of military stores and provisions, and which Mr. Ternant, the French minister, succeeded in obtaining of the secretaries of the treasury and war; the president and secretary of state being then in Virginia. Before these supplies arrived, the Colonial Assembly sent two other deputies with yet larger demands. They applied to Mr. Jefferson, with the consent of Mr. Ternant, and proposed that the required supplies should be furnished, either on account of the money which we owed to France, or of the bills of exchange which they were authorized to draw on France; or lastly, that we should guarantee their bills, so that they could dispose of them to merchants, and make the purchase for themselves. They were told that the two last were beyond the power of the executive, and that the first could be done only with the consent of the minister of France. This consent having been obtained, a small supply was afforded.

It seems that the application was an object of jealousy of the French minister and consul-general, who considered it as indicating a desire of independence on the part of the colony. Mr. Jefferson states to Mr. Short that this would be neither desirable nor attainable on their parts, and that it would be repugnant to the interests of the United States; and he suggests, as a probability, that if the colonies should become disgusted either with France or the United States, they might put themselves under the protection of Great Britain.

CHAPTER XV.

Third session of the first Congress. The commerce of the United States with France and England compared. St. Clair's defeat. Apportionment bill. Mr. Jefferson advises the President to negative it. Conversation with the President on his proposed retirement. Causes of the public discontents. The power to promote the general welfare. Collision between Jefferson and Hamilton. Official correspondence with Mr. Hammond, the British minister—Pagan's case—tampering with the Creek Indians—complaints of each government. Mr. Jefferson's answer to Mr. Hammond's charges. The Post-office. Surrendering of foreign fugitives. Relative powers of the legislative and executive branches. Negotiation with Algiers. Paul Jones.

1791—1792.

Congress met on the 24th of October, according to adjournment, and proceeded to carry into execution other important powers on which they had not previously acted, or acted only by resolution; as in establishing the post-office and post roads, establishing a mint and regulating the coins, and providing a uniform militia system throughout the United States.

In December, Mr. Jefferson laid before the President a comparative table of the extent and value of the commerce of the United States with France and England, which he had prepared with unwearied industry. His motive is thus stated in his note* to the president: "As the conditions of our commerce with the French and British dominions are important, and a moment seems to be approaching when it may be useful that both should be accurately understood, I have thrown a representation of them into

* Jeff. Cor. III. p. 142.

the form of a table, showing at one view how the principal articles interesting to our agriculture and navigation stand in the European and American dominions of these two powers."

According to this table, the trade in wheat, flour, rice, and other grain, salted fish, beef and pork, whale oil, tar, pitch, and turpentine, are on a more favourable footing in France than in Great Britain, in which some of them are even prohibited; while indigo is the only article which is subjected to a higher duty than in Great Britain. But, notwithstanding this difference of encouragement, the exports are five times as great to England as to France, and the imports are nine times as great.

The French shipping employed in the trade is but half of the American, which is 19,000 tons. But the British shipping is three times as much as the American; the latter, however, is 39,000 tons.

In the West Indies the trade with the French colonies is more extensive, and the footing not materially different. With both nations it is subject to general prohibitions, which are occasionally removed. Our exports to the French islands amounted to 3,284,656 dollars; to the English, 2,357,583 dollars. The imports from the French islands are 1,913,212 dollars; from the English, 1,319,954 dollars. Our tonnage in the French trade is 97,236 tons, and with the English the trade is prohibited. The French tonnage employed in the trade is 3,959 tons, and the English is 107,959 tons.

From this comparison it was manifest that in considering the united interests both of our agriculture, commerce, and navigation, that of England was most profitable, by being the most extensive, but that with France most deserved encouragement, as it was far the most beneficial for its extent, by affording more employment to our shipping.

The whole tonnage in the trade with Great Britain amounted to 266,124 tons, while the whole in the French trade was less than half, 130,201 tons. But of the trade to the British islands they had more than five-sixths, or in the proportion of 226,953 tons to 39,171 tons; and of the French trade we had eight-ninths,

or 116,409 to 13,792; and our tonnage in the French trade was more than three times as great as it was in the British.

It is well worth remark that cotton is not mentioned among our staples, though in less than ten years from that time it constituted the most valuable of our exports, and in thirty years was worth more than all the rest put together.

Tobacco, wood, pot and pearl ash, flaxseed, in the European trade, and Indian corn, salted pork, horses and mules, live provisions, tar, pitch, and turpentine, in the West Indies, are on the same footing with both nations.

At the close of the year, the government received information of General St. Clair's defeat by the Miami Indians, on the 4th of November, with the loss of upwards of 600 men. This battle was gained by an inferior force on the part of the red men, and accorded with the ordinary result in their first conflicts with the whites, until dear-bought experience has taught them that nothing less than a correspondent vigilance can protect them against a surprise, which the Indian warrior surpasses all others both in contriving and improving to the best advantage. The battle ground was on the western border of what is now the populous state of Ohio, but was then not even a territorial government.

A bill for a new apportionment of representatives, under the late census, afforded the first occasion for the President to exercise his negative on an act of the two houses of Congress. This bill had fixed the ratio of inhabitants at 30,000, and, instead of applying this number to the population of each state separately, it divided the whole population by the number 30,000, and then distributed the quotient 120 among the states according to their relative population: by which process some of the states had a greater number of representatives than they were entitled to on the assumed ratio. In other words, there was inequality by this process as well as the other: it merely fell on different states, and happened to be less than by the other rule.

This subject had afforded occasion for warm debate, as it involved the question of the relative weight of the states. Various ratios had been proposed without success; and the question

was not settled until after a conference of the two houses. When the bill was submitted to the president, his cabinet were as usual divided about it—Mr. Jefferson and Mr. Randolph thinking the law to violate the meaning of the constitution, and Mr. Hamilton and General Knox doubting about it, but advising the consent. The arguments of the former prevailed, and the bill was returned with the president's reasons; in consequence of which another bill was introduced, raising the ratio to 33,000, and assigning to each state its number of representatives, without regard to the fractions, as had been originally proposed in the Senate, and it thus finally passed both houses.

It appears from Mr. Jefferson's diary that on the last of February, 1792, he had a conversation with the president on the subject of the post-office, of which he remarked, that, since it appeared by the bill recently passed, that it was not regarded as a revenue law, but one for the general accommodation of the citizens, he thought it appertained to the State Department: that it would be proper it should be so regarded for another reason, on account of the great influence and patronage already attached to the Treasury Department, which threatened to be too great for that of the President himself: that he could have no personal motive for this suggestion, as he had determined on withdrawing from public life whenever the president retired. Some interruptions to the conversation taking place, General Washington asked him to breakfast the next morning: He attended accordingly, and they having retired to his room, Mr. Jefferson unfolded his plan for the post-office, to which General Washington having given "such an approbation of it as he usually permitted himself on any first suggestion," and desiring it to be committed to writing, he, during that pause of conversation which follows a business closed, said, in an affectionate tone, that he felt much concern at the intimation Mr. Jefferson had given of retiring when he did: that, as to himself, many motives obliged him to withdraw: that he had, through the war and at its close, uniformly declared his resolution to retire, and never to act in any public office: that he had retired: that the new government, however, being found evidently too inefficacious, and his aid being sup-

posed of some consequence towards bringing the people to acquiesce in a government of sufficient efficacy, he had consented to come into the convention, and afterwards, from the same motives, to take a part in the new government: that were he to continue longer, it might give room to say that, having tasted the sweets of office, he could not do without them: that he really felt himself growing old; his health less firm; his memory, always bad, becoming worse; and perhaps his other mental faculties showing a decay of which he himself was insensible: that in addition to this apprehension, he found his activity lessened; business, therefore, more irksome; and his desire for tranquillity and retirement irresistible: that, obliged as he was, from these considerations, to retire, he should consider it as unfortunate if that should bring on the retirement of the great officers of the government, as it might produce a shock on the public mind of dangerous consequence.

Mr. Jefferson replied that no man had ever been less desirous of public office than himself; that the circumstance of a perilous war, which had put the services of all in requisition, had induced him to undertake the government of Virginia: that he had, both before and after that period, refused repeated appointments of Congress to that sort of office, which of all others would have been most agreeable to him: that at the end of two years he resigned the government of Virginia, with the intention of never again engaging in public life; that a domestic loss, however, made absence and change appear expedient, and he had therefore accepted a foreign mission for two years; at the close of which, Dr. Franklin, having left France, had accepted the appointment to supply his place; and though he had continued in it three or four years, it was always under the expectation of remaining only a year or two longer: the revolution in France then coming on, he had become so interested in that great event, that when he brought his family home, he had expected to return and await the close of the revolution, as the term of his public life: that on his return to America he found himself appointed to his present office, while it was known that he had accepted it with reluctance, and only under a belief that he

could be more serviceable in America than in France, and with a firm resolution to indulge his wish for retirement at "no very distant day:" that when, therefore, by an expression in a letter from General Washington of April 1st, 1791, he discovered his intention to retire ere long, his own mind was immediately decided to make that the epoch of withdrawing from labours of which he was heartily tired: that he did not think his colleagues in the administration had any thought of retiring; on the contrary, that at "a late meeting of the trustees of the sinking fund, the Secretary of the Treasury had developed the plan he intended to pursue, and that it embraced years in view."

General Washington then remarked, that he considered the Department of State as of much more importance than that of the Treasury, which was limited to the single object of revenue, and that the retirement of the Secretary of State would be more noticed: that though the government had set out with "a pretty general good will of the public, yet that symptoms of discontent had lately manifested themselves far beyond expectation, and to what height they might rise, in case of too great a change in the administration, could not be foreseen."

Mr. Jefferson then remarked that, in his opinion, there was but a single source of these discontents. That they originated in the Treasury department: that a system had been there contrived for deluging the states with paper money, instead of gold and silver; and for withdrawing our citizens from the pursuits of commerce, manufactures, buildings, and other branches of useful industry, to occupy themselves in a species of gambling, destructive of morality, and which had introduced its poison even into the government. It was a well known fact, he said, that particular members of the legislature, while the laws alluded to were on the carpet, had "feathered their nests" with the paper, had then voted for the laws, and had since lent all their efforts to the establishment and enlargement of the system; that they "had chained it about our necks" for a great length of time, and in order to preserve their power, had aided in making such legislative constructions of the constitution as made

it a very different thing from what the people believed it to be when they adopted it: that they had now brought forward a proposition, the decision of which would determine whether we lived under a limited or unlimited government.

In answer to the president's inquiry, Mr. Jefferson said that he alluded to Mr. Hamilton's late report on manufactures, which "under colour of giving *bounties* for the encouragement of particular manufactures, meant to establish the doctrine that the power to collect taxes to provide for the *general welfare* of the United States, permitted Congress to take every thing under their management which *they* should deem for the *public welfare*, and which is susceptible of the application of money; consequently that the subsequent enumeration of their powers was not the description to which resort must be had, and did not at all constitute their authority:" that this was a different question from that of the bank, which was thought an incident to an enumerated power: that therefore the decision on this new proposition was looked to with great anxiety: that he hoped it would be rejected, and if it should be, it would show that things were returning into their true channel: that at any rate he 'looked forward to the increased representation in the legislature, which would soon take place, for keeping the general constitution on its true ground, and for removing much of the discontent which had shown itself.' In his note of this conversation, made the following day, Mr. Jefferson remarks that he had stated it nearly as much at length as it really was; preserving the expressions themselves where he could recollect them, and always faithfully their substance.

If the preceding note shows that Mr. Jefferson and Colonel Hamilton differed widely about the construction of the constitution and the administration of the government, a note which the former made in his diary, about ten days afterwards, shows that it amounted, as a difference of opinion too often does, to personal distrust and ill will. He states that about the latter end of the preceding November, Colonel Hamilton had induced the French minister, Ternant, to enter into a discussion with Mr. Jefferson towards a commercial treaty, though he had re-

ceived no instructions from his government on the subject, and further prevailed on the president to join in the proposal, to which Mr. Jefferson objected, as it would be binding on us and not on them; but that he finally acquiesced, and prepared the project of a treaty, which rated the duties as they then stood. To this plan Hamilton objected, and prepared a higher tariff of duties. Mr. Jefferson supposed that this course was adopted with the French minister in order that Hammond, the British minister, who in like manner had no power to form a treaty, might be enabled to have a similar discussion. Regarding this as a snare, he opposed it warmly, and succeeded in resisting it, against the wish both of Hamilton and the president. "His scheme evidently was," says Mr. Jefferson, "to get us engaged first with Ternant, merely that he might have a pretext to engage us on the same ground with Hammond, taking care at the same time, by an extravagant tariff, to render it impossible we should come to any conclusion with Ternant; probably meaning at the same time to propose terms so favourable to Great Britain as would attach us to that country by treaty." On one of those occasions he had asserted that our commerce with Great Britain and her colonies was on a much more favourable footing than with France and her colonies, and it was this assertion which suggested to Mr. Jefferson to prepare the comparative view which has been noticed. He at the same time expresses his opinion that Hamilton communicated to Hammond all the views of our cabinet, and "knew from him in return the views of the British court." He then mentions two facts that he thinks prove this confidential intercourse, and although they form some presumptive evidence that these gentlemen thus acted in concert, yet they will hardly be considered as amounting to proof of a gross violation of propriety, not to say of fidelity, on the part of one whose character has always been deemed fair and honourable, even by those who deprecated his politics.

These criminations and suspicions which our leading politicians of both parties entertained of their opponents, are regarded with no pleasure, whether they are credited or not. If we assent to them, we think worse of the party accused; and if we

discredit them, we think worse of the accuser. In either case they tend to weaken our confidence in the purity and integrity of our public men, and make us consider all professions of patriotism as hollow and interested. Even where they are neither implicitly received nor rejected, they leave the mind in a comfortless state of doubt and uncertainty, not only as to the characters of individuals, but also as to the truth of history. At the same time we may draw from them this salutary lesson, that where we see illiberal jealousies and unfounded suspicions attach to those in whom our own confidence is unshaken, we may learn to question the correctness of those sentiments of distrust with which our party or ourselves chance to view our political adversaries. The great parties in the United States had abundant opportunities of applying this test of their own accuracy in judging of public men; for the leaders of both were unhesitatingly accused, and by many believed too, to sacrifice the interest of their own country to that of another—of England or France especially; and that confidence in their uprightness, which treats the accusations made against one party as groundless, in spite of wide spread suspicions and plausible shows of evidence, should be sufficient, in the scales of even-handed justice, to ensure the acquittal of the other; for in both there has been the same presumptive evidence of guilt, and the same countervailing testimony of innocence.

It must also be admitted that, after giving all due credit to the patriotism and fidelity of public men, it does happen that in the violent collisions of personal and party strife, the desire of humbling our adversaries and effecting our own triumph may sometimes make us overlook the public interest, and under false semblances of right, sacrifice the interests of our country to that of some other. Thus, one party believing they saw the dearest political interests of the United States connected with the success of France, and the other seeing in the same success nothing but danger to the authority of law and order, persuaded themselves that, provided this great object of their wishes were attained, minor considerations should be overlooked. Upon this principle Mr. Hamilton may have been willing to cede some

small advantage of trade or privilege, to the paramount benefit of an alliance with Great Britain; just as his political opponents were willing to sacrifice the profits of neutrality to the interests of France, which they honestly believed to be the interests of civil freedom.

It must not be supposed that Mr. Jefferson's time and thoughts were engrossed by these party and personal contests. He was now called upon to vindicate the rights and dignity of his country in a long and laborious correspondence, first with the minister of Great Britain, and then with that of France, and which continued to occupy him during the whole time he remained in office. Distinguished for ability as the diplomatic correspondence of this country generally has been, there is no part of it that has been so extolled, both for style and argument, or has given such satisfaction to all parties, as that which was carried on by Mr. Jefferson with Mr. Hammond and Mr. Genet.

Great Britain had at length decided on sending a minister to the United States, and Mr. Hammond, the gentleman who filled this station, had arrived in August, 1791. One of his first official acts was to complain of a recent decision by the supreme court of judicature of Massachusetts, in the case of Thomas Pagan, a British subject, who had been the agent for a privateer.

This privateer had, at the close of the war, captured an American vessel, which had been adjudged a lawful prize in one of the courts of vice admiralty. After the peace, Pagan had been sued in Massachusetts for the value of this vessel. While the question of prize or no prize was depending before the lords of appeals in England, a judgment had been obtained here, and, on an execution against Pagan, he was put in prison, where he was then confined. In answer to this application, Mr. Jefferson informed Mr. Hammond that the supreme court of the United States was open to an application for a writ of error in behalf of Mr. Pagan, to revise the judgment of the court of Massachusetts, and that on such application the court would do what was right. On further inquiry it appeared that Pagan had not taken the legal steps to obtain a writ of error, and it

was the opinion of the attorney-general that the merits of the case were against him, if he had. Accordingly, in April following, Mr. Jefferson stated these facts to Mr. Hammond, sent him a copy of the attorney-general's opinion, and expressed the hope that he was satisfied with the course of the government, as evincing "the most scrupulous disposition to patronise and effectuate Pagan's right, had right been on his side."

In Mr. Jefferson's answer to Mr. Hammond in the preceding case, the old subject of a commercial treaty was again pressed on his notice; and Mr. Hammond having immediately declared that he was fully authorized to enter into a negotiation, Mr. Jefferson replied, on the 13th December, that he was "ready to receive a communication of Mr. Hammond's full powers, and proceed immediately to their object."

Our government had received information that a Mr. Bowles had recently arrived from England in the country of the Creek Indians, whom he had endeavoured to excite to war against the United States, and that he pretended to be employed by the British government. On the 12th December, 1791, Mr. Jefferson mentioned this affair to Mr. Hammond, and at the same time informed him that Bowles's pretensions were not credited by the American government. On the 29th March, 1792, Mr. Hammond informed Mr. Jefferson that Bowles was an unauthorized impostor. The latter remarked in his reply, that "the promptitude of the disavowal of what their candour had forbidden them to credit, was a new proof of their friendly dispositions, and a fresh incitement to both parties to cherish corresponding sentiments."

But it was not long before the discussions between these ministers were directed to matters of far greater importance, and which, for the sake of presenting the reader with a connected view of it, will now be continued into the following year.

It happened in this diplomatic discussion, as in most others, that each party urged causes of complaint against the other, and was of course called upon to perform the office of defence as well as of crimination.

The grounds of complaint on the part of the United States

were the following: that fortifications within our territory had not been given up, in conformity with the general stipulation in the 7th article of the treaty of peace—these posts were partly on the great lakes, and partly on Champlain and the St. Lawrence, and in the latter end of 1791 were eight in number; that British officers had exercised a jurisdiction over the country and its inhabitants in the neighbourhood of these forts; that they had excluded American citizens from the navigation of the rivers and lakes which constitute the stipulated boundary between the two countries, by reason of which the United States lost not only the benefit of the fur trade with the Indians, but the means of preserving peace with some of the tribes.

They complained also that many negroes, the property of citizens of the United States, had been carried off, in contravention of the same article. That the river St. Croix, the stipulated boundary between the United States and Canada, is not that which the British have contended for, there being two rivers of that name.

On the part of Great Britain it was insisted, that the treaty stipulations contained in the 4th, 5th, and 6th articles of the same treaty had not been complied with by the United States.

These articles stipulated that creditors in either nation should meet with no legal impediments to the recovery of their debts; that congress should recommend to the legislatures of the several states, to make restitution of all property of British subjects which had been confiscated during the war; that there should be no future confiscations, and no persecutions against persons for having borne arms during the late war; none of which stipulations, it was asserted, had been fully complied with.

In December, 1791, Mr. Jefferson stated to Mr. Hammond the grounds of complaint on the part of the United States, specifying the forts which were retained, and the negroes that had been carrried off by the British forces, contrary to the 7th article of the treaty of peace.

In March following, Mr. Hammond, who had previously justified this non-execution of the treaty on the part of Great Britain by the failure of the United States, specifies the following

cases of infractions of the 4th, 5th, and 6th articles of the treaty:

That the states had not repealed the laws against those who had an interest in confiscated lands, which had been passed before the pacification.

That they had enacted laws, since that time, in contravention of the treaty.

That British creditors had been obstructed in the recovery of their debts, by regulations which enabled creditors to tender property in discharge of those debts; by paper money, which had been made a legal tender, at its nominal value; and by the decision in some of the states, that subjects of Great Britain, being aliens, could not hold real estate: that in some of the state courts decisions had taken place which reduced the amount of British debts, in violation of the terms of the original contracts, and some had positively refused to take cognisance of suits instituted for the recovery of those debts. Facts were cited by the minister in proof of all these charges.

The laws enacted since the treaty in violation of it, were such as related to the estates of the loyalists, or such as obstructed the recovery of debts due to British subjects; of which he mentions various examples by the laws of the several states.

On the 29th of May, 1792, Mr. Jefferson gave a full and elaborate answer to all the infractions of the treaty alleged by Mr. Hammond, which he considers under the three heads of—1. Exile and confiscation. 2. Debts. 3. Interest on those debts.

Mr. Jefferson shows that Mr. Hammond had given a force to the word "*recommend*" used in the treaty which did not belong to it, when he considers that it implies a power of enforcing it, and in proof of this he refers to the understanding of the negotiators; to the sense of the British ministry; and of members of both houses of parliament: that according to this obvious and admitted sense, congress had fairly complied with the stipulalation; and that all of the states, except one, had complied with the recommendation. He examined in detail the legislative acts of the several states, and showed that wherever they concerned confiscations, they were all passed before the pacification.

In answer to the complaint that the British government had been compelled to pay four millions sterling to the loyalists, by way of indemnity, Mr. Jefferson stated that no indemnification had been expected from us by Mr. Oswald; but that on the contrary, *we* had a claim of indemnification to a much larger amount. He intimates that the sum paid was, as it had appeared in America, not merely for losses, but for services, and on other considerations: that we have borne our own losses, and that Great Britain was the gainer by choosing the alternative of indemnifying her own sufferers, rather than ours.

On the subject of *debts*, he notices the negroes who were carried away, and urged that on the fulfilment of this article depended the means of paying the debts: that the forts which were to have been delivered up *with all convenient speed*, might easily have been surrendered by the end of May, 1783; yet no order had ever been given in England for their evacuation. The effect of this delay was, first, to cut us off from the fur trade; and secondly, it excluded us from all friendly connexion with the north-western Indians, by reason whereof we were involved in constant and expensive wars, and which nothing but our possession of the forts would terminate. The treaty was therefore violated in England before it was known in America, and that, too, in stipulations so essential, that without them it would never have been concluded. The United States, then, had their election to consider the treaty dissolved, or to compensate itself by withholding execution of equivalent articles.

He reviews the proceedings in some of the states which threw impediments in the way of recovering British debts, and shows that they were justified by the previous infractions of Great Britain; and that some of them expressly assigned these infractions as the ground of their procedures: he alleges that they admit of a yet further defence, which he makes for the three species of injury to creditors complained of under this head. These were, 1. Delay of judgment. 2. Liberating the body of the debtor on the delivery of property. 3. Admitting executions to be discharged in paper money; to all of which expe-

dients they were justified by the peculiar difficulties of their situation.

He insists that although the treaty was first broken by Great Britain, and she was bound to comply with her engagements before she exacted compliance of the United States, yet on the British minister's declaring to Mr. Adams that "whenever America shall manifest a real intention to fulfil her part of the treaty, Great Britain would co-operate for carrying every article into real and complete effect," Congress immediately wrote, in May, 1786, to the governors of the states, to know how far they had complied with the proclamation of January, 1784, and the recommendation accompanying it; and they addressed a circular to the several states, earnestly urging them by the strongest considerations of duty and policy to an exact compliance with the treaty: that nine of the states immediately complied with the request: of the rest, New Jersey, Pennsylvania, and Georgia had no law existing conflicting with the treaty; and though South Carolina had a law which subjected all persons to certain conditions of recovery and payment, it made no distinction between aliens and citizens.

He vindicates the judicatures of the states from the sweeping charge made against them by Mr. Hammond, and rests his vindication on certificates from eminent citizens, (senators and representatives of those states.) He alleges that the courts are open and accessible to British creditors in all the states, who are in the constant practice of sueing for, and recovering those debts.

In reply to the contrast which Mr. Hammond draws between the courts of Great Britain and the United States, several cases are cited to show that our citizens have cause of complaint on this head. "These cases," he adds, "appear strong. If your judges have done wrong in them, we expect redress: if right, we expect explanations."

The subject of interest he discusses with the accuracy and laborious research of a practised jurist.

In the first place, he maintains that the administration of justice is a branch of the sovereignty over a country, and no

foreign power can pretend to share in its jurisdiction. The errors of the highest courts must therefore be submitted to, as to one of the inconveniences flowing from the imperfection of our faculties, unless the error be so clear and palpable as to indicate intentional wrong.

He shows that the refusal to pay interest rests upon reasons which not only indicate the integrity of the judges, but even their legal science, if that were necessary. The nature of interest is then thoroughly examined, the principles upon which it has been allowed or refused, and the diversity of those principles. He avers that the states have been uniform in the allowance of interest *before* and *since* the war, but not for that claimed *during* the war, except in Massachusetts and in Pennsylvania, where the creditor or his agent was in the country: And that in 1790, the Circuit Court of the United States determined that interest should be allowed even during the war.

On the 2nd of June Mr. Hammond acknowledged the receipt of the preceding letter, suggested that from the matter being so various and extensive, much time must elapse before he could reply to it. In the mean while he remarks, that some of the principles advanced do not appear to him relevant to the subject under discussion, and that the difference between them, as to positive facts, is so great, that he should feel it a duty to his character to corroborate them by additional testimony, and thus remove the imputation of either negligence or intentional misrepresentation.

The correspondence on this subject then remained suspended until June 19, 1793, when Mr. Jefferson wrote to Mr. Hammond to inquire when he might expect an answer from him, remarking that "the interest the United States had in the western posts, the blood and treasure which their detention costs us daily, cannot but produce a correspondent anxiety" on the part of the United States.

On the following day, Mr. Hammond replied, that Mr. Jefferson's letter had been forwarded to his government, soon after he received it, and he had since been informed that it would be immediately taken into consideration; but he presumed, the

important events which had since occurred in Europe, had so engrossed the attention of his majesty's ministers, as to have diverted them from objects deemed less urgent. He promises to give the earliest notice of his majesty's pleasure, especially, as he is now prepared with evidence to substantiate most of the principal facts formerly stated by him.

He adverts to the expression in Mr. Jefferson's letter, concerning "the blood and treasure," which the detention of the posts cost the United States, remarking, that he could not easily conjecture the motives in which this declaration had originated; adds, that he would not imagine the expression meant to insinuate, that the Governor of Canada had departed from the strict neutrality his government had professed between the United States and the Indians; and concludes, that he feels as much anxiety to see the treaty of peace carried into full execution, as the United States can be, as he is constanly receiving assurances from British creditors, that they are unable to procure legal redress in *any* of the courts, in one or two of the southern states.

Mr. Jefferson, on the 19th of November, renewed his inquiry whether the government of the United States could then receive an answer to his letter of the 29th of May, 1792, on the unexecuted articles of the treaty, to which inquiry Mr. Hammond replied, that the causes of delay already mentioned by him, still continued; and this closed the correspondence concerning the treaty of peace.

The post-office being now established and regulated by law, Mr. Jefferson, considering it as an appendage to the Department of State, wrote, on the 28th of March, with the president's consent, to Mr. Pickering, the postmaster-general, to know if the post, which was then carried at the rate of 50 miles a day, could not be expedited to 100 miles.*

* This rate, which was then the ultimatum aimed at, and the practicability of which was then doubted, would now be regarded as insufferably slow on the great post roads. According to the proposed rate, the mail would require about six days to travel from Boston to Richmond, but it now travels the same distance in less than three days. On some

In consequence of the suggestion of the preceding year from Governor Pinckney of South Carolina, the plan of a convention with Spain was prepared by Mr. Jefferson, by which each nation was to surrender up to the other its fugitives from justice, and the same was transmitted to Messrs. Carmichael and Short, at that time joint commissioners to Spain.

According to this convention, persons charged with murder not amounting to treason in one country, and fleeing to the other, might, by order of a court, be given up. Debtors fleeing in the same way might be sued in the country in which they were found, and the same advantage was given to the representatives of the creditor against the representatives of the debtor: but in all cases of debt, the person of the debtor was not to be liable to imprisonment.

To this document he subjoins some general considerations, which recommended that such conventions should confine themselves to the limited objects provided for in the above *projet*, and which indicate an equal attention to the duties of prudence and humanity.

On the 31st of March, the question of the right of representatives to call directly on the heads of departments for information, instead of asking it through the president, was discussed in the cabinet, in consequence of an application from a committee of the house to the Secretary of War, for papers relative to the late unfortunate expedition under General St. Clair. It was then unanimously agreed in the cabinet. 1. That the House was an inquest, and might institute inquiries. 2. That it might call for papers generally. 3. That the executive ought to communicate such papers as the public good would permit, and only such. 4. That neither a committee nor the house had a right to call on the head of a department, who and whose papers were under the president alone; but that the application should be made through the president.

of the post routes the mail is now transported by steam more than 250 miles in twenty-four hours, which is at five times its rate of transportation at that time.

It is by such comparisons as these, that we can be made sensible of the prodigious improvement which our country has experienced, from the united effect of its own energies and the spirit of the age.

To this last point Hamilton dissented, so far as concerned his own department, which was made especially subject to Congress in some respects, but he thought that he was not obliged to produce all the papers called for. The impression made upon Mr. Jefferson's mind, was, that "he endeavoured to place himself subject to the house, when the executive should propose what he did not like, and subject to the executive, when the house should propose anything disagreeable."

The difficulty, on the present occasion, was removed by Mr. Jefferson's speaking separately with the members of the committee, and persuading them to adopt the course of instructing their chairman to move the house to address the president; which request was complied with, as there were no papers which they desired to withhold.

The government had now determined to redeem our captive citizens at Algiers, and to make peace with that power, by paying an annual tribute. The Senate approved of this course, but they wished the president to make the treaty, and either to take the money it would require from the treasury, or open a loan for it. They were unwilling to consult the representatives on the subject, lest it should establish an inconvenient precedent, and enable the house to share in the treaty making power, which the constitution had confided to the president and senate. They feared, moreover, that if a particular sum were voted by the house, it would not be a secret. The president did not come into their views. But he agreed to enter into a provisional treaty, not to be binding until ratified here. Mr. Jefferson, with his habitual vigilance in behalf of the popular branch, having suggested that the president should withhold his seal from the treaty, after the Senate had advised its ratification, until the two houses voted the money, General Washington inquired whether a treaty stipulating the payment of money, and ratified by him, with the advice of the Senate, would not be obligatory on the representatives. Mr. Jefferson answered that it would, and that it would be the duty of the representatives to provide the money, but they might decline to do what was their duty, and thus he might be involved in embarrassment with a foreign government. It was possible, too,

he added, to conceive a treaty, which they were not bound to provide for.

The president then remarked, that "he did not like throwing too much into democratic hands, for that if they did not do what the constitution called on them to do, the government would be at an end, and must *then assume another form.* He stopped here; and Mr. Jefferson remarks:—"I kept silence, to see whether he would say any thing more in the same line, or add any qualifying expression to soften what he had said; but he did neither." Whatever might be the species of other form to which General Washington here alluded, it appears from the same testimony —his own declaration at the time—that he did not wish it, as he was unwilling, by increasing the power of the democratic branch, to increase the danger to which he believed the constitution was most exposed.

The course recommended on this occasion seems to be dictated by prudence, and, as he remarks, there appeared to be as much reason for consulting the representatives about a treaty, when their aid was necessary to carry it into operation, as of consulting the senate, because their concurrence was necessary to its ratification; and the executive were then regularly in the practice of doing this.

The celebrated Paul Jones was appointed a commissioner for treating with the Dey of Algiers, on the subject of peace and the ransoming of American captives; and he was informed of the appointment by Mr. Jefferson, on the 1st of June. The captives were thirteen in number, and Jones was limited to the sum of $27,000 for their redemption, including all incidental charges. Among these captives was the well-known Commodore O'Bryan, who was afterwards employed by the government in its negotiations with Algiers. When the ransom of these captives was first talked of, it was supposed it could be effected for about $200 each; but it had now increased to ten times that amount. The government had been anxious to establish the rate of ransom as low as possible, lest these piratical states should be tempted to go in quest of American captives in preference to those of other countries; and thus its regard to the interests of our seamen, generally, compelled it to take a course,

which subjected it to the imputation of cold indifference to that portion of them who were already in captivity. The annual tribute for which the consul was authorized to stipulate, as the price of peace, was limited to $25,000.

This letter, however, never reached its address. It was sent by Mr. Pinckney, recently appointed minister to Great Britain, and he did not arrive in England until the last of July, some days after Jones' death.* He died at Paris on the 18th of July, 1792, in abject poverty, and Mr. Gouverneur Morris, the American minister, whom he sent for in his last moments, made his will. A pompous funeral having been proposed to Mr. Morris by some Americans at Paris, and he having resisted the application, on account of the expense, which he considered he had no right to impose on his government, he was censured at home for this seeming indifference to the memory of one who had rendered eminent public service to the United States.†

As the mint which had been established at the late session of Congress, was considered at that day to be within the province of the state department, Mr. Jefferson took steps to provide the necessary artists and workmen from Europe, through Mr. Pinckney.

*Mr. Jefferson had taken the precaution to request Mr. Pinckney to confide the papers and commission for "Admiral Jones" to Mr. Thomas Barclay, then consul at Morocco, in case Jones should be prevented from acting by death or other cause; and the business assigned to him, was finally transacted by Barclay.

†Mr. Morris thus notices the censure, in a letter to a friend in America:—"It is somewhat singular that he who detested the French Revolution and all those concerned in it, should have been followed to the grave by a deputation from the National Assembly; and that I should read in your Gazettes something like a very severe reflection on me for not paying him due respect; I, who, during his life, rendered him all possible service, and possessed his confidence to the last, so that he wished to name me with you for executor."—*Life of G. Morris*, I. 377.

If, however, the fact be truly stated by Dodley's Annual Register, in its obituary notice of Paul Jones, that "Colonel Blackden was obliged to raise a small sum, by way of subscription, in order to bury him," the censure would not seem to be altogether unmerited. He who had done more than any other individual to sustain the honour of the American flag at sea, and whose services had been deemed, by an unanimous vote of Congress, (Oct. 16, 1787,) "worthy of a gold medal," though he were suffered to live in penury, might at least have been buried at the public expense.

CHAPTER XVI.

Mr. Jefferson addresses a long letter to the President. His views of the state of parties. His various arguments why the President should serve a second term. Conversation between them on the subject of this letter. Their respective opinions on the Assumption, Bank, and Excise. Further conversation—the supposed predilections for Monarchy—influence of the Treasury Department. Commissioners from Spain. Discussion in the Cabinet. Disagreement as to Foreign Connexions. Relations with France. Party Dissentions. References to the Secretary of the Treasury—his plan of reducing the Public Debt—proposes to pay the debt to the Bank in advance. Further Assumption of State Debts. Mr. Giles's Resolutions against the Secretary of the Treasury. Proceedings thereon. Views of the two Parties. Conversation with the President on his Levees. Right of the United States to cede Territory, discussed in the Cabinet.

1792—1793.

Congress had adjourned on the 8th of May, and the president having soon after left Philadelphia for Mount Vernon, Mr. Jefferson addressed to him a long letter, in which his consent to a re-election was strongly urged. As this letter, never before published, is a refutation of the charge so often reiterated by his enemies, of comprehending General Washington in his suspicions and criminations of the federalists, is highly honourable both to his frankness and patriotism, and breathes an eloquent earnestness, which only strong feeling could have inspired, it is here given entire.

Philadelphia, May 23, 1792.

Dear Sir,

"I have determined to make the subject of a letter what has

for some time past been a subject of inquietude to my mind, without having found a good occasion of disburthening itself to you in conversation, during the busy scenes which occupied you here. Perhaps, too, you may be able, in your present situation, or on the road, to give it more time and reflection than you could do here at any moment.

"When you first mentioned to me your purpose of retiring from the government, though I felt all the magnitude of the event, I was, in a considerable degree, silent. I knew, that to such a mind as yours, persuasion was idle and impertinent; that, before forming your decision, you had weighed all the reasons for and against the measure; had made up your mind on a full view of them, and that there could be little hope of changing the result. Pursuing my reflections, too, I knew we were some day to try to walk alone, and if the essay should be made while you should be alive and looking on, we should derive confidence from that circumstance, and resource if it failed. The public mind, too, was then calm and content, and, therefore, in a favourable state for making the experiment. Had no change of circumstances supervened, I should not, with any hope of success, have now ventured to propose to you a change of purpose. But the public mind is no longer so confident and serene; and that from causes in which you are no ways personally mixed. Though these causes have been hackneyed in the public papers in detail, it may not be amiss, in order to elucidate the effect they are capable of producing, to take a view of them in the mass; giving to each the form, real or imaginary, under which they have presented it.

"It has been urged then, that a public debt, greater than we can possibly pay before other causes of adding new debt to it will occur, has been artificially created, by adding together the whole amount of the debtor and creditor sides of the accounts, instead of taking only their balances, which could have been paid off in a short time. That this accumulation of debt has taken for ever out of our power those easy sources of revenue, which, applied to the ordinary necessities and exigencies of government, would have answered them habitually, and

covered us from habitual murmurings against taxes and tax-gatherers, reserving extraordinary calls for those extraordinary occasions which would animate the people to meet them: that though the calls for money have been no greater than we must generally expect for the same, or equivalent exigencies, yet we are already obliged to strain the *impost* till it produces clamour, and will produce evasion and war on our cities to collect it; and even to resort to an *excise* law, of odious character with the people, partial in its operation, unproductive, unless enforced by arbitrary and vexatious means, and committing the authority of the government in parts where resistance is most probable, and coercion least practicable. They cite propositions in Congress, and suspect other projects on foot, still to increase the mass of debt. They say that by borrowing, at two-thirds of the interest, we might have paid off the principal in two-thirds of the time; but that from this we are precluded by its being made irredeemable but in small portions and long terms; that this irredeemable quality was given it for the avowed purpose of inviting its transfer to foreign countries. They predict that this transfer of the principal, when completed, will occasion an exportation of three millions of dollars annually for the interest—a drain of coin, of which, as there has been no example, no calculation can be made of its consequences; that the banishment of our coin will be completed by the creation of ten millions of paper money, in the form of bank bills, now issuing into circulation. They think the ten or twelve per cent. annual profit, paid to the lenders of this paper medium, taken out of the pockets of the people, who would have had, without interest, the coin it is banishing; that all the capital employed in paper speculation, is barren and useless; producing, like that on a gaming table, no accession to itself; and is withdrawn from commerce and agriculture, where it would have produced addition to the common mass; that it nourishes in our citizens habits of vice and idleness, instead of industry and morality; that it has furnished effectual means of corrupting such portion of the legislature as turns the balance between the honest voters, which ever way it is directed; that the corrupt squadron, de-

ciding the voice of the legislature, have manifested their dispositions to get rid of the limitations imposed by the constitution on the general legislature; limitations, on the faith of which, the states acceded to the instrument; that the ultimate object of all this is to prepare the way for a change from the present republican form of government to that of a monarchy, of which the English constitution is to be the model: that this was contemplated in the convention, is no secret, because its partisans made none of it. To effect it then was impracticable, but they are still eager after their object, and are predisposing every thing for its ultimate attainment. So many of them have got into the legislature, that, aided by the corrupt squadron of paper-dealers, who are at their devotion, they make a majority in both houses. The republican party, who wish to preserve the government in its present form, are fewer in number—they are fewer even when joined by the two or three, or half dozen anti-federalists, who, though they dare not avow it, are still opposed to any general government, but being less so to a republican than to a monarchical one, they naturally join those whom they think pursuing the lesser evil.

"Of all the mischiefs objected to the system of measures before mentioned, none is so affecting and fatal to every honest hope, as the corruption of the legislature: as it was the earliest of these measures, it became the instrument for producing the rest, and will be the instrument for producing in future a king, lords, and commons, or whatever else those who direct it may choose. Withdrawn such a distance from the eye of their constituents, and those so dispersed as to be inaccessible to public information, and particularly to that of the conduct of their own representatives, they will form the most corrupt government on earth, if the means of the corruption be not prevented. The only hope of safety hangs now on the numerous representation which is to come forward the ensuing year. Some of the new members will probably be, in principle or interest, with the present majority; but it is expected that the great mass will form an accession to the republican party. They will not be able to undo all which the two preceding legislatures, and

especially the first, have done. Public faith and right will oppose this. But some parts of the system may be rightfully reformed; a liberation from the rest unremittingly pursued, as fast as right will permit, and the door shut in future against similar commitments of the nation. Should the next legislature take this course, it will draw upon them the whole monarchical and paper interest. But the latter, I think, will not go all lengths with the former; because creditors will never, of their own accord, fly off entirely from their debtors. Therefore, this is the alternative least likely to produce convulsion. But, should the majority of the new members be still in the same principles with the present, and show that we have nothing to expect but a continuance of the same practices, it is not easy to conjecture what would be the result, nor what means would be resorted to, for correction of the evils. True wisdom would direct that they should be temperate and peaceable; but the division of sentiment and interest happens unfortunately to be so geographical, that no mortal can say that what is most wise and temperate would prevail against what is more easy and obvious.

"I can scarcely contemplate a more incalculable evil than the breaking of the Union into two or more parts; yet, when we view the mass which opposed the original coalescence; when we consider that it lay chiefly in the Southern quarter; that the legislature have availed themselves of no occasion of allaying it, but, on the contrary, whenever Northern and Southern prejudices have come into conflict, the latter have been sacrificed, and the former soothed; that the owners of the debt are in the Southern, and the holders of it in the Northern division; that the anti-federal champions are now strengthened in argument by the fulfilment of their predictions; that this has been brought about by the *monarchical* federalists themselves, who, having been for the new government merely as a stepping stone to monarchy, have themselves adopted the very construction of the constitution, of which, when advocating its acceptance before the tribunal of the people, they declared it unsusceptible; that the *republican* federalists, who espoused the same

government for its intrinsic merits, are disarmed of their weapons—that which they denied as prophecy having become true history: who can be sure that these things may not proselyte the small number which was wanting to place the majority on the other side? And this is the event at which I tremble, and to prevent which, I consider your continuance at the head of affairs as of the last importance. The confidence of the whole nation is centred in you. You being at the helm will be more than an answer to every argument which can be used to alarm and lead the people, in any quarter, into violence or secession. North and South will hang together, if they have you to hang on; and if the first corrective of a numerous representation should fail in its effect, your presence will give time for trying others not inconsistent with the union and peace of the states.

"I am perfectly aware of the oppression under which your present office lays your mind, and of the ardour with which you pant for retirement to domestic life; but there is sometimes an eminence of character on which society has such peculiar claims, as to control the predilections of the individual for a particular walk of happiness, and restrain him to that alone arising from the present and future benedictions of mankind. This seems to be your condition, and the law imposed on you by Providence in forming your character, and fashioning the events on which it was to operate; and it is to motives like these, and not to personal anxieties of mine or others, who have no right to call on you for sacrifices, that I appeal from your former determination, and urge a revisal of it, on the ground of change in the aspect of things. Should an honest majority result from the new and enlarged representation; should those acquiesce whose principles or interests they may control, your wishes for retirement would be gratified with less danger, as soon as that shall be manifest, without awaiting the completion of the second period of four years. One or two sessions will determine the crisis, and I cannot but hope that you can resolve to add one or two more to the many years you have already sacrificed to the good of mankind.

"The fear of suspicion that any selfish motive of continuance in office may enter into this solicitation on my part, obliges me

to declare that no such motive exists. It is a thing of mere indifference to the public, whether I retain or relinquish my purpose of closing my tour with the first periodical renovation of the government. I know my own measure too well to suppose that my services contribute any thing to the public confidence, or the public utility. Multitudes can fill the office in which you have been pleased to place me, as much to their advantage and satisfaction. I, therefore, have no motive to consult but my own inclination, which is bent irresistibly on the tranquil enjoyment of my family, my farm, and my books. I should repose among them, it is true, in far greater security, if I were to know that you remained at the watch, and I hope it will be so. To the inducements urged from a view of our domestic affairs, I will add a bare mention of what need only be mentioned, that weighty motives for your continuance are to be found in our foreign affairs. I think it probable that both the Spanish and English negotiations, if not complete before your purpose is known, will be suspended from the moment it is known; and that the latter nation will then use double diligence in fomenting the Indian war. With my wishes for the future, I shall at the same time express my gratitude for the past—at least my portion of it; and beg permission to follow you, whether in public or private life, with those sentiments of sincere attachment and respect with which I am unalterably,

"Dear sir, your affectionate friend and humble servant,

"THOMAS JEFFERSON."

The president having left Mount Vernon before Mr. Jefferson's letter of the 23d of May reached that place, it had followed him to Philadelphia. He mentioned the fact to Mr. Jefferson, and proposed to have a conversation with him on the subject of his retirement; and one accordingly took place, early in July. He there went over the same ground as at their conference in February, relative to his motives, first, for accepting the office of president, and then for continuing in it, and to his anxiety to withdraw from public life; said, however, that he would conquer his desire for retirement, if he believed the apprehensions of

danger were well founded; but that he thought the "suspicions against a particular party had been carried a great deal too far; there might be *desires*, but he did not believe there were *designs* to change the form of government into a monarchy; that there might be a few who wished it in the higher walks of life, particularly in the great cities; but that the main body of the people in the Eastern states were as steadily for republicanism as in the Southern:" that "the pieces lately published, and particularly in Freneau's paper, seemed to have in view the exciting opposition to the government," and that it had been successful in Pennsylvania, as to the excise laws: "that they tended to produce a separation of the Union, the most dreadful of all calamities, and that whatever tended to produce anarchy, tended, of course, to produce a resort to monarchical government. He considered those papers as attacking him directly, for he must be a fool indeed to swallow the little sugar plums here and there thrown out to him: that in condemning the administration, they condemned him, for, if they thought the measures pursued contrary to his sentiments, they must conceive him too careless to attend to them, or too stupid to understand them; that though he had signed many acts which he did not approve in all their parts, he had never put his name to one which he did not think, on the whole, was eligible: that, as to the bank, which had been the object of so much complaint, until there was some infallible criterion of reason, a difference of opinion must be tolerated." He added that, from what he had heard and seen in his late journey, he did not believe the discontents extended far from the seat of government; but he wished to be better informed on this head, as if they were more extensive than he supposed, the desire for him to remain at the head of the government might not be general.

Mr. Jefferson's observations tended principally to enforce the topics of his letter. He said that the two great complaints were, that the national debt was unnecessarily increased, and that it had furnished the means of corrupting both branches of the legislature, as it was notorious to all that there was a considerable squadron in both, whose votes were devoted to the

paper and stock-jobbing interest: that, on examining their votes, they would be found in favour of every treasury measure, and as most of these measures had been carried by small majorities, they had been carried by these very votes: that, therefore, it was a just cause of uneasiness when we thus saw members legislating for their own interests, in opposition to those of the people. On the subject of the corruption he was silent, but he defended the assumption, and argued that it had not increased the public debt, for that all of it was honest debt. He regarded the excise law as one of the best which could be passed, as nobody would pay the tax who did not choose to pay it. Mr. Jefferson replied that the objection to the increase of the debt by the assumption, was, that it "increased the debt of the general government, and carried it beyond the possibility of payment: that if the balances had been settled, and the debtor states directed to pay their deficiencies to the creditor states, they would have done it easily, by resources of taxation in their power, and acceptable to the people—by a direct tax in the South and an excise in the North:" to which General Washington replied, that the money would still be paid by the people.

Whatever may be thought of the course of policy which had been pursued, and which it is probable men will approve or condemn, according as they think our complex system of government most inclines to consolidation or disunion, we can now perceive errors in the reasoning of both parties on this occasion. Thus, while General Washington justly insisted that the money was paid by the people, whether it was levied by the states or the general government; and that it made no difference to the national wealth whether it was paid one way or the other; yet there might be a great difference in the *means* they severally possessed of raising money by taxes, and the people might have endured a degree of taxation from the legislatures of their respective states, which their representatives in Congress could not have enforced, and would not have ventured on. So, although Mr. Jefferson was clearly right in maintaining that the public debt would have been sooner paid off, yet time has shown

that he was mistaken in supposing its final redemption impossible, since it is now discharged, though it was subsequently increased nearly twenty millions of dollars by the purchase of Louisiana and Florida, and seventy millions by the war with England. If Mr. Jefferson had not added to it by the Louisiana purchase, it would have been reduced more than half, during his own administration.

That the assumption of the debt brought an accession of strength to the administration among the members of congress there seems no room to doubt, but whether the government could not have got along without this temporary support, may be fairly questioned; and still more, whether the government did not lose by the discontent it immediately produced, and the subsequent complaint of the excise, more than it gained by the support of the fundholders; especially as this class would have sided with the government, if not before, certainly after the funding of the debt of the whole confederacy, and the establishment of the bank.

It may also be safely inferred that parties supporting and opposing the leading measures of the administration, would have arisen under any course that could have been pursued; and it is difficult to say whether they would have been more or less injurious than those which really existed. In this uncertainty of the remote tendency of measures, it is the safest for men, in public as well as private life, to do nothing which violates the principles of justice, truth, fair dealing, and fidelity to engagements, and to trust that these virtues will be in the main most productive of benefit to nations, as well as to individuals.

On the 9th of September, Mr. Jefferson wrote another letter to the President, then at Mount Vernon, on subjects altogether personal to himself. He first speaks of his own "interference with the concerns of the legislature for the first time," and says he was "duped into it by the Secretary of the Treasury, and made a tool for forwarding his schemes, not then sufficiently understood" by him; that of all the errors of his political life, this had occasioned him the deepest regret; and that it had ever been his purpose to explain this to General Washington, when,

"from being actors on the scene, they should become uninterested spectators only."

He thus proceeds to defend himself against some anonymous attacks in the newspapers, which he attributed to Hamilton:

"He charges me—1. With having written letters from Europe to my friends to oppose the present constitution, while depending. 2. With a desire of not paying the public debt. 3. With setting up a paper to decry and slander the government.

"The first charge is most false. I approved as much of the constitution as most persons, and more of it was disapproved by my accuser than by me, and of its parts most vitally republican. My objection to the constitution was the want of a bill of rights—Colonel Hamilton's, that it wanted a king and house of lords. The sense of America has approved my objection, and added the bill of rights, and not the king and lords. I wanted the presidential term longer and not renewable: "my country thought otherwise and I have acquiesced."—As to the public debt, he emphatically denies the charge, says he wishes "the debt paid off to-morrow: Colonel Hamilton, never; but always to remain in existence for him to manage and corrupt the legislature."

He next defends himself for giving Freneau, the poet, an appointment in his office: says he could safely declare that his expectations looked only to the chastisement of the aristocratical and monarchical writers, and not to any criticisms on the proceedings of the government: that Hamilton could see no motive for any appointment but that of making a convenient partisan, but that the president knew that talents and science were with him a sufficient recommendation. Freneau, as a man of genius, found a preference with him.

"Freneau and Fenno," he adds, "are rivals for the public favour: the one courts them by flattery, the other by censure; and I believe it will be admitted that the one has been as servile as the other severe. But is not the dignity, and even decency of government committed, when one of its ministers enlists himself as an anonymous writer or paragraphist, for either the

one or the other of them? And where the press is free, no one ever will. If virtuous, he need not fear the fair operation of attack and defence. Nature has given to man no other means of sifting the truth, either in religion, law, or politics. I think it as honourable to the government neither to know nor to notice sycophants or censors, as it would be undignified and criminal to pamper the former and persecute the latter."

Few acts of Mr. Jefferson have been a more frequent theme of party obloquy than his employment of this editor, as a clerk in the state department; and as the paper openly and warmly condemned some of the leading measures of the administration while he was a member of it, on the ground of their anti-republican tendency, he has been charged not only with a want of courtesy to his associates, but with a breach of moral duty, in thus giving the paper his countenance and support. But against no aspersion of his enemies is his vindication more easy. On the public measures thus condemned, his opinions were known, in the cabinet and out of it, to be diametrically opposite to those of Mr. Hamilton, their chief adviser; and while the press was made to assail him, his opinions, and motives, he surely had a right to use the same weapon in their defence. But further: according to his views of the interests of the country, and of the object and tendency of Hamilton's policy, it was not only his right, but his duty, to endeavour to operate upon public opinion, which was to be the final arbiter between. In availing himself of this auxiliary, he seems never to have transcended the bounds of legitimate warfare. He practised no concealment either of his principles or of his patronage of Freneau; he betrayed no confidence; he countenanced no doctrines in that paper which he did not maintain every where else. It does not appear that he ever wrote for the paper, for that did not accord with his notions either of prudence or propriety; but had he done so, he might have defended himself by the example of his political antagonists. It must also be recollected that the political principles and measures of Hamilton and his adherents were the chief objects of attack in the National Gazette, while the president, who was never confounded with them, was

always treated with decorum and respect. In every aspect, then, the charge appears to be frivolous or unfounded.*

Mr. Jefferson records another conversation which he held with General Washington, at Mount Vernon, on the 1st of October, on his return to Philadelphia from Monticello. The president expressed his regret at Mr. Jefferson's intention of withdrawing from public life, especially so long as he himself continued in office; he remarked, that he was yet undecided whether to retire in March or not. That he earnestly wished to retire. That he was happy at home; and his presence was more than ever necessary, by the state of Major Washington's health. That he did not conceive his immediate agency necessary; that there were others who would do the business as well, or better: yet if his aid was thought necessary, he would make the sacrifice. That he reserved himself for a future decision, and had requested Mr. Lear to discover whether any other person was desired. This gentleman had informed him it was the universal wish that he should continue; and he believed that those who expressed a doubt of his continuance, did it in the language of apprehension, and not of desire. But this was only from the North: it might be very different in the South. Mr. Jefferson told him that as far as he knew, there was but one voice there, which was for his continuance. That as to himself, he had ever preferred the pursuits of private life. He then explained the circumstances which had first called him into public life, and had afterwards kept him there. That as to General Washington, his presence was important, as he alone possessed the general confidence; and the longer he remained, the stronger would become the habits of the people in obedience to the laws and attachment to the government: that every

* Mr. Jefferson had yet a further ground of vindication, had he needed it, though he never deigned to make use of it; and this was the fact, that the National Gazette was not set up by him, but by Mr. Madison and General Henry Lee, then Governor of Virginia, and afterwards so warm a federal partizan, for the double purpose of assisting Freneau, who had been their fellow collegian at Princeton, and of affording the public an opportunity of hearing the arguments of both the parties that then divided the country.

other person would be regarded merely as the head of a party. The president then expressed regret at the difference between Mr. Jefferson and Colonel Hamilton, which he had not thought amounted to a personal difference, and wished he could be a mediator between them: said that he was desirous of preserving the check of Mr. Jefferson's opinions, in the administration, in order to keep things in their proper channel: and that as to the scheme of transforming this government into a monarchy, he did not believe there were ten men in the United States, worthy of notice, who entertained such a thought.

Mr. Jefferson replied, that there "were more than he imagined." He recalled to his memory a dispute at his own table, between General Schuyler on one side, and Mr. Pinckney and Mr. Jefferson on the other, wherein the former maintained the opinion, that hereditary descent was "as likely to produce good magistrates as election."* He said that there was a numerous sect who had monarchy in contemplation, and the Secretary of the Treasury was one of them, of which he adduced evidence from his own declarations. That when we reflected that he had endeavoured in the convention to make an English constitution, and failing in that, when we saw all his measures tending to the same thing, it was natural to be jealous, particularly when we witnessed his influence in the legislature. That so long as the three great branches of power remained independent, there was no danger; but he could not but be uneasy, when he saw that the executive had swallowed up the legislative branch.

To this, the president rejoined, that an interested spirit in the legislature could not be avoided in any government, unless particular classes were excluded. Mr. Jefferson distinguished between the accidental schemes of self-interest and a regular system of forming a corps, who should be steadily under the

* This discussion is mentioned by Mr. Jefferson in a letter to Mr. Madison, of June 10, 1792, in which he remarks, that "he was not sorry to perceive that General Washington attended to the conversation, as it would corroborate the designs imputed to the leading federalists."

It was probably on this occasion that Mr. Jefferson, by way of throwing ridicule on the proposition maintained by General Schuyler, mentioned some college in Germany, in which there was an *hereditary Professor of Mathematics.*

orders of the treasury. General Washington then adverting to the funding system, said that experience alone could determine which opinion concerning it was right. That for himself, he had seen our affairs desperate and our credit lost, and that it was suddenly raised to the highest pitch. Mr. Jefferson said that nothing more was necessary to establish our credit than an efficient government, and an honest one, which would lay taxes for paying our debts, and then apply them. The president concluded by another exhortation to Mr. Jefferson, not to decide too positively on retirement.

Mr. Jefferson made a visit to Monticello in the autumn, and one of the first official acts after he returned to Philadelphia, was to complain to the Spanish government through our ministers, that the Creek Indians on our southern border, within the limits of Florida, had been incited to hostilities by the Baron de Carondelet, Governor of Louisiana, and had been liberally furnished by him with arms and ammunition. They were urged not only to punish this act of aggression, but also to propose mutual stipulations, that neither Spain nor the United States should have agents among the savages inhabiting the territory of either.

Soon after these instructions were written, two commissioners arrived from Spain, Messrs. Vier and Jaudenes, for the purpose of interposing in behalf of the Creeks, whom, it had been alleged, the United States had threatened with destruction during the current year. They proposed that the interests of both nations in this matter should be discussed in the negotiations about to be opened at Madrid.

Mr. Jefferson answered this letter on the 1st of November. He denied that any such menaces of destruction had been thrown out against the Creeks, but stated that the United States had been most perseveringly anxious to preserve peace with them, and had even from this desire of peace, forborne to mark the boundary between them and us, to which they had fairly and freely assented, in the hope that they would relinquish their subsequent opposition to it. He agreed that the relative interests of the two nations with the Creeks, was a proper subject of discussion at Madrid. The ground upon which these com-

missioners pretended a right to interfere in this matter, was that of unsettled boundary between Spain and the United States, but they disclaimed all right of affording protection to Indian tribes within the territory admitted to be ours.

It seems that when this subject was discussed in the cabinet on the last day of October, as to the course to be taken by the executive, both with Congress and Spain, Mr. Jefferson proposed that the letter from the Spanish commissioners should be communicated to Congress, as it might influence them in deciding whether it would be prudent to declare war against any, and which of the Indians to the South; and he thought that in assenting to the proposition of those commissioners, to refer the subject to the negotiators at Madrid, we should further continue the suspension of Indian hostilities, reserve our rights of boundary, and avoid a rupture with Spain.

Colonel Hamilton was opposed to any measures which would be likely to involve us in war, for which we were so little prepared, and which would so impede our career of prosperity. He was for every thing which would procrastinate the event; but he regarded it as ultimately inevitable, from the jealousy of the Spanish government. He thought that we should prepare ourselves then for the rupture, by providing an ally. That of the only two nations which could serve us in this character—France and England—France was too intimately connected with Spain to separate on our account; nor could her situation allow her to assist us much. That we must, therefore, look to England, and that she might be induced to enter into a defensive treaty of alliance with us, first, from the desire of breaking up our former connexions: secondly, for a continuance of the commerce of the two countries in its present state for ten years: thirdly, for an admission to some navigable part of the Mississippi, by some line drawn from the Lake of the Woods, in which case, the navigation of that river, being a joint possession, we might unite in measures to secure it. He was, therefore, for sounding the British government immediately on these points.

Mr. Randolph opposed such an alliance, and concurred in Mr. Jefferson's views. The president, who seems to have held the balance between his rival ministers, with a firm and impar-

tial hand, said, that the remedy suggested by Colonel Hamilton would be worse than the disease; and stated some of the disagreeable consequences of making such an overture.

Congress met on the 5th of November, 1792; and the president, in his opening speech, was silent on our foreign relations; for the administration had been for some time at a loss what course it became the United States to pursue, in the distracted state of French affairs. On the 14th of October, Mr. Jefferson had written to Gouverneur Morris, that as the late constitution of France was suspended, and a new convention called, our government could not continue the payment of our debt to that nation, because there was no person authorized to receive it, and give a satisfactory acquittal: and on the 7th of November, he was also told, that as his situation in Paris must have been delicate and difficult, "whenever the scene became personally dangerous, it was proper he should abandon it, submitting it to himself to judge of the danger, and of the place of retirement. He was also told, that it accorded with our principles to acknowledge any government, "which was formed by the will of the nation substantially declared." With such a government *every kind* of business may be done. But there were *some matters* which might be transacted with a government *de facto*, such as reforming restrictions in trade. Mr. Ternant was informed about the same time, that with every disposition on our part to assist the French colonies, we could not continue to furnish them with supplies, without the sanction of the French government, it affording reasonable ground of presumption, that they proposed to relieve them in some other way, if they refused to express their approbation of this mode. It was, however, added, that the $40,000 wanted for the month of December, would be advanced. On this subject, there appears to have been the usual difference of opinion, between Jefferson and Hamilton. While the former admitted, that the National Assembly, since the dethronement of the king, was not an integral legislature, and therefore not competent to give a legitimate discharge of our payments, he maintained that the National Convention, recently called, was such a body. On this point Hamilton doubted; and also, whether, if the king should be re-established, he

might not properly disallow subsequent payments. The other members, including General Knox, concurred with Mr. Jefferson.

A few weeks afterwards, December the 27th, the president remarked to Mr. Jefferson, that he thought it was time to endeavour to effect a stricter connexion with France, and that Gouverneur Morris should be written to on the subject. Adverting then to the causes of dissatisfaction with Great Britain and Spain, he observed, that there was no nation on whom we could rely at all times, but France, and that we ought to prepare in time, in case of a rupture with the other two. Mr. Jefferson expresses himself as highly pleased with these remarks. They conformed "to the doctrine which had been his polar star," before the success of the French arms. He then suggested, that we ought to go on with our payments of the French debt, to the National Convention, or to any government they should establish; and he suggested, that the money borrowed in Amsterdam, to pay off the French debt, which was now about to be diverted by Congress to the payment of the debt due to the bank, was "a trick to serve the bank under great existing embarrassment."

In his answer to Mr. Pinckney, asking instructions how to conduct himself as to the French revolution, Mr. Jefferson says, he took occasion to lay down "the catholic principles of republicanism; that every people may establish what form of government they please, and change it as they please." His motive was to extract the president's opinion on the point which divided Hamilton and himself, as to the suspension of payments to France; and if favourable, to place the principles on record in the letter book of the office. He, therefore, sent his letter to Pinckney to the president, who returned his approbation in writing.

The debates in Congress, at this period, show that the two great parties had become more widely separated, and that increasing differences of political sentiment, together with personal rivalry, had now ripened into acrimonious hostility.

One of the occasions of party controversy at that time, was afforded by the practice of referring every measure at all connected with the finances of the country, to the Secretary of the Treasury, which practice was resisted by most of the republi-

can party, as transferring to the executive department, what properly belonged to the legislative; and which, implying either incapacity or unwillingness in the House to perform its appropriate duty, was derogatory to its dignity and to a course of independent legislation. If a part of this opposition may be regarded as applying personally to Mr. Hamilton, yet when it is recollected that he was the known advocate of a government with strong executive powers, and that his talents, virtues, and recent schemes of policy, gave him unbounded influence with his party, it is not to be wondered, that those who entertained different political principles, manifested impatience at seeing him thus permitted to originate and direct the chief measures of the government. If they sometimes exposed themselves to the imputation of illiberal jealousy of the man, rather than hostility to his acts, their adversaries were no less obnoxious to the charge of an indiscriminating and obsequious deference to his plans; and, presuming the general practice in legislative bodies, and in Congress itself, since that time, to be right, the democratic party must be admitted to have had juster views of their own duty and self-respect than their opponents, by whose votes every scheme of funding the public debt, of providing money by taxes or loans, and of disbursing it was devolved on this officer; and to whom the merits even of private claims were generally submitted, before they received the definitive action of Congress. Whatever may be the influence of committees in legislative bodies—and it has always been deemed considerable—that influence was bestowed in a mass on Mr. Hamilton, who might be regarded as the standing committee of the House, on every question which concerned the public treasury.

An occasion was soon presented of renewing this subject of irritation. On the 19th of November, Mr. Fitzsimmons in committee of the whole, offered resolutions, which proposed "a reduction of the public debt, so far as it was then redeemable;" and required the Secretary of the Treasury to report a plan for that purpose. After some general objections to acting on the resolution, until the House obtained fuller information of the state of the finances than it then possessed, the debate turned altogether on the proposed reference, which was assailed and

defended on the usual grounds. The motion was finally carried on the 21st, by 32 votes to 25; nearly every vote, south of Pennsylvania, voting in the negative.

On the following day, the secretary was called on in like manner, to prepare a plan for paying to the bank the two millions which the government owed it for the stock it had subscribed, and which, by the charter, was to be paid in ten annual instalments. It seems that the southern members forbore to renew a fruitless opposition to the reference, on this occasion, as the motion was adopted without debate.

At the end of a week, the secretary made a report, embracing both subjects. On that of redeeming a part of the debt, he proposed several plans; and after discussing their several merits, he decided in favour of the one which had recourse to loans, on the credit of short annuities, by which about six and a half millions would be paid off in ten years; and to effect this, he proposed a tax, either on riding horses or carriages. For the "reimbursement" of the bank, he merely recommended that power be given to negotiate a loan for two millions; the dividends on the shares held by the government to be pledged for the interest; and as the government paid six per cent. to the bank, he relied on the saving that would be effected by borrowing at a lower rate of interest.

The administration party soon after proposed the further assumption of the state debts to the amount of the balances which, on a final settlement, should be found due to them. This measure subsequently underwent an animated and protracted discussion, during the whole of which it was strenuously resisted by the opposition; whilst its friends, conscious of their strength and emboldened by success, proceeded by amendments to mould it more to their purposes, and to make it still more objectionable to their adversaries. They thus too defeated an amendment, by which their opponents, for preventing the same course of speculation and fraud as had previously taken place, proposed to prohibit all transfers of certificates made between the first of January and the first of June. On the 25th of January, the question was taken on the passage of the bill, and the House being equally divided, it was passed by the vote of the speaker.

It was, however, contrary to all expectation, rejected by the Senate, by the influence, according to Mr. Jefferson, of General Washington, or Mr. Langdon of New Hampshire, who with his colleague, as well as the members from Vermont, voted on this occasion with the southern members.

On the 20th of December the bill which had been previously reported by a select committee for repaying the two millions due to the bank, was debated, and a motion to strike out the first section, which authorized a loan to the same amount, having been rejected by a large majority, Mr. Madison moved to insert $200,000—the amount then payable by the charter—instead of two millions; and the motion was supported by 27 ayes to 26 noes; but the speaker then voting in the negative, the motion was lost. After this victory of the friends of the bank, so near a defeat, the subject slept until the end of the session, when the majority, either doubtful of their strength, or of the policy of using it, abandoned the measure they had at first so earnestly pressed; and the same motion, to strike out the first section, which on the 26th of December had received but 17 votes, was passed on the 27th of February, without a dissentient!

During the next four weeks, the principal subjects of controversy between the parties were the bill for the assumption, which received the support of South Carolina as well as of the northern states, and a bill for reducing the military establishment, which was brought forward by the opposition, with a view of rendering farther taxation unnecessary. But on the 23d of January, a subject was presented to the notice of the House, which not only excited the liveliest interest at that time, but engrossed the attention of the conflicting parties for the remainder of the session.

This was a series of resolutions, offered by Mr. Giles, the object of which was generally understood to be, to inculpate the Secretary of the Treasury. They called on the president for copies of the authorities, under which the loans authorized in August, 1790, had been made, and the application of the money directed; together with the names of the persons to whom and

by whom the money had been paid. They required the Secretary of the Treasury to exhibit statements of the half monthly balances between the United States and the bank, of the several sums which had been paid into the sinking fund, of the sources whence derived and their application, and of the balance of the unapplied revenue for the year 1792, specifying the several places of deposit, and amounts deposited.

While the wish to obtain information of the state of the finances, was the avowed object of the mover of the resolutions, he did not hesitate to impute to the Secretary of the Treasury inaccurary as well as obscurity in his reports, and he exhibited some estimates, founded partly on conjecture and partly on the secretary's reports, to show that a large balance was unaccounted for. He alleged that Congress had been legislating in the dark concerning their fiscal affairs; in proof of which, he stated that 500,000 dollars had been borrowed of the bank, when that institution had public money on deposit to a larger amount, and that the House had recently been near authorizing a further loan of two millions, without the information which would enable them to judge whether such loan was necessary.

The resolutions were adopted without further debate; and twelve days afterwards, (Feb. 4,) the secretary made a partial report, which principally responded to the last resolution, respecting the revenue of the preceding year; and he showed that, whatever deviation may have taken place from the letter of the law in his fiscal transactions, or however he may have failed in giving full information to the House, there was no money unaccounted for.

In this report, the secretary exhibited great sensibility to the injurious imputations on his character; he pointed out the errors and misconceptions of his assailant with a freedom of language bordering on disrespect; and by way of inference from misrepresentations so palpable, he assailed the motives which had prompted the investigation.

The House postponed the discussion of the subject until the further report from the secretary was received, and in the mean time, (Feb. 11th,) his former plan of reducing the debt

was taken up, in committee of the whole House, and debated on that and the following day. The minority opposed the plan on several grounds; but principally from the want of the requisite information on the actual state of the public finances. The committee rose without coming to any decision, and the discussion seems not to have been renewed during the remainder of the session.

On the 15th, a second report, and on the 19th, a third was received from the secretary, in answer to Mr. Giles's resolutions, in which he elaborately defended the course he had pursued, in blending the two loans authorized by two acts of Congress in 1790; in the amount of the money he had drawn from Europe; in the loans he had made of the banks, and in his other transactions with that institution. He insisted, that he had in no instance exceeded his authority; that he had in all his measures been influenced by a regard to the public interests, and had, moreover, essentially promoted them.

With a view of obtaining information important in the approaching discussion, on the 19th February Mr. Giles offered a resolution requiring of the commissioners of the sinking fund a statement of their *proceedings*, not before published. This was opposed by the especial friends of Mr. Hamilton, who endeavoured to confine the inquiry to purchases made; but the resolution finally passed by 39 votes to 22.

On the 28th of February, Mr. Giles offered a new series of resolutions, in which the conduct of the secretary was directly censured for failing to give information to Congress of the money he had drawn from Europe, from December 1790 to January 1793; for deviations from the acts of August, 1790, which authorized two separate loans for separate purposes, as well as from the instructions of the president concerning those loans; for having drawn more of the money raised by those loans into the United States than the acts authorized; for negotiating loans with the bank that were not required by the public interests; and for indecorum to the House in questioning the motives of one of its members. They concluded with pro-

posing that a copy of the resolutions should be transmitted to the president.

These resolutions gave rise to a spirited debate, which continued until near midnight of the 1st of March. On the question being taken in the House to disagree to these resolutions, severally, the ayes varied from 40 to 33, and the noes from 15 to 7.*

As the irregularity of the secretary, in deviating from the acts which authorized the loans, and from the president's written instructions; in drawing more money from Holland than those acts authorized; and in failing to inform the commissioners of the sinking fund of what he had drawn, appear by the debate and the secretary's own report, to have been established beyond question, it may be presumed, that those members of the minority, who refused to vote for the resolutions, were influenced by the consideration that the public generally had regarded them as a charge on the secretary's integrity; and, that as a vote of censure would be used by his enemies and be regarded by the public as confirming that charge, the punishment seemed disproportionate to the offence of too free an exercise of his discretionary powers; especially, when Congress itself had, by its previous unbounded confidence in the wisdom of his measures, and unhesitating adoption of them, done so much to invite it. It seems probable too, that the secretary having proved himself innocent of the more serious part of the charge, the common reaction in favour of those who have been unjustly accused took place, and inclined men to acquit him altogether.

The debate was conducted with ability on both sides, and of those who will be at the trouble to read it, many may now, as many then did, incline to dissent from the decision of the House. Both in Congress and out of it, the opinion that favour to the

* The attentive reader will perceive that the account here given of the proceedings of this session, (1791—1792,) materially varies from that by Judge Marshall, (vol. v. ch. 5.) But he will also perceive, that the variance consists principally in this; that some facts, which I have supposed important in the history of parties, have been omitted by him.

bank had been at the bottom of all the irregularities complained of, was very prevalent, from the fact, that it was assisted by the sums unwarrantably drawn from Europe, at the very times when it most needed assistance; from the sensibility which was manifested by the friends of the secretary and the bank, whenever this coincidence was alluded to; and from the proposition to pay to the bank two millions ten years before the whole was payable.

A few days afterwards, March 2nd, Mr. Jefferson thus comments in his diary on the fate of Mr. Giles's resolutions: "He, (Mr. Giles,) and one or two others, were sanguine enough to believe that the palpableness of these resolutions rendered it impossible the House could reject them. Those who knew the composition of the House: 1. Of bank directors; 2. holders of bank stock; 3. stock-jobbers; 4. blind devotees; 5. ignorant persons, who did not comprehend them; 6. lazy and good humoured persons, who comprehended and acknowledged them, yet were too lazy to examine, or unwilling to pronounce censure; the persons who knew these characters, foresaw, that the three first descriptions making one-third of the House, the three latter would make one-half of the residue; and of course, that they would be rejected by a majority of two to one. But they thought, that even this rejection would do good, by showing the public the desperate and abandoned dispositions with which their affairs were conducted. The resolutions were proposed, and nothing spared to present them in the fulness of demonstration. There were not more than three or four who voted otherwise than had been expected."

The journals of the day show that the two parties throughout the community as well as in Congress, had now become widely separated in their theoretic views of government, as well as in their feelings towards the French revolution, and far more bitter in their mutual recriminations. The *republicans* were regarded by their federal opponents as churlish and discontented; envious of superior merit; jealous of the general government, not merely for the powers conferred on it by the constitution, but also for its acknowledged benefits and its splendid success,

before which the inferior lustre of the states had disappeared; and under the delusive theories of revolutionary France, entertaining notions of civil liberty inconsistent with law and order. *They*, on the other hand, charged the leaders of the federal party with hostility to the French revolution, because it had taught the great mass of the people to feel and to know their rights. That, anxious for a more energetic government than we yet possessed, and above all, for one which could bestow the privileges and distinctions for which they panted, they lost no opportunity of increasing the power of the general government at the expense of that of the states, and of concentrating the power thus usurped in the federal executive, for the purpose of raising up a moneyed aristocracy, and of preparing the public mind for the meditated change. For proof of these dispositions and schemes, they referred not only to the funding system, the assumption, and the bank, but to an aristocratic Senate, which had closed its doors to the eyes and ears of its constituents; to the attempt to place the head of the president on the national coin; to his morning levees, his opening speeches, echoed by each branch of the legislature, and to the birth night balls, all of which they regarded as shadows in advance of approaching royalty.

If some of these practices do not seem to warrant the inferences drawn from them, yet we cannot admit that the suspicions they produced were altogether unfounded, without at the same time passing sentence of condemnation on the prudence of those who thus excited republican jealousy, quickened into preternatural activity as it was at that period by the French revolution, for objects so truly insignificant.

Mr. Jefferson, as we have seen, had long ago intimated to the president his intention of retiring from office, and many circumstances had of late contributed to confirm him in his purpose. The frequent collisions with the Secretary of the Treasury, which he could not avoid without a surrender of his principles, were painful to one of his temper. He saw too, that the president, as the two great parties became more widely sepa-

rated, inclined more to the politics of his adversary; and he keenly felt the vituperation of the federal prints.

The effect of these annoying circumstances was further aided by the unalloyed pleasures he promised himself in the society of his children and grandchildren, and in making improvements at Monticello. He had, therefore, as far back as September, been decided on retiring at the end of the approaching session of Congress. But his party friends strenuously opposed this step, and he finally yielded to their wishes. With what feelings he did so, may be gathered from the following extract of a letter from him to his daughter Mrs. Randolph, dated Jan. 26, 1793.

"I have for some time past been under an agitation of mind, which I scarcely ever experienced before, produced by a check in my purpose of returning home at the close of the session in Congress. My operations at Monticello had also been made to bear upon that point of time. My mind was fixed on it with a fondness which was extreme; the purpose firmly declared to the president, when I became assailed from all quarters with a variety of objections. Among these, it was urged that my retirement, when I had been attacked in the public papers, would injure me in the eyes of the public, who would suppose I either withdrew from investigation, or because I had not tone of mind sufficient to meet slander. The only reward I ever wished on my retirement was, to carry with me nothing like disapprobation of the public. These representations have, for some time past, shaken a determination which I had thought the whole world could not have shaken. I have not yet finally made up my mind on the subject, nor changed my declaration to the president, but having perfect reliance on the disinterested friendship of some of those who have counselled and urged it strongly, believing that they can see and judge better a question between the public and myself, than I can, I feel a possibility that I may be detained here into the summer."

In February, 1793, Mr. Jefferson held a long conversation with the president on the subject of his retirement from the office of Secretary of State, either in the summer or autumn of the present year, when he told the president, that as the bill for

foreign intercourse would probably be rejected, and he should consequently be relieved from the embarrassments it was likely to cause him, he had no objection to continue in the office a while longer, provided no other arrangements had been already made.

The president replied, that so far from having made any, he had not even mentioned the subject to any one, until a few days before, when, having heard that Mr. Jefferson had given up his house in Philadelphia, he had spoken of it to Mr. Randolph. He expressed his satisfaction at this change of purpose, and his apprehensions that Mr. Jefferson's retirement would prove a new source of uneasiness with the public. He added, that he had that day learnt from General Lee of the discontent prevailing in Virginia, of which he previously had no conception: and he expressed his wish, that Hamilton and he could coalesce in the measures of the government. That he had mentioned the same thing to Hamilton, who readily acceded to it, and thought such a coalition would meet the public approbation.

Mr. Jefferson rejoined, that his concurrence was less important than the president imagined; "that he kept himself aloof from all cabals and correspondence on the subject of the government;" that as to a coalition, if by *that*, it was meant that either was to sacrifice his opinions, it was impossible. They had both, no doubt, formed their conclusions after mature consideration; and principles, thus adopted, could not be given up. His wish was "to see both Houses of Congress cleansed of all persons interested in the bank or public stocks;" and that a pure legislature being obtained, he should always be ready to acquiesce in their determinations, even if contrary to his own opinions; for that he subscribed to the principle, 'that the will of the majority, honestly expressed, should give law.' He imputed the discontents in the South to the belief that their interests were sacrificed to those of the Eastern states, by reason of a corrupt squadron of voters at the command of the treasury, whereby measures were carried which would have been otherwise rejected, of which an instance was furnished by the late assumption bill, that had been carried by the speaker's vote.

"The president then spoke of his remaining in office another term; he expressed the wretchedness of his existence while in office; dwelt on the late attacks on him for levees, &c.; explained how he had been led into them by the persons he consulted at New York; and that if he could but know what the sense of the public was, he would most cheerfully conform to it."

It appears from an anecdote which Mr. Jefferson relates on the authority of Tobias Lear, the president's secretary, that General Washington had yielded a slow assent to the introduction of levees, and that it was finally left to Colonel Humphreys and others to settle the forms. "Accordingly, an antichamber and presence-room were provided, and when those who were to pay their court were assembled, the president set out preceded by Humphreys. After passing through the antichamber, the door of the inner room was thrown open, and Humphreys entered first, calling out with a loud voice, 'The President of the United States.' The president was so much disconcerted by this silly parade, that he did not recover himself the whole time of the levee; and when the company was gone, he said to Humphreys, well, you have taken me in once, but by G— you shall never take me in a second time."

In a cabinet consultation on the 25th, concerning a treaty with the Indians, when the right of the United States to cede any territory which they had previously acquired to the Indians was discussed, Mr. Jefferson considered that our "right of pre-emption to the Indian lands did not amount to dominion or jurisdiction, but was merely in the nature of a remainder, after the extinguishment of a present right, which gave us no present right whatever, except that of preventing other nations from taking possession and so defeating our expectancy;" that the Indians had the full, undivided, and independent sovereignty as long as they chose to keep it, and this might be for ever; that as fast as we extend our rights by purchase from them, so fast we extend the limits of our society; that the executive with either or both branches of the legislature, could not alien any part of our territory; that by the law of nations it was settled, that the amity and indivisibility of the society was so fundamental, that

it could not be dismembered by the constituted authorities, except where their power was despotic, or was expressly delegated, and as our government had no claim on either of these grounds, it could not alienate any portion of territory once consolidated with us. But that as we had a right to sell and settle lands once comprehended within our lines, so we might forbear to exercise this right, until some future day; and this he was willing to do on the present occasion.

Hamilton and Randolph thought that we might cede to *Indians* though not to others, because the cession only restored the land to those from whom we bought it.

CHAPTER XVII.

Questions arising on the War between France and England. Views of the Cabinet. Mr. Jefferson's argument that the United States were not absolved from their treaties with France by its Revolution—it prevails with the President. His letters to Mr. Madison and Mr. Monroe on the neutrality of the United States. Arrival of Citizen Genet, the French Minister—his reception. Rights of France under the Treaty of Commerce. Mr. Jefferson's correspondence with the French Minister. Genet's intemperate and offensive course—his recall—the popular feeling in his favour.

1793.

The 3d of March, 1793, completed the constitutional term of the second Congress, as well as closed its session; and, on the following day, General Washington entered on his second presidential term, to which he was again elected by an unanimous vote. Mr. Adams having the next highest number of votes, was elected vice-president; but the states of New York, Virginia, North Carolina, and Georgia gave their votes to Mr. Clinton of New York. Mr. Jefferson received the four votes of Kentucky; and without doubt he would have received those of Virginia, if her electors had been permitted by the constitution to vote for two of her citizens, as president and vice-president.

Early in April, the executive received the intelligence that France had declared war against England, and the president, who was then at Mount Vernon, hastened his return to Philadelphia, and the day after he arrived there, he submitted to each member of his cabinet a series of propositions in writing, respecting the course it would be proper for the United States

to pursue towards the belligerents, of which he requested their consideration, preparatory to a cabinet consultation the next day.

The questions thus propounded were in substance, whether a proclamation should issue for the purpose of preventing American citizens taking sides with the belligerents. Should it contain a declaration of neutrality? Should a minister from the French republic be received, and if so, absolutely, or with qualifications? Were the former treaties with France still binding on the United States, or might they be suspended? Would it be a breach of neutrality to consider these treaties still in operation? Is the guarantee in the treaty of alliance, applicable to an offensive, as well as a defensive war? What is the effect of such guarantee? Do the treaties prevent the ships of war of the enemies of France from coming into the ports of the United States for the purpose of convoy, or impose greater restraints upon them than upon French ships of war? Should the future regent of France send a minister, ought he to be received? Ought Congress to be called?

On the following day, the 19th, these questions were fully discussed in the cabinet; and while, as to a part of them, there was entire unanimity, on the others the members were utterly at variance; and their several opinions but too plainly took their hue from the parties to which the members respectively belonged. All the cabinet agreed that a proclamation, enjoining on the citizens of the United States the duties of neutrality, should be issued by the president; that a minister from France should be received, and that the occasion did not require an extraordinary meeting of Congress. They differed, however, as to the manner in which the minister should be received; Mr. Jefferson, and Mr. Randolph the Attorney-General, thought that the relations between the two nations were unchanged by the revolution; while Colonel Hamilton and General Knox maintained that a nation had no right, by changing its political institutions, to involve other nations unconditionally in the consequences of those changes; and that, therefore, the minister

ought to be received with qualifications.* They further denied that the revolution could be regarded as the unequivocal act of the nation, and referred to the enormities perpetrated at Paris as evidence that it was the act of a faction, which might be as speedily destroyed as it had been created. They regarded the guarantee of the French West Indies, as pregnant with serious danger to the United States; and, therefore, thought we should reserve for future decision, whether those treaties ought not to be suspended. They also considered that the treaty of alliance being defensive, the guarantee did not apply to a war in which France was the aggressor.

On the main question—whether the treaties with France were now binding on the United States, the members of the cabinet, by the request of the president, defended their respective opinions in writing; and as the paper drawn by Mr. Jefferson is not only a most able vindication of the soundness of his views, both as a jurist and a statesman, but also discloses in substance the reasoning of his rival, it is here given at length, with the exception of his references to writers on national law.

Opinion of Thomas Jefferson on a question submitted by the President to his Cabinet on the 19*th of April*, 1793.

"I proceed, in compliance with the requisition of the president, to give an opinion in writing on the general question—'whether the United States have a right to renounce their treaties with France, or to hold them suspended till the government of that country shall be established?'

"In the consultation at the president's, on the 19th inst., the

* It appears from a letter written by Colonel Hamilton to Mr. Jay, on the 9th of April, 1793, that he then doubted whether a minister ought to be received at all. "When we last conversed together on the subject," he says, "we were both of opinion that the minister expected from France should be received. Subsequent circumstances have, perhaps, induced an additional embarrassment on this point, and render it advisable to *reconsider the opinion generally*, and to raise this further question—'whether he ought to be received *absolutely*, or with qualifications?'" He goes on to argue these questions, without coming to a decision whether a minister should be received or not.—*Jay's Life*, I. 298.

Secretary of the Treasury took the following positions and consequences. 'France was a monarchy when we entered into treaties with it; but it has now declared itself a republic, and is preparing a republican form of government. As it may issue in a republic or a military despotism, or in something else which may possibly render our alliance with it dangerous to ourselves, we have a right of election to renounce the treaty altogether, or to declare it suspended till their government shall be settled in the form it is ultimately to take; and then we may judge whether we will call the treaties into operation again, or declare them for ever null. Having that right of election now, if we receive their minister without any qualifications, it will amount to an act of election to continue the treaties; and if the change they are undergoing should issue in a form which should bring danger on us, we shall not be free to renounce them. To elect to continue them is equivalent to the making a new treaty at this time in the same form, that is to say, with a clause of guarantee; but to make a treaty with a clause of guarantee, during a war, is a departure from neutrality, and would make us associates in the war. To renounce or suspend the treaties, therefore, is a necessary act of neutrality.'

"If I do not subscribe to the soundness of this reasoning, I do most fully to its ingenuity. I shall now lay down the principles which, according to my understanding, govern the case.

"I consider the people who constitute a society or nation, as the source of all authority in that nation, as free to transact their common concerns by any agents they think proper, to change these agents individually, or the organization of them in form or function, whenever they please; that all the acts done by those agents under the authority of the nation, are the acts of the nation, are obligatory on them, and enure to their use, and can in no wise be annulled or affected by any change in the form of the government, or of the persons administering it. Consequently, the treaties between the United States and France were not treaties between the United States and Louis Capet, but between the two nations of America and France; and the nations remaining in existence, though both of them have since

changed their forms of government, the treaties are not annulled by these changes.

"The law of nations, by which this question is to be determined, is composed of three branches—1. The moral law of our nature. 2. The usages of nations. 3. Their special conventions. The first of these only concerns this question, that is to say, the moral law to which man has been subjected by his Creator, and of which his feelings, or conscience, as it is sometimes called, are the evidence with which his Creator has furnished him. The moral duties which exist between individual and individual, in a state of nature, accompany them into a state of society, and the aggregate of the duties of all the individuals composing the society constitutes the duties of that society towards any other; so that between society and society the same moral duties exist as did between the individuals composing them while in an unassociated state; their Maker not having released them from those duties, on their forming themselves into a nation. Compacts between nation and nation are obligatory on them by the same moral law which obliges individuals to observe their compacts.

There are circumstances, however, which sometimes excuse the non-performance of contracts between man and man: so are there also between nation and nation. When performance, for instance, becomes *impossible*, non-performance is not immoral. So if performance becomes *self-destructive* to the party, the law of self-preservation overrules the laws of obligation to others. For the reality of these principles I appeal to the fountains of evidence, the head and heart of every rational and honest man. It is there nature has written her moral laws, and there every man may read them for himself. He will never read there the permission to annul his obligations for a time, or for ever, whenever they become dangerous, useless, or disagreeable. Certainly not, when merely useless or disagreeable, as seems to be said in an authority which has been quoted. *Vattel*, II. 197. And though he may, under certain degrees of danger, yet the danger must be imminent, and the degree great. Of these it is true that nations are to be judges for themselves, since no one nation has a

right to sit in judgment over another. But the tribunal of our consciences remains, and that also of the opinion of the world. These will revise the sentence we pass in our own case, and as we respect these, we must see that, in judging ourselves, we have honestly done the part of impartial and rigorous judges.

"But reason, which gives this right of self-liberation from a contract in certain cases, has subjected it to certain just limitations.

"I. The danger which absolves us must be great, inevitable, and imminent. Is such the character of that now apprehended from our treaties with France? What is that danger? 1. Is it that if their government issues in a military despotism, an alliance with them may taint us with despotic principles? But their government, when we allied ourselves to it, was a perfect despotism, civil and military. Yet the treaties were made in that very state of things, and therefore that danger can furnish no just cause. 2. Is it that their government may issue in a republic, and too much strengthen our republican principles? But this is the hope of a great mass of our constituents, and not their dread. They do not look with longing to the happy mean of a limited monarchy. 3. But, says the doctrine I am combating, the change the French are undergoing may possibly end in something we know not what, and bring on us danger we know not whence—in short, it may end in a raw-head and bloody-bones in the dark. Very well. Let the raw-head and bloody-bones come; then we shall be justified in making our peace with him, by renouncing our ancient friends and his enemies. For observe, it is not the *possibility of danger*, which absolves a party from his contract; for that possibility always exists, and in every case. It existed in the present one, at the moment of making the contract. If *possibilities* would avoid contracts, there never would be a valid contract: for possibilities hang over every thing. Obligation is not suspended till the danger is become real, and the moment of it so imminent, that we can no longer avoid decision without for ever losing the opportunity to do it. But can a danger which has not yet taken its shape, which does not yet

exist, and never may exist, which cannot therefore be defined—can such a danger, I ask, be so imminent that, if we fail to pronounce on it in this moment, we can never have an opportunity of doing it?

"4. The danger apprehended—is it that, the treaties remaining valid, the clause guaranteeing their West India islands will engage us in the war? But does the guarantee engage us to enter into the war in any event? Are we to enter into it before we are called on by our allies? Have we been called on by them? Can they call on us before their islands are invaded, or imminently threatened? If they can save themselves, have they any right to call on us? Are we obliged to go to war at once, without trying peaceable negotiations with their enemy? If all these questions be against us, there are still others behind. Are we in a condition to go to war? Can we be expected before we are in condition? Will the islands be lost if we do not save them? Have we the means of saving them? If we cannot save them, are we bound to go to war for a desperate object? Many, if not most of these questions offer grounds of doubt, whether the clause of guarantee will draw us into the war. Consequently, if this be the danger apprehended, it is not yet certain enough to authorize us in sound morality to declare, at this moment, the treaties null.

"5. Is the danger apprehended from the 17th article of the treaty of commerce, which admits French ships of war and privateers to come and go freely with prizes made on their enemies, while their enemies are not to have the same privilege with prizes made on the French? But Holland and Prussia have approved of this article of our treaty with France, by subscribing to an express salvo of it in our treaties with them, [viz. Dutch treaty, vi. Convention, art. v. Prussian treaty, xix.] And England, in her last treaty with France, (art. 40,) has entered into the same stipulations *verbatim*, and placed us in her ports on the same footing in which she is in ours, in case of a war of either of us with France. If we are engaged in such a war, England must receive prizes made on us by the French, and exclude those made on the French by us. Nay, further, in this very

article of her treaty with France, is a salvo of any similar article in any anterior treaty of either party; and ours with France being anterior, this salvo confirms it expressly. Neither of those three powers then have a right to complain of this article in our treaty.

"6. Is the danger apprehended from the 22nd article of our treaty of commerce, which prohibits the enemies of France from fitting out privateers in our ports, or selling their prizes here? But we are free to refuse the same thing to France, there being no stipulation to the contrary, and we ought to refuse it on principles of fair neutrality.

"7. But the reception of a minister from the republic of France, without qualifications, it is thought, will bring us into danger; because this, it is said, will determine the continuance of the treaty, and take from us the right of self-liberation, when at any time hereafter our safety would require us to use it. The reception of a minister at all, (in favour of which Colonel Hamilton has given his opinion, though reluctantly, as he confessed,) is an acknowledgment of the legitimacy of their government: and if the qualifications meditated are to deny that legitimacy, it will be a curious compound which is to admit and deny the same thing. But I deny that reception of a minister has any thing to do with the treaties. There is not a word, in either of them, about sending ministers. This has been done between us, under the common usage of nations, and can have no effect either to continue or annul the treaties.

"But how can any act of election have the effect to continue the treaty which is acknowledged to be going on still? for it was not pretended the treaty was void, but only voidable, if we chose to consider it so. To make it void would require an act of election; but to let it go on requires only that we should do nothing, and doing nothing can hardly be an infraction of peace or neutrality.

"But I go further, and deny that the most explicit declaration, made at this moment, that we acknowledge the obligation of the treaties, could take from us the right of non-compliance at any future time, when compliance would involve us in great and inevitable danger.

"I conclude, then, that few of those sources threaten any danger at all; and from none of them is it inevitable; and, consequently, none of them give us the right, at this moment, of releasing ourselves from our treaties.

"II. A second limitation on our right of releasing ourselves is, that we are to do it from so much of the treaties only as is bringing great and inevitable danger on us, and not from the residue, allowing to the other party a right at the same time to determine whether, on our non-compliance with that part, they will declare the whole void. This right they would have, but we should not. *Vattel*, II. 202. The only part of the treaty which can lead us into danger is the clause of guarantee. That clause is all then we could suspend in any case, and the residue will remain or not, at the will of the other party.

"III. A third limitation is, that where a party, from necessity or danger, withholds compliance with any part of a treaty, it is bound to make compensation, where the nature of the case admits, and does not dispense with it. *Vattel*, II. 324. *Wolf*, 270. 443. If actual circumstances excuse us from entering into the war, under the clause of guarantee, it will be a question whether they excuse us from compensation. Our weight in the war admits of an estimate, and that estimate would form the measure of compensation.

"If in withholding a compliance with any part of the treaties, we do it without just cause or compensation, we give to France a cause of war, and so become associated in it on the other side. An injured friend is the bitterest of foes, and France has not discovered either timidity, or overmuch forbearance on the late occasions. Is this the position we wish to take for our constituents? Is it certainly not the one they would take for themselves?"

[Mr. Jefferson next proceeds to show that the passage of *Vattel*, that when one of the parties to a treaty of alliance changes its form of government in such a manner as to 'render the alliance *useless*, *dangerous*, or *disagreeable* to the other, it is free to renounce the alliance,' which had been relied on as authority for the doctrine he was combating, is not sustained by the other

principal writers on the law of nature and nations, (*Grotius*, *Puffendorf*, and *Wolf*,) and is not consistent either with reason, with the general tenor of his work, or with his expressed opinions on other occasions; and having shown the discrepancy by a minute comparison of *Vattel* with the other authorities, and with himself, he goes on to say:—]

"After evidence so copious and explicit of the respect of this author for the sanctity of treaties, we should hardly have expected that his authority would have been resorted to for a wanton invalidation of them, whenever they should become merely *useless* or *disagreeable*. We should hardly have expected that, rejecting all the rest of his book, this scrap would have been called, and made the hook whereon to hang such a chain of immoral consequences. Had the passage accidentally met our eye, we should have imagined it had fallen from the author's pen under some momentary view, not sufficiently developed to found a conjecture what he meant; and we may certainly affirm that a fragment like this cannot weigh against the authority of all other writers, against the uniform and systematic doctrine of the very work from which it is torn, against the moral feelings and the reason of all honest men. If the terms of the fragment are not misunderstood, they are in full contradiction to all the written and unwritten evidences of morality: if they are misunderstood, they are no longer a foundation for the doctrines which have been built on them.

"But even had this doctrine been as true as it is manifestly false, it would have been asked, to whom is it that the treaties with France have been *disagreeable?* How will it be proved that they are *useless?*

"The conclusion of the sentence, [from *Vattel*, II. 197,] suggests a reflection too strong to be suppressed: 'for the party may say with truth, that it would not have allied itself with this nation, if it had been under the present form of its government.' The republic of the United States allied itself with France when under a despotic government. She changes her government, declares it shall be a republic, prepares a form of republic extremely free, and, in the meantime, is governing herself as such. And it is proposed that America shall declare the treaties void,

because 'it may say with truth that it would not have allied itself with that nation, if it had been under the present form of its government!' Who is the American, who can say with truth, that he would not have allied himself with France if she had been a republic, or that a republic of any form would be as *disagreeable* as her ancient despotism?

"Upon the whole I conclude, that the treaties are still binding, notwithstanding the change of government in France; that no part of them but the clause of guarantee, holds out danger, even at a distance; and consequently,

"That a liberation from no other part could be proposed in any case: that if that clause may ever bring *danger*, it is neither extreme, nor imminent, nor even probable: that the authority for renouncing a treaty, when useless or disagreeable, is either misunderstood, or in opposition to itself, to all other writers, and to every moral feeling: that were it not so, these treaties are in fact neither useless nor disagreeable:

"That the receiving a minister from France at this time is an act of insignificance with respect to the treaties, amounting neither to an admission nor denial of them, forasmuch as he comes not under any stipulation in them:

"That were it an explicit admission, or were an express declaration of their obligation now to be made, it would not take from us that right which exists at all times of liberating ourselves when an adherence to the treaties would be *ruinous* or *destructive* to the society.

"And that the not renouncing the treaties now, is so far from being a breach of neutrality, that the doing it would be the breach, by giving just cause of war to France.

"TH: JEFFERSON.

"*April* 28, 1793."

The president, who continued to hold the scales between his rival secretaries with a steady and impartial hand, yielded to the masterly reasoning of Mr. Jefferson, and decided that the treaties with France remained in full force, and that the minister from the French republic should be received without any qualifications.

The papers drawn on this occasion, by Hamilton and Jefferson respectively, indicate the difference with which the French revolution began now to be viewed by the political parties of the United States, and had already been viewed for some time by their leaders. As that mighty event involved, in its progress, more important consequences to other nations, it was the object of increasing interest to the citizens of the United States, until it eventually became the main pivot of their civil dissentions. The cautious, and perhaps necessary policy pursued by the government towards the belligerents was not in unison with popular sentiment. The good feeling which existed towards the French nation, for their important aid in the American revolution, would of itself have created a strong party in their favour in any contest in which they had been engaged; but when that contest was a struggle for civil freedom, as ours had been, and when our example and success had so much agency, it was believed, in bringing about the revolution in France, we cannot wonder that, in the strong sympathy excited in their behalf, the cold dictates of prudence were forgotten; and that neutrality and impartiality were regarded by many as little better than treason to the cause of civil liberty. The proclamation was, therefore, not cordially received by the people, and their discontents were soon openly manifested.

While Mr. Jefferson partook largely of the popular sympathy for France, he concurred with the rest of the cabinet in the policy of neutrality, as appears by all his letters to his most confidential friends. The following extracts clearly show his sentiments on both points.

Extract of a letter to Mr. Madison, dated April 28, 1793.

——"Would you suppose it possible that it should have been seriously proposed to declare our treaties with France void, on the authority of an ill-understood scrap in Vattel, II. § 197, (*toutefois si c'est,*) and that it should be necessary to discuss it? . . . . Cases are now arising which will embarrass us a little till the line of neutrality be fairly understood by ourselves, and the belligerent parties. A French privateer is now bringing here, as we are told, prizes, which left this but two or three days before.

Shall we permit her to sell them? The treaty does not say we shall, and it says we shall not permit the like to England. Shall we permit France to fit out privateers here? The treaty does not stipulate that we shall, though it says that we shall not permit England to do it. *I fear that fair neutrality will prove a disagreeable pill to our friends, though necessary to keep us out of the calamities of war.*"

Extract of a letter to Mr. Monroe, dated May 5, 1793.

"The war between France and England seems to be producing an effect not contemplated. All the old spirit of 1776 is rekindling. The newspapers, from Boston to Charleston prove this, and even the monocrat papers are obliged to publish the most furious philippics against England. A French frigate took a British prize off the capes of Delaware the other day, and sent her up here. Upon her coming into sight, thousands and thousands of the yeomanry of the city crowded and covered the wharves. Never before was such a crowd seen there; and when the British colours were seen reversed, and the French flying above them; they burst into peals of exultation. *I wish we may be able to repress the spirit of the people within the limits of a fair neutrality* .... If we preserve even a sneaking neutrality, we shall be indebted for it to the president, and not to his counsellors."

In another letter to Mr. Madison, dated May 13, 1793, after condemning the indecision of one of the cabinet, who was commonly ranked with the republican party, he remarks, "If any thing prevents its being a mere English neutrality, it will be that the *penchant* of the president is not that way, and above all, the ardent spirit of our constituents."

It may be here remarked, that not only the preceding letters, but the whole tenor of Mr. Jefferson's correspondence shows that he always separated General Washington from the party who have sought to appropriate him to themselves; and that in fact, he considered the president as belonging to neither party, though he sometimes gave his assent and approbation to mea-

sures which Mr. Jefferson regarded as of very injurious tendency.

The connexion of our party dissentions with the cause of France, was strengthened and its violence increased by the arrival of a minister from that country, soon after the proclamation of neutrality. Citizen Genet, as the envoy from the new republic was styled, landed at Charleston on the 8th of April. He was most cordially received there, and in every other town in his progress to the seat of government. Writing and speaking the English language with great readiness, and an enthusiast in the new-born spirit of civil liberty, he was well qualified to cherish and increase the popular feeling in favour of France. But he was not content with mere expressions of personal favours and national sympathy. He endeavoured to turn these sentiments to the advantage of his country, and began by encouraging the equipment of French cruizers in the port of Charleston, which he furnished with commissions. He reached Philadelphia about the middle of May, and he was there met by popular greetings not inferior to those which had welcomed his arrival in Charleston. Even before his introduction to the president, he received and answered several addresses from the societies and private citizens of Philadelphia.

The privateers which Citizen Genet had commissioned, and the captures they had made, soon furnished ground for remonstrance to the British minister. He also complained of the capture of the Grange by the Ambuscade frigate within the capes of the Delaware, and demanded a restitution of the prizes thus illegally made.

When the cabinet were called upon to consult on the course to be pursued as to these measures, there was found to be the same contrariety of sentiment as before; one part taking sides against France on all doubtful questions, and the other inclining in its favour. Mr. Jefferson and Mr. Randolph maintained that whether the captures were valid or otherwise, the property ought not to be restored; for if it were contrary to law, the courts being open to the aggrieved parties, the executive should not interfere. But if they were legally made; and the only just

cause of complaint consisted in their being brought into the United States, then this was an injury of which the United States were exclusively the judges; and if in the exercise of their discretion, they should decide on restoring the property, that could be done only by way of reprisal, which being a harsh and violent course, and always deemed an act of war, ought not to be done without a previous demand and refusal of satisfaction. They further maintained that the disavowal of these acts on the part of the United States, and the steps taken by the government to prevent their recurrence, ought to exempt them from all imputation of having had any share in the acts complained of, and proved their disposition to adhere strictly to the duties of neutrality.

On the other hand, Colonel Hamilton and General Knox insisted, that for a neutral nation to suffer itself to become the instrument of injury to one of the belligerents, is to violate its duties of neutrality; and of this character was our permission to French cruizers first to bring their prizes into American ports, and there to dispose of them. They urged that although the captures were legal, as between the parties, they were not so as it regarded the United States, who had a right to reparation, and might insist by virtue of this right on the restitution of the property. Nor could the captors justly complain that they were compelled to restore property, of which they had acquired possession only by violating the rights of the United States. They regarded the question as one to be settled by the government alone, and not by the courts, and that the government had the right, and was bound in duty to itself and other nations to restore property captured under those circumstances.*

On the points on which his cabinet were divided, the president took time to deliberate; but on those in which they were agreed, he requested Mr. Jefferson to communicate them to the minister of France and Great Britain. In the discharge of that duty, Mr. Jefferson was involved in a long correspondence

* Marshall's Washington, vol. v. chap. 6.

with the French minister, in which he asserted the rights of his country with a degree of ability, and in a tone of moderation, dignity, and firmness which won for him the approbation of all parties.

Although the intense interest which this correspondence once excited, has long since passed away, an abstract of it may be of use not only to show something of the spirit of the times, but also to afford a lesson of an evil to which popular governments are peculiarly exposed. For in the greater violence of their civil dissentions, if one of their great parties are led either by national sympathy, or by their opposition to a rival party, to become the advocates or apologists of a foreign nation, in its controversies with their own government, the latter is sure to be injured in its rights, or dignity, and commonly in both; and although after a temporary endurance, they were both well maintained on the present occasion, yet it must be considered as partly owing to the exceeding indiscretion of Mr. Genet, that the popular feeling in favour of France had not greatly embarrassed the United States, and eventually compelled them to exchange a safe and profitable neutrality for a most expensive and injurious war.

In communicating to Mr. Ternant, the predecessor of Mr. Genet, the course which the American government had prescribed for itself, Mr. Jefferson informed him of the specific grounds of complaint which had been urged by the British minister. There were—1. That a French agent in the United States was at that time buying up arms with the intention of exporting them to France. 2. That the French consul at Charleston had condemned a British vessel captured by a French cruiser, as lawful prize. 3. That a vessel had been fitted out as a cruiser in Charleston, manned with citizens of the United States, and furnished with a commission to cruise against nations at peace with the United States; and 4. That a British ship La Grange had been taken by a French frigate within the capes of the Delaware; and although this act, being clearly illegal, could give no title to the captured property, and the laws of the country were competent to afford redress, yet as between

France and the United States, such an act, he was told, could not be viewed with indifference. The first ground of complaint was admitted not to violate the rights of neutrality, and that the United States would not therefore take steps to prevent it, but that both belligerents might exercise the same right. The other cases were all treated as inconsistent with the sovereignty of the United States.

On the 27th of May, Mr. Genet, who had reached Philadelphia in the meantime, replied to this note from Mr. Jefferson. He denied any knowledge of the purchase of arms in the United States, and suggested that the complaint was to be made the pretext for English cruisers to "subject American vessels, even under the shadow of their modest neutrality, to arbitrary visits and detentions."

He insisted on the right of French cruisers to bring their prizes into American ports under the treaty below of 1778.

He admitted the facts stated in the third ground of complaint, but insisted that such equipment violated no existing law.

He acquiesced in the opinion of the attorney-general, that the capture of the La Grange was illegal, and stated that he had ordered her to be restored.

On the 5th of June, Mr. Jefferson replied, and again insisted that the arming and equipping of vessels in the United States was incompatible with their territorial sovereignty, and that the assertion of this right of sovereignty by a neutral nation became a duty, whenever it was violated to the injury of a belligerent.

Three days afterwards, Mr. Genet replies, that the doctrine asserted was "contrary to the principles of natural right; to the usages of nations; to the connexions which unite the two countries, and even to the president's proclamation." After some arguments to support his position drawn from the privileges stipulated by the treaty, he says, that from motives of conciliation he had instructed the French consuls, not to grant commissions but to those captains who should bind themselves by oath and security, "to respect the territory of the United States, and

the political opinions of their president, *until the representatives of their sovereign shall have confirmed or rejected them.*" He then in a very declamatory style insists on the right of the consuls to issue such commissions; says, "that every obstruction by the government of the United States to the cruising of French vessels, must be an attempt on the rights of man, upon which repose the independence and the laws of the United States; a violation of the ties which unite the people of France and of America; and even a manifest contradiction of the system of neutrality of the president:" and after bestowing a warm eulogy on the people of America and their attachment to France, he expresses the wish that the federal government "would give to the world the example of a true neutrality, which does not consist in the cowardly abandonment of their friends in the moment when danger menaces them, but in adhering strictly, if they could do no better, to the obligations they have contracted with them."

A short time before, two American citizens, who had entered the French privateer, Citizen Genet, had been arrested and sent to prison. The French minister lost no time in applying for their release, as they had acquired the right of French citizens, if they had lost that of American citizens." To this application Mr. Jefferson replied, that they were in the custody of the law, and that the government had no right to interfere.

On the 14th of June, Mr. Genet complained that the sale of vessels, taken by a French cruiser, had been stopped at Philadelphia by officers of the United States, and that they had prevented a French vessel, commissioned by the republic of France, from leaving the port of New York, and he asks for restitution, damages, and interest.

Mr. Jefferson replied on the 17th. He said that the seizure had been made in New York by order of the government; that the vessel and the parties concerned in the enterprise would be delivered up to the tribunals of the country, for them to decide whether the act was legal or punishable.

He then maintains at some length the opinion formerly expressed, that such arming and equipping of vessels in the United

States, to cruise against nations with whom they were at peace, was inconsistent with natural law, with the usage of nations, the treaty stipulations between the two countries, and with the president's proclamation. He adds, in conclusion, that in the first attempts to make these equipments, the president, wishing to involve as few as possible in the censures of the law, had singled out American citizens for prosecution; but, that finding the same illegal course persevered in, he had now directed legal proceedings against citizens and aliens indiscriminately; they being equally amenable to laws of the United States while within their territory.

To this temperate logic, Mr. Genet answers in the language of passionate complaint and crimination. "Let us not," said he, "lower ourselves to the level of ancient politics, by diplomatic subtleties." He tells Mr. Jefferson that his reasonings are "extremely ingenious;" but that they rest on a basis which he could not admit. "You oppose to my complaints, to my just reclamations, upon the footing of right the private or public opinions of the President of the United States; and this egis not appearing to you sufficient, you bring forward aphorisms of Vattel, to justify, or excuse infractions committed on positive treaties." He then contrasts the narrow, selfish policy of the United States with the generous friendship of France, and adds, "It is not thus that the American people wish we should be treated. I cannot suppose, and I wish to believe, that measures of this nature were not conceived in the heart of General Washington —of that celebrated hero of liberty. I can attribute them only to extraneous impressions, over which time and truth will triumph." With the show of earnest entreaty, but really in a tone of arrogant disrespect, he presses the release of the "brave individuals" who had enlisted under the French banner.

The debt due from the United States to France, and then amounting to about 2,300,000 dollars, also formed a topic of correspondence and complaint with Mr. Genet.

On the 22nd of May, Mr. Genet had proposed that the United States should pay the future instalments of the debt, on condition that France should receive it in American produce.

On the 11th of June, Mr. Jefferson informed Mr. Genet that the resources of the United States did not allow them to do this, and he sent the minister the report which had been made by the Secretary of the Treasury on the proposition.

In Mr. Genet's reply of the 14h, he commences with the following puerility, "It is the character of the elevated minds of freemen, not to expose themselves twice to a refusal." Adverting to the reasons assigned by the Secretary of the Treasury, he says, "without entering into the financial reason which operates this refusal, without endeavouring to prove to you that it tends to accomplish the infernal system of the King of England, and of the other kings his accomplices, to destroy by famine, the French republicans and liberty, I attend, on the present occasion, only to the calls of my country." He then states, that he was authorized to assign the debt due from America to France, in payment of the supplies received from American merchants and farmers; and he, therefore, requested that the president would direct the Secretary of the Treasury to adjust with him immediately the amount of the debt due to France.

Mr. Jefferson, on the 19th of June, briefly replied, that the instalment of principal and interest still due to France should be settled, and that it would give the government pleasure if the means of making the settlement should be obtained here at the moment, but it was suggested that the mode proposed in Mr. Genet's letter might deserve further consideration, both as to its propriety and practicability before it was decided on; the government confidently trusting that "what was of mutual concern, would not be done but with mutual concert." It was plainly intimated that the minister's proposition was on many accounts objectionable.

In the course of this month several notes passed between the Secretary of State and the French minister setting forth mutual complaints; the American minister alleging that vessels had been taken within the jurisdiction of the United States; and the French minister complaining that British vessels had been permitted to arm in the United States; but as these complaints come within the description of the cases already

mentioned, they need not be particularly noticed. One case, however, deserves to be distinguished from the rest, not only as an important fact in the history of this singular diplomacy, but to remove misapprehension as to the part which Mr. Jefferson bore in it.

A French frigate having captured and sent into Philadelphia an English brig called the Little Sarah, she was equipped, manned, and commissioned as a privateer by Mr. Genet, under the name of the Little Democrat. Early in July, the Governor of Pennsylvania learning that this vessel was about to sail on a cruise, sent his secretary, Mr. Dallas, to Mr. Genet, to request he would detain her a few days, until the president, then on a visit to Mount Vernon, returned to Philadelphia. He peremptorily refused compliance; warned Mr. Dallas that an attempt to use force would be repelled by force; indulged in passionate and offensive complaints against the executive, and even threatened to appeal to the people. On being informed of these facts, Governor Mifflin, in conformity with the request which the president had addressed to the executive authorities of all the states, ordered out a body of militia for the seizure of the privateer.

In the mean while Mr. Jefferson, unwilling to see the two nations brough into open collision by the rashness of one man, made a second attempt at conciliation by calling on Mr. Genet, and renewing Mr. Dallas's request. He also was refused, and Mr. Genet accompanied his refusal with the same intemperate language, and the same indication that an attempt to detain the privateer by force would be repelled by force. He at the same time assured Mr. Jefferson that the vessel was not ready to sail. Mr. Jefferson having communicated this assurance to Governor Mifflin, and his own confidence in it, the governor countermanded the order to the militia, and requested the advice of the heads of departments.

On a consultation by the three secretaries, (for the attorney-general was also in Virginia,) Colonel Hamilton and General Knox were in favour of employing force, if necessary, to prevent the privateer from sailing; but Mr. Jefferson thinking the mea-

sure impolitic and unnecessary, his colleagues acquiesced in his opinion.

On the 11th of July, the president arrived, and learning the facts of the case, and that the Little Democrat had fallen down the river to Chester, called a cabinet council early the next day. It was then decided to detain all vessels of any of the belligerents which had been armed in the United States, together with their prizes, until the questions thereon arising could be referred to persons learned in the law. Mr. Jefferson officially informed Mr. Genet of this decision of the president, and of his expectation that the Little Democrat and other vessels specially designated would not depart until his ultimate determination should be made known. The minister had assured Mr. Jefferson on the 11th, that the Little Democrat would not sail before the president's decision concerning her should be made; but in disregard of what might be interpreted an indirect assurance that he would abide by that determination, and in contempt of the president's request, she, three or four days afterwards, put to sea, and continued, as a cruiser, on the American coasts.*

* This case is so narrated in Marshall's Life of Washington as to leave an impression, that Mr. Genet's defiance of the public authorities received Mr. Jefferson's favour, if not co-operation; and the effect is produced partly by omissions, and partly by what can rarely be charged against that work, inaccuracy in the statement of facts. I am far from saying that injustice was intended. My thorough knowledge of the distinguished author precludes that supposition; but he was known to have strong party feelings, and even *his* mind was not always able to resist their biases either towards his political friends or opponents. Whoever will carefully examine the original sources of his materials may see, that while he is, in the main, scrupulously correct as to facts, they are often so stated as to mislead, because he exhibits them in the same partial light in which he himself had viewed them. We have an instance of this on the present occasion. Thus, though Mr. Jefferson "had retired, indisposed, to his seat in the country," when the president wished to consult him on the case of the Little Democrat, yet he attended the cabinet consultation the next day, and wrote the communication which the author states in the *impersonal* form. He also wrote the letter to the judges of the supreme court, which is noticed in the *first edition* of the Life of Washington. That letter, however, was not written until the 18th.

Nor is it correct to say, that the Little Democrat sailed "before the power of the government could be interposed," as the president reached

In a letter of the 9th of July, the same day that he had answered Mr. Jefferson's inquiries concerning the Little Democrat, Mr. Genet formally mentioned the "revolting treatment" which American vessels experienced from English ships of war. He refers to his former information on this point, in addition to which he notices some new cases, and he asks to be informed of "the measures" the "president has taken, or proposes to take, to cause the flag of the United States to be respected." He adds, that as the English will probably continue to capture French citizens and property from American vessels without "embarrassing themselves with the philosophical principles proclaimed by the president," it was necessary that the French people should take measures to defend themselves from the injurious consequences of their engagements with the United States; adding, that the American people ought not to require France to submit to injustice from the English, which they themselves have not the means of preventing.

On the 24th, Mr. Jefferson replied to Mr. Genet's letter of the 9th, that by the law of nations, the goods of a friend found in the vessel of an enemy are free, while the goods of an enemy found in the vessel of a friend are lawful prize. That it was upon this principle, he presumed, that British vessels had taken

Philadelphia on the 11th, and she did not go to sea until four or five days afterwards.

"Coercive measures were suspended," not as is intimated on account of Genet's assurances through Mr. Jefferson, that the privateer "would not sail before the president's decision respecting her should be made;" but from the forbearance of the government. This appears from the following passage in the official letter to Gouverneur Morris which asked for Mr. Genet's recall. "If our citizens have not been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but *to the forbearance of our government. It is well known that if the authority of the laws had been resorted to, to stop the Little Democrat, its officers and agents were to have been resisted by the crew of the vessel, consisting partly of American citizens.*"

This letter, which received the sanction of the president both at the time it was written, and when it was a few months afterwards communicated by him to Congress, claims a merit for the government for not employing force, which is as inconsistent with either of the reasons assigned by Judge Marshall, as they are with each other.

the property of French citizens from American vessels, and he knew not on what principle it could be reclaimed. He admits that the contrary rule would be more convenient to commerce; and that, therefore, it had been expressly stipulated by some nations in their treaties, and the United States had thus modified the rule in their treaties with France, the Netherlands, and Prussia; but that she had no such stipulation with England. Nor was France likely to suffer by the rule, for though she loses her goods in our vessels when found therein by England, Spain, Portugal, or Austria, yet she gains our goods when found in the vessels of England, Spain, Portugal, Austria, the United Netherlands, or Prussia; and that America had more goods afloat in the vessels of these six nations, than France had afloat in our vessels.

On the 25th of July, Mr. Genet renewed his complaints in a yet more lofty and offensive style. "On all the seas," he remarks, "an audacious piracy pursues even in your vessels, French property, and also that of the Americans when destined for our ports. Your political rights are counted for nothing: in vain do the principles of neutrality establish that friendly vessels make friendly goods: in vain, sir, does the President of the United States endeavour, in his proclamation, to reclaim the observance of this maxim: in vain does the desire of preserving peace lead to sacrifice the interests of France to that of the moment: in vain does the thirst of riches preponderate over honour in the political balance of America: all this management, all this condescension, all this humility, end in nothing; our enemies laugh at it; and the French, too confident, are punished for having believed that the American nation had a flag, that they had some respect for their laws, some conviction of their strength, and entertained some sentiment of their dignity. It is not possible for me, sir, to paint to you all my sensibility at this scandal which tends to the diminution of your commerce, to the oppression of ours, and to the debasement and vilification of republics."

To this effusion of insolence and bad taste no reply was

made. The self-respect of the government decided on taking a more appropriate notice of it.

Mr. Jefferson wrote on the 7th of August to Mr. Genet, and after reminding him that French vessels were armed in our ports; that they had remained there after he had requested their departure, or had left the ports only to cruise on our coasts, and to return with their prizes; that the Little Democrat had been since armed in Philadelphia, and had actually sailed on a cruise, although Mr. Genet had been specially requested to detain such vessels and their prizes until the government had determined on the measures to be taken; that the United States was bound by its assurances, to make compensation for all prizes since the 5th of June, by vessels fitted out of our ports; that the French minister would be expected to cause restitution of all such prizes brought into American ports; and that the indemnification which the United States were bound to give for the prizes not so restored was expected to be reimbursed by France; that the government would take efficacious measures to prevent the fitting out such privateers for the future; would not afford any vessels so fitted out an asylum, and would cause restitution for such other prizes as they might bring in. In a tone of temperate decision the letter thus concludes, "It would have been but proper respect to the authority of the country, had that been consulted before these armaments were undertaken. It would have been satisfactory, however, if their sense of them, when declared, had been duly acquiesced in. Reparation of the injury, to which the United States have been made so involuntary instrumental, is all which now remains, and in this your compliance cannot but be expected."

The forbearance of the government had now reached its utmost limit, and on the 16th inst. the Secretary of State wrote to Mr. Gouverneur Morris, then minister to France to explain the course of our government towards the belligerents, to complain of Mr. Genet's conduct, and to request his recall. Referring to a former letter, Mr. Jefferson says, "Mr. Genet had then been but a little time with us; and but a little more was necessary to develope in him a character and conduct so unexpected and so extraor-

dinary, as to place us in the most distressing dilemma, between our regard for his nation, which is constant and sincere, and a regard for our laws, the authority of which must be maintained; for the peace of our country which the executive magistrate is charged to preserve; for its honour, offended in the person of that magistrate; and for its character, grossly traduced in the conversations and letters of this gentleman. In the course of these transactions, it has been a great comfort to us to believe, that none of them were within the intentions or expectations of his employers. These had been too recently expressed in acts which nothing could discolour; in the acts of the executive council; in the letters and decrees of the National Assembly; and in the general demeanour of the nation towards us, to ascribe to them things of so contrary a character. Our first duty, therefore, was to draw a strong line between their intentions and the proceedings of their minister; our second, to lay those proceedings faithfully before them."

A full detail of all which had taken place between Mr. Genet and the government was then given; and the attention of Mr. Morris was particularly called to all the offensive and indecorous language which Genet had used in his correspondence, on which the secretary remarks, "we draw a veil over the sensations which these expressions excite. No words can render them; but they will not escape the sensibility of a friendly and magnanimous nation, who will not do injustice. We see in them neither the portrait of ourselves, nor the pencil of our friends; but an attempt to embroil both; to add still another nation to the enemies of his country, and to draw on both a reproach, which, it is to be hoped, will never stain the history of either. His immediate recall is, therefore, requested, as his continuance is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations."

This letter, a copy of which was sent to Mr. Genet, was replied to by him at great length on the 18th of September, in his usual tone of offensive declamation, but as by an accidental miscarriage, his letter was not received until the 2nd of Decem-

ber, it is unnecessary further to notice its contents, except that in addition to a long catalogue of injuries which he states to have received from the president, he indulges in reproaches against Mr. Jefferson himself, whose official course he affects to regard as inconsistent with his first professions of friendship.

From the time that Mr. Genet's recall was requested until December, when Mr. Jefferson resigned, their correspondence was kept up on various occasions of business; but if part of it exhibited some of the same extraordinary features as that which preceded it, it was less arrogant and offensive, except that on some objection being made to the commission of a French consul, because it was not addressed to the President of the United States, Mr. Genet undertook to question the propriety of the objection. He was however told that no foreign agent could be allowed to question that whatever the president officially communicates, "expresses the will of the nation," that no discussion could be entered into with him on this subject; and that, as he had questioned the authority of the president, and had not addressed to him certain consular commissions, they were returned to him, and that no *exequatur* would be issued so long as the requisite form was not strictly complied with.

The whole of Mr. Genet's conduct, during the few months he acted as the minister of France, was characterized by the same vehement zeal in behalf of the cause of the revolution; the same contempt of the forms of diplomatic intercourse; the same fervid appeals to the popular enthusiasm; and the same manifest disposition to flatter the people of the United States, and to insult its government. If a part of the extravagance into which he was betrayed is to be placed to the account of his own irritable temper, a part also must be ascribed to the spirit of the times, which courted innovation in government, religion, morals, and manners; and in its aspirations after a new and improved order of things, regarded and spoke of ancient usages and forms with sovereign contempt. It is likely that many of the expressions that appear to us as the grossest violations of the courtesy of civilized nations, and which the self-respect of no independent people would tolerate, seemed to his distempered mind as mere-

ly the language of republican frankness, stript of aristocratic varnish; and the asperities of which he could not have softened without incurring the reproach of the courtly sins of servility and dissimulation. He was, without doubt, farther induced by the very cordial reception he met with from the nation at large, and the tone of the most popular journals, to believe that he would be supported by public opinion, in his controversy with the government; and, consequently, that he would ultimately triumph either in involving the United States in a war with Great Britain, or in making their neutrality still more advantageous to the cause of France.

To conclude the episode of Mr. Genet's diplomacy—the representations of the American government respecting the minister, produced their intended effect in France. His conduct was there unhesitatingly condemned; and it appears, on the authority of Mr. Gouverneur Morris, that a plan was immediately formed to despatch four commissioners to the United States, who, besides repairing the breach which the minister had made in the good understanding between the two governments, were to send him home a prisoner, to receive the punishment due to his misconduct. But in the sudden vicissitudes of parties, which at that time succeeded each other like the actors of a play, this plan was forgotten, or disregarded, and Mr. Genet remained, and permanently settled in the United States.

CHAPTER XVIII.

State of parties as to the French Revolution. The Proclamation of Neutrality—how viewed by the two parties—by Mr. Hamilton and Mr. Madison. Mr. Jefferson's letters to Mr. Madison and Mr. Monroe. Cabinet consultations concerning Genet. The order of the British government relative to neutrals—the correspondence relative to it—Impressment of American seamen. French decrees relative to neutrals. Discussions in the cabinet—Proclamation of neutrality—Fortifications—Military Academy. Communications to Congress on the foreign relations of the United States. Mr. Jefferson's report on commercial restrictions. His resignation and return to Monticello.

1793.

It may well be supposed that Mr. Genet, after full allowance is made for his own defects of temper and judgment, would not have ventured thus to insult the chief magistrate of the country, and such a chief magistrate too, if he had not received the countenance of many American citizens. The journalists of the day, which, though commonly exhibiting public opinion under exaggerated forms, are still its best mirrors, show that however the supporters of the administration and the more sober-minded of all parties may have been offended by the tone of disrespect and defiance manifested in his official communications, the enthusiastic favour then felt for his nation made not a small portion of the American people view his conduct with indulgence, and even approbation. Considering France as the party aggrieved, they regarded the haughty and insulting expressions of her minister as just retaliations for the wrongs which had provoked them; and although impartial history must

unhesitatingly pass a sentence of condemnation on Mr. Genet and his apologists, yet we cannot correctly appreciate the conduct of the latter without carrying ourselves back to those times of passion and moral frenzy, and viewing things in the aspects under which they then presented themselves to the living actors.

The warm friends of civil liberty in every country saw in the French revolution an enlightened, refined, brave and powerful nation, struggling to add the blessings of free government to its other advantages, and they naturally wished it success. But the American votary of freedom had a further cause for his good wishes. France had assisted the United States in achieving their independence, and it was in affording that very assistance, as all believed, that she had caught the contagious love of liberty which now pervaded all ranks of her people. His zeal then, in behalf of France, received a new impulse from the sentiments of gratitude and national pride.

The subsequent course of events contributed still further to increase this interest; for the enthusiasm with which the doctrines of the natural liberty and equality of man had been received in France, having spread, by the force of sympathy, over the greater part of Europe, its most powerful princes, alarmed for the stability of their power, determined to carry on a crusade against the French republic, and to re-establish the monarchy by force. And though France, in her avowed principles of proselytism, was as obnoxious, perhaps, as her enemies to the reproach of intermeddling in the concerns of other nations, yet after the struggle had begun, the American people regarded it as a contest between tyranny and the right of self-government, in which it did not become them to be passive spectators; and the bolder and more sanguine portion of the party wished their country, in support of its most cherished principles, to exchange a cold and heartless neutrality for a zealous and efficient co-operation. If we now admit, as well we may, and as then appeared to the more considerate of all parties, that by making common cause with France, we should have injured ourselves far more than we could benefit our ally,

yet such calculations of prudence were little likely to weigh against the stronger motives of sympathy for France, and of resentment against her enemies; and, however we may condemn the policy of the course they would have pursued, we cannot but respect the disinterested generosity which disdained to calculate its cost and its danger.

In the first years of the French revolution, that event held no place in the party warfare of the United States. It is true that it soon began to be viewed very differently by different men, according as they more or less affected popular government, and as they were the disciples of Burke on the one hand, or of Paine, M'Intosh, and Priestley on the other; but it did not mingle in their open dissentions, which were confined to the distribution of power between the federal government and the states, the funding system, the assumption, the bank, excise, and the introduction of certain regal forms and court pageantry.* But after the rupture between France and England, the cause of the revolution visibly entered into the contests between the federalists and republicans, gradually occupied a larger and larger share, until it became, for a time, the main pivot on which they turned.

The proclamation of neutrality presented the first occasion for this change to manifest itself. It was issued on the 22nd of

* It may seem to readers of the present day that this affectation of European forms could scarcely deserve to be mentioned among the grounds of party animosity; but in truth both parties contributed to give them a factitious importance; the one regarding all badges of rank and privilege with superstitious horror; and the other with childish predilection. As a mode of giving dignity to the government it was in false taste, and no less discordant with the spirit of the age than with the condition, manners, and temper of the American people. But the folly required no severer castigation than ridicule; and it may be doubted whether Judge Burke's grave denunciation of the Cincinnati, ushered in with the war-cry of "Blow ye the trumpet in Zion," would have equalled in effect Dr. Franklin's inimitable irony on the same subject, had it been then published. It was in this spirit that Mr. Grayson, one of the senators from Virginia, suggested, when it had been seriously proposed by his colleague to give titles to the two highest offices of the government, that the president should be styled "His Limpid Highness," and the vice-president, "His Superfluous Excellency."

April, and after premising that both "duty and interest" required the United States to pursue a "friendly and impartial conduct" towards the belligerent powers, it declared them also disposed to observe such conduct; admonished American citizens to avoid all acts tending to contravene that disposition; and declared that, in case of any violation of the law of nations abroad, by engaging in hostilities, or carrying contraband of war, they would not receive the protection of their government; and for violations at home be liable to public prosecution.

This measure of the administration was not well received by the warm friends of France. Many, as has been mentioned, would have been quite willing to make common cause with that nation; and those whose zeal did not so far out-weigh the dictates of prudence, considered that, if policy imperiously required the United States to show no more favour to an ally and friend, than to a recent enemy and present rival, at least some softening should be given to so ungracious a purpose by the manner of executing it; and that our language might have indicated to France, that if we were not in a condition to reciprocate her former good offices, she, at all events, had our good wishes. It was further objected, that as, by the federal constitution, the power of making war is vested in the legislature, that branch of the government has the exclusive right to pass judgment on the causes of war, and on the effect of the guarantee of French colonies in the West Indies; and, consequently, that the executive had no authority to prejudge that question, and to pronounce that the United States stood in the relation of impartial neutrality towards the belligerents.

The federalists on the other hand insisted that we were under no obligation by treaty to take sides with France, as the guarantee applied only to the case of defensive war, and not to one like the present, in which France was the aggressor. As to the obligations of gratitude, they maintained that nations were not to be governed by the same rules as individuals; that though this were not the case, France had, in assisting America, sought to advance her own interest, and to weaken a formidable rival; and further, that so far as the sentiment was appli-

cable at all, it was due not to the French nation, but to the monarch they had lately put to death: that the United States being now at peace, and having, on every ground, a right to remain so, it was the duty of the government to proclaim the fact to the world, as the likeliest means of removing false impressions from the minds of our citizens, of preventing the unfounded hopes of one belligerent, and of quieting the suspicions of the rest.

On this question Mr. Hamilton and Mr. Madison, who had co-operated so cordially and so efficiently in recommending the federal constitution to their fellow citizens, were found on opposite sides in construing that instrument, as indeed they had been almost from the time that it went into operation. They supported their respective opinions in the public journals,* with their wonted ability. Mr. Hamilton maintained that the proclamation, as a declaration of neutrality, was authorized by the constitution, and reconcileable with the French treaty, no less than it was recommended by prudence and propriety. Mr. Madison, in a professed reply, confined himself to the constitutional doctrines of his adversary. He admitted the propriety of a proclamation for the purpose of enjoining on American citizens the duties of peace, until Congress thought proper to change their pacific relations; but denied that it was competent for the president to judge of the causes of war, and thus to pronounce that the United States were *de jure* in a state of neutrality: and while he regrets that the proclamation should have spoken of the "duty and interest of the United States," in relation to the war, he questions whether even these terms, exceptionable as they were, fairly warrant the meaning given to that paper by its expounder.

The proclamation, however, continued to be regarded by

* Mr. Hamilton wrote under the signature of PACIFICUS; Mr. Madison, under that of HELVIDIUS. The numbers of *Pacificus* were best fitted to make an impression on the mass of the nation, for whom they were intended. But if the arguments of *Helvidius* were often too refined for popular apprehension, they were also more likely to convince or satisfy the mind of the discriminating and honest expounder of the constitution.

both parties as a declaration of neutrality, and as such, it was condemned by those whose feelings or constitutional doctrines it opposed; but was approved by a far greater number, partly from the president's weight and influence, and partly because the best interests of the United States recommended a state of neutrality and peace. And though we admit, as most of our approved jurists will, that Mr. Madison's reasoning best accords with the just theory of our government, yet it is not seen that the error it exposed could produce any serious mischief. A proclamation, in which the president gives to his fellow citizens an opinion on a matter which he cannot solely decide, must be held far less to interfere with the power of Congress to make war, or to give to foreign nations a pledge of peace, than a recommendation in a message, which is not only authorized by the constitution, but has never been regarded, in practice, as impairing the free and independent agency of the legislature.

The part which Mr. Jefferson took in the cabinet relative to Genet, and his private opinion of that minister's conduct, and the proclamation of neutrality, are fully disclosed in his diary, and in the letters written to his confidential friends at this time. Thus, in a letter to Mr. Madison, dated July 8th, 1793, after noticing the papers signed "Pacificus," and entreating Mr. Madison to take up his pen and answer "Hamilton's heresies," he thus speaks of Genet:

"Never, in my opinion, was so calamitous an appointment made as that of the present minister of France here. Hot-headed, all imagination, no judgment, passionate, disrespectful, and even indecent towards the president in his written, as well as his verbal communications before Congress or the public, they will excite indignation. He renders my position immensely difficult. He does me justice personally; and giving him time to vent himself, and become more cool, I am on a footing to advise him freely, and he respects it; but he will break out again on the very first occasion, so that he is incapable of correcting himself. To complete our misfortune, we have no channel through which we can correct the irritating representations he may make."

Extract of a letter to James Munroe, dated July 14, 1793.

—— "The proclamation of neutrality was opposed—1. Because the executive has no power to declare neutrality. 2. As such a declaration would be premature, and would lose us the benefits for which it might be bestowed. It was urged that there was a strong impression on the minds of many that they were free to join in the hostilities, on the side of France; others were unapprized of the dangers they would be exposed to in carrying contraband goods; and it was therefore agreed a proclamation should issue, declaring that we were in a state of peace with all parties; admonishing the people to do nothing contravening it, and putting them on their guard as to contraband. On this ground, it was accepted or acquiesced in by all. The public, however, soon took it up as a declaration of neutrality, and it came to be considered at length as such."—

After speaking of the embarrassments arising from the arming of French vessels, he adds: "I fear the disgust of France is inevitable. We shall be to blame in part, but the new minister much more so. His conduct is indefensible by the most furious jacobin. I only wish our countrymen may distinguish between him and his nation." . . . . "Hamilton, sensible of the advantage they have got, is urging a full appeal by the government to the people. Such an explosion would manifestly endanger a dissolution of the friendship between the two nations, and ought therefore to be deprecated by every friend to our liberty; and none but an enemy to it would wish to avail himself of the indiscretions of an individual to compromit two nations esteeming each other ardently. It will prove that the agents of the two people are either great bunglers or great rascals, when they cannot preserve that peace which is the universal wish of both.—

"The situation of the St. Domingo fugitives, (aristocrats as they are,) calls aloud for pity and charity. Never was so deep a tragedy presented to the feelings of men. I deny the power of the general government to apply money to such a purpose, but I deny it with a bleeding heart. It belongs to the state governments.

Pray urge ours to be liberal." He then ventures on a prophecy, which recent events seem likely to realize much sooner than could have been then expected. "I become daily more and more convinced that all the West India islands will remain in the hands of the people of colour, and a total expulsion of the whites, sooner or later, take place."

Extract of a letter to James Madison, dated August 11, 1793.

——"I believe it will be true wisdom in the republican party to approve unequivocally of a state of neutrality; to avoid little cavils about who should declare it; to abandon Genet entirely, with expressions of strong friendship and adherence to his nation, and confidence that he has acted against their sense. In this way we shall keep the people on our side, by keeping ourselves in the right. They made the establishment of the democratic society here the ground for sounding the alarm that this society, (which they considered as the antifederal and discontented faction,) was put into motion by Mr. Genet, and would by their corresponding societies, in all the states, draw the mass of the people, by dint of misinformation, into their vortex, and overset the government. The president was strongly impressed by this picture, drawn by Hamilton, in three speeches of three-quarters of an hour's length each. I opposed it totally; told the president plainly, in their presence, that the intention was to dismount him from being the head of the nation, and make him the head of a party: that this would be the effect of making him, in an appeal to the people, declare war against the republican party. R———, according to his half-way system between wrong and right, urged the *putting off* the appeal. The president came into his idea, or rather concluded that the question on it might be put off indefinitely, to be governed by events. If the demonstrations of popular adherence to him become as general and as warm as I believe they will, I think he will never again bring on the question: if there is an appearance of their supporting Genet, he will probably make the appeal. ——— is the poorest creature I ever saw, having no

colour of his own, and reflecting that nearest to him. When he is with me, he is a whig, when with Hamilton, he is a tory, when he is with the president, he is what he thinks will please him.* . . . . The president always acquiesces in the majority.

"You ask the sense of France with regard to the defensive quality of the guarantee. I know it no otherwise than from Genet. His doctrine is, that without waiting to be called on—without waiting 'till the islands were attacked, the moment France was engaged in a war, it was our duty to fly to arms as a nation, and the duty of every one to do it as an individual. He insisted much on Henfield's† counsel (who were engaged and paid by him,) defending Henfield on this ground, but they had more sense."

Extract of a letter to James Madison, dated Sept. 1, 1793.

——"His [Genet's] conduct has given room for the enemies of liberty and of France to come forward in a state of acrimony against that nation which they never would [otherwise] have dared to have done. The disapprobation of the agent mingles with the reprehension of his nation, and gives a toleration to that which it never had before. He has still some defenders in Freneau and Greenleaf's paper. Who they are, I know not, for even Hutcheson and Dallas give him up." . . . . "You will see much said and gainsayed about Genet's threat to appeal to the people.‡ I can assure you it is a fact."

* The individual here alluded to was characterized by that great master of bitter sarcasm, John Randolph, as "the chameleon on the aspen—always trembling, always changing." He had, however, many private virtues.

† Henfield was an American citizen, who having entered on board a French privateer, then fitting out of Charleston, was, by the advice of the attorney-general, arrested, and prosecuted in the federal court of Pennsylvania. He was acquitted by the jury on the ground that he was not aware of the unlawfulness of his undertaking.

‡ Mr. Genet, as we have seen, uttered this insolent threat when Mr. Dallas applied to him to detain the Little Democrat. The fact having soon obtained publicity, the federal prints were not slow in profiting by it to arouse the indignation of the people; and their opponents, with that

It appears from the preceding extracts that Mr. Jefferson, with all his partiality for France, and his lively hopes of the final triumph of civil liberty in that country, steered clear of the errors of many of his party in wishing the United States to engage in the war, and in apologising for the misconduct of Genet; and that he endeavoured to impress his own just views of the true interests of his country on the minds of his most intimate friends. It further appears from his diary, that in the cabinet, he laboured to distinguish between Mr. Genet and his nation, and to defend the rights and dignity of the United States against the arrogant pretensions of the minister, without suffering them to interrupt the harmony between the two nations: while his great rival and antagonist was desirous of so using them as to alienate the Americans from their attachment to France and her cause, partly from the apprehended evils of French influence, and partly to favour that close connexion with Great Britain, which was so propitious to his views of policy at home.

At a cabinet consultation which took place early in August, concerning the course proper to be pursued towards Mr. Genet, it was unanimously agreed to send to the American minister at Paris a full statement of Genet's conduct, to be communicated to the French government, and accompanied with a request for his recall. Mr. Jefferson wished the request to be expressed "with great delicacy," but the others were "for peremptory terms." It was also agreed to send Genet a copy of the letter to Mr. Morris; but Mr. Jefferson objected to this, because he thought "it would render him extremely active in his plans, and endanger confusion." It was also proposed by Colonel Hamilton that the whole correspondence and proceedings

perversion of judgment, as well as of right feeling, into which party zeal so often betrays its votaries, ventured to deny the fact, and to justify it, even if it were true. It was soon established beyond question, by the certificate of Mr. King and Mr. Jay, on information derived partly from Mr. Jefferson himself. A majority promptly resented the insult to its chief magistrate; and in this way the misjudging zeal of the French minister injured the cause of his own country, and the party in America who befriended it.

with Genet should be published by way of appeal to the people; but this question, after some opposition on the part of Mr. Randolph, was adjourned to the following day. The discussion was then renewed, when Colonel Hamilton in again pressing the appeal, laid great stress on the necessity of counteracting the Democratic Society, which had been recently established in Philadelphia, and which it was apprehended, would, in imitation of the Jacobin clubs of France, extend its connexions to every part of the country. Mr. Jefferson opposed the appeal. He maintained that the Democratic Societies of Pennsylvania afforded no good cause of alarm: they were chiefly intended to influence the approaching election of governor in that state; and if left alone they would die of themselves, but if opposed, they would acquire importance. He urged that by the appeal, the president would "assume the station of the head of a party, instead of the head of the nation;" that the cabinet, though agreed as to the *facts*, were not agreed as to the character of some of their decisions; that these differences would be extended to the public, and to Congress; that Genet would appeal also, and it would become a contest between him and the president. He lastly insisted that the measure would be as mischievous abroad as at home; that friendly nations settle little differences in private, and "never appeal to the world, but when they appeal to the sword;" that there was no evidence that Genet acted here in pursuance of what her enemies alleged to be the settled system of her government; that our countenance to that imputation would be considered unfriendly towards France, and producing a correspondent feeling on her part, would at least induce her to retract her offer of a commercial treaty.*

The president was inclined to make the appeal, but finding his cabinet equally divided on the question, he determined to make no decision respecting it at that time, but to be governed by subsequent events.

The yellow fever which visited Philadelphia this year, for

* This offer had been communicated by Mr. Genet, in a letter to the Secretary of State, dated Sept. 30, 1793.—*Wait's State Papers*, I. p. 410.

some time suspended the consultations of the cabinet; for the pestilence being believed to be infectious, all the chief officers of the government had, in the interval, fled from the city,* and did not reassemble until the beginning of November. They then met in Germantown, near Philadelphia, and there remained until the end of the month.

At the first conference of the cabinet in Germantown, on the 8th of November, the president, while the answer to one of Genet's letters was under consideration, took occasion to animadvert on his extraordinary conduct, and to remark that he meant to submit the question whether he should not be ordered away. Hamilton and Knox were decidedly in favour of his dismission. The latter had indeed proposed it at a conference in August. Randolph urged considerations of policy against it, and the decision was supended.

The subject was resumed at a meeting on the 18th, and the *renvoi* of Genet was proposed by the president himself. Mr. Jefferson urged in opposition, that "France was the only nation on earth sincerely our friend;" that the measure was a harsh one, and, in every precedent produced, had been followed by war. That from the time the despatches to Mr. Morris had left the United States, (84 days,) they might hourly look for his recall; that before the measure could be finally disposed of, it

* The disease, now first designated the *yellow fever*, began early in August, and terminated early in November. In that time there were 4,044 deaths, which, after deducting the average number in ordinary years, makes the number of victims to the pestilence about 3,800. In the second week in October, when the disease was at its height, the number of deaths exceeded 700. The population of Philadelphia was then about 50,000, of whom one-third were computed to have left the city.

Mr. Jefferson was the last of the cabinet who left the city, except Colonel Hamilton, who was attacked by the fever. He writes to a friend, early in September, "I would really go away, because I think there is rational danger, but that I had before announced that I should not go 'till the beginning of October, and I do not like to exhibit the appearance of panic. Besides, I think there might be serious ills proceed from there not being a single member of the administration in place." But the malignity of the disease increasing, he also fled; not, however, as appears from his last letter, dated Sept. 17th, "until he had cleared his letter files," and left not a single correspondent unanswered.

would be within a few days of the meeting of the new Congress, and though they were probably now with the administration, this measure might carry a portion of them over to Genet's side; and that he might not obey the order. "The president then asked Mr. Jefferson what he would do if Genet should send his threatened accusation to the executive, to be communicated to Congress; to which he replied, that he would not communicate it, but either put it in the newspapers, or send it back to the minister. The cabinet being also divided on this question, the president left it undecided, according to what seems to have been his practice, in such cases, whenever a decision was not urgently required.

If the war in which France was involved gave rise to embarrassing questions between that nation and the United States, it also greatly added to the long list of mutual complaints which previously existed between them and Great Britain.

On the part of that nation it was contended that the French were allowed to do certain acts which were inconsistent with the neutral position of the United States, many of which have been already adverted to, in noticing the occasions of complaint against Mr. Genet. The United States, on the other hand, complained that they were not allowed to exercise the rights to which neutrals were entitled under the laws of nations.

Of this character they held the British order in council of the 8th of June, 1793, which under the title of "additional instructions to British ships of war," authorized them to stop all vessels loaded with grain, and bound for France; and to send them into the most convenient port, in order that their cargoes might be purchased by the government; to seize all ships attempting to enter ports declared to be blockaded, except Danish and Swedish vessels, which were to be seized only on a second attempt. And it further provided, that any vessel which appeared from their papers bound to a blockaded port, should be admonished to proceed to other ports, but if they continued their course with a view of entering the blockaded port, they should be liable to condemnation, as should also all those vessels which had sailed

for a port declared blockaded, after the declaration had been known in the country from which they sailed.

On the 7th of September, Mr. Jefferson wrote to Mr. Pinckney, the American minister, to enter into explanations with the British government on the subject of this order, which he considers as clearly violating the law of nations, and to endeavour to obtain a revocation of it, as well as indemnification for our citizens who had suffered under it. Adverting then to their backwardness in answering any applications from the United States, Mr. Jefferson remarks: "it may become unavoidable in certain cases, where an answer of some sort is necessary, to consider their silence as an answer—perhaps this is their intention—still, however, desirous of furnishing no colour of offence, we do not wish you to name to them any term for giving an answer." The minister was also required to ask an explanation of the distinction in favour of Danish and Swedish vessels.

On the 12th of the same month, Mr. Hammond sent to Mr. Jefferson a copy of the same "additional instruction," or order in council, with some remarks in its justification, as that according to the "most modern writers," on the law of nations, all provisions are contraband, "where the depriving an enemy of these supplies, is one of the means intended to be employed for reducing him to reasonable terms of peace;" that the actual situation of France and her avowed principles of hostility against all the governments of Europe made the principle particularly applicable to the present case; and especially as the trade was then carried on by the ruling powers of France; that the order in council, instead of declaring all provisions contraband, as the preceding considerations would have warranted, extends only to *corn*, and even in intercepting this, secures to the neutral owner full indemnification. He also explains the discrimination in favour of Denmark and Sweden, by referring it to the treaties between those powers and Great Britain.

Mr. Jefferson replied to Mr. Hammond on the 22nd of September, and after adverting in strong terms to the serious bearing the British order had on the agriculture and commerce of the United States, he says that the principle which declares pro-

visions contraband in the case stated by Mr. Hammond, "or in any case but that of a place *actually blockaded*," is "entirely new;" but that the American minister at London having been instructed to make a proper representation on the subject, he declined a discussion of it at that time. He refers to the right claimed by Great Britain to refuse to the United States what was yielded to the other neutral powers by treaty, and says he does not contest it, as a reciprocal right resulted to the United States.

The same subject had given rise to a correspondence between Mr. Pinckney and Lord Grenville, in which the ministers of the two countries asserted the same doctrines and arguments as their respective colleagues urged in the United States.

To this cause of irritation was added that of impressment, of which there had been occasions of complaint before the present war, but which that event had greatly multiplied. In Mr. Jefferson's despatch to Mr. Pinckney of October 12, 1792, he mentions a case in which the commander of a British ship had taken sailors from a vessel belonging to Virginia, while off the coast of Africa. He remarks, "so many instances of this kind have happened, that it is quite necessary that their government should explain themselves on the subject; and be led to disavow and punish such conduct. I leave to your discretion to endeavour to obtain this satisfaction by such friendly discussions as may be most likely to produce the desired effect, and secure to our commerce that protection against British violence, which it has never required from any other nation. No law forbids the seamen of any country to engage in time of peace, on board a foreign vessel: no law authorizes such seaman to break his contract, nor the armed vessels of his nation to interfere for his rescue."

In the instructions given to Mr. Pinckney, when setting out on his mission, Mr. Jefferson had thus called his especial attention to this subject: "the peculiar custom in England of impressing seamen on every appearance of war, will expose our seamen to peculiar oppressions and vexations. These will require your most active exertions and protection, which we know can-

not be effectual without incurring considerable expense; and as no law has yet provided for this, we think it fairer to take the risk of it on the executive than to leave it on your shoulders." . . . . "It will be expedient that you take proper opportunities, in the meantime, of conferring with the minister on the subject, in order to form some arrangement for the protection of our seamen on these occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him, which was, that our seamen should always carry about them certificates of their citizenship. This is a condition never to be submitted to by any nation; one with which seamen would never have the precaution to comply. The casualties of their calling would expose them to the constant destruction or loss of this paper evidence; and thus the British government would be armed with *legal authority* to impress the whole of our seamen. The simplest rule will be, that the vessel being American, shall be evidence that all on board her are such. If they apprehend that our vessels might thus become asylums for the fugitives of their own nation from impress-gangs, the number of men to be protected by a vessel, may be limited by her tonnage, and one or two officers only be permitted to enter the vessel, in order to examine the numbers on board; but no press-gang should be allowed ever to go on board an American vessel, 'till after it shall be found that there are more than their stipulated number on board; nor 'till after the master shall have refused to deliver the supernumeraries, (to be named by himself,) to the press officer who has come on board for that purpose; and even then, the American consul should be called in."

The subject was again pressed on the minister's notice in Mr. Jefferson's letter of March 16, 1793, and referring to the ground on which the British minister sought to justify the practice to Mr. Pinckney, he remarks, that while he "regarded so minutely the inconveniences to themselves which may result from a due regulation of this practice, it was just he should regard our inconveniences also, from the want of it."

In another letter to Mr. Pinckney of June 14, 1793, Mr. Jefferson refers to his correspondence with the English and French

ministers, to show the principles of impartial neutrality on which the government meant to proceed. He defends the course taken by the executive as to the prizes made by the *Citizen Genet*, and excuses the blank commissions delivered to Mr. Genet, by his government, and issued by him in the United States, as according to the settled usage of France, and perhaps of other nations. He then takes occasion to notice the impatience manifested by Mr. Hammond, when he does not receive an immediate answer to his communications, and adds, "you know best how far your applications meet with such early attentions, and whether you may with propriety claim a return of them: you can best judge of an intimation, that where despatch is not reciprocal, it may be expedient and justifiable that delay should be so."

The French government had also invaded the rights of the neutral flag, and indeed seemed* to have set the example. On the 9th of May, 1793, the National Convention issued a decree, authorizing their armed vessels to seize, and carry into port all neutral vessels laden with provisions and bound to an enemy's port, or having on board merchandise belonging to an enemy. Such merchandise was declared lawful prize; but provisions, when the property of neutrals, were to be paid for at the price they would have brought in the port to which they were bound. Neutral vessels were to be immediately released, after the provisions were landed; and to receive their stipulated freight, as well as compensation for detention.

This decree being in direct violation of the treaty with the United States, it became the immediate subject of remonstrance on the part of Mr. Gouverneur Morris;† and the convention on the 23d of May, decreed that the vessels of the United States, conformably to the treaty of 1778, were not comprehended in

* I use the word "seemed," because the French deny that they were the first to invade the rights of neutrals, and justify the decree of the 9th of May, by the special provisions respecting neutrals in the treaties made by Great Britain with Russia on the 25th of March, 1793.—See *Debrett's State Papers*, Vol. I. p. 3.

† Life of G. Morris, Vol. II. p. 319.

the decree of the 9th. With that fluctuation in their councils, which was so characteristic of the times, the decree of the 23d was revoked five days afterwards; but, on a second remonstrance from Mr. Morris, was renewed on the 1st of July. It was, however, again revoked on the 27th of that month, and thus the original decree of the 9th of May remained in full force against all neutrals.

It seems reasonable to infer that this decree had suggested the British order of the 8th of June, yet it is remarkable that it is not mentioned or alluded to either by Lord Grenville in his correspondence with Mr. Pinckney, or by Mr. Hammond in his with Mr. Jefferson, and that it is not noticed in the debates in parliament or journals of that period. As we cannot suppose it unknown to the British ministry, it seems probable that they preferred resting the justification of a principle, which was likely to prove so much more advantageous to them than to their enemy, on the permanent ground of the law of nations, rather than on the French decree, which might be revoked at any time.

Mr. Morris, who had duly informed his government of these measures of the French republic, writes to Mr. Jefferson, on the 22nd of September, that he understood the decree of the 27th of July was to be repealed; and that in the meantime, "*it had not been transmitted to the tribunals.*" "We shall see in effect, he adds, that this decree can do very little harm, because the fleets of the country are confined by those of the enemy, and the privateers by a decree of the convention."*

Again adverting to this subject, on the 10th of October, he remarks: "The conduct of the convention, respecting our treaty, will have formed a useful reinforcement to those who would preserve our constitution. My efforts to support the treaty have been constant and persevering, although, in my private judgment, the breach of it, on the part of our allies, by releasing us from the obligations it has imposed, could not but be useful, under the present circumstances."

* Life of G. Morris, II. p. 354.

On the 14th of October, the minister of foreign affairs, in answer to the complaints of Mr. Morris, excuses the course pursued by France towards neutrals, as a mode of necessary retaliation on their enemies; and says it would continue as long as those enemies resorted to unlawful measures against France. He remarks that the decree of the 9th of May was conditional,* while the correspondent measures† of the combined powers were positive; and that it was in their power to put a period to the execution of the French decree by permitting neutral nations to trade with France.

When the despatches from Mr. Morris, communicating the preceding intelligence, reached the United States, the administration then first distinctly learnt‡ that it was the settled policy of the French government to disregard the provisions of the treaty with the United States, and to justify themselves, under the plea of self-defence. The subject was therefore formally communicated to Congress by the president immediately after they assembled.

The French decree was certainly indefensible, as it violated an express provision of the treaty of 1778, of which France had actually availed herself by making prizes of American merchandise taken in British vessels. But, besides that it provided a more complete indemnification to neutrals than the British order, a decree which had been repeatedly suspended, and which France had such slender means of enforcing, was naturally re-

* The condition here referred to appears in no notice of it that I have met with. If it existed at all, it must have been in the form of a preamble, or perhaps in the declarations of those members of the convention who were its advocates in debate.

† All those measures, except the treaty between Great Britain and Russia, appear to have been subsequent to the French decree; yet Mr. Morris, in his despatches of Feb. 13, 1793, says, "It is not improbable that our vessels, bringing provisions to France, may be captured and taken into England, the cargoes paid for by the government."

‡ The decrees of the 9th of May, and that of the 23d, exempting the United States from its operation, were first communicated to the American government by Mr. Genet on the 27th of September, 1793, and without any notice of the subsequent re-enactments of it.—*Wait's State Papers*, Vol. I. p. 421.

garded very differently by the American government and people from one which was put into efficient operation to vex their commerce and sailors in every sea.*

While the yellow fever was at its height, the president had consulted the members of his cabinet on the propriety of convening Congress at some other place than Philadelphia. Mr. Jefferson wrote to him on the 15th of September, that he thought he had not the power under the constitution to convene them at any other place than that to which they had adjourned themselves. Fortunately, however, the disappearance of the disease made the decision unnecessary, and the cabinet reassembled in November, when the near approach of the meeting of Congress presented, as usual, for the deliberations of the cabinet, the interesting subject of the president's communication to that body.

Among the topics in the speech which afforded occasion for difference in the cabinet, the most important was the proclamation of neutrality. At the consultation held on the 18th of November, Colonel Hamilton maintained that the president had a right to declare his opinion to our citizens and to the world; that it was not our interest, and we were under no obligation to join in the war; that foreign nations had considered it as a declaration of neutrality, future as well as present; and to say now

* When we consider the difference of injury received from the two nations, which amounted almost to that between impotent threats and blows frequent and severe, it seems hardly fair to attribute the greater sensibility shown to the measures of Great Britain, to the undue forbearance of the administration and people towards France; yet such is the implied censure in the following passage in Marshall's Life of Washington:

"The earnestness, as well as force with which the argument against this measure was pressed on the British cabinet, and the extreme irritation it produced on the public mind, contrasted with the silence of the executive, respecting a much more exceptionable decree of the National Convention, and the composure of the people of the United States under that decree, exhibits a striking proof of the difference with which not only the people, but an administration which the frenzy of the day accused of partiality to England, contemplated at that time the measures of the two nations."—Vol. V. note xi.

that it was not meant to give that assurance, would be a deception on them. He was therefore in favour of the "president's using such expressions as should neither affirm his right to make such a declaration, nor yield it." Mr. Jefferson and Mr. Randolph denied the right of the president to declare any thing as to the future, on the question of war or peace; or that such had been the intention of the proclamation; and they insisted that Hamilton's interpretation of it would make it determine the question of *guarantee*, to which the president was incompetent. Mr. Jefferson went farther, and denied he meant to declare that neutrality would be our interest; on the contrary, he wished foreign nations to be doubtful on this point, that they might "come and bid for our neutrality." The president disclaimed any intention of looking beyond the next meeting of Congress, or any object beyond keeping the people in peace. He justified himself for using the term "neutrality" in his answers to the public addresses which the occasion had called forth, on the ground that he had submitted the first of them to his cabinet, and the term had not been objected to.

The discussion was renewed three days afterwards, when, as had been previously arranged, paragraphs for the president's speech, prepared by Colonel Hamilton and Mr. Randolph respectively, were submitted to the cabinet, and when the same grounds were taken by the several members as before. It was even maintained by Hamilton that the president and senate might, under the treaty making power, make a treaty of neutrality which should take from Congress the right to declare war; and that under the form of treaty, they might exercise any power whatever, even those exclusively assigned to the House of Representatives. Mr. Jefferson, on the other hand, insisted that "in giving to the president and senate a power to make treaties, the constitution meant only to authorize them to carry into effect, by way of treaty, any powers they might constitutionally exercise." He adds, "I was sensible of the weak points in this position, but there were still weaker in the other hypothesis; and if it be impossible to discover a rational measure of authority to have been given by this clause, I would

rather suppose that the cases which my hypothesis would leave unprovided, were not thought of by the convention, or if thought of, could not be agreed on, or were thought of and deemed unnecessary to be invested in the government. Of this last description, were treaties of neutrality, treaties offensive and defensive, &c. In every event, I would rather construe so narrowly as to oblige the nation to amend, and thus declare what powers they would agree to yield, than too broadly, and indeed so broadly as to enable the executive and senate to do things which the constitution forbids." . . . . In conclusion, he was in favour of Randolph's way of explaining the proclamation, though "it gave to that instrument more objects than he had contemplated;" General Knox was in favour of Hamilton's; and the president, repeating his former declarations, but expressing an unwillingness to make a public disclaimer, which perhaps was unnecessary, came to no decision between the two draughts.

At two subsequent meetings they discussed the propriety of recommending the fortification of the principal harbours, and the establishment of a military academy. Mr. Jefferson opposed the first on the ground of expediency, and the last as not within the specific powers assigned to Congress.* The president agreed with him as to the fortifications; but all the other members of the cabinet being in favour of the military academy, he said that "if the measure was *doubtful*, he was so impressed with its necessity that he would refer it to Congress, and let them decide for themselves" on its constitutionality.

* Yet when it is considered that the military science which so prodigiously augments the physical force of man, is essential to the national defence; that an adequate supply of officers instructed in its precepts can be furnished in no way so effectually as by an institution devoted exclusively to their instruction; that if we have no such institutions at home we must be dependent on foreign countries for the first class of engineers and strategists; and when it is further considered that the duty of raising and disciplining armies, erecting fortifications and the like, is expressly assigned to the general government, it would seem that Congress may establish military schools, under its power of passing "all laws necessary and proper" for executing the powers expressly given.

At the last of these meetings, the draught of a message to Congress on the subject of France and England prepared by Mr. Jefferson, was submitted to the cabinet. It was not relished by Colonel Hamilton, who said that "the contrast drawn between the conduct of France and England amounted to a declaration of war." He considered the favourable dispositions of the people of America towards that country a serious calamity, and that it ought not to be nourished by the executive; that the offer of commercial advantages was the offspring of circumstances which would not last, and that he could prove that "Great Britain showed us more favours than France." Many expressions in the draught were changed to make it more to his taste. He also wished the communication to be secret, at least, as to the subject of complaints which were still pending. On this and the other points he was supported by Knox, and opposed by Jefferson and in part by Randolph. The president, however, decided without reserve, that the whole should be communicated in a public message, though as to the documents respecting the provision order of the 5th of June, Mr. Jefferson stood alone. This, he remarks, was the first instance of the president's deciding on the opinion of one against that of three others.

Congress met on the 2nd of December, and on the following day the president addressed the two Houses, in the senate chamber. Two days afterwards he sent them a message* on the foreign relations of the United States, in which he communicated to them the decree of the 9th of May, in contravention of the treaty of 1778, and the recent enforcement of it, which should be immediately made the subject of representations to the French government; gave a summary of the conduct of Genet, and the measures taken by the executive; the provision order of the British government, and its continued failure to execute the treaty of peace. Each of these subjects were accompanied with the appropriate documents, the most important of which have been already referred to. As important negotiations with Spain were now depending, he informed them they

* Wait's State Papers, Vol. I.

would be the subject of a subsequent confidential communication. This was accordingly made on the 16th. It regarded all the points of dispute between the two nations, whether relating to boundary, commerce, the navigation of the Mississippi, the surrender of fugitives from justice, or their mutual complaints of exciting Indian hostilities, and interfering with Indian boundaries, all set forth in numerous documents and a voluminous correspondence, in which Mr. Jefferson, as secretary of state, bore a principal part, and exhibited his wonted diligence, accuracy, and ability as a diplomatist.* In another message was communicated the papers and correspondence relative to the Barbary powers.

On the same day, Mr. Jefferson made a report† to the House of Representatives on the privileges and restrictions on the commerce of the United States in foreign countries, in conformity with a resolution of that body on the 23d of February, 1791. After stating the amount of the annual exports of the United States in their principal staple products, to Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, respectively; the imports from each of those countries; the American tonnage employed in the commerce with each; and a detailed notice of the restrictions on that commerce, the report proceeds to consider how those restrictions "may be best removed, modified, or counteracted." Of the two modes by treaty, and by our own legislative measures, the first is deemed most eligible on many accounts; but where that is unattainable he recommends a resort to the other. The protection to be thus afforded to the commerce of the United States is still more important to their navigation, which is so essential to the national defence. With a view to these objects, he recommends a series of legislative measures which should retaliate on other nations the precise restrictions imposed by them on American commerce or navigation.

This report, and a letter to the Spanish commissioners on the

* See Wait's State Papers, Vol. X. p. 114 to 254.
† Ibid. Vol. I. p. 422.

21st of December, and another report of the 30th, transmitting a decree of the National Convention in favour of American commerce, were his last official acts as Secretary of State; for the time had now arrived when he was to execute his long intended purpose of withdrawing from public life.

Though Mr. Jefferson's resignation of his office had been from time to time postponed, his purpose of resigning had never wavered, and it required all the efforts of his adherents and friends to induce him even to suspend it. One of the principal arguments they had relied upon, was, that to retire when his character was assailed in the newspapers, would be likely to injure him in the public esteem. Mr. Madison wrote to him in May to dissuade him from his purpose, and delicately alludes to the effect it might have on his reputation as a public man, by the following remarks: "you must not make your final exit from public life, till it shall be marked with justifying circumstances, which all good citizens will respect, and to which your friends can appeal." To this part of the letter Mr. Jefferson, on the 9th of June, replies in a tone of remonstrance and almost of impatience, unwonted with him, and especially in his intercourse with Mr. Madison:

——"To my fellow citizens the debt of service has been fully and faithfully paid. I acknowledge that such a debt exists—that a tour of duty, in whatever line it can be most useful to his country, is due from every individual. It is not easy, perhaps, to say of what length his tour should be, but we may safely say of what length it should not be; not of our whole life, for instance, for that would be to be born a slave; nor even of a very large part of it. I have now been in the public service four-and-twenty years; one half of which has been spent in total occupation with their affairs, and absence from my own. I have served my term. No positive engagement, by word or deed, binds me to their further service. No commitment of their interests, in any enterprise by me, requires that I should see them through it. I am pledged by no act which gives any tribunal a call upon me, before I withdraw. Even my enemies do not pretend this. I stand clear then of public right, in all

points. My friends I have not committed. No circumstances have attended my passage from office to office, which could lead them or others into deception as to the time I might remain; and particularly, they and all have known with what reluctance I engaged, and have continued in the present one, and of my uniform determination to retire from it at an early day. If the public has no claim on me, and my friends nothing to justify, the decision will rest on my own feelings alone. There has been a time when these were different from what they are now; when perhaps the esteem of the world was of higher value, in my eye, than every thing in it; but age, experience, reflection, preserving to that only its due value, have set a higher on tranquillity. The motion of my blood no longer keeps time with the turmoil of the world. It leads me to seek happiness in the lap and the love of my family; in the society of my neighbours and my books; in the wholesome occupations of my farm and my affairs; in an interest or affection in every bud that opens, in every breath that blows around me; in an entire freedom of rest or motion, of thought or incogitancy—owing account to myself alone of my hours and actions. What must be the principle of that calculation which should balance against these circumstances of my present existence? Worn down with labours from morning till night, and day to day; knowing them as fruitless to others as they are vexatious to myself; committed singly in desperate and eternal contest against a host who are systematically undermining the public liberty and prosperity—even the rare hours of relaxation sacrificed to the society of persons in the same intentions, of whose hatred I am conscious even in those moments of conviviality, when the heart most wishes to open itself to the effusions of friendship and confidence—cut off from my family and friends; my affairs abandoned to chaos and derangement. In short, giving every thing I love in exchange for every thing I hate; and all this, without a single gratification in possession or prospect—in present enjoyment or future wish. Indeed, my dear friend, duty being out of the question, inclination cuts off

all argument, and so never let there be more between you and me on this subject."

Thus determined to withdraw from a situation so irksome, he wrote on the 31st of July to the president, that the motives which in February had induced him to suspend his resignation no longer continuing, he should resign at the end of the current quarter. But on the 6th of August, the president called on him at his house on the Schuylkill, when the preceding letter gave rise to a long conversation on the views of parties, on Mr. Jefferson's resignation and that of Colonel Hamilton, which he himself had lately made known, and on the appointment of his successor, in the state department; when on the president's expressing a particular desire that Mr. Jefferson would continue in office to the end of the year, he took time to consider of it, and on the 11th of August, wrote him a card to announce his change of purpose, in compliance with the president's wishes.

His letter of resignation is in the following words:

"*Philadelphia, December* 31, 1793.

"Sir,

"Having had the honour of communicating to you, in my letter of the last of July, my purpose of retiring from the office of Secretary of State, at the end of the month of September, you were pleased, for particular reasons, to wish its postponement to the close of the year. That term being now arrived, and my propensity to retirement becoming daily more and more irresistible, I now take the liberty of resigning the office into your hands. Be pleased to accept my sincere thanks for all the indulgences which you have been so good as to exercise towards me in the discharge of its duties. Conscious that my need of them has been great, I have still ever found them greater, without any other claim on my part than a firm support of what has appeared to be right and a thorough disdain of all means which were not as open and honourable as their object was pure. I carry into my retirement a lively sense of your goodness, and shall continue gratefully to remember it.

"With my serious prayers for your life, health, and tranquil-

lity, I pray you to accept the homage of the great and constant respect and attachment with which I have the honour to be

"TH: JEFFERSON."

He soon after set out for Monticello, where he hoped to find that peace of mind which public employment had long since ceased to afford him.

CHAPTER XIX.

Mr. Jefferson's motives for retiring from public life. His continued connexion with the Republican Party. Description of Monticello. Mr. Madison's Commercial Restrictions—arguments for and against them in Congress. State of parties on this Question. A naval force provided. British Order in Council of the 5th of November. The Measures in Congress to which it gave rise. The Chief Justice sent as Minister to England. Each party accuses the other of foreign attachments. Arrangement of each under different classes of citizens.

1794.

Thus Mr. Jefferson, after having been actively engaged in the affairs of his country at home and abroad, for twenty-five years, had now, at the age of fifty, returned to private life, for which he had qualities and resources that peculiarly fitted him, and for which too he had always expressed a strong predilection. Here he would find leisure to gratify his lively relish for letters; to make observations in physics and natural history; and, in the society of his daughters and grandchildren, cultivate the domestic affections. With these sources of happiness, which were more fondly desired from their having been hitherto enjoyed only at brief intervals, and his rare cheerfulness of temper, he would probably have been content to pass the remainder of his life at Monticello with as little of repining or chagrin as ever attended the premature retirement of a statesman.

His motives for withdrawing from public affairs have been, as usual, variously interpreted by his friends and his enemies. The

former alleged that, dissatisfied with some parts of the policy of the administration, discouraged by his failure to defeat the most pernicious of Hamilton's measures, and harassed by the labours of incessant controversy in the cabinet and out of it, he had determined to bid a final adieu to a life of vexation and disappointment; and that since it was not allowed him to serve his country by his counsels, he had sought peace in unambitious and philosophical retirement. But his political adversaries denied that private life was his ultimate object. They insisted, on the contrary, that it was used as a more effectual means for the furtherance of his ambitious views; that in the attitude in which he had been recently placed of defending the executive and of opposing Genet, he was in danger of losing the confidence and affections of the party to whom he had hitherto looked for support; and there could be no better time for him to retreat from so delicate a position than when his late official support of the administration had softened his opponents, and even won from them a certain degree of favour, without sensibly diminishing the confidence and adherence of his own party; and that he now withdrew from public affairs in the full expectation of being a candidate for the presidency, on the retirement of General Washington.

It is not always practicable to fathom men's motives, for they are sometimes not known or not distinctly avowed to themselves. Mr. Jefferson's own declarations repeatedly made with every appearance of sincerity, and consistently with his frequent refusals of public office and resignations after he had accepted, all concur to assure us that he would have contentedly remained a private individual at Monticello. It is not, however, to be supposed that he felt indifferent to the great events which were then passing in Europe, and still less to the political contests of the day in his own country; nor with his views, would such apathy have been creditable to his patriotism or love of civil liberty. He meant no doubt in his retirement to keep a watchful eye on the proceedings both of Congress and the administration, and to avail himself of his popularity in the nation, to counteract by his counsels the antirepublican tendencies of

the men in power, and of the English party generally. Whether there mingled with these feelings the ambition of attaining the chief power himself cannot now be known. But it is reasonable to suppose that he was not exempt from the desire of self-aggrandizement, if it could be attained without undue sacrifices. With ambition thus tempered and regulated, whether it was disguised from him or not, it seems unfair to charge with him affecting the virtues of humility, and with pretending to disclaim and despise what he secretly coveted, and sedulously sought to attain.

But whatever may have been his views in retiring, he was destined not long to remain in a state of quiet neutrality. The unanimous voice of his party soon proclaimed him the man of their choice to succeed General Washington; and as it is not known that he made any very earnest opposition to their wishes, it may be presumed that he contented himself with a passive acquiescence. The part which he did take, after it was distinctly ascertained that he was to be the candidate of the democratic party, cannot now be easily traced. There is little evidence of it to be found in his correspondence; and there probably never existed any other, except in the conversations and suggestions which passed between him and his numerous visiters, and from them were diffused throughout Virginia, and even the union. Of these, there remains no memorial save what may still linger in the faded recollections of his surviving fellow labourers. It is certain that Monticello was, in this and the two succeeding years, the head-quarters of those opposed to the federal policy, and that few measures of the republican party in Congress were undertaken without his advice or concurrence. He even had an agency in directing the attacks of the opposition journals; and manuscript draughts of bills, resolutions, and reports prepared by him about that period, are yet exhibited by those who are curious in autographs, or in the political history of the times. Some of the members of Congress from Virginia, Kentucky, and the southern states, were his intimate friends; and with a part of these he communicated not only by letter, but also by a personal intercourse during the summer on their

visits to the watering-places in the mountains of Virginia. Among his most frequent visiters were Mr. Madison, Mr. Monroe, and Mr. Giles.

It would seem that no course could have been more prudent, if political advancement had been Mr. Jefferson's object, than that which he took in withdrawing from public affairs. The impression was universal that he had quitted the administration because he did not cordially approve its course; and while he thus secured the confidence and favour of one party, the negative character of a retreat from the field of contest, did not excite the hostility of the other; and the ability with which he had defended the administration against the complaints of Mr. Genet, had even obtained for him a portion of their esteem and respect. This minister, by his intemperate zeal, had offered himself as a victim by which Mr. Jefferson was able to propitiate his enemies without giving offence to his friends.

The letters of Mr. Jefferson, written about this time, all speak of his having abstracted himself from politics, and that he was engrossed by the appropriate pursuits of a country gentleman in Virginia. The first which he wrote after his return to Monticello was addressed to his successor, Mr. Edmund Randolph, and dated Feb. 3d, 1794. In that he asserts that he read no newspapers, except those of Richmond, and that he indulged himself in a single political topic; and this was, he says, in declaring to his countrymen "the shameless corruption of a portion of the representatives in the first and second Congresses, and their implicit devotion to the treasury. I think," he adds, "I do good in this, because it may produce exertions to reform the evil, on the success of which the form of the government is to depend."

In another letter to Mr. Madison, dated April 3d, he also remarks: "I have never seen a Philadelphia paper since I left it, till those you enclosed me; and I feel myself so thoroughly weaned from the interest I took in the proceedings there, while there, that I have never had a wish to see one, and believe that I shall never take another newspaper of any sort. I find my mind totally absorbed in my rural occupations."

Yet the rest of this very letter, which is not a short one, indicates any thing but indifference to what was going on at the seat of government. "I have, he says, been particularly gratified by the receipt of the papers containing your's and Smith's* discussions of your regulating propositions. These debates had been seen here but in a very short and mutilated form." He then ascribes the speech of Mr. Smith to Colonel Hamilton, and used arguments to establish the fact. Adverting to the rumour of a war with Great Britain, he says, "Still I hope it will not come to that; but that the propositions [Mr. Madison's retaliating resolutions] will be carried, and justice done to ourselves in a peaceable way. As to the guarantee of the French islands, whatever doubts may be entertained of the moment at which we ought to interpose, yet I have no doubt that we ought to interpose at a proper time, and declare both to England and France, that these islands are to rest with France, and that we will make a common cause with the latter for that object."

These remarks may lead us to question whether his mind was so absorbed by his new occupation as he was willing to believe. The very frequent mention of his indifference to politics itself is a proof that they occupied much of his thoughts: and his unwillingness to read the newspapers implies a sensitiveness to the attacks of his opponents, and a disgust with their ordinary topics which is any thing but indifference. It would seem indeed highly improbable that one whose thoughts and pursuits had been directed to public concerns for almost thirty years,† during nearly the whole of which time his efforts had been rewarded by popularity and success, could, immediately on quitting them, abstract his mind from all which had hitherto stimulated and interested it. And if regret and disappointment in the past, and gloomy presages of the future prevented at first that philosophical calm which he sought, it was not long before he felt an interest in public affairs of a very different character.

* Mr. William Smith of South Carolina.

† Though Mr. Jefferson's public life began in 1769, yet his interest in public affairs may be dated from 1775, when the resolutions against the stamp act were debated.

Ere two years had passed away the clouds which had lately darkened his prospects had so dispersed that he once more ventured on the ocean of political life; and though he again had to encounter an adverse current and a rough sea, yet borne along as he was by the gale of popular favour, a mind less sanguine than his might confidently hope to reach the haven in which his voyage was to terminate with honour and glory.

The preceding passage furnishes a further proof that he has been unjustly charged by his opponents with a wish to involve the country in a war with England; that he, on the contrary, was really desirous to avoid that issue, and was willing to encounter it, only when it was the alternative of violating the obligations of public faith towards France.

When it is recollected that the United States had not the naval power which was indispensable for making good this guarantee, it must be supposed that France only promised herself from it either the advantage of involving us in any war in which she might be engaged with England, or that the objection which England would have to such a result would be a check upon her engaging in a war with France. But neither of these expectations have been realized, and the guarantee produced no other effect, good or bad, than the advance of some supplies to the French authorities in St. Domingo, in part payment of the debt which the United States owed to France.

The spot to which Mr. Jefferson had retreated from the labours and anxieties of public life, possessed great natural beauty, and it was not more dear to his affections from early associations than it was particularly suited to his taste. His dwelling house was placed on the summit of a little mountain which forms part of the south-west range, and which commands a most extensive prospect of the surrounding country, except in the north-east and south-west directions—these being the course of the range. To the east is seen a vast extent of wooded champaign which, though not entirely level, has that appearance when seen from this elevated spot; and where it approaches the horizon, its uniform gray tint is nearly the same as a distant view of the ocean. To the south-west is seen the Blue

Ridge, in its nearest point about twenty miles distant, but stretching away to the north-east, it can be followed by the eye for more than 100 miles—its apparent height diminishing, and its tints fading as it gradually recedes from the view. At a short distance, (less than two miles direct,) is seen the town of Charlottesville, and a small piece or two of the Rivanna river exhibits its glassy surface as it winds through the forest. Willis's mountain is seen to lift its head alone above the immense plain to the south-west, and its form occasionally undergoes great changes by the varying refractions of the atmosphere. The view is however recommended by magnificence rather than variety, and the immense chain of the Blue Ridge is its most striking feature.

The ground on the eastern edge of which the house stands is a plain, made by lowering and levelling the summit of the mountain, and comprehends about six acres. The mountain is clothed with the trees of the original forest on every side, except the south, where there is a large hanging garden.

The house is a long building of moderate elevation with a Grecian portico in front and an octagonal cupola. The road by which it is approached so winds round the mountain as to make the ascent easy. Long terraces, about six feet above the ground, and forming three sides of a square, serve as a promenade in good weather, and cover the offices attached to the building. These terraces are terminated by two small pavilions, to which the members of the family retired as places of study.

The entrance from the portico was into a saloon decorated on either side with horns of elk, moose, and deer; Mexican antiquities; Indian dresses, weapons, and ornaments, together with three or four pieces of statuary. At the farther end of this hall were glass folding doors, which opened into a handsome octagonal drawing-room, and through the windows at the farther or west end were seen a lawn of about two acres, skirted with forest trees native and exotic. It had a neat *parquet* floor, the work of slaves, and the walls were covered with paintings, a great proportion of which were portraits of eminent statesmen and philosophers. To the right was the dining-room and other

apartments. To the left a suite of rooms appropriated to his own use. These consisted of a library, bed-room, dressing-room, and a small apartment containing a work-bench, and a large assortment of tools, where he used to seek exercise for his body and recreation for his mind. In his library one saw in every direction philosophical and mathematical instruments, mineralogical specimens, and the like, which indicated the varied intellectual taste and pursuits of the proprietor.

To Mr. Tench Coxe of Philadelphia, Mr. Jefferson soon after his retirement expresses great satisfaction at the successes of the French: "Over the foreign powers, he says, I am convinced they will triumph completely, and I cannot but hope that that triumph, and the consequent disgrace of the invading tyrants is destined, in the order of events, to kindle the wrath of the people of Europe, against those who have dared to embroil them in such wickedness, and to bring at length, kings, nobles, and priests, to the scaffolds which they have been so long deluging with human blood." "I am still warm, whenever I think of these scoundrels, though I do it as seldom as I can, preferring infinitely to contemplate the tranquil growth of my lucerne and potatos." Adverting to a prospect of war, he says, "he is sincerely anxious that it may be avoided, but not at the expense of either our faith or honour." As to myself, he remarks, I love peace, and I am anxious that we should give the world still another useful lesson, by showing them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore, Mr. Clarke's proposition of cutting off all communication with the nation which has conducted itself so atrociously."

The propositions of Mr. Madison, to which Mr. Jefferson refers in his letter in April, were founded on his own report to Congress, at the beginning of the session, on the commercial relations of the United States. They were framed in strict conformity with the retaliatory policy recommended in the report, and were probably prepared with his concurrence, as a manuscript draught of them was found among his papers. They proposed to lay specific duties on different branches of manufactures: to

lay additional tonnage duties on the vessels of those nations who had no commercial treaty with the United States: to reduce the duties on the vessels of those who had such treaty: to retaliate all the restrictions which were imposed by other nations, whether on the commerce or the navigation of the United States, either by the like restrictions or a tonnage duty: and lastly, to reimburse the citizens of the United States for the losses they had sustained by the illegal procedures of other nations, out of the additional duties laid on the products and shipping of such nation.

These resolutions were offered on the 3d of January, 1794, in committee of the whole on Mr. Jefferson's commercial report, and they gave rise to a protracted and spirited debate, in which the two great parties compared their strength. The federalists endeavoured to show that the commercial policy of Great Britain was more favourable to the United States than was that of France, by a detailed review of the trade in each of our great staples: that in the articles of flour, tobacco, rice and wood, pot and pearl ash, indigo, naval stores and iron, the trade with England was on the best footing, and that it was only in the articles of fish and oil that the trade with France was most advantageous; that the amount of the trade to England was nearly double of that to France; that although many of the articles exported to England were not consumed there, but were re-exported to other countries, yet the fact that they were first sent to England proved that the English market was the best. The large amount of our imports from England, of which some complained, was also an evidence that we could purchase of her better fabrics, or on cheaper terms, than from other countries: that to discourage the trade with Great Britain by high duties, for the sake of bringing her to the level of other nations, was to tax ourselves for the benefit of others: that as to our navigation, it was admitted to be on a more favourable footing in the French than the English West Indies, but that the effect had been overrated by Mr. Jefferson, because he had not regarded the difference of the voyage to the West Indies and to Europe, by which one voyage to Europe is equal to four to the West Indies. When this error was corrected,

it would be found that France employed but about 15,000 tons more of our shipping than Great Britain, instead of 73,000, as the Secretary of State had reported.

The resolutions were supported on the ground that most of the injuries which the United States received from Great Britain proceeded from her unceasing efforts to extend her commerce, and could only be countervailed by an appeal to the same regard to her interests. In recognising the doctrines of free trade, they insisted on its exceptions, and referred to the success of the navigation act of Great Britain as proof of the wisdom of making such exceptions: That for the United States to permit a free trade, while she acquiesced in the restrictions of Great Britain, would be to give to British vessels the whole of our foreign trade; and the best way for a nation to derive advantage from trade is to leave it entirely free, and next to that, is to make the restrictions reciprocal. That it was the disadvantage experienced from the want of this reciprocity, and the effort to provide a remedy for it, which first suggested the present constitution, and to this remedy the people had confidently looked. The injurious effect of British restrictions was shown in comparing our shipping with that of other nations employed in their respective trades: thus, in the trade with the other nations of Europe, the American tonnage compared with theirs varied in the proportion of from five to twenty-six to one, while it was, compared with that of Great Britain, as one to three: that America, by securing the carriage of her own trade, would gain the more, as her products were so much more bulky in proportion to their value. They relied also on the balance of trade being greatly in favour of Great Britain, and insisted that it was a disadvantage to depend upon a single nation for articles of general and extensive consumption, as it had an influence on the councils of the dependent nation. They denied the probability of retaliation by Great Britain, in consequence of the importance of the American trade to her commercial and manufacturing classes. They urged that she was more dependent on America than America on her, both for the purchase of the raw material and the sale of manufactures, and

that the West Indies were dependent on the United States for the necessaries of life: that the credit afforded by British capitalists to American merchants was no real advantage, but was productive of much mischief, in augmenting luxurious consumption, in discouraging domestic manufactures, and increasing British influence; and to enforce these arguments, the hostile conduct of Great Britain, in stimulating the hostilities both of the Algerines and Indians, were referred to, and contrasted with the conduct of France, which had been always friendly and generous.

It must be admitted that as a mere question of commercial policy, the opponents of the resolutions seem to have the advantage, except so far as it could be shown that Great Britain sought by her commercial regulations to impose restrictions on the American trade, from which other nations exempted it; for so far as she did this, a retaliation, to the extent of the injury, tended to restore to each nation that proportion of their mutual commerce to which each was entitled, and was, to this extent, in accordance with the approved principles of free trade.

It is worthy of remark, that on this question the southern and northern states have since changed sides, and the same arguments which were then urged by the north in opposition to southern policy, have been subsequently maintained by the southern states, in opposition to northern policy, and that some individuals who were then advocates for restriction have been since conspicuous in the defence of free trade. It is also to be remarked that in the first of these controversies in 1794, the two great sections of the union were placed in an unnatural position by the undue interest which they severally felt of good or ill will towards the French and English nations, but in the last, they are influenced by a consideration of their permanent interests exclusively.—The northern states being better fitted for manufactures and having a direct interest in excluding foreign rivals from the whole American market, while the southern states being almost exclusively employed in the pursuits of agriculture must look to the foreign markets for the sale of their redundant products. And so far as they are purchasers

of manufactures, they are benefited by the competition between foreign and American manufactures; of course they have a direct interest in keeping the foreign markets, both for selling and buying, as free from restriction as possible. Among the general changes of position which we perceive on this question, Mr. Madison may claim to have maintained the same ground always, that is, he has always insisted upon the same exceptions to the rule of free trade upon great considerations of national policy.

The debate continued until the 3d of February, when the 1st resolution was carried by a majority of 5. The remaining resolutions were then postponed to the first Monday in March. One of the professed objects of the resolutions was to encourage manufactures.

At this time, in consequence of a recommendation from the president, a bill had been reported for a naval force for the protection of American commerce from the Algerines. The force proposed was six frigates. This measure was opposed by the democratic party as warmly as Mr. Madison's resolutions had been opposed by the federalists. It was resisted not only on the ordinary ground of its unfitness for the attainment of its object, but also because a navy was said to be contrary to the general policy of the United States, by involving a ruinous expense; by being incompatible with the discharge of the public debt, and by its exposing us to the hazard of collisions on the ocean with other naval powers, and eventually to war; and lastly, because it would even increase our dependence, by furnishing hostages as it were for our good behaviour.

As a substitute for this mode of defence, it was proposed either to purchase a peace of the Algerines, or to subsidize other nations to afford our commerce protection. The first of these expedients the friends of the administration alleged, was in the present temper of Algiers, impracticable, and the last was at once precarious and dishonourable.

On the policy of a permanent navy, Mr. Jefferson's mind seems to have fluctuated more than upon any other. In his notes written during the war of the revolution, he was in favour of this species of armament. At a subsequent period, when he

was in France, he was still friendly to the same measure, and especially regarded it as the most effectual way of dealing with the Barbary powers. At this period he appears to have concurred with his party in their objections to it. When he was president his opposition continued, but he still promptly used what naval force he had at his command against Algiers. Afterwards when war was declared against Great Britain, he was opposed to the creation of a naval force, alleging that it would be only building ships for the British, but after their unexpected success he seems to have withdrawn his objections, and at least have acquiesced in the national voice, then loud in its praise. There has been an entire revolution in the popular sentiment on this subject, from dread and aversion to enthusiastic favour. The bill was finally carried by a small majority in either house.

This unfriendly disposition to Great Britain was soon to receive a great accession of strength from new abuses of her maritime strength. On the 6th of November was issued an order in council requiring her armed ships to detain all vessels carrying provisions to any French colony, or laden with the produce of such colony, and to bring them in to port "for adjudication."

The ships of war and privateers were not slow to profit by these instructions, and the admiralty courts, at least in some of the islands, interpreted the order as a warrant for condemning the cargoes thus detained as lawful prize.

This order and the proceedings under it inflamed the animosity of the democratic party to the highest pitch, and made a strong impression on the party which was most favourably disposed to Great Britain. They regarded the measure as evidence of settled hostility on the part of that nation, and as too gross a violation of neutral rights to be tamely borne.

In March it was proposed to raise a military force and lay an embargo; and both measures were adopted. A bill was passed for fortifying some of the most important harbours; a committee reported in favour of a provisional army of 25,000 men, and for organizing 80,000 militia, the last of which measures was

adopted by the House. And on the 27th of the month, a motion was made for the sequestration of all debts due to British subjects, by way of creating a fund to indemnify American citizens for illegal captures of their property on the ocean. But before any decision was had on this proposition, or on Mr. Madison's resolutions, it was proposed by Mr. Clarke of New Jersey, to prohibit all intercourse with Great Britain, until she compensated our citizens for the injuries sustained by British cruisers, and surrendered the military posts on the frontiers. While these different plans of vindicating the rights of the nation were undecided, Congress learnt through the American minister that the orders in council of the 6th of November were revoked by another order of the 8th of January, as to all vessels except those which were laden with colonial produce, and were on a voyage from the French colonies to Europe; and that the British ministry had put a narrower construction on the first order than had been put upon it by the courts of vice admiralty, declaring that by ordering neutral vessels to be brought into ports "for adjudication," it was not intended to subject any to condemnation except those which would have been otherwise liable.

Before this intelligence, war with Great Britain was believed to be very probable by all parties, both because the United States would not tamely submit to such a flagrant violation of their neutral rights, and because they considered that the order afforded unequivocal evidence that Great Britain was herself inclined to war. But when subsequent accounts removed the last impression from the minds of the federal party, their efforts to preserve peace returned with their good feelings towards England; they looked to negotiation as the remedy for the pending evils, and opposed every measure which was likely to prevent or impede its success. Their opponents, though somewhat stronger in the House of Representatives, did not press a decision of their favourite scheme of commercial retaliation, or other defensive measures, from the hope, no doubt, that the probable alternative of war with the United States might induce the British government to forbear her maritime aggressions; and they were confirmed in their purpose by the intelligence received

from our minister, already adverted to. While therefore they were not opposed to the appointment of an envoy, they considered that the most likely means of ensuring success to the negotiation would be not to relax in their preparations for war. These discussions in Congress, together with the numerous captures of American vessels, produced great popular irritation, and carried public sentiment, which is generally somewhat in the rear of the active politicians, far beyond the spirit of the majority in Congress, when the administration came to the conclusion to send a minister to England, and Mr. Jay the chief justice was selected for that object. His appointment was objected to by the republican party on account of his judicial office; it being urged by them that those invested with judicial authority should not mingle in other concerns, and still less with those of party politics, lest they should carry their political feelings on the bench; and that if the judges could be rewarded with offices of greater distinction and emolument, it would favour that spirit of dependence against which the constitution meant to guard in providing that their offices should not be taken away, nor their salaries diminished; and that the only effectual way of securing their independence was to make them as inaccessible to the hope of reward as to the fear of punishment.

The appointment of Mr. Jay, therefore, had little effect in allaying the mutual irritation of the parties. It may be rather said that they availed themselves of the interval to prepare more vigorously to profit by the result of the mission, for the purpose of attacking their opponents and bringing them into discredit with the people. In these party contests our relations with England and France, and the attachment of our citizens to those nations respectively, mingled themselves in every question. While each party hated one of these nations yet more than it was attached to the other, it felt a lively jealousy and dread of the other's attachment. The federalists persuaded themselves that the excessive and blind partiality of the democratic party to France, would bring this country under the influence of the French government, and thus make it a servile dependent on that nation. They even feared that the extrava-

gant admiration of our people for France would lead them to adopt all their visionary theories, their practical licentiousness, and be followed by the same cruelty, profligacy, and anarchy. On the other hand, their opponents regarded British influence as established in every department of the federal government, and were persuaded that the leaders of the federal party sought to undermine the present constitution, for the sake of erecting on its ruins a monarchical government more auspicious to their own love of power, more congenial to the British model, the object of their admiration and regard, and more opposite to that of France, which they at once feared and detested.

After the lapse of forty years, when the mists of passion which clouded men's understandings have cleared away, there seems to have been little to justify these lively apprehensions on either side, and the conduct into which either was betrayed by its fears was calculated to increase the causes of alarm. It might have appeared to the federal party that, with all the enthusiasm which the American people manifested for the cause of the French revolution, and the admiration which that event, when regarded in its grandest features, excited, the same criminal excesses, the same disregard of law and order could not have existence here as had taken place in Paris, for there was neither the requisite materials, nor motives, nor objects. There was here no ignorant mob, without property, or principle, or self-respect, hating the rich and ready to plunder or murder at the bidding of a leader. Every one yielded obedience to the law—every one had something to lose—almost every one was embued with a respect for religion, morality, and law, which severally exercised a sway over the hearts and wills of men to be no where else seen; and if there was something like approbation or toleration for the crimes perpetrated in France, by those who saw them through the softening medium of distance, and under the belief that these excesses were necessary acts of self-defence against traitors, yet it was only in the cities that even these symptoms of undue partiality appeared. The great mass of the people remained unchanged.

Nor were the fears of the democratic party that their oppo-

nents were prepared to surrender their independence to the British government better founded. The federalists were indeed desirous of peace with England, for that was evidently recommended by the interests of the United States; they admired the constitution and laws of that country, long regarded as the best system of civil liberty the world had seen; and they looked to her power as the most able to resist the influence of the French, who threatened to subvert every thing in religion, morals, or government, which had hitherto been venerable in the eyes of mankind. While each thus saw in the strength of the government it approved the most effectual counteraction for the dangers it apprehended, it aided to increase that strength; and by thus unconsciously augmenting the fears of its adversaries, created new cause for its own.

The bill for non-intercourse was passed by the House of Representatives, notwithstanding the mission of Mr. Jay, and was lost in the Senate by the casting vote of the vice-president, Mr. Adams.

In consequence of the measures of defence, in case of a war, and the appropriation of a million of dollars to purchase peace of Algiers, it was found necessary to increase the taxes, which were opposed partly on the ground that they were unconstitutional,* and partly because direct taxes were deemed more equal and unexceptionable. The materials of which these parties were composed may throw some light on the principles which actuated them, and may not be without interest to those who from youth, or remoteness from the scene of action, may not have had an opportunity of judging from personal observation.

The federal party consisted 1st. Of most of the officers and soldiers of the revolution, who thus arranged themselves, not merely from their personal attachment to General Washington, but because the habits of military obedience and discipline inclines this class of men to take side with those who exercise

* This objection was urged principally against the carriage tax, which it was contended was a *direct* tax, and therefore should be apportioned among the states according to representation.

power, and are the immediate preservers of order. 2. All those who had speculated in the funds. They were attached to the new government by the double ties of gratitude for the great gains they had derived by the funding of the debt, and by those of interest, which was so closely connected with the strength of the government and the permanency of the union. 3. All British merchants and agents, both from national attachments and antipathies, and because the democratic party wished to encourage trade with France at the expense of that with England. In the southern states too there was a large amount of debts still due, and the creditors and their agents hated the party which had obstructed their recovery. 4. The mercantile community, generally, because they were most benefited by British capital, either as agents or dealers; and because also they, as a class, love peace and order, and are disposed to support government generally, and especially the course of this administration, which had declared itself friendly to peace. 5. The rest of the federal party consisted of those who were influenced by attachment to General Washington, or dread of contamination from French alliance, or who being of a quiet, timid, or negative character, were by temperament disposed to give their confidence to the government, and to look to it for protection.

The republican party consisted 1. Of most of those who had been opposed to so liberal a grant of power to the general government at the expense of the states, and who apprehended that it would finally lead to a consolidated or central government, possessing undivided sovereignty. They saw, or thought they saw, in the course of the administration, much to realize their former apprehensions. 2. The sanguine and enthusiastic votaries of civil liberty, who yielding to their hopes, saw in the French revolution only the advancement of the great cause of human happiness, and in the crimes and outrages with which it was accompanied, a painful but necessary and temporary remedy for the disease of bad government; and in the administration, under the mask of neutrality, secret enmity to the glorious cause. This class comprehended most young men; men of letters and speculative minds; fiery tempers, im-

patient of control; political projectors and innovators. 3. Free-thinkers in religion and morals, who from mere congeniality of sentiment with the ruling party in France, sided with those who were most favourable to that country. 4. All who felt animosity to Great Britain, comprehending those Americans in whom resentment excited by the war had not subsided, and Irish emigrants, who hated the English yoke, and resented the persecutions of her patriots. 5. Personal adherents to Mr. Jefferson.

The first class constituted the majority of the northern states. The last, the majority of the southern states. In the cities, in both divisions of the union, parties were nearly balanced. The federal party could boast of the most wealth. But as to talents, neither party had an acknowledged predominance. The federalists reproached their opponents with being visionary. They in turn were charged with being corrupt and designing; and if we are to trust to the instinctive sagacity of an enemy in seizing on the most vulnerable point of attack, we should infer that the republican party, generally, were more deficient in judgment than honest intention, and that the federalists were at once more practical, more selfish, and mercenary.

In the month of April, Mr. Jefferson received a letter from General Washington, which he answered in May. It seems from this correspondence that every appearance of friendship was still kept up between them. In a slight allusion to politics, Mr. Jefferson remarks, "my opinion of the British government is, that nothing will force them to do justice but the loud voice of their people, *and that this can never be excited but by distressing their commerce.* But I cherish tranquillity too much to suffer political things to enter my mind at all."

CHAPTER XX.

Insurrection in Pennsylvania. Mr. Jefferson refuses a seat in the Cabinet. Democratic Societies. The President's Speech—Mr. Jefferson's strictures on it. The fitness of large states for Republican Government considered. Gouverneur Morris recalled—his character. James Munroe. Discontent of Kentucky. Direct and Indirect Taxes. Alexander Hamilton resigns—his character. Mr. Jefferson refuses to become a Candidate for the Presidency. Treaty with Great Britain—ratified by the Senate—made public by one of the Senators—violent opposition to it.—Mr. Jefferson's views of it—its provisions—its want of reciprocity detailed and explained.

1794-5.

An event now occurred which was calculated to excite the mortification and regret of the friends of the constitution, and the advocates for popular government. The discontents produced by the excise law in the western part of Pennsylvania had gone on increasing, until it had broken out in open resistance to the laws. The immediate occasion of the popular rising was on the marshal's attempt to execute process against some offenders, who had been indicted in the federal court. A body of armed men fired on him, and compelled him to retreat. The house of the inspector-general, who superintended the excise, having been besieged, he himself was obliged to surrender, and his papers were seized. The marshal was compelled to promise that he would execute no more process on the west of the Alleghany; and both he and the inspector being threatened for refusing to resign, sought safety in flight. The insurgents opened the mail and examined the letters it contained to dis-

cover the persons who were opposed to them, and these they immediately compelled to leave the country. They called a convention, the object of which was to compel the resignation of all officers engaged in the collection of the excise, and to resist the authority of the law by force, until it was repealed.

On a certificate from one of the judges, as the act of Congress required, that the execution of the laws was obstructed, the president, on the 7th of August, issued a proclamation commanding the insurgents to disperse, and warning them of the consequences of disobedience.

Having learnt from the Governor of Pennsylvania, that the militia of that state would not be sufficient to put down the resistance, and wishing to crush all hopes of effectual opposition, he determined to require aid from other states. He accordingly made a requisition of 12,000 militia of New Jersey, Pennsylvania, Maryland, and Virginia. A second admonitory proclamation was issued on the 28th September, and other conciliatory measures were pursued without effect. The call for militia was promptly met in all these states except in Pennsylvania, and finally, by the efforts of Governor Mifflin, in that. On the arrival of the government forces, the insurgents dispersed, and some of the leaders were seized for prosecution. The ease with which this open resistance to the laws was quelled, afforded matter of triumph and congratulation to the friends of the administration, for the prudence and humanity of their course, and of censure on the part of the opposition for the vain parade and unnecessary expense of a force so disproportionate to the occasion.

In September, during the pendency of this commotion, Mr. Jefferson received a letter from Mr. Edmund Randolph, the secretary of state, by express, which found him in bed, under a severe attack of rheumatism, inviting him to resume a place in the public councils; but the invitation was peremptorily declined. "No circumstance, he says, my dear sir, will ever more tempt me to engage in any thing public. I thought myself perfectly fixed in this determination when I left Philadelphia, but every day and hour since has added to its inflexibility. It is a great

pleasure to me to retain the esteem and approbation of the president, and this forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments and a thousand more to him, which my situation does not permit me to go into."

One of the instances in which our citizens manifested a disposition to imitate what was French, was in the establishment of democratic societies for the purpose of guiding political opinion, and even influencing the measures of the government. As they were in general opposed to the administration, from its supposed hostility to the French revolution, they naturally condemned the excise. They had indeed from the first been regarded with aversion and distrust by those who feared the introduction of the same political frenzy here which had prevailed in Paris, and to which they were supposed to have contributed.

General Washington partaking of this opinion, thus noticed these societies in his opening message to Congress. "From a belief that by a more formal concert the operation (of the laws) might be defeated, certain self-created societies assumed the tone of condemnation;" and in a subsequent passage he says, and "when in the calm moments of reflection, they shall have retraced the origin and progress of insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations of the whole government."

Mr. Jefferson comments on these remarks with great severity in a letter to Mr. Madison. He speaks of the "denunciation" as one of the most extraordinary acts of boldness of which we have seen so many from the faction of monocrats; says, "it is wonderful indeed that the president should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing, and publishing." He then contrasts these societies with the Cincinnati, says that this denun-

ciation of the societies had been universally condemned: That the resistance to the excise law did not amount to more than a riot, and that the law itself was "an infernal one." That the first error was to admit it by the constitution: the second, to act on that admission; the third and last will be, to make it the instrument for dismembering the union, and setting us all afloat to choose what part of it we will adhere to." "The information of our militia, he adds, returned from the westward, is uniform, that that though the people there let them pass quietly, they were objects of their laughter, not of their fear; that their detestation of the excise law is universal, and has now associated to it a detestation of the government; and that separation, which perhaps was a very distant and problematical event, is now near, and certain, and determined in the mind of every man."

He proceeds to make further comment on the opening message of the president, both for what it contained and what it pretermitted; and, writing in the freedom of confidential intercourse, is not sparing of his censure, or even ridicule. But he thus consoles himself with the prospect of a better state of things: "However, the time is coming when we shall fetch up the leeway of our vessel. The changes in your House, I see, are going on for the better, and even the Augean herd over your heads [meaning the senate] are slowly purging off their impurities. Hold on then, my dear friend, that we may not shipwreck in the mean while. I do not see, in the minds of those with whom I converse, a greater affliction than the fear of your retirement; but this must not be, unless to a *splendid and a more efficacious post.* There I should rejoice to see you; I hope I may say, I shall rejoice to see you. I have long had much in my mind to say to you on that subject. But double delicacies have kept me silent. I ought perhaps to say, *while I would not give up my retirement* for the empire of the universe, how I can justify wishing one whose happiness I have so much at heart as yours, to take the front of the battle which is fighting for my security. This would be easy enough to be done, but not at the heel of a lengthy epistle."

It appears from the preceding letter that the force of his op-

position to the federal party had not abated by his retirement, and that he, in common with the rest of his political associates, was disposed to consider General Washington as no longer neutral between the two parties.

It would also seem from the last part of the letter that there had been no arrangement at that time as to the candidate whom the republican party would support for the presidency. It is evident that the subject had been frequently mentioned to Mr. Jefferson, and that he had to this time disclaimed all intention of being a candidate. The delicacy and forbearance which were manifested on this subject by those who first held that office, whether they be regarded as expressing their real feelings, or they be supposed to have deceived themselves, (for few will regard them as utterly hollow and hypocritical,) are in strong contrast with the course which has since been too often pursued by those who aspired to that office: and who, instead of positive disclaimers, have sometimes condescended to engage in an open canvass. It is not easy to decide whether the difference is accidental, and to be attributed to the diversities of individual character, or is to be ascribed to a more general change in the nation as to the modes of thinking and acting on this subject. Do the votaries of ambition and popular favour become bolder, as the power and distinction they covet become greater, and their competitors more numerous? Or does the sensitiveness of the people themselves to egotism, the love of power, and confident pretension, become blunted by habit, so as to tolerate what once gave offence? Men's passions and desires undergo little change; but their manifestations of them are greatly modified by circumstances.

The dread of disunion, which seems to have been so strong on Mr. Jefferson's mind, in consequence of this civil commotion, and the measures pursued by the government to suppress it, appears never to have been general; and all local and partial symptoms of it soon passed away.

In the early part of the year 1795, Mons. D. Ivernois of Geneva wrote to him to propose to transplant the college of Geneva to Virginia; to which proposal he answered that, on consulting

some of the members of the legislature, whilst many approved of the scheme, they all agreed that it was at this time impracticable, because it was disproportionate to the means of the country. In this letter he questions the correctness of the doctrine that small states alone are fit for republican government, and thinks that it will be "exploded by experience, with some other brilliant fallacies accredited by Montesquieu and other political writers." He suggests that, to obtain a just republic, it must be so extensive as that "local egoisms" may never reach its greater part; and that, "on every particular question, a majority may be found in its councils, free from particular interests, and giving therefore a uniform prevalence to the principles of justice. The smaller the societies, the more violent and convulsive their schisms. We have chanced to live in an age which will probably be distinguished in history for its experiments in government, on a larger scale than has yet taken place. But we shall not live to see the result."

As power will always be abused where there is not an identity of interests between those who exercise it and those on whom it acts, a republic seems to be incompatible with a great extent of country, unless a part of the sovereign powers of government be exercised by local authorities. For there needs must be a great diversity of interests, feelings, and habits in an extensive country, each of which claims a certain degree of indulgence to make the people contented; and if all political power is exercised by one general government, however that may be constituted, that power will be abused. The laws and regulations which suit one part do not suit another, and there can be no security that the majority will understand these various interests, nor always regard them when they are understood. But if the powers of the general government are limited to those objects in which there is a common interest, and the local or peculiar interests are left to subordinate, but independent authorities, a large extent of country seems no more incompatible with a republic than any other form of government. To apply these remarks to the United States, with what propriety of language could our government be called a republic, if all

the powers now vested in the state governments were centred in the general government? Would they be capable of regulating the law between master and slave in the southern states? Might they not, in their zeal to put an end to this relation, re-enact the bloody tragedy of St. Domingo? The people of New England have also their peculiar laws and favourite usages, their schools, their provisions for churches and roads: could they safely trust a Congress of the union to legislate for them in these favourite and truly important concerns? If there were no other objection, the want of time for judicious legislation for such multifarious objects, would be an insuperable one; and as bad laws and rules are better than none, a substitute would be found by vesting large discretionary powers in agents.

To attain the greatest degree of civil freedom and useful legislation practicable, it seems indispensable to have some distribution of power like the following: 1. The supreme government should have powers extending as far as the general concurrence of interests, and then its powers should stop. 2. Large portions of the territory, such as states, having a much closer resemblance of interests, should have the power of regulating those interests; and 3. Each individual should retain the power of regulating his own peculiar concerns or those of his family; as the power to direct the labour, provide and distribute the food, clothing, instruction, and other wants of each individual of the family. It will be perceived that in this series of powers the ramifications became more numerous as they became more minute. That the general government which has the largest powers, has also the fewest. The state governments, which are next in authority, have many more powers; and the powers of a master of a family which is the least, extends to nearly every act of those who are subjects in his little domain. Now in all these cases it is essential that those who exercise political power should be taken from the class on whom their power is to act, and should at stated times return to it again. And though by these provisions we have all the security that is attainable against an abuse of power, yet under a constitution thus guarded we must expect to find much imperfection.

There will be, in greater or less portions, injustice and folly, fraud, violence, and neglect of duty; and the difference between the best and the worst government is only as to the proportion of these alloys. Mr. Jefferson here shows the light in which he regarded the French revolution, tarnished and stigmatized as it was with violence and crime. "It is unfortunate," he remarks, "that the efforts of mankind to recover the freedom of which they have been so long deprived, will be accompanied with violence, with errors and even with crimes. But while we weep over the means, we must pray for the end."

In the summer of the same year Mr. Genet was recalled, under circumstances which made it doubtful whether it was not more in consequence of the overthrow of the political party to which he was attached, than on account of his disrespectful conduct towards the American administration; and he was succeeded by Mr. Fauchet, who discharged his duty to his country with equal fidelity, but much greater discretion. At the same time Mr. Gouverneur Morris was recalled at the instance of the French government, and Mr. Monroe appointed in his place. The first named gentleman was possessed of brilliant talents, great address, and an unceasing desire to exercise them in the pursuit of distinction, pleasure, or profit, and no less readily for others' benefit than his own. With some friendly prepossessions towards rank and station, and no very exalted ideas of popular wisdom or virtue, he had soon formed an unfavourable opinion of the French revolution, its agents, and its results; and forgetting the caution and neutrality which became him, both as a foreigner and a public minister, he had yielded to his sympathies, and volunteered his services in favour of Louis XVI.; and his agency and advice seems to have been received by the monarch and his friends with the most entire confidence. But it was impossible that he could thus take sides with the court without its being discovered by their lynx-eyed opponents, and consequently resented. He had therefore been for some time an object of jealousy and dislike to the ardent friends of the revolution, both in France and his own country, until the recall of Mr. Genet, requested by our government, afforded a decent pre-

text to the French government to make a similar request of the United States.

Mr. Morris's countrymen made a just estimate of his talents and accomplishments, and they entertained correct opinions of his political principles; but from their aversion to those principles and his reputation for gallantry they underrated both his patriotism and morals. Amidst all his devotion to the fair, and his partiality for the privileged orders, he mingled a respect for virtue and a lively attachment to what he believed to be the interests of his country; and where his political doctrines did not bias his judgment, he showed great penetration and sagacity in scanning the motives of men, and in his anticipations of the future.

His successor, though less fitted for exciting admiration, had qualities which are more certain to reward their possessor—industry, perseverance, and a jealous sensibility to the value of character and the good opinion of mankind. These, without any splendid endowments of genius, were sufficient to carry him forward from step to step, until he reached the highest power in the state; and if he met with difficulties which occasionally impeded his career, or if he may be considered to owe his good fortune in part to circumstances entirely fortuitous, and these circumstances may seem to detract from his merit, yet it must be recollected that it implies no small praise that he had the judgment and energy to overcome the obstacles in the first case, or to profit by the accidents in the last. An ordinary man would have been capable of neither resisting the one, nor of taking advantage of the other.

The discontents in Kentucky, at this time, were the greater not merely because most of its inhabitants had the same political sentiments as their parent state of Virginia, and of course belonged to the democratic party, but because they regarded the navigation of the Mississippi, the only channel by which they could send the redundant products of their fertile soil to market, as in great danger; and they made loud and vehement complaints against the administration, either because they thought that their interests had not been sufficiently protected by the admi-

nistration, or they wished to rouse it to a more decisive course towards Spain. Their language bore so much more the character of threat and defiance than that of petitioners invoking the aid of the government, that it impressed men's minds, generally, with the belief that they set little value on the union; and that as soon as they felt themselves sufficiently strong to effect a separation, and to support an independent government, they would break off their connexion with the Atlantic states. Time has however shown the fallacy of this opinion, for there is no part of the United States which has manifested more attachment to the union, and there certainly is none that has a more direct or stronger interest in its preservation; since it is only by means of their profiting by the naval resources of the Atlantic states that they can secure to themselves the unrestricted navigation of the river, which is the principal channel of their commerce.

The opposition to an increase of taxes by the democratic party seemed somewhat inconsistent with their strong repugnance to a national debt, and to the reproach against the federalists that their object was to perpetuate it. They grounded their objection however on the species of tax which was resorted to—the excise—as one which was odious in its character, unequal in its operation, and which, by the number of officers required for its collection, took much more money from the people than it brought into the treasury. This last argument indeed was extended even to duties on imports, and it was maintained by many of the opposition that all the revenue required by the government ought to be raised by direct taxes; partly because as the people will then know what they pay, they will be certain to look closely into the public disbursements, and thus prevent that wasteful expenditure to which all governments are prone, and partly because the money thus collected from the people goes immediately into the treasury, whereas in the case of indirect taxes, the consumer is made to refund to the merchant, not only the tax he has advanced, but the ordinary mercantile profit on the tax besides.

This opinion was very current before the party who advanced it was called upon to put it into practice. They then discover-

ed that these arguments had not the weight which had been honestly imputed to them. That if an indirect tax was less felt, because it was less perceived, by reason of its being mixed up with the price, that was a positive recommendation; and to choose a tax because it was more felt would be incurring a positive evil to avoid the chance of one—as if one was to make his food unpalatable to prevent his eating too much. The objection moreover is inconsistent with the capacity of the people for self-government, as it supposes them unable to judge of the prudence of their agents, except through the medium of their feelings. Besides, it is as reasonable to suppose that this increased sensibility to the pressure of a tax may make them too parsimonious, and grudge a proper expenditure, as that the want of that feeling will make them tolerate extravagance. With regard to the second objection, that may be true in populous countries, but is certainly not so in this; for the whole expense of collecting the custom house duties has been but about 3½ per cent., whilst that of direct taxes has been upwards of 25 per cent. But the undiscriminating application of European maxims to the United States, which was thus made by the republican party, is an error with which they are much less frequently chargeable than their opponents.

At the end of the year Mr. Jefferson's late associate and rival also resigned his office, impelled, as it was generally understood, by the insufficiency of his salary, and with the intention of resuming the practice of the law.

This gentleman, though labouring under the disadvantage of not being a native of the United States, and of having a theoretical preference for monarchical government, had a political influence in this country second only to that of General Washington and Mr. Jefferson. He was a member, and no doubt an active and efficient member, of the convention which formed the federal constitution, and he did more than any other individual in recommending that constitution to the adoption of the people. The essays, under the title of the Federalist, in which he had the co-operation of Mr. Madison and Mr. Jay, have been regarded as so able and sound an exposition of that instrument, that

they are generally received as authority by all. He afterwards, as Secretary of the Treasury, had the same overruling agency in shaping the measures of the administration, and even those of the legislature—the funding of the public debt, the assumption of the state debts, the system of revenue; and although the bank is understood to have been planned by Mr. Robert Morris, that measure as well as the others were recommended by his pen and his personal influence to the adoption of Congress. In his report on the subject of manufactures, the views and argument which are to be urged in favour of giving them encouragement, are so full, that during a course of more than forty years, scarcely any thing has been added to them. His political opinions have already been noticed. They were tinged probably by his early impressions, as well as by his associations in New York. He was a warm friend and an open enemy. His frankness, generosity, and manly independence were such as to command the respect of his adversaries, as well as the unbounded attachment of his friends.

The hostilities with the Indians on the Ohio, which had lasted so long, and which had cost the United States so dearly, in proportion to the numbers engaged, were brought to a close this year by General Wayne, who obtained over them a decisive victory at the battle of the Miamis. This was the last struggle of that brave, but ill-fated race, on the Ohio, until that of 1811, which resulted in the cession of their lands to the whites for ever.

On Mr. Madison's receiving Mr. Jefferson's letter in which the former was urged to be a candidate for the office of the presidency, after the retirement of General Washington, Mr. Madison on the 23d of March expressed a similar wish as to himself. To this letter he replies on the 27th of April, 1795. He there speaks more explicitly than he had done before. He says that as to himself, the subject had been thoroughly weighed and decided on, and that by his "retirement from office," he had meant from all office high or low without exception. That "the subject had not been presented to him by any vanity of his own." "That the idea had been forced upon him by continual insinua-

tions in the public papers, while he was in office." The subject being once presented to him, his own quiet required that he should face it and examine it. That "he did so thoroughly, and had no difficulty to see that every reason which had determined him to retire from the office he then held, operated more strongly against that which was insinuated to be his object." In addition to the considerations which then determined him, he says "the special one, which supervened on his retirement, still more insuperably barred the door to it. The state of his health; the attention which his affairs required; and above all, the delights he felt in the society of his family and in agricultural pursuits; and that "the little spice of ambition, which he had in his younger days had long since evaporated." He then adds, "In stating to you the heads of reasons which have produced my determination, I do not mean an opening for further discussion, or that I may be reasoned out of it. The question is for ever closed with me; my sole object is to avail myself of the first opening ever given me from a friendly quarter, (and I could not with decency do it before,) of preventing any division or loss of votes, which might be fatal to the republican interest." He then intimates his wish that the votes of the party should be given to Mr. Madison.

For some time before the arrival of the treaty with Great Britain, negotiated by Mr. Jay, there had been a suspension of hostilities between the two parties, and both had been employed in the interval in burnishing their arms for a renewal of the conflict, whenever that negotiation was brought to a close, whatever should be the issue.

The treaty arrived early in March. On the 8th of June the Senate were convened for the purpose of considering it, and on the 24th of the month they advised its ratification by the requisite majority, with the exception of the 12th article, which, meaning to prohibit the export from the United States in American vessels of such articles as they had previously imported from the West Indies, enumerated cotton among them, it not being known to Mr. Jay that this commodity was becoming an article of export from the United States.

While the administration was deliberating on the effect of

this qualified ratification, intelligence was received that the order of council for the seizure of provisions going to France was renewed. The president then determined not to ratify the treaty, if that order was enforced.

In the mean time Mr. James Thompson Mason, one of the senators from Virginia, conceiving himself absolved from the obligations of secrecy which had generally attached to the executive duties of the senate, published in a Philadelphia journal an abstract of the treaty; on which the whole of the opposition, that is the entire democratic party, from one end of the union to the other, exclaimed with one voice that it had tamely and basely surrendered the honour, rights, and interests of the United States at the feet of their most deadly enemy.

Meetings were held in all the large towns reprobating the treaty, and most of the newspapers took the same ground. The animosity to England and the attachment to France, who had already begun that career of military success which filled all Europe with astonishment and alarm, were now at their height; and they were of themselves sufficient to ensure the condemnation of any treaty with England, however fair or reciprocal. But now that these feelings have passed away we find in that instrument but too much cause to justify their lively dissatisfaction. The federal party believing that war with England, with whom they desired peace, and a closer connexion with France, whom they at once hated and feared, would be the consequence of a rejection of the treaty, used all their efforts to overcome the strong repugnance with which it was received by the great body of the people; but, as is usual on such occasions, their exertions had little effect except with their own party. Mr. Jay was openly reviled for having negotiated the treaty; the Senate treated no better for advising its ratification, was charged with downright corruption, and General Washington escaped an imputation on his integrity only to endure the charge of weakness of understanding, and of being the dupe of the British faction around him. In this state of exasperation and mistrust, they looked to the House of Representatives for relief by refusing to make the appropriations and to pass the

laws necessary to carry this odious treaty into effect, and vehement appeals were made to them through the people, in the interval, by means of pamphlets and newspapers.

At this time Mr. Jefferson, adverting to a pamphlet written by Alexander Hamilton in defence of the treaty, applied to Mr. Madison to answer it. He thus pays a tribute to the talents of his rival: "Hamilton is really a Colossus to the anti-republican party; without numbers he is a host within himself. They have got themselves into a defile, where they might be finished; but too much security on the republican part will give time to his talents and indefatigableness to extricate them. In truth when he comes forward there is nobody but yourself who can meet him."—

"The merchants were certainly (except those of them who are English) as open-mouthed at first against the treaty as any. But the general expression of indignation has alarmed them for the strength of the government. They have feared the shock would be too great, and have chosen to tack about and support both treaty and government, rather than risk the government." He thus concludes: "There appears a pause at present in the public sentiment which may be followed by a revulsion. This is the effect of the desertion of the merchants, of the president's chiding answer to Boston and Richmond, of the writings of Curtius and Camillus, and of the quietism into which people naturally fall after first sensations are over. For God's sake take up your pen, and give a fundamental reply to Curtius and Camillus."

He seems to have soon anticipated that opposition to the treaty which was afterwards made by the House of Representatives, and which gave rise to the delicate question of the precise boundary between the legislative and the treaty making power under the constitution. This expedient for annulling a treaty which he regarded in so odious a light the more readily presented itself to his mind, as it had been one of the subjects of collision between himself and Colonel Hamilton in the cabinet. It has been several times agitated since, but on no occasion so fully as in the succeeding session in the debate on this treaty.

He speaks of the treaty in a letter to Governor Rutledge of South Carolina, dated November 30th, 1795. "I join with you in thinking the treaty an execrable thing. But both negotiators must have understood, that, as there were articles in it which could not be carried into execution without the aid of legislatures on both sides, therefore it must be referred to them, and that these legislatures being free agents, would not give it their support if they disapproved it. I trust the popular branch of our legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between England and the Anglomen of this country against the legislature and people."

This treaty, which was the occasion of so much excitement at the time, and which subsequently had so much influence on the foreign relations of the United States, and the fortunes of its political parties, deserves an especial notice. Its purpose was threefold; to settle past differences, ancient and recent; to determine some principles of the law of nations, particularly the relative rights of belligerents and neutrals; and lastly, to regulate their future commerce and friendly intercourse.

With a view to the first object, provision was made for ascertaining the boundary both on the north-east and north-west corner of the United States. Great Britain agreed to surrender the military posts, still retained by her, contrary to the treaty of 1783, reserving certain rights to British settlers in their vicinity, and to pay American citizens for recent illegal captures, wherever compensation could not be obtained in the ordinary course of judicial proceedings. The United States, on their part, agreed to compensate British creditors for all damages sustained by them in the recovery of their debts in America, arising from legal impediments; and to pay for all captures of British property made within the jurisdiction of the United States. These several stipulations were to be executed by different sets of commissioners, to be appointed by the parties. It was also stipulated that the citizens or subjects of one nation then holding lands in the territories of the other, might continue to hold them.

To the second head may be referred the following stipulations: It was agreed, in behalf of the neutral nation, that its vessels, having on board contraband articles, should be carried to the most convenient port; and should not be liable to confiscation on entering a blockaded port without notice; where provisions by the modern law of nations become contraband they should be paid for, and the neutral be indemnified for detention; neutral property found in a besieged place, after surrender, to be restored; commanders of privateers to be answerable for damages done to neutrals, for which purpose they should be required to give bond and security. In behalf of the belligerent, it was agreed that not only all military stores, but every thing used in the equipment of vessels, except fir planks and unwrought iron, should be deemed contraband; ships of war of one party to be entitled to hospitable reception in the ports of the other; all prizes to have free admission into the ports of either party, free from examination, fee, or detention; the citizens or subjects of one party not to engage in hostilities against the other. Privateers of a third party not to arm or sell their prizes in the ports of either; nor, when they had made prize on the other, to receive shelter, except from stress of weather; the neutral to permit no property to be captured within its jurisdiction. In case of war between the parties, there should be no confiscation of private property; the merchants of one nation residing within the territories of the other, might, under certain conditions, continue to reside there; and reprisals were never to be made without a previous demand of satisfaction and proof of injury.

For the regulation of their commercial intercourse, the parties agree to permit a free trade and intercourse to their citizens and subjects respectively, on either side of their common boundary, (the limits of the Hudson's Bay Company excepted,) and to the Indians within their respective limits; the mutual navigation of their inland waters was permitted with the following exceptions: American vessels were not to enter any British sea port, or any river *below* the highest port of entry (with a single unimportant exception,) and British vessels were not to enter

any river of the United States *above* the highest port of entry, except that every port and place on the Mississippi should be open to both parties. Between the British territories in Europe, and all the territories of the United States, freedom of commerce and navigation was stipulated on terms of entire reciprocity; each party was admitted into the ports of the other on the terms of the most favoured nation, both as to duties and prohibitions; and in furtherance of this object, the United States were restricted from increasing their discriminating duties in favour of American vessels; and to Great Britain was reserved the right of countervailing those which then existed.

By the 12th article, American vessels, not exceeding 70 tons, were permitted to carry to the West Indies American products not prohibited, on the same terms as British vessels, and to export in like manner West India products direct to the United States; but so long as this trade should be permitted, the United States agree not to export in their vessels, molasses, sugar, coffee, cocoa, or cotton. The same trade was secured to British vessels.

A trade to the British settlements in the East Indies, in articles not prohibited, was also permitted to American vessels, paying the same tonnage duty and charges as British vessels; but the United States agree to carry the products of those settlements only to their own ports; not to engage in the coasting trade, and that their citizens are not to reside there. Provision was made for the appointment of consuls, and for the surrender of persons charged with murder or forgery.

The articles respecting boundary, compensation, interior commerce, and confiscation were made perpetual, and the other articles were limited to twelve years, or two years after the war, at the option of either party.

Passing by the numerous objections which originated in national prejudice and party feeling, or artfully appealed to them, we may notice those which had a more solid foundation. In adjusting the mutual claims of the parties the treaty was grossly unequal. 1. While it secured to the British creditor indemnity for the supposed injustice of the state legislatures and

courts, not only as to the principal of their debts, but also as to the interest during the war, regardless of the unanswered reasoning of Mr. Jefferson, it made no provision whatever for the negroes who had been carried off, contrary to the treaty of peace. 2. It made no compensation for the detention of the posts, by which American citizens had been cut off from the benefits of the fur trade; and which detention Great Britain had justified by the legal obstacles experienced by British creditors. Justice required that where the injury was mutual, compensation should be so; instead of which, a new condition, in behalf of British settlers, was annexed to their surrender. 3. The right to navigate the Mississippi, which had been conceded to Great Britain by the treaty of 1783, under the mistaken idea that it extended to her territory, was now renewed, and greatly enlarged, when the mistake was discovered; though the same principle of national law was not extended to the United States, as to the navigation of the St. Lawrence; so that an unfounded claim of a small tract of unsettled country to an outlet to the ocean, was allowed to Great Britain, while the unquestioned claim of the United States to a like outlet for a settled country, of great extent, was denied. 4. In extending the list of contraband articles farther than the United States had done by other treaties, they gave an advantage to Great Britain, at the expense of France, and surrendered the protection of the neutral flag to an important branch of their staple products; naval stores, masts, and spars. 5. In the article admitting provisions to be contraband, the United States gave their sanction to an innovation in national law that was peculiarly injurious to them, and against which they had so loudly complained after the British order of the 8th of June. 6. British vessels had free admission into *all* the ports of the United States, while American vessels were excluded from the British ports in America, and are admitted into the West Indies only on conditions which preclude its acceptance, for besides the restriction as to cotton, the article would deprive the United States of a gainful branch of their commerce in carrying colonial produce to Europe, and moreover, limits the conceded trade to vessels of too small a

burthen to engage in the lumber trade, or to compete with larger vessels. 7. The trade from America to the East Indies, by which dollars were exchanged for India manufactures, had been permitted before the treaty, as being very convenient to the East India Company, was now subjected to the new restriction of being direct to the United States. 8. Whilst Great Britain thus rigidly insisted on her colonial monopoly, and relaxed it only on the hardest conditions, the United States, by the article concerning discriminating and countervailing duties, deprived themselves of their only means of protecting their commerce and navigation. 9. Though the United States acknowledged every claim advanced by Great Britain, and made compensation for every injury, the greatest of the wrongs sustained by them, the impressment of their seamen, was left unredressed and unnoticed.

In addition to these objections, which so strikingly exhibit the disadvantages under which a weak power negotiates with a strong one, it may be remarked that in those parts of the treaty which have the appearance of reciprocity, the benefit is, by the different circumstances of the parties, principally on the part of Great Britain. Thus, the provisions in favour of aliens holding lands, and of resident foreign merchants; against the sequestration of debts and private property; and against reprisals, operate in favour of twenty, or perhaps fifty British subjects for one American citizen. Even in the article which permitted each party to carry on the fur trade within the territories of the other, by which the United States appeared to gain more than they gave, the advantage, by reason of the reserved rights of the Hudson's Bay Company, and the established course of trade, was greatly on the side of Great Britain. The United States having made so many concessions to liberal principles for the advantage of Great Britain, might surely have expected some extension of the same principles for their benefit, by abolishing privateering, or, at least, the right of search for enemy's goods.

The defenders of the treaty, on the other hand, insisted on the solid advantages of obtaining possession of the western posts, by which a profitable fur trade would be opened to the United

States, and the danger of Indian hostility avoided; on the large amount the merchants would receive for their property illegally condemned by the British courts of vice-admiralty; and lastly, that the treaty was the only alternative of war, which, besides its direct burdens and evils, would deprive the country of the golden harvest it was then reaping from its neutrality. These arguments, which appealed so forcibly to the self-interest of individuals, finally and with difficulty prevailed, and thus Great Britain obtained, for her mercantile community indemnity for the past and security for the future; important concessions to her belligerent interests; and an unresisting submission to her colonial monopoly, at no other expense than a surrender of seven military posts within the limits of the United States, which she was bound by treaty to surrender twelve years before; and an agreement to pay for such property as her subjects had illegally taken, after a failure to recover of the captors in the due course of law. Great as was the disparity of the parties, in point of power, a treaty so grossly unequal and defective could not have been ratified, if the immense amount of property captured had not interested so many in its ratification. Nor could this power of bribing American merchants with their own money find any counteraction among individuals from the money to be received by British creditors, as that was to be paid out of the treasury of the United States.

On the main question, whether more good or evil resulted to the United States from the ratification, there is still room for a difference of opinion. To trace out the chain of causes and effects in a series of events which have actually occurred, though not always an easy task, may yet be within the scope of human wisdom, but to perceive the concatenation, on a different state of facts, is beyond the reach of any degree of sagacity; and no one can conclusively show that had the treaty been rejected, war would have been the certain consequence; or, though it had, that the spirit it indicated would not have prevented the subsequent spoliations on American commerce, and the war of 1813; or whether, on the whole, the substantial interest of the nation would have been thereby promoted or impeded. In such ques-

tions the most we should look to is, whether we have defended our own rights, without infringing the rights of others, and to approve or condemn our course, according as it has conformed to that rule. If tried by this test, it would not be easy to defend the treaty of 1794.

In this unqualified condemnation of the treaty it is not meant to cast any imputation on the zeal, talents, or patriotism of its distinguished negotiator. They are unquestionable, and were never more faithfully exerted. But the misfortune was, that Mr. Jay left the United States under the firm belief, generally entertained by his party, that peace with England, the prevention of a closer fraternity with the French, and the continued ascendancy of the federalists, all depended on his making a treaty. Every thing then, which could interest either his patriotic or party feelings, (and neither were lukewarm,) was hazarded on this single step. The moral necessity under which he acted was as well known to the British ministry as it was felt by himself, and they naturally profited by it to insist on every thing which he could venture to give, and to concede nothing which they could decently refuse.

CHAPTER XXI.

The British Treaty ratified by the President and Senate. Proceedings in Congress. The right of Congress to refuse appropriations for executing a treaty discussed. Considerations on this subject drawn from the character of the Federal Government. Letter to Mr. Giles. The duty to take sides between conflicting parties considered. Construction of the Constitution as to the power in Congress to establish Post Roads. Letter to Mazzei. Mr. Jefferson's defence of that letter—the objections to it considered. General Washington's Farewell Address. Mr. Adams and Mr. Jefferson rival candidates for the Presidency. Mr. Jefferson chosen Vice-President—the considerations which reconciled him to that result.

1796.

THE ferment of the public mind went on increasing until the meeting of Congress, when all eyes were turned on that body to see the course it would take. In the president's opening speech to both Houses of Congress, he had mentioned the British treaty and stated that it had been ratified by the United States, with the exception of a part of the 12th article, since which the course of the British government was not known. The answer by the House of Representatives, though not explicit, plainly intimated disapprobation of the treaty. In February, the treaty being returned with the ratification of the British government, it was announced to the nation by proclamation, a copy of which was sent to each House of Congress on the 1st of March, 1796.

This course was censured as disrespectful to the House of Representatives, and as implying that the concurrence of the

legislature was not necessary to give validity to the treaty. On the 2nd of March a motion for a copy of the instructions to the minister who negotiated the treaty, brought on a debate in which the powers of the executive, and of the legislature, with reference to treaties, was fully investigated by all the talent and zeal which either party could put in requisition.

It was contended by the opposition that although the constitution had vested the power of making treaties in the president and senate, without restriction or qualification, yet that did not prevent the restriction which must necessarily arise from the express provisions of the constitution itself: or, said they, suppose the executive were to make a treaty on any matter prohibited to them by the constitution, or which required powers not delegated to them, as the cession of a state or even a portion of its undisputed territory, would the legislative branch of the government be bound to pass laws for the execution of such an unconstitutional treaty, and thus sanction a breach of the constitution? Assuredly not. Congress then has the power in some cases of refusing its co-operation, and whether the occasion is proper for such an exercise of power depends upon the circumstances of the case, to be decided by a sound discretion. If the treaty is capable of execution without the intervention of the legislature, it is then binding on the nation, and it becomes a rule of action on the citizen as much as any legislative enactment; but if such interposition is necessary, then the legislature is as free to act as the executive, and to grant or withhold its concurrence. It is true that it may be both uncourteous and impolitic for the legislature to take this course. It may make foreign nations cautious of negotiating with a nation which thus has a power in reserve by which it may annul or ratify a treaty according to circumstances. But this is an argument, and a strong one, against the exercise of the right, on light occasions, rather than against its existence. The considerations of impolicy and of its giving offence to the power treated with are as likely to have due weight with the legislature as with the executive, and this must be especially supposed in this country, where the power of declaring war is confided solely to the legislature. Without this

check the power of taxing, the power of naturalization, the power of incorporating other states into the union, and the power of regulating the entire commerce of the country, which have been placed solely in the hands of the legislature, are virtually transferred to the senate.

The friends of the administration maintained that a treaty made pursuant to the forms prescribed in the constitution was binding on the nation, and the legislature could not refuse to co-operate in its execution without a violation of its constitutional duty, and of the national faith. That granting it would not be bound to execute a treaty when the executive had transcended its powers, that would furnish no argument where such a plea could not be pretended, for the same reason that an act done contrary to the constitution is void, an act done in conformity to that instrument is binding.

After a debate of a fortnight, the resolution was carried by a majority of 62 to 37. The president, however, refused to send a copy of the instructions, and stated his reasons at full length, founded on the executive right of the president and senate to make treaties. In support of his opinion he relies on the proceedings of the convention which formed the constitution, on the previous course of the legislature on the subject of treaties, and on the obvious inconveniences and impolicy of disclosing the several steps taken in a negotiation.

Further resolutions were then moved which assert the right of the House of Representatives, whenever stipulations are made by treaty on subjects confided by the constitution to Congress, to deliberate on the expediency of carrying them into execution, which were carried by a vote of 57 to 35.

When subsequently a bill was introduced to carry the treaty into effect, its merits more fully and formally discussed, and after a protracted debate in a committee of the whole, the expediency of making the requisite provisions by law was carried by a single vote, and in the House, by a majority of three; considerations of policy and expediency inducing some to join in executing an unsatisfactory treaty rather than hazard the

peace of the country, which seemed to be the almost certain alternative.

On this subject it may be further remarked, that if it had been intended by the constitution that it should be altogether discretionary in Congress to make the appropriations necessary for carrying treaties into effect, it would have at once required the concurrence of both Houses, and not have left so important a power to be deduced by implication: and further, that this construction would greatly lessen the weight of the executive in any negotiation, as foreign powers could never be certain that a treaty, agreed upon by the two governments, would not be eventually annulled by the House of Representatives; and even when there was no motive of public interest to urge them to such a course, it might easily happen, in the struggles of parties, or by the casual influence of particular individuals, or by combinations of particular factions or interests, that measures, really salutary and likely to prove popular, would be for a time defeated. On these accounts nations would be more cautious of treating with us, except only in those matters in which there was no room for difference and dissatisfaction.

On the other hand, if we suppose the representatives to have no discretion whatever, and to be mere machines to carry into effect any treaty which it may please the president to make, and the senate to ratify, it would remove one of those checks which the constitution has provided to guard the purses of the people, such as we see in the provision which prohibits duties on exports—which makes duties on imports equal—which gives to the House of Representatives the exclusive right to originate money bills, and to Congress the exclusive right of laying taxes, and limits the objects—since all these rights, powers, and restrictions might be annulled by treaty. Thus, for instance, a treaty may stipulate the cession of a state, or the part of a state —a heavy tribute to a foreign nation—or may form a union with Canada or Mexico—or, adopting the Chinese policy, may cede our foreign commerce to other nations—or enter into an alliance offensive and defensive with the blacks of Hayti. In such cases as these, could it be supposed that the popular branch of the legis-

lature would not, and ought not to refuse their aid to carry the treaty into effect? If this be admitted, then the power is conceded, and whether it shall be exercised or not is a question of circumstances. It is perhaps a yet more satisfactory reason for this construction, that this is all the check which the treaty making power has, since the constitution contains no express restraint whatever.

But to this again it is objected that no fair argument of construction can be drawn from such extreme cases which may be imagined indeed as possible, but which cannot rationally be expected: that constitutions are made on the supposition that men will obey the common impulses of self-interest, of common sense, of settled habit—such as that the people will choose representatives, and that they will find representatives willing to serve; that the state legislatures will always be in existence; that they will choose senators; that they will raise revenue and disburse it, will keep a true record of their proceedings, and publish their laws when made: that whenever any extraordinary case should arise to contradict these reasonable expectations, the functions of all laws and constitutions would be merged in the great law of self-preservation, and that no more argument can be drawn from such rare and improbable cases to show the fair meaning of the constitution, than we could infer a general right to take the property and life of another, from the fact that we might rightly take his bread to prevent us from starving, or push him from a plank not sufficient to support two, to save ourselves from drowning. That reasoning, therefore, on cases of probable recurrence, the president and senate, whose power flows ultimately from the people, and who are responsible to the people, must be supposed incapable of making a treaty which they did not believe conducive to the national interests; and that supposing them to have thus acted, although they may appear to have somewhat mistaken those interests, it would be better in general that the contract should be ratified with good faith than present a field for the excesses and caprices of party spirit; and, if the constitution is found defective, to circumscribe by an amendment the treaty making power within more safe and precise limits. By way of analogy, it may be remarked that the

same arguments urged against the obligation to provide for the execution of treaties, drawn from their possible abuse, applies to the appointing power, except that the consequences would be commonly less serious. That department may appoint to a highly responsible office an unprincipled and dangerous man; yet it has never been supposed that in such a case the House of Representatives had the right to withhold his salary.

On this question of the power of the House of Representatives to judge of the expediency of carrying a treaty into effect, public opinion was then divided—the authority of General Washington, the cabinet and senate being on one side, and that of the House of Representatives on the other, supported by the names of Jefferson, Madison, Gallatin, and their friends; and the question was afterwards revived in Mr. Madison's administration, when the House, as on the present occasion, made the appropriations without deciding the constitutional question.

In a letter to Mr. Giles of December 31, 1795, Mr. Jefferson expresses himself well pleased with the manner in which the House of Representatives had testified their disapprobation of the treaty by their answer to the annual speech. He then makes some free comments on the political character of Mr. Edmund Randolph who had lately sent in his resignation of Secretary of State, in consequence of some injurious imputations contained in a letter from the French minister Fauchet to his government, and which had been intercepted by a British cruiser, and communicated to the American government. He has no hesitation in acquitting that gentleman of the charge of corruption, but speaks of him as a wavering politician—giving his principles to one party and his practice to the other; and imputes to his want of firmness the president's habitual concert with the British and anti-republican party. He warmly condemns that disposition to halt between two parties, and deems it to be as immoral as to pursue a middle line between honest men and rogues.

Assuredly when the matters in controversy appear to involve the honour, security, or other serious interests of the country, we are bound to take a decided stand on one side or the other, and hesitation or neutrality is the part of the coward and the

knave. But where it happens, as it commonly does, that there are specious grounds of right advanced by both parties, nay, more, that there is reason and truth with both, but pushed to extremes, a mind of unusual candour and impartiality may see what is most consonant to right in either, or what is most undeniably wrong, and may thus be disposed to agree and to disagree in part with both. It must however be admitted that such neutral territory is not wholly occupied by this description of persons, but partly by those who are desirous of pleasing all, or are fearful of offending from mere timidity or good nature; partly again by those who pursue the same object with a view of profiting by it, like the bat in the fable, ready to declare itself bird or beast, according to the seeming chances of victory; and lastly, a numerous body who are kept from going on one side or other by the *vis inertiæ* of indifference. So that this body, to which the combatants on either side address themselves, may contain some of the wisest and purest, as well as the most worthless of the community.

He regarded the finances of the United States as unintelligible to the great body of the people, and as purposely made so by Hamilton. He even supposes that Hamilton himself did not understand them, and was unable to give a clear view of the excess of our debts beyond our credits, or whether we were diminishing or increasing the debt. His own opinion was that the annual expenses then exceeded the revenue about a million of dollars; and he declared that if Mr. Gallatin would present the public with a clear and simple view of the finances, he would merit immortal honour. It was probably not unknown to him that that gentleman, as it afterwards appeared, was actually engaged in preparing such a work, which made its appearance in the following year.

The postscript to this letter, in noticing a proposition of Mr. Madison's respecting post roads, first presents the question of the power of Congress to provide these useful facilities of communication between different parts of the union, which has since been so much discussed, and has so divided the politicians of the country. Mr. Jefferson, as usual, was in favour of that construction which most restricts the power of the federal government, and

he relies more on the pernicious consequences from the exercise of the power, than on the literal import of the constitution itself. He views it as "a source of boundless patronage to the executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money. You will begin," he says, "by only appropriating the surplus of the post office revenues; but the other revenues will soon be called to their aid, and it will be a source of eternal scramble among the members, who can get the most money wasted in their state; and *they* will always get most who are meanest." .... He objects to the want of local knowledge by Congress, and also to the constitutionality—"Does the power to *establish* post roads," he asks, "given you by the constitution, mean that you shall *make* the roads, or only *select* from those already made, those on which there shall be a post? If the term be equivocal, (and I really do not think it so,) which is the safest construction? That which permits a majority of Congress to go to cutting down mountains and bridging of rivers, or the other, which if too restricted, may be referred to the states for amendment; securing still due measure and proportion among us, and providing some means of information to the members of Congress, tantamount to that ocular inspection, which even in our county determinations, the magistrate finds cannot be supplied by any other evidence?"—

This is certainly one of the most important questions which divide those who severally favour a liberal and a strict construction of the constitution. But other considerations have mingled with this of federal power, and have given many supporters to the party which affirms the existence of the power to make roads. Besides the local advantages which, operating on the hopes and interests on various parts of the country, have influenced the opinions of the people, the western states in particular maintain that it is only in this way that they can receive any adequate return for their contributions to the national treasury; that while so much is expended to give facility and security to foreign commerce—as by discriminating tonnage duties; bounties to fishing vessels; monopoly to coasting vessels; light houses; breakwaters, and the establishment of a navy itself—something

should also be expended to facilitate the only commercial intercourse which the interior states are capable of carrying on. Some of the Atlantic states, too, have favoured the same construction, because, from their position they expected to gain from the national treasury more than they contributed to it; and they might, moreover, in this way have the benefit of expensive public improvements which were unattainable in any other. Many also, who regarded the permanency of the union as precarious as it was desirable, looked upon these national roads as links of connexion between the west and the east, which would thus bind the remotest extremes of the union together by the strong ties of commercial interest. Every one saw that these means of intercommunication would greatly add to the wealth of the nation, and that from the difficulty of getting the separate states to unite in any plan, they would be impracticable, except when made by the general government. There was another consideration, which though adventitious, had probably more influence of late years than any other. This was the protection to domestic manufactures. It was foreseen that in a short time the public debt would be extinguished, after which event, at least ten millions of the existing revenue would be released, and consequently that duties to that amount on foreign fabrics must be taken off. The only way then in which the protection of the present tariff could be preserved to domestic manufactures was by a system of national roads and canals, so that the money with which foreign manufactures was taxed, to favour the competition of our own, would defray the expense of these national works; and in this way an alliance was formed between the friends of manufactures and of the advocates for the power of making roads and canals.

The great Cumberland road was afterwards undertaken during Mr. Jefferson's administration, with the consent of the states through which it passed; and the powers which he then sanctioned in the general government, must be regarded as indicating his deliberate opinion, so far as they conflict with the views expressed to Mr. Madison in 1796.

In speaking of the British treaty on the 24th of March to Mr.

Monroe, he states the constitutional doctrine to be that which was afterwards declared by a majority of the House of Representatives; and declared that on the precedent now to be set will depend the future construction of our constitution, and whether the powers of legislation shall be transferred from the president, senate, and house of representatives, to the president and senate and Piamingo, or any other Indian, Algerine, or other chief."

In a letter to Mr. Madison a few days afterwards, he speaks of Mr. Gallatin's views on this subject as able, but not free from difficulty, though less so, perhaps, than the opposite construction. "According to the rule established by usage and common sense, of construing one part of the instrument by another, the objects on which the president and senate may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the legislature, is large enough; and I see no harm in rendering their sanction necessary, and not much harm in annihilating the whole treaty making power, except as to making peace." "If the power was possessed," he remarks, "he could conceive no case in which it could be more properly used; and the people were looking to Congress to save them from the effects of the avarice and corruption of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the only honest man who has assented to it. I wish that his honesty and his political errors may not furnish a second occasion to exclaim, 'curse on his virtues, they have undone his country.' "—

He fortifies his construction of the constitution by referring to an answer made by General Washington to the senate in 1791, in which he said he should take measures for the ransom of our citizens in Algiers, in conformity with their advice, as soon as the requisite sum should be appropriated by the *legislature.*

It was about this time, when Mr. Jefferson partook of the dissatisfaction which the British treaty generally inspired, and of the popular suspicions as to the motives of those who favoured it, that he wrote a letter to Mr. Mazzei, an Italian gentleman who had lived some time in his neighbourhood, and with whom he had been particularly intimate. He represents to him the

falling off that had taken place in the attachment of some of the leading politicians to liberty and republicanism, which he attributes to the corrupting influence of Great Britain, the funding system and the bank. The political portion of this letter was translated into Italian, and published in Florence by Mr. Mazzei, was then translated into French, and published at Paris in the *Moniteur*, and having been retranslated into English and republished in this country in the following year, it became the subject of severe animadversion against Mr. Jefferson by the federal party. The offensive passage in the original letter was in these words:

——"The aspect of our politics has wonderfully changed since you left us April 24, 1796. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican monarchical and aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles; the whole landed interest is republican, and so is a great mass of talents. Against us are the executive, the judiciary, two out of three branches of the legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty; British merchants and Americans trading on British capitals, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labours and perils. But we shall preserve it; and our mass of weight and wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to wake and snap the Lilliputian cords with which

they have been entangling us during the first sleep which succeeded our labours."

The enemies of Mr. Jefferson, with a view of profiting by the strong hold which General Washington always had on the affections of the people, insisted that these, his accusations of a desire in some to introduce a monarchical government, and of apostacy from their former principles, meant to apply to that eminent man, and that considering the relations in which Mr. Jefferson professed to stand towards him, the calumny was as base as it was unfounded. No letter which Mr. Jefferson ever wrote excited as much interest, or was the subject of as much comment and censure as this.

Mr. Pickering states, on the authority of Dr. Stuart, that General Washington had, when he became a private citizen, "called Mr. Jefferson to account" for expressions used in his letter to Mazzei; and adds, "in what manner he humbled himself and appeased the just resentment of Washington will never be known, as sometime after his death, the correspondence was not to be found, and a diary for an important period of his presidency was also missing."

In reply to this offensive imputation, Mr. Jefferson affirms, that "there never passed a word, written or verbal, directly or indirectly," between General Washington and himself on the subject of that letter; he is at some pains to show that the story is altogether unfounded; and he exposes the awkward attempt to draw support to it, by connecting the assumed fact of the lost correspondence with the lost diary, though the correspondence, if it took place at all, must have been after April, 1797, when the letter to Mazzei was published in America, and consequently, after General Washington had ceased to be president; while the diary, said to be lost, and supposed to mention the correspondence, was written during the presidency.

"This letter to Mazzei, he says, has been a precious theme of crimination for federal malice. It was a long letter of business, in which was inserted a single paragraph only of political information. In this information there was not one word which would not then have been, or would not now be approved by

every republican in the United States, looking back to those times, as you will see by a faithful copy now inclosed of the whole of what that letter said on the subject of the United States, or of its government." He says that the letter contains not one word respecting France, or any of the proceedings or relations between this country and that; but that the paragraph which makes him charge his own country with ingratitude and injustice towards France, he supposes was interpolated by the party then in power, who caught at every thing to buoy them up. Yet this interpolation is quoted by Mr. Pickering as the remark of Mr. Jefferson. He adverts also to the substitution of *form*, in the translation, for "forms."* He denies that he meant his remarks against an Anglican monarchical and aristocratic party to apply to General Washington; insists that they do not necessarily apply to him, and that General Washington was well aware that these censures were not intended for him. He thus concludes his vindication: "The truth is, that the federalists, pretending to be the exclusive friends of General Washington, have ever done what they could to sink his character, by hanging theirs on it, and by representing as the enemy of republicans him, who, of all men, is best entitled to the appellation of the father of that republic which they were endeavouring to subvert, and the republicans to maintain. They cannot deny, because the elections proclaimed the truth, that the great body of the nation approved the republican measures. General Washington was himself sincerely a friend to the republican principles of our constitution. His faith, perhaps, in its duration, might not have been as confident as mine; but he repeat-

* I have seen and carefully examined the press copy of the original. The word is plainly "forms," and never could have been different. These press copies, it may be observed in answer to the cavils of the malevolent and suspicious, bear upon their face proofs of their authenticity. Those of the same date have the same degree of that peculiar tinge or discoloration which time gives to paper; and, as they are to be read on the wrong side, and are therefore printed on very thin, semi-transparent paper, erasure is impracticable; nor can any addition be made without plainly manifesting itself, as may be seen whenever any casual omission of a letter or word has been supplied, or lines, too faintly impressed, have been rendered more legible.

edly declared to me, that he was determined it should have a fair chance for success, and that he would lose the last drop of his blood in its support, against any attempt that might be made to change it from its republican form. He made these declarations the oftener because he knew my suspicions that Hamilton had other views, and he wished to quiet my jealousies on this subject. For Hamilton frankly avowed, that he considered the British constitution, with all the corruptions of its administration, as the most perfect model of government which had ever been devised by the wit of man; professing, however, at the same time, that the spirit of this country was so fundamentally republican, that it would be visionary to think of introducing monarchy here, and that, therefore, it was the duty of its administrators to conduct it on the principles their constituents had elected.

"General Washington, after the retirement of his first cabinet, and the composition of his second, entirely federal, and at the head of which was Mr. Pickering himself, had no opportunity of hearing both sides of any question. His measures, consequently, took more the hue of the party in whose hands he was. Their measures were certainly not approved by the republicans; yet were they not imputed to him, but to the counsellors around him; and his prudence so far restrained their impassioned course and bias, that no act of strong mark, during the remainder of his administration, excited much dissatisfaction. He lived too short a time after, and too much withdrawn from information, to correct the views into which he had been deluded; and the continued assiduities of the party drew him into the vortex of their intemperate career; separated him still further from his real friends; and excited him to actions and expressions of dissatisfaction, which grieved them, but could not loosen their affections from him. They would not suffer the temporary aberration to weigh against the innumerable merits of his life; and, although they tumbled his seducers from their places, they preserved his memory embalmed in their hearts, with undiminished love and devotion; and there it will for ever remain embalmed, in entire oblivion of every temporary thing which might cloud

the glories of his splendid life. It is vain then, for Mr. Pickering and his friends to endeavour to falsify his character, by representing him as an enemy to republicans and republican principles, and as exclusively the friend of those who were so; and had he lived longer, he would have returned to his ancient and unbiassed opinions, would have replaced his confidence in those whom the people approved and supported, and would have seen that they were only restoring and acting on the principles of his own first administration."

As this letter to Mazzei has drawn so much obloquy on Mr. Jefferson, we may be excused for giving a closer examination to the charges and to his defence. The grounds of crimination are—1. That he has imputed to General Washington an undue attachment to England, and a secret preference for monarchical over republican government; that he was plainly designated in that passage of the letter which says, "against us are the executive, and two out of three branches of the legislature;" and was meant to be comprehended among "the apostates who though Samsons in the field, and Solomons in the council, have had their heads shorn by the harlot England." 2. That after the publication of the letter, on an explanation being demanded by General Washington, he had made the most submissive apology, denying his allusion to General Washington, as far as he could, and asking forgiveness where he could not. 3. That to conceal this humiliation from the world, the person who had charge of General Washington's papers, after his death, had, either at his own instance, for the purpose of recommending himself to Mr. Jefferson, who then dispensed the emoluments of office, or on the application of Mr. Jefferson himself, abstracted the correspondence between them, as well as a part of the General's diary, while he was president, which also concerned Mr. Jefferson, for which service the same individual was rewarded by an office of trust and profit. 4. That, in his letter to Mr. Van Buren, Mr. Jefferson, in the teeth of the clearest evidence, uncandidly attempts to deny that he meant to comprehend General Washington, thus having the meanness to disavow the slanders he had had the baseness to fabricate. 5. And lastly, that at the very

moment of this denial he virtually renews and repeats the same calumnies, in the very same letter, in declaring that, he had written nothing to Mazzei which was not then, and would not now be approved by the republican party throughout the United States.

To the first of these charges, Mr. Jefferson gives an express denial; and while he has never retracted one word as to the leading men of the federal party, he has uniformily maintained that he did not mean to class General Washington with them, either as to their principles or purposes. Now upon this subject we have abundant evidence to satisfy a candid enquirer. Not only in his diary does he repeatedly express his conviction that General Washington was a republican in his attachments, though he had not the same entire confidence in the fitness of the people for self-government as Mr. Jefferson, but also in several of his letters to individuals of the same party as himself; and in the long letter he wrote to General Washington to dissuade him from retiring at the end of the first term, he not only would not have urged him to continue, if he had believed that his principles were opposed to those to which he showed through life such a rooted attachment, and on which his hopes of favour with his countrymen rested, but he would never have ventured to censure so roundly as he did in that letter the principles which he believed were those of General Washington. This letter then is of itself utterly inconsistent with the fact that he intended to comprehend in his letter to Mazzei him, whom he had at all other times excepted. They were plainly meant for Hamilton, Adams, Jay, the Pinckneys, and some others who had been distinguished in the revolution as soldiers or statesmen, and who then guided the executive councils, but who, by their Anglican attachments and antigallican prejudices, were endeavouring as much as they could to assimilate our government to that of Great Britain. This opinion, whether well founded or not, Mr. Jefferson, in common with a large proportion of his party, fully entertained. There is abundant evidence to show that, as to some of the federal party, they were not mistaken; and if in the course of time, the American government were to dis-

appoint the hopes of its friends and admirers, and prove a failure, many of that party would have claims to the character of foresight, which even their enemies could not resist, and which some of their admirers already assert for them by anticipation.

2. and 3. As to the fact that Mr. Jefferson made a submissive apology, in consequence of a demand of explanation by General Washington, the supposition must be considered as nearly gratuitous. It is positively denied by Mr. Jefferson, and there is no evidence which ought to outweigh his denial. Mr. Pickering, who acknowledged his dislike of Mr. Jefferson, and whose susceptibility of hatred and resentment was the strongest feature in his character, states it on the authority of Dr. Stuart, and he undertakes to account for the absence of the best testimony —the letter itself—by supposing that it had been clandestinely withdrawn by him who had the custody of those papers. There is, however, no direct evidence that such a letter ever existed. Dr. Stuart does not say that he ever saw it; and had he seen it, we are authorized to infer, from the temper manifested towards Mr. Jefferson, that he would have been as prompt to declare it as Mr. Pickering would have been to repeat the declaration. The supposition seems to be either a mere inference from doubtful facts, or to rest on vague, unsupported, and improbable rumour. The inference rests on the fact, that an office was bestowed by Mr. Jefferson on the individual who had the temporary charge of General Washington's papers. But surely, when so many motives may have induced Mr. Jefferson to give this office, it is unreasonable to assume that it was the price of treachery. As he must give the office to some one, we might require nothing more than the fact that it was asked for. Besides, there is a certain degree of liberality and courtesy to be expected from every president towards his predecessors, which has manifested itself on many occasions, and which none but coarse minds will condemn. Mr. Jefferson acknowledges to this sentiment in the case of Mr. Adams, and he would have felt additional motives for granting a favour to one who had been a member of the family of General Washington. There was also a rumour on this subject that Rawlins, whom General Washington employed

about this time as an amanuensis, told a merchant in Alexandria, that he copied a letter from the General to Mr. Jefferson, relative to the Mazzei letter, which was so very severe, "it made his hair stand on end." I have inquired into this story, and it seems as unsupported as the rest. Rawlins is dead: The merchant is dead; and no one is alive who pretends to have heard Rawlins make the assertion. To establish then the fact that General Washington wrote an angry letter to Mr. Jefferson, we must assume that the person who had the story from the Alexandria merchant, neither misrepresented nor misunderstood him—that he again neither misrepresented nor misunderstood Rawlins—and lastly, that Rawlins neither misrepresented nor misunderstood General Washington, either as to the character of the letter or the person to whom it was addressed. If testimony like this, adduced by a prejudiced partizan against a political opponent, is to be received, what character would be safe? But it is not merely insufficient, it is disproved by intrinsic circumstances. It must be remembered that when Mr. Jefferson is said to have written the letter of apology, he must have had every reason to believe that the letter he wrote would one day see the light. He knew the regular business-like habits of General Washington; and consequently, the letter had the same probability of preservation as if it had been filed away among the archives of state. He would then have said nothing which would have disgraced or discredited him with the nation, but have vindicated himself on similar grounds to those taken in his letter to Mr. Van Buren; in which case, he had no motive to suppress the correspondence.

4. That he attempted to show in his letter to Mr. Van Buren, that the term did not comprehend General Washington, because by the two branches of the legislature, he meant the two Houses of Congress; whereas, it was notorious, as he himself admitted, that a majority of the House of Representatives were at that time members of the republican or opposition party. This must be conceded; but it is only an evidence of his lapse of memory, in grounding an argument on a subordinate fact, in support of what he knew to be the truth. He cannot be presumed to have knowingly

misstated a fact, which a bare reference to the Journals of the House, or the history of the times would have satisfactorily contradicted. The fact was, that not only was the weight of the senate, but also of the executive thrown into the scale of the federal party, the leaders of which were English in their predilections, and antigallican in their antipathies; and these sentiments being contrary to those of the republicans, they were consequently condemned; and Mr. Jefferson made a distinction between the president and his advisers, which many of his party refused to make. Of all the imputations to which this letter has given rise, this unimportant mistake is the only one which is well founded; and that is evidence of nothing but a failure of memory, which induces him to use an untenable argument to support what he knew to be an undeniable truth, and which it would be miraculous if an octogenarian did not sometimes exhibit.*

He is however considered as repeating the very same calumny, in the letter to Mr. Van Buren, when he says, that what he had uttered in his letter to Mazzei was approved by the republican party throughout the United States; as in that letter he had expressly disclaimed all intention of comprehending General Washington; his remarks apply solely to the federal party, and he certainly was well warranted in making it, when he received so large a majority of the suffrages of the nation for the office of president, at his second election after that letter was published. It is true that these sweeping censures of the fede-

* His letter to Mr. Giles in December, 1825, respecting Mr. J. Q. Adams's information concerning the federal party in Massachusetts, is a striking proof of this. It would be easy to multiply examples of this failure of memory in the last years of his life; but the following will suffice. In his character of rector of the university, he made out a sort of commission, or certificate of appointment for the professors. When he gave me mine, I found on inspection that he had inserted the name of my friend Henry St. George Tucker, the president of the court of appeals. On representing it to him he took it with him to alter it, he brought it to me with the name altered in one part, but left unchanged in another. I have before me several short notes written to his physician, Dr. Dunglison of the university, in which the name of that gentleman is spelt four different ways.

ralists excited lively resentment at the time: it is also true that the party affected to regard them as equally meant for General Washington as themselves, and they adroitly appealed to the fervid attachment which the great mass of all parties felt for that illustrious man; and profited by the advantage which his death gave them, when the murmurs of discontent were hushed in the national tribute of regret and veneration for his memory, and all his supposed errors were forgotten. Yet with all their efforts, thus favoured by circumstances, they were unable to affect Mr. Jefferson's popularity; and, so far as the sentiments of the people are to be inferred from their acts, they gave their sanction to these views. They did not indeed consider them as applicable to General Washington, and they did not believe that Mr. Jefferson meant so to apply them. He and they had entire confidence in Washington's republicanism and patriotism, but yet believed that he might sometimes be mistaken. Nor in supposing that those around him had an influence on his opinions both of men and measures, can they be fairly regarded as impeaching either his firmness or discernment, for where is the man who would not be so influenced? Such an influence was the more readily credited, when it was recollected that he was surrounded by individuals who were more familiar with subjects of legislation, diplomacy, and constitutional law than himself; and that, with his characteristic modesty and caution, no one was more sensible of this difference than General Washington himself.

The journals of the day show that Mr. Jefferson did not suffer with his own party for the letter to Mazzei, and the declining opposition to him, while president, shows that he did not suffer with the nation. It is then truly remarked by Mr. Jefferson, that the federal party act the part of friends to themselves rather than of Washington, in seeking to make him the sharer of the bitter obloquy they provoked, of the popular disfavour they underwent, and of the sentence of condemnation deliberately passed on their policy, by the most solemn acts of the nation; and they alone do justice to his pure, firm, well-balanced mind, who, while they are obliged to admit that, in some of his

views and measures, he was not one of themselves, maintain also that he cannot be claimed by their opponents; and though he occasionally acted with either party—most often with the federalists—he approved or condemned the acts and opinions of either, with an impartiality which entitled him to the praise that no other of his contemporaries could boast—of being a man of no party.

His dissatisfaction with the political aspect of affairs was further manifested in a letter to Mr. Monroe of the 12th of June, immediately after the rising of Congress. "You will have seen," he says, "by the proceedings of Congress, the truth of what I always observed to you, that *one* man outweighs them all, in influence over the people, who have supported his judgment against their own, and that of their representatives. Republicanism must lie on its oars; resign the vessel to its pilot; and themselves to the course he thinks best for them." He speaks of the influence of the bank and of the deprivation of money by its issues. He says, the paper in circulation in and around Philadelphia amounts to twenty millions of dollars, and that in the whole union, to one hundred millions; but he adds that the last estimate is too high. Indeed the paper in circulation, at this time, when the population is about three times what it was then, and the increase of wealth yet greater, does not much exceed one hundred millions, and probably at the time spoken of was less than thirty millions. At that period the affairs of banks were studiously concealed from the public; and one of the most important ameliorations, that have since taken place in regard to these institutions, is, that their actual condition is now made known to the world, by which not only their imprudence is checked, but false impressions concerning them are prevented. The extravagant estimate mentioned by Mr. Jefferson was made from some mistaken and imaginary proportion between their capital and their supposed issues. He considers that the consequence of such an increase of the circulating medium has been a depreciation of 50 per cent., which he endeavours to prove by a reference to the prices of commodities. But as all the banks in the country then redeemed their notes in specie, it is

clear that such a rise could have taken place in the money price of no article of merchandise; and if it existed at all, it must have been confined to town lots and lands near the towns, the price of which often depends upon fancy and whim, and upon speculative notions of future profit, in which hope has its wonted influence in biassing the judgment. The prices of tobacco and wheat must always have been regulated here by the prices abroad, whatever superabundance of money we may have had; and the depreciation of paper can never be greater when compared with other articles, than it is with gold and silver. Indeed, Mr. Jefferson admits that the lands in his neighbourhood had not risen.

There having recently appeared in a leading opposition paper, the Aurora, an anonymous attack on the administration, in which were first published the queries which the president had propounded to his cabinet as to the course to be pursued on the arrival of Mr. Genet, Mr. Jefferson, knowing that a copy had been in his possession, and had been communicated only to the members of the cabinet, was induced to write immediately to General Washington, for the purpose of preventing or averting any suspicion that the publication was made by his agency. He declares that the paper had never been out of his possession, and that its contents had never been communicated to any one, except perhaps to Mr. Madison, who had his entire confidence. He at the same time adverts to the efforts of mischief-making individuals to produce a schism between them, and particularly alludes to one person, whom he charges with the most unfair and culpable practices to obtain materials for his unworthy purposes. He at the same time asserts, in a tone of manly independence, his right and his practice to speak unreservedly of political affairs. He here takes occasion to repeat a remark formerly made, that from an early period of life he had resolved never to write for the newspapers, and that he had rigidly adhered to his determination.

He also applied for a copy of the written reasons he had given, as a member of the cabinet, in the case of the Little Sarah; remarking, that although he did not know that the paper would

ever be of the least importance to him, "yet one loves to possess arms, though he hopes never to have occasion for them."

General Washington, in his answer, promptly exculpated Mr. Jefferson from the charge of divulging these queries, and says that he knows by whom they were communicated, and for what purpose. He admits that he had learnt that Mr. Jefferson and his friends spoke disrespectfully of him, but that he had always replied to such communications, that he had no reason to question Mr. Jefferson's sincerity. He disclaims being under the undue influence of any one; says that he did not believe in the infallibility of the politics or measures of any man living; that he was no party man himself; and if parties did exist, his first wish was to reconcile them." He repels the charges of undue prejudice against France, and partiality for England, with great warmth.

Mr. Jefferson wrote to Mr. Monroe in July, that the success of the Anglican party in getting the British treaty through "was a dear bought victory;" and he is evidently very sanguine of a favourable change, whether General Washington's successor should be "a monocrat or republican." He mentions the court paid to Patrick Henry by the federalists, and the offers made to him; and says that "Mr. Jay and his advocate Camillus, (Hamilton,) are completely treaty foundered."

By this time Mr. Jefferson was the avowed candidate of the republican party, in case General Washington resigned; but his pretensions were not so warmly or so openly pressed as they would have been, if the retirement of the president had been formally announced. The parties showed no forbearance towards each other; but their respective views in the choice of a successor to General Washington had not yet constituted a part of their public discussions.

In the month of September, however, General Washington, by a farewell address* to the people of the United States, de-

* Mr. Jefferson has in a letter to Judge Johnson given an account of the divided authorship of this address which some of his political opponents have attempted to discredit. The time will come when his account

clared his fixed determination not to be again a candidate for their suffrages, but to retire to private life after the expiration of his constitutional term, on the 3d of March, 1797. And all motive for reserve having now ceased, whether from caution or delicacy, the politicians on both sides prepared for the struggle, and put into operation those means of attack and defence which they had long been previously preparing. The supporters of the administration had generally fixed on the vice-president, Mr. Adams, as their candidate, while its opponents, with yet greater unanimity and cordiality, selected Mr. Jefferson.

Mr. Adams was recommended to the federal party by his services in the revolution, by his being likely to unite the votes of New England, by his favour with the English party from his speculative views concerning the British constitution, and by the office he had already held for eight years, which seemed to give him the claim of seniority over his associates. Yet it was not without some mistrust and hesitation that he was accepted by some; for he was known to be obstinately self-willed in adhering to his opinions, and if he was honest and independent in forming them, he was likewise sometimes eccentric; he was also supposed to attach an undue importance to the ceremonials of rank, and to arrogate to himself a degree of personal deference, which qualities were unfavourable to that real dignity and weight of character which are at all times so desirable in a chief magistrate; but especially when the country was divided into two jealous and hostile parties. Thus his good qualities, by their excess, as well as his weaknesses, formed grounds of objection to him; but, either on account of unpopularity from the British treaty, or from having a less favourable geographical position, no other competitor was deemed equally strong.

The votes therefore of the two parties were generally given to Mr. Adams and Mr. Jefferson respectively; but parties not being as well disciplined then as at the present day, the votes of some of

will be supported by the most undeniable evidence, by which it will appear that the father of his country, in giving his last advice to his fellow citizens, with equal modesty and good sense did not disdain to ask and receive assistance from those whom he believed best qualified to give it.

the states, where each elector was chosen in a separate district, were divided between the two candidates. Thus both in Virginia and North Carolina, Mr. Adams received one vote, though the other votes were given for Mr. Jefferson; and even in Pennsylvania, where the mode of election, by general ticket, was likely to result in an undivided vote of the state, Mr. Adams also received one vote by the extraordinary popularity of one of the electors of his party. The result of which favourable circumstances was, that he received 71 votes, being one more than a majority, and Mr. Jefferson but 68; whereas, if these votes representing minorities of those respective states had been transferred to him, their respective votes would have been exactly reversed. Though Mr. Jefferson's vote was not sufficient to elect him to the office of president it secured him that of vice-president, as Mr. Pinckney of South Carolina, who had been the individual selected by the federalists for that office, received but 59 votes.*

While the election was pending, and before its results could be certainly known, Mr. Jefferson wrote to Mr. Madison on the 17th of December, and after declaring his anxious hope that he might come out second or third, he adverts to the possibility of an equality of electoral votes between him and Mr. Adams, and that the representatives might be also divided. In this case, he says, he was impelled both by duty and inclination to relieve the embarrassment; and he authorized Mr. Madison, in that event, to urge on his behalf that Mr. Adams should be preferred, on the ground of seniority, both as to years and public services; that when there were so many motives to induce some of the members to change their votes, the addition of his wish might have some effect. In speaking of our foreign affairs, he remarks, "that they never wore so gloomy an aspect since the year 1783. Let those come to the helm who think they can steer clear of the difficulties. I have no confidence in myself for the undertaking."

* Mr. Jefferson received the votes of seven out of the sixteen states; to wit, the 8 votes of South Carolina, the 4 of Georgia, the 3 of Tennessee, and the 4 of Kentucky; 14 of the 15 votes of Pennsylvania, 20 of the 21 votes of Virginia, and 11 of the 12 votes of North Carolina. He also received 4 of the 11 votes of Maryland.

He expresses similar sentiments in a letter to Governor Rutledge of South Carolina, ten days afterwards. "I had retired," he said, "after five-and-twenty years of constant occupation in public affairs, and total abandonment of my own. I retired much poorer than when I entered the public service, and desired nothing but rest and oblivion. My name, however, was again brought forward, without concert or expectation on my part; (on my salvation, I declare it;) I do not as yet know the result, as a matter of fact; for in my retired canton we have nothing later from Philadelphia than of the second week of this month. Yet I have never one moment doubted the result. . . . . On principles of public respect I should not have refused; but I protest, before my God, that I shall, from the bottom of my heart, rejoice at escaping. I know well that no man will ever bring out of that office the reputation which carries him into it. I have no ambition to govern men; no passion which would lead me to delight to ride in a storm. *Flumina amo sylvasque inglorius.*

On the following day, December 28th, he addressed a letter to Mr. Adams, in which he states, that though he did not certainly know the result of the election, he never doubted it, and improbable as it might seem, he never wished for any other. He hints to Mr. Adams that he might be cheated out of his succession by his arch friend of New York, meaning Hamilton, who was known not to be partial to Mr. Adams. He professes sentiments of friendship and esteem, and repeats the unambitious disclaimer made to Mr. Rutledge, as well as his opinion of the difficulties in prospect to those who would have the direction of public affairs.

The same sentiments were expressed to Mr. Madison in a letter of the 1st of January, ere he had been informed of the result of the election. "It is difficult," he remarks, "to obtain full credit to declarations of disinclination to honours, and most so with those who still remain in the world. But never was there a more solid unwillingness, founded on rigorous calculation, formed in the mind of any man, short of peremptory refusal. No arguments, therefore, were necessary to reconcile me to a relinquishment of the first office, or acceptance of the second.

No motive could have induced me to undertake the first, but that of putting our vessel upon her republican tack, and preventing her being driven too far to leeward of her true principles." He professes no unwillingness to take the office of vice-president, or to be placed in a secondary station to Mr. Adams, who had always been his senior. He adds, "If Mr. Adams could be induced to administer the government on its true principles, quitting his bias for an English constitution, it would be worthy of consideration whether it would not be for the public good, to come to a good understanding with him as to his future elections. He is the only sure barrier against Hamilton's getting in."

It is altogether unreasonable to question the sincerity of these declarations of Mr. Jefferson concerning the presidency, as his enemies affect to do; when made so continually and in the same strain, not to those who were less intimate with him, but to his most confidential friends, and who consequently must have been aware of their hollowness and insincerity, had such been their character. No object can be assigned sufficient to warrant such a risk of losing that good opinion which he had always so highly prized. A state of feeling confessedly at variance with the ordinary tenor of human desires is rendered less improbable from the difficulties that were fast gathering around our foreign affairs, and the unfeigned distrust he had of his own qualifications for conducting the nation through a period of war, which to his mind was inevitable. This consideration seemed to present itself whenever he mentioned the office of president; and to all his correspondents he spoke of the "storm that was impending," and of "the difficulty of avoiding its fury."

But whatever were his motives, it must be admitted that he bore his defeat with the best possible grace, and that, gratified by the proofs of public confidence and esteem he had received, he seemed to think more of the cares and risks he had escaped than of the power and distinction he had missed; and he prepared to discharge the far humbler duties to which his country had assigned him, with his wonted cheerfulness, diligence, and fidelity.

APPENDIX.

[A, p. 77.]

Articles of Confederation and perpetual union entered into by the Delegates of the several colonies of New Hampshire, Massachusetts, &c. in General Congress, met at Philadelphia, May 20th, 1775.

I. The name of the confederacy shall henceforth be, The United Colonies of North America.

II. The United Colonies hereby severally enter into a firm league of friendship with each other, binding on themselves and their posterity, for their common defence against their enemies, for the security of their liberties and their properties, the safety of their persons and families, and their mutual and general welfare.

III. That each colony shall enjoy and retain as much as it may think fit of its own present laws, customs, rights, privileges, and peculiar jurisdictions, within its own limits; and may amend its own constitution, as shall seem best to its own assembly or convention.

IV. That for the more convenient management of general interests, delegates shall be elected annually, in each colony, to meet in general Congress, at such time and place as shall be agreed on in the next preceding Congress. Only where particular circumstances do not make a deviation necessary, it is understood to be a rule that each succeeding Congress is to be held in a different colony, till the whole number be gone through, and so in perpetual rotation; and that, accordingly, the next Congress after the present shall be held at Annapolis, in Maryland.

V. That the power and duty of the Congress shall extend to the determining on war and peace, the entering into alliances, the reconciliation with Great Britain, the settling all disputes between colony and colony, if any should arise, and the planting new colonies where proper. The Congress shall also make such general ordinances thought necessary to the general welfare, of which particular assemblies cannot be competent, viz: those that may relate to our general commerce or general currency, to the establishment of posts, the regulation of our common forces; the Congress shall also have the appointment of all officers, civil and military, appertaining to the general confederacy, such as general treasurer, secretary, &c. &c. &c.

VI. All charges of war, and all other general expenses to be incurred

for the common welfare, shall be defrayed out of a common treasury, which is to be supplied by each colony, in proportion to its number of male polls between 16 and 60 years of age; the taxes for paying that proportion are to be laid and levied by the laws of each colony.

VII. The number of delegates to be elected and sent to the Congress by each colony, shall be regulated from time to time, by the number of such polls returned, so as that one delegate shall be allowed for every 5000 polls. And the delegates are to bring with them to every Congress an authenticated return of the number of polls in their respective colonies, which is to be taken for the purposes above-mentioned.

VIII. At every meeting of the Congress, one half of the members returned, exclusive of proxies, shall be necessary to make a quorum; and each delegate at the Congress shall have a vote in all cases; and, if necessarily absent, shall be allowed to appoint any other delegate from the same colony to be his proxy, who may vote for him.

IX. An Executive Council shall be appointed by the Congress out of their own body, consisting of twelve persons, of whom, in the first appointment, one third, viz: four shall be for one year, four for two years, and four for three years; and, as the said terms expire, the vacancies shall be filled up by appointment for three years, whereby one-third of the members shall be chosen annually; and each person who has served the same term of three years as counsellor, shall have a respite of three years before he can be elected again. This council, of whom two-thirds shall be a quorum, in the recess of the Congress is to execute what shall have been enjoined thereby; to manage the general continental business and interests, to receive applications from foreign countries, to prepare matters for the consideration of the Congress, to fill up, *pro tempore*, continental offices that fall vacant, and to draw on the general treasurer for such monies as may be necessary for general services, and appropriated by the Congress to such services.

X. No colony shall engage in an offensive war with any nation of Indians, without the consent of the Congress or great council above mentioned, who are first to consider the justice and necessity of such war.

XI. A perpetual alliance, offensive and defensive, is to be entered into, as soon as may be, with the Six Nations; their limits ascertained, and to be secured to them; these lands not to be encroached on, nor any private or colony purchase to be made of them hereafter to be held good, nor any contract for lands to be made but between the great council of the Indians at Onondaga and the general Congress. The boundaries and lands of all other Indians shall also be ascertained and secured to them in the same manner; and persons appointed to reside among them in proper districts, who shall take care to prevent injustice in the trade with them; and be enabled at our general expense, by occasional small supplies, to relieve their personal wants and distresses; and all purchases from them shall be by the Congress, for the general advantage and benefit of the United Colonies.

XII. As all new institutions may have imperfections, which only time

and experience can discover, it is agreed that the General Congress, from time to time, shall propose such amendments to this constitution as may be found necessary, which being approved by a majority of the colony assemblies, shall be equally binding with the rest of the articles of this confederation.

XIII. Any and every colony from Great Britain upon the continent of North America, not at present engaged in our association, may, upon application, and joining the said association, be received into the confederation, viz: Quebec, St. Johns, Nova Scotia, Bermudas, and the East and West Floridas, and shall thereupon be entitled to all the advantages of our union, mutual assistance and commerce.

These articles shall be proposed to the several provincial conventions or assemblies, to be by them considered; and, if approved, they are advised to impower their delegates to agree and ratify the same in the ensuing Congress; after which the union thereby established is to continue firm, till the terms of reconciliation proposed in the petition of the last Congress to the King are agreed to; till the acts, since made, restraining the American commerce and fisheries, are repealed; till reparation is made for the injury done to Boston by shutting up its port; for burning Charlestown, and for the expense of this unjust war; and till all the British troops are withdrawn from America. On the arrival of these events, the colonies are to return to their former connexions and friendship with Great Britain; but on failure thereof, this confederation is to be perpetual.

[B, p. 90.]

*A Declaration by the Representatives of the United States of America, in General Congress assembled.**

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creater with [*inherent and*[a]] inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, lay-

* The parts struck out are printed in Italics and enclosed in brackets. The additions are placed in foot notes.

[a] Certain inalienable rights.

ing its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations [*begun at a distinguished period and*] pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to [*expunge*[a]] their former systems of government. The history of the present king of Great Britain is a history of [*unremitting*[b]] injuries and usurpations, [*among which appears no solitary fact to contradict the uniform tenor of the rest, but all have*[c]] in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world [*for the truth of which we pledge a faith yet unsullied by falsehood.*]

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly [*and continually*] for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has [*suffered*[d]] the administration of justice [*totally to cease in*

[a] Alter. [b] Repeated injuries. [c] All having in direct object.
[d] Obstructed.

some of these states[a]] refusing his assent to laws for establishing judiciary powers.

He has made [*our*] judges dependant on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, [*by a self-assumed power*] and sent hither swarms of new officers to harass our people and eat out their substance.

He has kept among us in times of peace standing armies [*and ships of war*] without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us [b] of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these [*states*[c]]; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here [*withdrawing his governors, and declaring us out of his allegiance and protection.*[d]]

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy [e] unworthy the head of a civilized nation.

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has [f] endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions [*of existence.*]

[a] By refusing his assent to laws. [b] In many cases. [c] Colonies.
[d] By declaring us out of his protection and waging war against us.
[e] Scarcely paralleled in the most barbarous ages and totally.
[f] Excited domestic insurrections among us, and has.

[*He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.*

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL *powers, is the warfare of the* CHRISTIAN *king of Great Britain. Determined to keep open a market where* MEN *should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to raise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the* LIBERTIES *of one people with crimes which he urges them to commit against the* LIVES *of another.*]

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated addresses have been answered only by repeated injuries.

A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a [a] people [*who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad and so undisguised for tyranny over a people fostered and fixed in principles of freedom.*]

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend [*a*[b]] jurisdiction over [*these our states*[c]]. We have reminded them of the circumstances of our emigration and settlement here, [*no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and,*] we [d] appealed to their native justice and magnanimity [*as well as to*[e]] the ties of our common kindred to disavow these usurpations which [*were likely to*[f]] interrupt our connexion and correspondence. They too have been deaf to the voice of justice and of consanguinity, [*and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too, they are permitting their chief*

[a] Free. [b] An unwarrantable jurisdiction. [c] Us. [d] Have.
[e] And we have conjured them by the ties. [f] Would inevitably interrupt.

magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce for ever these unfeeling brethren. We must endeavour to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom, it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too. We will tread it apart from them, and[a] acquiesce in the necessity which denounces our [*eternal*] separation [b]!

We therefore the representatives of the United States of America in General Congress assembled, do in the name, and by the authority of the good people of these [*states reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through, or under them; we utterly dissolve all political connexion which may heretofore have subsisted between us and the people or parliament of Great Britain: and finally we do assert and declare these colonies to be free and independent states,*] and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.[c]

And for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honour.[d]

[C, p. 90.]

In a parcel found among Mr. Jefferson's papers is a parcel indorsed, "Papers of old Congress," containing the original draughts or copies of the following documents, drawn by him:

1. Declaration of the causes of taking up arms.

[a] We must therefore acquiesce.

[b] And hold them as we hold the rest of mankind, enemies in war, in peace friends.

[c] We therefore the representatives of the United States of America in General Congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

[d] And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

2. Resolution accepting General Sullivan's resignation.

3. "A Declaration [or Letter to General Howe] in Allen's case."

4. A recommendation to the "several provincial assemblies or conventions of the United Colonies," to elect delegates to Congress for one year only, and annually to displace one half the delegation; so that no member should be in more than two years consecutively.

5. Resolutions inviting foreigners to quit the service of the king of Great Britain, and promising them land.

6. Resolutions on "the Articles inclosed by Lord Drummond to Lord Howe."

7. Resolution asserting the determination to retaliate upon the enemy for any executions, &c. of prisoners.

8. Resolution in answer to "the Resolution of the House of Commons," [Lord North's conciliatory propositions,] by Thomas Jefferson, with an amendment in the hand writing of Dr. Franklin.

[D, p. 99.]

AN ACT for establishing RELIGIOUS FREEDOM, *passed in the Assembly of Virginia in the beginning of the year* 1786.

WELL aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporal rewards which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependance on our religious opinions, more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to the offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of

those privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles, on the supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency, will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.

Be it therefore enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with the power equal to our own, and that therefore to declare this act irrevocable, would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

[E, p. 206.]

Account of the Paper Money of the Revolution.

Previous to the late revolution, most of the States were in the habit, whenever they had occasion for more money than could be raised immediately, by taxes, to issue paper notes or bills, in the name of the State, wherein they promised to pay to the bearer, the sum named in the note or bill. In some of the states, no time of payment was fixed, nor tax laid to enable payment. In these, the bills depreciated. But others of

the states named in the bill the day when it should be paid, laid taxes to bring in money for that purpose, and paid the bills punctually, on or before the day named. In these states, paper money was in as high estimation as gold and silver. On the commencement of the late Revolution, Congress had no money. The external commerce of the states being suppressed, the farmer could not sell his produce, and, of course, could not pay a tax. Congress had no resource then, but in paper money. Not being able to lay a tax for its redemption, they could only promise that taxes should be laid for that purpose, so as to redeem the bills by a certain day. They did not foresee the long continuance of the war, the almost total suppression of their exports, and other events, which rendered the performance of their engagement impossible. The paper money continued, for a twelvemonth, equal to gold and silver. But the quantities which they were obliged to emit, for the purposes of the war, exceeded what had been the usual quantity of the circulating medium. It began, therefore to become cheaper, or, as we expressed it, it depreciated, as gold and silver would have done, had they been thrown into circulation in equal quantities. But not having, like them, an intrinsic value, its depreciation was more rapid, and greater, than could ever have happened with them. In two years it had fallen to two dollars of paper money for one of silver; in three years, to four for one; in nine months more, it fell to ten for one; and in the six months following, that is to say, by September, 1779, it had fallen to twenty for one.

Congress, alarmed at the consequences which were to be apprehended, should they lose this resource altogether, thought it necessary to make a vigorous effort to stop its further depreciation. They, therefore, determined, in the first place, that their emissions should not exceed two hundred millions of dollars, to which term they were then nearly arrived: and, though they knew that twenty dollars of what they were then issuing, would buy no more for their army than one silver dollar would buy, yet they thought it would be worth while to submit to the sacrifices of nineteen out of twenty dollars, if they could thereby stop further depreciation. They, therefore, published an address to their constituents, in which they renewed their original declarations, that this paper money should be redeemed at dollar for dollar. They proved the ability of the states to do this, and that their liberty would be cheaply bought at that price. The declaration was ineffectual. No man received the money at a better rate; on the contrary, in six months more, that is, by March, 1780, it had fallen to forty for one. Congress then tried an experiment of a different kind. Considering their former offers to redeem this money, at par, as relinquished by the general refusal to take it, but in progressive depreciation, they required the whole to be brought in, declared it should be redeemed at its present value, of forty for one, and that they would give to the holders new bills, reduced in their denomination to the sum of gold or silver, which was actually to be paid for them. This would reduce the nominal sum of the mass in circulation, to the present worth of that mass, which was five millions; a sum not too great for the circulation

of the states, and which, they therefore hoped, would not depreciate further, as they continued firm in their purpose of emitting no more. This effort was as unavailing as the former. Very little of the money was brought in. It continued to circulate and to depreciate, till the end of 1780, when it had fallen to seventy-five for one, and the money circulated from the French army, being, by that time, sensible in all the states north of the Potomac, the paper ceased its circulation altogether, in those states. In Virginia and North Carolina, it continued a year longer, within which time it fell to one thousand for one, and then expired, as it had done in the other states, without a single groan. Not a murmur was heard, on this occasion, among the people. On the contrary, universal congratulations took place, on their seeing this gigantic mass, whose dissolution had threatened convulsions which should shake their infant confederacy to its centre, quietly interred in its grave. Foreigners, indeed, who do not, like the natives, feel indulgence for its memory, as of a being which has vindicated their liberties, and fallen in the moment of victory, have been loud, and still are loud in their complaints. A few of them have reason; but the most noisy are not the best of them. They are persons who have become bankrupt, by unskilful attempts at commerce with America. That they may have some pretext to offer to their creditors, they have bought up great masses of this dead money in America, where it is to be had at five thousand for one, and they show the certificates of their paper possessions, as if they had all died in their hands, and had been the cause of their bankruptcy. Justice will be done to all, by paying to all persons what this money actually cost them, with an interest of six per cent. from the time they received it. If difficulties present themselves in the ascertaining the epoch of the receipt, it has been thought better that the state should lose, by admitting easy proofs, than that individuals, and especially foreigners, should, by being held to such as would be difficult, perhaps impossible.

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