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LETTERS AND OTHER WRITINGS

OF

JAMES MADISON.

VOL. III.



UNIVERSITY OF  
CALIFORNIA

# LETTERS

AND OTHER WRITINGS

OF

# JAMES MADISON

FOURTH PRESIDENT OF THE UNITED STATES.

IN FOUR VOLUMES.

PUBLISHED BY ORDER OF CONGRESS.

VOL. III.

1816—1828.



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  2. This was the general understanding among the States previous to establishment of Constitution ; and, in transferring the power to the Legislature of U. S. they anticipated that it would be exercised more effectually than it could be by the States individually. [Lloyd's Debates, &c.] The right of every nation to vindicate its commercial, manufacturing, and agricultural interests against unfriendly and unreciprocal policy of other nations. Before the present Constitution of U. S. it existed in the governments of the individual States, not in the Federal Government. The want of such an authority was deeply felt, &c., &c. The authority has, by the Constitution of U. S., been expressly or virtually taken from the individual States ; so that, if not transferred to the existing Federal Government, it is lost and annihilated for the U. S. as a nation. Irresistible presumption that those who framed and ratified the Constitution intended to vest the authority in the substituted Government. Weight of so violent a presumption as a source of light and evidence as to the true meaning of the Constitution - - - - - 654, 655
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  4. Evidence of the meaning of the Constitution, as of a law, furnished by evils to be cured or benefits to be obtained ; and by the immediate and long-continued application of the meaning to these ends. Consequences of resisting the support given by this species of evidence to the power in question - - - - - 655, 656
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# WORKS OF MADISON.

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## LETTERS, ETC.

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TO ALEXANDER J. DALLAS.

APRIL 9, 1816.

DEAR SIR,—I have received your letter of yesterday, communicating your purpose of resigning the Department of the Treasury. I need not express to you the regret at such an event which will be inspired by my recollection of the distinguished ability and unwearied zeal with which you have filled a station at all times deeply responsible in its duties, through a period rendering them particularly arduous and laborious.

Should the intention you have formed be nowise open to reconsideration, I can only avail myself of your consent to prolong your functions to the date and for the object which your letter intimates. It cannot but be advantageous that the important measure in which you have had so material an agency should be put into its active state by the same hands.

Be assured, Sir, that whatever may be the time of your leaving the Department, you will carry from it my testimony of the invaluable services you have rendered to your Country, my thankfulness for the aid they have afforded in my discharge of the Executive trust, and my best wishes for your prosperity and happiness.

TO J. B. SAY.

WASHINGTON, May 4, 1816.

SIR,—I must trust to your goodness to pardon the long delay in offering my thanks for the Treatise on Political economy, and for the kind sentiments expressed in the letter which accompanied it. I regret, that notwithstanding the delay, I have not been able to steal from my occupations the time necessary to do justice to such a work by an entire and continued perusal; and that I must postpone that gratification to the approaching epoch, at which I shall exchange the labours of a public for the relaxations of a private station. I can speak, however, of the value of your present, with the perfect confidence inspired by the uncontradicted suffrage which its great merit has procured for it. Luminous developments of the true principles of political economy are everywhere needed; and if more so in our young country than in some old ones, the prejudices are young, also, which are to be encountered. We have an open field for free discussions, and I hope our docility will be proportioned to the advantage.

I sincerely wish that nothing may occur to drive you from the country of your birth and your choice to seek an asylum in a distant hemisphere. Honorable as such acquisitions may be to this country, they ought not to be coveted on such conditions; the less so, as we are aware that the partiality of its distant friends may anticipate advantages greater than it may be capable of realizing.

Apart from such reflections, I pray you, Sir, to be assured of the great value I place on your esteem, and of my best wishes for your welfare, whatever may be the theatre of your fortunes.

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TO WILLIAM EUSTIS.

MAY 12, 1816.

DEAR SIR,—I duly received your two favors of August 10th and December 9th, 1815, but during so busy a season that I

have been obliged to postpone the acknowledgment of them to the present date.

The picture you give of the Dutch humiliation, as exemplified in the tone of the Baron de Nagel on the violation of local sovereignty in the case of the seamen impressed, exceeds what I could have inferred from the relations of the new kingdom to its powerful neighbour. It is not politic in the latter to exact such sacrifices. The feeling that makes them will shew itself in a very different character the moment any change of circumstances shall give a free play to human nature. The connection with Russia may hasten the transformation. I observe that a deaf ear is turned to your cogent reasoning in support of the just demands of indemnity. In recognising the principle that a nation is bound by its established Government, it is impossible to resist the inference in our favor, because the Government, during the absence of the Prince of Orange, was in the relations of established Government, or a Government de facto, to the other Governments of Europe; and the United States, considering it in the same light, could not refuse the ordinary intercourse between two friendly nations. A paternal Sovereign ought not to wish the benefits of such an intercourse to be withheld from a people beloved by him. The Allies, in the very act of restoring Louis to the Throne of France, have compelled him, or rather the nation, to indemnify the sufferers from the spoliations of Napoleon, whilst he was de facto at the head of the French people. You will learn from the Secretary of State that efforts will be made to obtain every where the indemnities due by the present for the wrongs of preceding Governments. Mr. Pinkney, who is just departing as Minister to Russia, will take Naples in his way, with a view to that object. And Mr. Gallatin, who will embark in a few days, will press our demands at Paris.

The complexion of Europe, as recently presented to us, seems to justify your view of its prospects. The peace of Paris has left feelings in various quarters, and of various kinds, which are not auspicious to its duration. A military establishment in G. Britain of 150,000 men; in Russia of half a million or more; and



the indications of jealousy and ambition among other powers, with the combustible materials in France, prepare the mind for new agitations. It is understood, also, that whilst the Governments are forming their projects in relation to each other, the people all over Europe have caught a spirit and acquired a knowledge that presage events of another, and, it is to be hoped, of a better kind. Of all these matters, however, your position gives you better opportunities for judging.

With respect to our own Country, we are threatened with no immediate collisions, unless one should grow out of the questions with Spain, which we are taking measures to bring, if practicable, to an amicable termination. In our internal affairs, our difficulties arise from the state in which our finances were left by the war. The measures provided for by Congress will, I hope, alleviate, and, with help of time, gradually remove them. The principal of these measures are the establishment of a National Bank, and a continuance of a large portion of the war taxes. You will see, also, that a very important provision has been made for fostering our manufactures. This will have the double effect of enlarging our revenue for a time, and, by lessening our future importations, aid in rescuing our Commerce from that unfavorable balance which embarrasses all our monied Institutions and financial operations.

You will gather from the newspapers sent you the progress and complexion of the elections, general and local. Notwithstanding the pressures of the war, and those on the heels of it, the nation seems determined to lose nothing of the character it has gained.

You will have noticed the new system disclosed in the Eastern quarter, by the motion and proceedings in Congress relating to the British monopoly of the navigation between the U. States and the British Colonies. It is evident that the monopoly will be met at the next session by countervailing regulations, unless they be prevented by intermediate negotiation; and that they will be urged most by those who heretofore have so systematically combated them. If such be the effect of this partial loss by the shipping interest, what would have been the feelings of

a total loss, had it not been prevented by the commercial convention with G. Britain, which abolished the inequality under which that interest was placed by Mr. Jay's Treaty, or rather by the countervailing regulations, as they were called, which were ingrafted on it by G. Britain?

Mr. Dallas will leave his department in the fall. I shall delay as much as possible providing for the vacancy, with the greater propriety, as the step ought to consult not merely my expiring relation to the Executive trust.

We have had a season without example deficient both in warmth and in rain. To the present date we have had but a few warm days. And till a few days ago there has been a continued and general drought for several months. The Farmers, in many places, are ploughing up their wheat fields and planting Indian Corn; and the latter crop was more unthrifty than was ever known at this season. Every crop, indeed, is remarkably unpromising. Present my respectful regards to Mrs. Eustis, and accept, with my great esteem, assurances of my best wishes.

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TO JOHN NICHOLAS.

WASHINGTON, May 30, 1816.

D<sup>R</sup> SIR,—Having been detained longer than I expected, your favor of the 20th found me at this place; from which, however, I am preparing to set out forthwith.

I have so much confidence in the friendliness of your views, that I always feel indebted for your communications; and I understand so imperfectly the interior politics of New York, that I cannot be indisposed to accept your explanations of them, when it becomes a public duty to pay attention to them. I am bound, however, in the present case, to say, that whatever may be the character or standing of Mr. ———, the recommendations of him were not only in an extent, but from quarters, also, which it would seem you are not aware of; and that if made acquainted with the latter, you would be satisfied that the ob-

ject, of some, at least, among the most respectable of them, could not be either to bring odium on the Executive or to favor its adversaries. In truth, the recommendations conveyed to the Postmaster General very strong appearances that the appointment of Mr. ————— would be more agreeable to the State at large, and to Albany in particular, than any one of his competitors.

I make these remarks, without derogating from the tenor of my former letter, as due to Mr. Meigs, with whom the appointment lies; and who, I am persuaded, was grossly misunderstood, if he said any thing at all that could give rise to the report to which you allude. Nothing is less to be relied on than statements of conversations, especially when the conversations may be meant on one side rather to parry than to explain, and the statements are made on the other under the influence of personal or party feelings. Nor is any thing more common than for measures taken on the fairest grounds to be perverted, sometimes with a view to discredit the authors of them; sometimes to answer sinister purposes of those in whose favor they are taken.

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TO JOHN RHEA.

WASHINGTON, June 1, 1816.

DEAR SIR,—I received your favor of the 24 Nov<sup>r</sup> with a recollection of all the proofs of your devotion to the public good which our relative situations had made me acquainted with; and I should have acknowledged it at the proper date if I could have added anything particularly interesting to you. Being now on the eve of a visit to my farm, which needs much my presence, as I do its recreations, I cannot leave Washington without this memorandum that my silence has not been the effect of any diminution of my esteem for you.

You will have learnt from the Treasury Department that we have taken the liberty with your name of putting it into the commission for receiving subscriptions to the National Bank;

and from the War Department, that you are appointed one of the commissioners for treating with the Choctaw Indians. I hope you will find it not inconvenient to assist in both of these services. The latter is one which will exercise the best judgment, and call for an enlarged view of the National policy which ought to govern transactions with our savage neighbours. On the one hand, it is very desirable to obtain from them cessions; or an acquiescence in limits convenient to the safety and growth of our settlements; and on the other, it is incumbent on us to respect their rights, and not even to disregard their prejudices. In settling Indian boundaries it is but fair to keep in mind that they are peculiarly uncertain and overlapping in themselves, and that the evidences of them are equally obscure and contradictory. This is the case, more or less, with all the contiguous tribes; among civilized nations it but too often happens; among savages, where the modes of occupancy are so vague and proofs rest on tradition or interested memories, it cannot be otherwise. Where Indian claims, therefore, can be extinguished on reasonable terms, it is better to extinguish them doubly, although more than one cannot be well founded, than to incur the risk of injustice, or the inconveniences resulting from a sense of injury, however erroneous. Our own Country will be more ready to bear the augmented expense than the world will be to overlook a sacrifice of generosity or humanity to that consideration. The acquisitions made by the heroic successes of General Jackson are of incalculable value. It is proper that they should be turned fully to public account. If, in doing it, there should not be all the facility and celerity that might be desired, the final advantages will be the same. And while his Country will have the permanent enjoyment of these advantages, I sincerely wish that the progress of them may, in every stage and under every aspect, be worthy of the pages in which History will record his immortal reputation.

We have nothing from abroad more than will be seen in the newspapers. Through the same channel you are made acquainted with the current events at home.

TO WILLIAM H. CRAWFORD.

MONTPELLIER, June 21, 1816.

DEAR SIR,—I return the letter of General Gaines, with the papers connected with it.

It is to be hoped, and much to be wished, that a resort to the extreme measures contemplated may not be necessary; and it may be better that should result from military discretion, guided by imperious emergencies, than be prescribed by the Executive, without the sanction of the authority more competent to such decisions. In the present case a foreign territory would be invaded, and a refusal of passage through a river terminating within it be the ground of hostility. Without admitting the right of refusal, the question is a delicate one, at least as it relates to the Executive Department. It is the more desirable that the crisis should not lead to extremities, as we are to have amicable negotiations which may possibly put an end to all difficulties in that quarter. This view of the subject, however, must not preclude any interposition of the Executive which may become essential to the public safety, and be expected from its responsibility.

The case presented by Governor Cass, whose communications are also returned, forms a distressing appeal to our sympathies; but I can see no legal ground on which we can extend relief to it. The local authority is bound to do what it can, and it is a reasonable expectation that the abuse of any integral part of it will not continue long. Local benevolence, also, will doubtless make its contributions. If the price of provisions be such as is stated, it is presumed that the troops will not feed on the local resources, but be supplied by water from Eastward settlements near the Lake; and that in proportion to their number will be the expenditures, of which every description of people will be able to partake. The aid expected from the sale of public lands is another item in the account. It is painful to meet such an appeal with such calculations; but can anything better be done?



The vacancy in the Creek agency will of course await further information on the subject of filling it.

Respects and best wishes.

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TO THE SECRETARY OF THE NAVY.

MONTPELLIER, June 27, 1816.

DEAR SIR,—I have received yours of the 25th, and return the letter from Mr. Kerr, who, I presume, is the former Senator from the State of Ohio.

Not being acquainted with all the circumstances which would throw light on the subject, among which is "the unfortunate circumstance in the Envelope," not accompanying your letter, I cannot appreciate properly the representation made to you. It is due to Cap<sup>t</sup> Porter to disbelieve every thing impeaching his character without adequate proof, and to furnish him with an opportunity for every explanation necessary to protect it. The question immediately presenting itself is, how far a preliminary call on Mr. Kerr for further explanations, with notice that a communication of the subject must be made to Cap<sup>t</sup> Porter, ought to take place. Should your better knowledge of facts not decide this question to your satisfaction, you will of course advise confidentially with the judicious friends near you. It is a fair presumption that the real import of Cap<sup>t</sup> Porter's letter to Mr. Brown, which is described, not copied, varies from the sense attached to it by Mr. Kerr, who writes with feelings which are not disguised, and which might warp his apprehension of what he read or heard.

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TO THE SECRETARY OF THE NAVY.

AUGUST 22, 1816.

DEAR SIR,—You will be furnished from the Department of State with copies of the translation of the letter from the Dey

of Algiers, and of the answer to it, with the letter of the Secretary of State to Mr. Shaler, and the instructions to Mr. Shaler, and Commodore Chauncey, as Commissioners to accommodate matters with the Dey. As their negotiations may issue in a commencement of hostilities on the part of Algiers, it will be necessary to provide for that event by instructions from you to the Naval Commander to make the best use of his force in protecting our commerce and most effectually annoying the enemy.

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*Instructions prepared for the Navy Department, 1815 or 16.*

Captain Morris, with the Frigate Congress, to proceed without delay to the Gulph of Mexico, where he will of course take the naval command on the New Orleans Station.

He is—1. To protect our commerce in the Gulph of Mexico against the violence and depredations of pirates, not confounding, however, with pirates, armed vessels, under whatever flag, committing hostilities against a particular nation or nations only.

2. To protect our commerce against an exercise of force by the armed vessels, of whatever nation or country, not authorised by the belligerent right of search or the laws of blockade, as asserted by the United States. The entrance into, and departure of commercial vessels from, our ports is not to be interrupted or awed by the hovering of such armed vessels on our coast for the purpose.

3. To maintain the territorial rights of the United States within the marginal league; but no interruption is to be given to friendly vessels, under whatever flag, proceeding to ports of the United States.

4. To aid according to law in detecting and suppressing the frauds of smugglers.

5. To prevent the entrance of the vessels under his command into ports of the Spanish maine, or Islands adjacent, whether in possession of the one or the other contending parties, except in

cases of real emergency; the vessels so entering to observe, during their necessary stay, the neutral obligations of the United States; to prevent any unnecessary cruises or approaches towards the Spanish coasts, which might favor suspicions of hostile or unwarrantable purposes; and to prevent unjustifiable violence of any sort by vessels under his command on vessels armed or unarmed, under whatever flag.

6. Not to allow any public vessel to transport or receive on board any private mercantile property, in which is to be classed specie and bullion; nor passengers of any description, without a sanction properly obtained.

7. Not to convoy or protect against a rightful seizure by belligerent vessels, under whatever flag, American or other vessels bound with contraband of war to ports of a country at war.

8. To communicate and co-operate, as occasions may justify and require, with the officer commanding the land forces of the United States, in repelling and defeating any invasion which may be made or attempted by any foreign armament.



ANSWER TO LETTER OF WILLIAM H. CRAWFORD, SECRETARY OF  
WAR, JUNE 26, 1816.

MONTPELLIER, June 29th, 1816.

DEAR SIR,—I return the draught of instructions to the Commissioners for treating with the Chicasaw Indians.

Not being aided by a map, I am not sure that I understand distinctly all your demarkations. I take for granted they are correct, unless it be otherwise in the reference to the portion of the Chicasaw lands lying within the State of Tennessee. You will be able to decide on re-examining that part of the document. After obtaining the lands on the Tombigbee, and those running up to the Tennessee river, the order in which the other purchases ought to be pressed is of importance. Will it not be best to give preference to the tract within Kentucky, if that State concur in the price? The tract being remote and small,

the Chicasaws may be the less unwilling to part with it; and its containing claims of Revolutionary officers is another consideration deserving notice. If the State of Tennessee retains its anxiety for the lands within its limits between the Tennessee River and the Mississippi, it may be well to prefer efforts for obtaining that cession to the purchase of lands to which there are no State claims, and which are not immediately essential to the great object of providing for the security of our Gulf frontier.

I think you have given too great a scope to the Commissioners in referring to the market proceeds of the land (page 3) as the ultimatum. The sum would be enormous for an Indian purchase, and the more so, as the Chickasaw claim, however strong, is opposed by other claims which may fairly derogate from its worth. Your reference in another place to the customary rates for extinguishing Indian titles, with a liberal discretion to exceed them, seems a better, because a safer course. I have accordingly interlined a modification, which you will regard as a general idea only, to be varied and expressed as you chuse.

I enclose a different mode of stating the decreasing annuity to be paid in lieu of a gross sum or an ordinary annuity, which you will incorporate in your own phraseology. There appeared to be some danger of a construction which would take the whole intrinsic value of the lands for the sum to be divided into annuities.

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TO THE SECRETARY OF THE TREASURY.

MONTPELLIER, July 4, 1816.

DEAR SIR,—I have received yours of the 29 June, with the several papers sent with it.

Under the difficult circumstances of the currency, and the obligation to attempt a remedy, or, at least, an alleviation of them, the plan you have in view is entitled to a fair experiment. You



do right, however, in reserving a discretion to judge of the sufficiency of accessions by the State Banks. Should there be a single State in which a failure of the Banks to accede should reduce the people to the necessity of paying their taxes in coin, or treasury notes, or a Bank paper out of their reach, the pressure and the complaint would be intense, and the more so from the inequality with which the measure would operate.

Can the suspension of payments in coin by the principal Banks be regarded as the precise cause of the undue depreciation of treasury notes, as intimated in the 3<sup>d</sup> paragraph of your Circular? A slight modification, if you think it requisite, would obviate the remark.

As your statement to the President will remain an official document, I suggest for your consideration the expression, that the Treasury "cannot discriminate in the mode of payment between the revenue of the customs and the internal revenue," as liable to be turned against the distinction proposed in the payment of them.

With respect to the validity of this distinction, I should yield my doubts, if they were stronger than they are, to the unanimous opinion which has sanctioned it.

I anxiously wish that the State Banks may enter promptly and heartily into the means of re-establishing the proper Currency. Nothing but their general co-operation is wanting for the purpose; and they owe it to their own character, and ultimately to their own interest, as much as they do to the immediate and vital interest of the nation. Should they sacrifice all these powerful obligations to the unfair gain of the moment, it must remain with the State Legislatures to apply the remedy; and it is to be hoped that they will not be diverted from it, either by their share in the gains of the Banks, or the influence of the Banks on their deliberations. If they will not enforce the obligation of the Banks to redeem their notes in specie, they cannot surely forbear to enforce the alternatives of redeeming them with public stock, or with national Bank notes, or, finally, of paying interest on all their notes presented for payment. The expedient, also, of restricting their circulating paper in a



reasonable proportion to their metallic fund may merit attention, as at once aiding the credit of their paper, and accelerating a resumption of specie payments.

I enclose the papers marked A, B, and C, to guard against the possibility that you may not have copies of them with you.

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TO M. HYDE DE NEUVILLE.

MONTPELLIER, July 17, 1816.

SIR,—Your favor of the 12th instant overrates the hospitality for which your visit afforded me the agreeable opportunity. If otherwise, it would have been overpaid by the sentiments which it has led you to express.

It is very gratifying to be assured from such a source, that not only your Monarch, inheriting the virtues of a Brother whose generous policy was allied to the early fortunes of our Country, but that the French nation, cherishes friendly dispositions and liberal views towards it. The United States are faithful to a system of justice, of good will, and of intercourse mutually beneficial with all nations; and they are sensible of all the considerations which strengthen these motives in relation to France. They take a sincere interest in her independence, her prosperity, and her happiness; and they cannot better express it than in their wishes that the French people may enjoy all the just advantages, external and internal, of a regular and free Constitution, adapted to their genius and satisfactory to their desires.

I hope, sir, that the partialities you indulge for our Country will find all the returns which are due to amiable qualities adorning distinguished nations.

TO MR. DALLAS.

MONTPELLIER, July 27, 1816.

DEAR SIR,—I have received yours of the 23d, inclosing a letter from Mr. Baker, with the draft of an answer, and a letter from W<sup>m</sup> J<sup>s</sup> Sears, of Bermuda.

The subject of Mr. Baker's letter regularly belongs to the Department of State, but whether addressed to the Treasury Department or to that, ought to have proceeded from the Minister, and not from the Consul, otherwise than thro' the Minister. From courtesy, which, as well as conveniency, sometimes takes the place of strict rule, it may not be amiss to make Mr. Baker the observations contained in your intended answer, with an allusion, at the same time, to the regular channel for such a discussion. I send both the papers to Mr. Monroe, who, in speaking with Mr. Bagot, will lead his attention to the diplomatic usage.

I send to Mr. Monroe, also, the letter from Mr. Sears. If our vessels enjoy in that Island the same privileges as in the European ports of Great Britain, the claim stated, tho' not supported by the Convention, seems to be covered by the general terms of the Act of Congress referred to. I have, however, but slightly looked into the subject; and the fact and the extent of the trade allowed to our vessels at Bermuda ought to be scrutinized. In describing the British dominions, the Convention would seem to include Bermuda in the West Indies, since it is not probable that it was overlooked altogether by both the American and British Commissioners. Whether an American Consul will be admitted there is another point to be ascertained. This can probably be done at Washington.

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TO THE DEY OF ALGIERS.

AUGUST , 1816.

I have received your letter bearing date the \_\_\_\_\_  
 \_\_\_\_\_. You represent that the two vessels of war captured

by the American squadron were not restored according to the promise of its Commander, Decatur; and inferring that this failure violated the Treaty of peace, you propose, as an alternative, a renewal of the former Treaty made many years ago, or a withdrawal of our Consul from Algiers.

The United States being desirous of living in peace and amity with all nations, I regret that an erroneous view of what has passed should have suggested the contents of your letter.

Your predecessor made war without cause on the U. States; driving away their Consul, and putting into slavery the Captain and crew of one of their vessels, sailing under the faith of an existing treaty. The moment we had brought to an honorable conclusion our war with a nation the most powerful in Europe on the seas, we detached a squadron from our naval force into the Mediterranean to take satisfaction for the wrongs which Algiers had done to us. Our squadron met yours, defeated it, and made prize of your largest ship and of a smaller one. Our Commander proceeded immediately to Algiers, offered you peace, which you accepted, and thereby saved the rest of your ships, which it was known had not returned into port, and would otherwise have fallen into his hands. Our Commander, generous as brave, altho' he would not make the promise a part of the Treaty, informed you that he would restore the two captured ships to your officer. They were accordingly restored. The frigate, at an early day, arrived at Algiers. But the Spanish government, alleging that the capture of the Brig was so near the Spanish shore as to be unlawful, detained it at Carthagea, after your officer had received it into his possession. Notwithstanding the fulfilment of all that could be required from the United States, no time was lost in urging on that government a release of the Brig, to which they would have no right whether the capture were or were not agreeable to the law of nations. The Spanish government promised that the Brig should be given up; and altho' the delay was greater than was expected, it appears that the Brig, as well as the frigate, has been actually replaced in your possession.

It is not without great surprize, therefore, that we find you,

under such circumstances, magnifying an incident so little important as it affects the interest of Algiers, and so blameless on the part of the United States, into an occasion for the proposition and threat contained in your letter. I cannot but persuade myself that a reconsideration of the subject will restore you to the amicable sentiments towards the United States which succeeded the war so unjustly commenced by the Dey who reigned before you. I hope the more that this may be the case, because the United States, whilst they wish for war with no nation, will buy peace of none. It is a principle incorporated into the settled policy of America, that as peace is better than war, war is better than tribute.

Our Consul \_\_\_\_\_, and our Naval Commander, Chauncey, are authorised to communicate with you, for the purpose of terminating the subsisting difference by a mutual recognition and execution of the Treaty lately concluded. And I pray God that he will inspire you with the same love of peace and justice which we feel, and that he will take you into his holy keeping.

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TO ALEXANDER J. DALLAS.

MONTPELLIER, August 25, 1816.

DEAR SIR,—Since the receipt of your several letters relating to the Treasury proposition, and the decision of Bank deputies at Philadelphia, my thoughts have been duly turned to the important and perplexing subject. Altho' there may be no impropriety in recalling the proposition, it seems now certain that it will fail of its effect. Should the Banks not represented at Philadelphia come into the measure, the refusal of those represented would be fatal. The want of a medium for taxes, in a single State, would be a serious difficulty; so extensive a want would forbid at once an enforcement of the proposition. The Banks feel their present importance, and seem more disposed to turn it to their own profit than to the public good and the views of the Government. Without their co-operation it does not ap-

pear that any immediate relief can be applied to the embarrassments of the Treasury or of the currency. This co-operation they refuse. Can they be coerced?

Should the State Legislatures unite in the means within their power, the object may be attained. But this is scarcely to be expected; and in point of time is too remote. The National Bank must, for a time at least, be on the defensive. The interposition of Congress remains; and we may hope the best as to a vigorous use of it. But there is danger that the influence of the local banks may reach even that resource. Should this not be the case, the remedy is future, not immediate. The question then, before us, is, whether any and what further expedients lie with the Executive. Altho' we have satisfied, by what has been already attempted, our legal responsibility, it would be still incumbent on us to make further experiments, if any promising ones can be devised. If there be such, I have full confidence that they will enter into your views on the subject. One only occurs to me; and I mention it because no other does, not because I regard it as free from objections which may be deemed conclusive. The notes in the Treasury might be presented to the Banks, respectively, with a demand of the specie due on the face of them; on refusal, suits might be immediately instituted, not with a view to proceed to execution, but to establish a claim to interest from the date of the demand. The notes thus bearing interest being kept in hand, Treasury notes bearing interest might be issued in payments from the Treasury; and so far injustice to the several classes of creditors might be lessened, whilst a check would be given to the unjust career of the Banks. Such a proceeding ought to be supported by the Stockholders, the Army, the Navy, and all the disinterested and well-informed part of the community. The clamor against it would be from the Banks and those having interested connections with them, supported by the honest part of the community misled by their fallacies; and the probability is but too great that the clamor would be overwhelming. I do not take into view the expedient of requiring a payment of the Impost in specie, in part, at least, because it could not be extended to the other taxes, and would



in that respect, as well as otherwise, be a measure too delicate for the Executive authority; nor would its effect be in time for any very early purpose.

I have been led by the tenor of your letters to put on paper these observations. The report you are preparing will doubtless enlighten my view of the whole subject.

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TO REV<sup>D</sup> MILES KING.

SEPT<sup>R</sup> 5, 1816.

SIR,—I received, though not at an early day, your friendly letter of the 29th of June last.

The letters and communications addressed to me on religious subjects have been so numerous, and of characters so various, that it has been an established rule to decline all correspondence on them. Your reflection will, I doubt not, do justice to this rule. You may be assured that I do it fully to the pious motives which dictated your letter, and that I am very thankful for the kind solicitude you express for my future happiness.

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TO MR. DALLAS.

MONTPELLIER, September 15, 1816.

DEAR SIR,—I have duly received yours of the 11th. The difficulty which gave rise to the letter from the Treasurer is much to be regretted, and the regret is increased by the cause of it. The condition at which you glance would have been justly imposed on Mr. Sheldon. His nomination to the Senate was postponed to what was considered as the latest date, with reference, in part, at least, to a protraction of his duties in the Treasury; and was made under the impression that the intention was not unknown. Your answer to Doctor Tucker, and instruction to Mr. Taylor, are certainly the best remedy that the case admits. I sincerely wish it may terminate the adventitious trouble thrown on you.

The favorable report of the Comptroller on the accounts of Mr. Duplessis, with the pecuniary situation of Mr. Chew, hinted in the recommendation of Mr. Robertson, will justify a pause on our part—perhaps till the meeting of Congress.

The offer of Commodore Porter may lie over for a comparison with other sites for an observatory. Your answer to him was the proper one.

I have not yet heard from Mr. Clay. Should he decline the proposal made to him, the delicate considerations attending a completion of the Cabinet will not be at an end. Whatever may be the final arrangement, I hope you will be persuaded that I have never contemplated your purpose of retiring from the Treasury Department without doing justice to your motives, nor without recollecting the great private sacrifices involved in your acceptance of, and continuance in, that important public trust; that I feel with full force the expressions in your letter which are personal to myself, and that I take a sincere interest in what may relate to your future welfare and happiness.

If there be no objection within the knowledge of the Treasury Department to a pardon of Augustus Johnson, whose petition is enclosed, be so good as to have one made out.

I took the liberty of requesting, thro' Mr. Rush, the attention of yourself, and the other members of the Cabinet at Washington, to the difficulties arising in the business superintended by Col. Lane, who thought, with me, that a decision on them could be better formed on the spot than by myself at this distance. I have just received the enclosed letter from the Librarian, which presents a new one. Between the alternatives of a temporary building or the continuance of the library where it is, the option seems to be prescribed by a want of Legislative provision for the former. Will you be so good as to obtain from Col. Lane a full view of the case, and to decide on it as may be found best by yourself and the other gentlemen? Mr. Watterston is informed of this reference of the subject.

We have had a profusion of rain after an unexampled drought. It will be of great benefit to farmers and planters in several respects, but it is too late to have any material effect on the crops

of Indian corn, the great esculent staple in this country; and its excess gives it a bad as well as good effect on tobacco, the other important crop at stake. This is the 10<sup>th</sup> day since I have been able to communicate with Mr. Monroe, who is separated from me by a branch of James River. The interruption, however, has been prolonged by the want of exertion in the mail carrier.

Accept my esteem and affectionate respects.

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TO W. H. CRAWFORD.

MONTPELLIER, September 21, 1816.

DEAR SIR,—I return the letter from Mr. Hall enclosed in yours of the 19th. The fullest confidence is due to the truth of his statement, and to the purity of his views. But it seems impossible to yield the sanction he suggests to the wishes of his neighbours, respectable as they may be. The difference between a forbearance to enforce a law, on considerations forbidding the attempt, and a notice that the law would not be enforced, which would amount to an invitation to violate it, necessarily restrains the Executive. Are not the orders, also, to the Military Commanders and to the Marshals, actually issued, applicable to intruders on the public lands every where not specially excepted by law?

The information from Governor Clarke is very agreeable, and is another proof of the practicability of obtaining by just means every thing from the Indians, as far and as fast as the public interests require. It were to be wished that this view of the subject prevailed in every quarter.

If Onis has common prudence, he will be silent with respect to the Fort on the Chatahouchee. If Spain cannot, or will not, prevent attacks on us from such a position, we must defend ourselves against them by attacking the position. She seemed to feel the justice of this reasoning when Jackson drove her enemies out of Pensacola.

TO MR. CRAWFORD.

MONTPELLIER, Sep<sup>r</sup> 22, 1816.

DEAR SIR,—I return, with my approbation, the additional regulations for Mr. Lee, enclosed in yours of the 20th inst<sup>t</sup>. If you have been correctly informed of the evidence on the claim of Mr. Carroll, it is truly extraordinary. Whether a House was a military deposit or not must depend on its being or not being occupied as such under the defined authority, and on the exhibition or the want of adequate proof of the occupancy and the authority. The proof stated to you was certainly the very worst, not the best proof, the case admitted of. Would it be amiss to add some regulation as a guard in such cases? They will be of a class of largest individual amount. If sufferers at Washington should happen to receive indemnities not experienced in other scenes of military events, the loudness of the complaints may readily be anticipated. Perhaps, on consulting with Mr. Dallas, you will be able to digest some proper mode of obviating the payment of awards in favor of debtors to the public.

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TO W. H. CRAWFORD.

MONTPELLIER, September 23, 1816.

DEAR SIR,—I have just received from Mr. Monroe a very extraordinary communication, *confidentially* made to him by Col. Jesup. A copy of it is enclosed. An invasion by a Spanish force at the present period might be pronounced a mere chimera, if a less degree of folly reigned at Madrid; unless, indeed, the Councils of Spain should be supported by a power whose councils may reasonably be more confided in. It is probable, however, that Onis is intriguing at New Orleans, and the extent to which he may mislead an ignorant, proud, and vindictive government, cannot be calculated. It is incumbent on us, therefore, to have an eye to our Southwestern frontier, proportioning our precautions to our means, and to a fair estimate of the



danger. As General Jackson is apprized of the apprehensions of Col. Jesup, tho' without some of the grounds of them mentioned to Mr. Monroe, we may expect soon to hear from him on the subject. Are there any reinforcements or defences which can be added to those now within his employment? Should Jesup execute his purpose, it will be the boldest project ever assumed by no higher authority. I communicate the intelligence he gives to the Secretary of the Navy. Be so good as to do the same to your colleagues at Washington.

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TO MR. DALLAS.

MONTPELLIER, September 27, 1816.

DEAR SIR,—I have received, with your two letters of the 20 and 21st, the general sketch of the finances to which they refer, and have also to acknowledge your subsequent letter of the 25th. I return the sketch under an address to Washington; passing it thro' the hands of Mr. Crawford, with a request that he would hasten it to the Department.

The document embraces all the points which occur to me as requisite to be touched, and contains so many gratifying features that it cannot fail to engage the favorable attention of the public to the ability and success with which the fiscal business has been conducted thro' the labyrinth into which it had been forced. The facts stated in your letter of the 25th present an additional prospect, extremely grateful in several views, and particularly as bearing testimony to the auspicious course which the Treasury has pursued.

Mr. Clay declines the War Department. The task now to be fulfilled is not without its delicacies, as you know. I shall avail myself of a conversation with Mr. Monroe, which his journey back to Washington will afford me in a day or two. I could wish for a similar opportunity with others, whose sentiments would be valuable on the occasion. I thank you for your kindness in continuing the routine of business, and regret that



I cannot more promptly exonerate you from the trouble it imposes. You will hear from me again on the subject the moment I have any thing to impart.

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TO MR. CRAWFORD.

MONTPELLIER, Sep<sup>r</sup> 30th, 1816.

DEAR SIR,—I have received your two letters of the 27th and 28th. The views taken by yourself and your colleagues at Washington of the subject presented by Col. Jesup's communication, and your letters to the Secretary of the Navy and General Jackson in consequence of them, were very proper. The part of the precautionary arrangements involving most delicacy is that of sending the naval force into the Gulf of Mexico. Besides the unavoidable delay, I fear the expense of equipment will be considerable, under an appropriation known to be deficient. It will be well to give him the earliest notice of any change in the prospect releasing the Navy Department from the call. The letter from Mr. Erving goes far towards it, and further intelligence from him may be daily expected. As a communication of the contents of Col. Jesup's letter to the Governors of Georgia, Kentucky, Tennessee, and Louisiana, will lead to no immediate expense, nor to any unnecessary public excitement, it is recommended by the general policy of anticipating danger and guarding against it. I am glad to find General Jackson's views coinciding with those transmitted to him.

I sent to the Attorney General the papers received by the Navy Department from Commodore Patterson, relating to the destruction of the Negro fort, and the property taken in it, with a request from the Commodore that a decision might be had on the distribution of the property among the captors. I referred Mr. Rush, also, to the report, when received from Col. Clinch. Be so good as to let him see the communications from that officer, now returned. The case is novel, and involves several legal questions.

I perceive that a part of the Negroes captured were deserters from the Spaniards, who will therefore be gainers by breaking up the establishment on the Apalachicola. This is another consideration which may prevent complaints from that quarter. It may be recollected, also, that the Governor of Pensacola declared that territory not to be within Spanish jurisdiction.

Jameson's remarks in favor of making the seat of the factory the seat of his agency have weight. His pacific mediations among the Indians may also be recommended by a humane policy. But I think it will be best to discountenance the proposed visit of some of them to Washington. We complain at present of the reception of our Indians even at British outposts, and we may find occasion for making a point of putting an end to that sort of intercourse.

Mr. Monroe has not yet arrived on his way to Washington, and I cannot fix on the day of my setting out until he does. Some other circumstances, also, have been in the way. I fear I shall not be able to put an end to the detention before the last of the week; possibly not before Monday next.

I have already mentioned to you the answer of Mr. Clay; declining the offer made to him. Altho' Mr. Lowndes has not had occasion to manifest particular qualifications for the War Department, his general talents and public standing present him in very favorable comparison with any other occurring for consideration.

Cordial regards.

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TO MR. CRAWFORD.

DEAR SIR,—I find by a letter from Mr. Dallas that he was to leave Washington on Tuesday last for Philadelphia. He kindly intends, however, to give official attention to the routine of business until apprised of his release. The date for this I wish to be governed by your conveniency. I have informed Mr. Lowndes of the approaching vacancy in the Department of War, and asked his permission to appoint him to it. Should he

not assent, or not be able to enter quickly upon its duties, it will be better, perhaps, that the business of the War Department go on without a Secretary than that the Treasury Department be vacant, or that Mr. Dallas be long detained in its service against his personal interest or conveniency.

Oc<sup>r</sup> 3, 1816.

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TO GOVERNOR NICHOLAS.

MONTPELLIER, Oct. 5, 1816.

DEAR SIR,—I have received yours of the 30th ult. It will afford me pleasure to promote your wishes in behalf of Mr. \_\_\_\_\_, and the pleasure will be increased by my recollections of the period and persons to whom you allude. It is incumbent on me, at the same time, to remark, that it is the usage to leave to the Heads of Departments the selection of their own clerks, which the law vests in their discretion and responsibility; that they generally have their preferences, often founded in relations of friendship and personal confidence; and that there is always depending a list of applicants for the few vacancies which occur, some of whose pretensions may have peculiar force. My connection with such appointments is much less than may be supposed; and I mention it, that in the event of disappointment, it may not be inferred that I have been inattentive to the object you so justly have at heart.

Mr. Dallas has and will have explained so fully his measures, with the grounds of them, that I need say little on the subject. If any have supposed him not conciliatory towards the Banks, they have done him great injustice. As to the epoch of enforcing specie payments, the law had fixed on the 20th of February next, with an evident obligation on him to anticipate it if practicable. Many of the Banks, instead of co-operating with him for the latter purpose, have announced purposes at variance with the positive injunctions of the law. It can scarcely be doubted that if the Banks had concerted a general concurrence

with the views of the Treasury, the former confidence and currency would have been easily re-established by the time fixed by Congress, and probably sooner. Nor can it well be doubted that such a concert would have taken place if the Bank dividends had been as much favored by the effort, as they might, at least, for a time been reduced by it. I am far from applying these remarks to all the Banks. There are exceptions which we could jointly name with equal pleasure. But it is certain, that as far as the Banks have not done their duty, they have to answer for the injustice done by a depreciated currency to particular States, to the public creditors, to the army, to the Navy, and even to private creditors, who were in a manner forced to receive their debts in that currency. Had the Banks sold their public stock for their own notes, with which they procured it, when they could have done so with a liberal profit; or had they agreed to pay interest on their protested notes, whilst they received interest on the paper pledged to them, they would have stood on different ground. But they preferred, too many of them, to these sacrifices, or rather to these acts of justice, an increased issue of notes, on\* a capital as productive nearly as the notes issued on that basis. Taking the whole subject as we find it, it is not easy to say what Congress, with whom it lies, may decide on. There is sufficient reason to believe that if the crisis require relaxation, they will not withhold it. But there are indications that a resumption of specie payments is rapidly becoming practicable and popular. If the demand of specie to discharge a foreign balance against the Nation should not raise the exchange above the expense and difficulty of exporting it, the Banks in general will run no risk in uniting at once with the National Bank in restoring health to the currency, and justice to all transactions, public and private.

I take this occasion to acknowledge the receipt of your printed Circular from the Directors of the literary fund. Feeling deeply the value of a well-digested system of public instruction, it would be peculiarly grateful to contribute some aid to

\* Public Stock.



wards it. But I am so well satisfied that I could offer no ideas which will not be comprehended in the superior contributions from other sources, that I regret the less my want of leisure for the attempt.

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TO JOHN ADAMS.

WASHINGTON, October 12th, 1816.

DEAR SIR,—Your favor of the 4th of September was handed to me by Doctor Freeman, at my abode in Virginia, just before I left it for this place. His transient stay afforded but a slight opportunity for the civilities I wished to shew to one who enjoys so much of your esteem, and who appeared so well to deserve them. He was so good as to call at the door since my arrival here; but being at the moment engaged, he was so informed, without my being apprised of the name till he had retired; and his ensuing departure from the city closed our intercourse, unless he should repeat his Southern excursion, when I shall pay with pleasure the arrears due on the first.

Mrs. Madison, wishing to seize the occasion for a letter to Mrs. Adams, has herself answered the enquiry in yours to me having reference to her. You will perceive that she has not the slightest recollection of any letter to Mr. Steel, such as could have led to the intimations in yours. We conclude, therefore, that some error has taken place in the statement made to you. It will rest with your goodness and conveniency to throw any light upon it, which you may have the means of doing, and which you may think the subject worthy of. I beg you to be assured that I join fully in her acknowledgments for the delicate manner in which you have alluded to it, and for the kind dispositions which it has led you to express.

The favorable judgment you are so good as to express on the course of my administration cannot but be very gratifying to me; not merely for the immediate value I set on it, but as an encouraging presage of the light in which my endeavours in the service of my Country will be hereafter viewed by those most capable of deciding on them.



TO MR. DALLAS.

WASHINGTON, October 15, 1816.

DEAR SIR,—It being finally arranged that Mr. Crawford will enter the Treasury Department on Monday next, I lose no time in apprizing you of the day on which the requisition on your kind and protracted attention to its duties will be at an end. The letter offering the War Department to Mr. Lowndes having been sent to New York, missed of him altogether; and it unluckily happened that he set out, after his return to Washington, before I had an opportunity of communicating with him. A letter will follow him, with a chance of overtaking him before he reaches Charleston; but it will probably not arrest his journey should the object of it be acceptable to him.

I thank you very much, my Dear Sir, for the friendly offers in your favor of the 5 instant, and I renew all my acknowledgments and assurances with respect to the past services, for which I am personally indebted, as well as our Country, which is enjoying and awaiting the beneficial fruits of them.

Accept my high esteem and my cordial salutations.

P. S. Nothing has occurred diminishing the improbability of Col. Jesup's intelligence. You will have noticed an occurrence in the Gulph of Mexico, which is producing considerable sensation. We are not yet able to appreciate all its circumstances. But it is difficult to believe that the conduct of the Spanish squadron is to be ascribed to hostile orders from Madrid.

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TO MR. DALLAS.

MONTPELLIER, October , 1816.

DEAR SIR,—I have received yours of the 1 instant, and anxiously hope that this will find you perfectly recovered from your indisposition, and in the bosom of your family in Philadelphia.

I repeat my thanks for the kind attention you offer to the routine of the Treasury business, from which I calculate on your being speedily released. I have written to Mr. Lowndes on the vacancy approaching in the War Department, and invited him to accept it; and have apprized Mr. Crawford of this step, with an intimation of the expediency of his assuming the Treasury Department as soon as he can make it convenient to do so.

I propose to set out for Washington on Monday, and expect to be there by the middle of the week. Mr. Monroe is now with me, and will probably be a day or two before me.

Be assured, Dear Sir, of my best regards.

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TO WILLIAM LOWNDES.

WASHINGTON, Oct. 16, 1816.

DEAR SIR,—The resignation of the Treasury by Mr. Dallas, drawing after it a vacancy in the War Department, now to be filled, I am desirous of availing our Country of your talents and services in the latter. With the hope of obtaining your assent, I addressed a letter to you, which, from the cause of your late journey, cannot have reached you; and as soon as I ascertained that you had arrived in Washington, I sent a request to be favored with a call on me. Unluckily, you had set out for S. Carolina, and had proceeded too far to be overtaken. Will you be so good as to say whether I may count on your acceptance of the trust in question? As early an answer as you can make convenient is desirable; and it will afford me great pleasure, both on public and personal considerations, if it should be in the affirmative.

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TO MR. DALLAS.

WASHINGTON, November 11, 1816.

DEAR SIR,—The approaching meeting of Congress requires that I should be making preparation for the event. The para-

graph relating to the finances will be a very important, and, happily, a very pleasing one. Persuaded that your peculiar familiarity with the subject is as yet little impaired, I am tempted by your experienced kindness to intrude so far on moments belonging to other objects as to request from your pen a prospectus of the receipts and expenditures of the fiscal year, with the balance in the Treasury, and a notice of the public debt at its latest liquidation.

The statement may be the more brief, as I wish to refer to your "Sketches" as an accompanying document, which cannot fail to be acceptable to Congress, useful to the public, and honorable under every aspect. It occurs, however, that if thus used, one or two of the topics at its close may be criticised as not exactly within the scope of a report from the particular Department of the Treasury, if not construable in a latitude not covered by the Constitution. The remarks of either kind can be easily obviated.

Altho' I presume you possess a copy of the sketches, I inclose the original draft, that there may be no needless delay or trouble to you, in the task I am imposing.

Be pleased to tender my particular respects to Mrs. Dallas, and to accept my esteem and best regards.

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THE REV<sup>D</sup> WILLIAM BENTLEY.

DECEMBER 28th, 1816.

DEAR SIR,—Mr. Crowninshield having made me acquainted with the passage in your letter to him which speaks with so much personal kindness towards me, and so favorably of my discharge of the public trust which is about to close, I cannot forego an expression of the value I put on such sentiments from such a source. The approbation of the wise and the worthy is the recompence which ought to be next to the first, in the desires and the hopes of those who serve their Country with a faithful zeal. My only apprehension is, that a benevolent par-

tiality may have too much diverted your attention from errors against which good intentions were not a sufficient safeguard.

It is a great satisfaction, on returning to the private station from which I have been so long separated, that I shall make way for a successor, who enjoys, as he merits so highly and diffusively, the confidence and affection of his fellow-citizens. He will have the consolation of anticipating from such examples as yours, that if he should encounter malice and misrepresentation from some quarters, he will find in others a firm support of his measures when they are right, a candid interpretation of them when they are doubtful, and the admonitions of friendship and patriotism only when they are deemed erroneous.

Be assured, Dear Sir, of my great esteem, and of my cordial respects and good wishes.

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TO CARLO BOTTA.

WASHINGTON, Jan<sup>y</sup>, 1817.

SIR,—I have been some time in debt for the obliging favor of your "Camillo." Its subject, as well as its author, makes me regret more than ever that my knowledge of the Italian does not enable me to do justice to the merits and enjoy the beauties of a poem in that language. A translation into English, well executed, may mitigate my disappointment. In G. Britain this may take place. In this Country, the qualifications for such tasks, and likely to be so employed, do not exist. But I have the satisfaction to learn that a translation of your "Storia della Guerra d'America," is contemplated by an American Citizen, equally reputable for his literary talents and his political station.

TO C. J. INGERSOLL.

WASHINGTON, Jan<sup>y</sup> 21, 1817.

DEAR SIR,—I thank you for your attentive favor of the 16th, which gave me the first intelligence of the death of Mr. Dallas. The melancholy event was received here with unfeigned grief, and by none more deeply, as you will readily conceive, than by myself. Our Country will rarely lose a citizen whose virtues, endowments, and services will leave a stronger claim to its admiring and grateful recollections than those which I had the best opportunities of witnessing in our departed friend. To his amiable family the bereavement must be overwhelming indeed.

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TO W. H. CRAWFORD, SEC. TREAS.

[In answer to a communication from him of 3rd Feb., laying before the President the arrangements entered into between the Banks of New York, Pennsylvania, Baltimore, and Virginia, for resuming specie payments.]

4 FEB., 1817.

The arrangement communicated by the President of the U. S. Bank is so important an advance towards a universal return of specie circulation, that the Treasury sanction to it, under existing circumstances, is evidently proper. Serious difficulties will, notwithstanding, remain to be encountered, if the principal Banks in every State do not immediately follow the example set them. Even in the States comprising the Banks parties to the arrangements, the payment of the internal taxes after the 20th instant will be distressing to many not possessing the notes of their own Banks. In the other States, the payment in the legalized notes will be generally impossible for a considerable time.



TO THOMAS JEFFERSON.

WASHINGTON, Feb<sup>y</sup> 15, 1817.

DEAR SIR,—I received yesterday yours covering the letter of Mr. Spafford, which was forwarded to him as you suggested. His object in communicating it I collect only from its contents. He probably exhibited it as a proof of the spirit and views of the Eastern States during the late war.

As with you, the weather here has of late been remarkable, both for the degree and continuance of cold, and the winter throughout for its dryness. The Earth has, however, had the advantage of a cover of snow during the period most needing it. The wheat fields still have a slight protection from it. This morning is the coldest we have yet had. The Thermometer, on the North side of the House, under an open shed, was at  $4^{\circ}$  above 0. At this moment, half after 9 o'clock, it stands at  $6\frac{1}{2}^{\circ}$ . Yesterday morning about the same hour it was  $8^{\circ}$ , and at 3 o'clock between 10 and 11.

Our information from abroad has been very scanty for a long time, and we are without any of late date. From S<sup>t</sup> Petersburg nothing has been received shewing the effect of Mr. Coles' communications on the Emperor. Mr. Pinkney left Naples re infecta. He had to contend with pride, poverty, and want of principle. Mr. Gallatin's demands of indemnity are not received with the same insensibility, but will have a very diminutive success, if any at all. The Government of Spain, with its habitual mean cunning, after drawing the negotiations to Madrid, has now sent them back to Onis, with *powers*, without *instructions*. They foolishly forget that, with respect to the territorial questions at least, we are in possession of that portion of our claims which is immediately wanted, and that delay is our ally, and even guaranty for every thing. The British Cabinet seems as well disposed as is consistent with its jealousies, and the prejudices it has worked up in the nation against us. We are anxious to learn the result of our answer to the Dey of Algiers. It is nearly three months since a line was received from Chaun-

cey or Shaler; nor has even a rumor reached us since their return to Algiers.

All the latest accounts from Europe turn principally on the failure of the harvests, and the prospects of scarcity. If they are not greatly exaggerated, the distress must be severe in many districts, and considerable every where. When the failure in this Country comes to be known, which was not the case at the latest dates, the prospect will doubtless be more gloomy.

You will see that Congress have spent their time chiefly on the compensation law, which has finally taken the most exceptionable of all turns, and on the claims-law, as it is called, relating [to] horses and houses destroyed by the enemy, which is still undecided in the Senate. They shrink from a struggle for reciprocity in the W. India trade; but the House of Representatives have sent to the Senate a navigation act, reciprocating the great principle of the British act, which, if passed by the Senate, will be felt deeply in Great Britain, in its example, if not in its operation. Another Bill has gone to the Senate which I have not seen; and of a very extraordinary character, if it has been rightly stated to me. The object of it, is to compass by law only an authority over roads and Canals. It is said the Senate are not likely to concur in the project; whether from an objection to the principle or the expediency of it, is uncertain. I shall hasten my departure from this place as much as possible; but I fear I shall be detained longer after the 4th of March than I wish. The severe weather unites with the winding up of my public business in retarding the preparations during the session of Congress, and they will from their multiplicity be a little tedious after we can devote ourselves exclusively thereto. On my reaching home, I shall recollect your notice of the call, which will afford me the pleasure of assuring you in person of my sincere and constant affection.

## TO COMMITTEE OF CITY OF WASHINGTON.

MARCH 4, 1817.

I am much indebted to the Citizens of Washington, in whose behalf you speak, for the expressions of regard and respect addressed to me. These sentiments are the more valuable to me, as my long residence among them has made me well acquainted with their many titles to my esteem, at the same time that it has enabled them to mark more particularly the course of my public and personal conduct. Their partiality has greatly overrated both. But they do no more than justice to my honest zeal in the service of my Country; and to my friendly dispositions towards this city and its Inhabitants. I have ever regarded the selection for the National Metropolis, made by its great Founder, as propitious to the national welfare; and, although I could not rival my immediate predecessor, in the aids he afforded, I was not less sincere in my desires for its growth and improvement. The ultimate good flowing from the disaster which at a moment clouded its prospects, is a gratifying compensation to those on whom it fell; and is among the proofs of that spirit in the American people, as a free people, which, rising above adverse events, and even converting them into sources of advantage, is the true safeguard against dangers of every sort.

On the point of a final departure from Washington, I pray its citizens to be assured that every expression of their kindness will be held in lively remembrance, with cordial wishes for their collective prosperity and individual happiness.

## TO GEORGE M. DALLAS.

WASHINGTON, March 6, 1817.

D<sup>R</sup> SIR,—I received some days ago your favor of the 26 ult., but this is the first moment I have found to acknowledge it.

I learn, with great pleasure, your intention to publish the life and writings of your father. The latter will be a rich addition

to our political and literary treasures: and the former a portrait worthy of a conspicuous place in the biographical gallery. I think too favorably of the public judgment and taste to doubt that the work will meet from it a grateful reception.

Under this impression, I am sure that an association of my name with the publication, in the mode you intimate, must be very superfluous, even if it had the value you attach to it. But with the sentiments which I expressed for your father whilst living, I cannot be disposed to withhold such an evidence that they are equally felt for his memory.

Be so good as to present to your highly respected and amiable mother my sincere regards and best wishes, to which Mrs. Madison adds hers; and to accept for yourself assurances of the same.

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TO MR. GALLATIN.

MARCH , 1817.

DEAR SIR,—Notwithstanding the lapse of time, nothing definitive has taken place, in concert with Mr. Hassler, in relation to Mr. Le Sueur. Mr. Crawford has the subject in hand, and will communicate the result.

I can add little to the public information which goes to you from the official source, and thro' the Press. You will find that specie is at length reinstated in its legitimate functions; at which all are rejoicing except the Banks, which are willing to sacrifice justice and the public good to their undue profits. Our manufactories have had a hard struggle with the glut of imported merchandise. All of them are crippled; some of them mortally; and unless a rise of prices should soon succeed the unexampled depression, the progress made will be in a manner lost, and the work will have hereafter to begin anew. The high price of agricultural products has co-operated in diverting the attention from manufactures. We hope, however, that as these causes are temporary, many who have embarked their fortunes in that way will be able to hold out till a change of cir-

cumstances shall bring relief. The appeals made to Congress for a further interposition have been without effect. There is a popular spirit considerably diffusing itself which will aid somewhat another experiment at the next session. The proposed reciprocation of the British West India navigation act was not carried through; some being unwilling to hazard the market for so much of high-priced produce; others shrinking from the presumed obstinacy of the antagonist and the tendency of a commercial contest to a more serious one; and others still hoping that a more fair and liberal policy may find its way into the British Cabinet. This hope is strengthened in some by the lessons, as they view them, in the plaster act, which retaliates that of Nova Scotia, and the navigation act, which applies to Great Britain and her imitators the rule of her general Navigation Act of Ch. 2. Both of these measures went thro' with apparent earnestness.

The early part of our winter was uncommonly mild. The latter part has been exactly the reverse. I understand, however, that the wheat fields generally wear a good aspect. The last crop of wheat was good, the quality peculiarly so, and is bringing the farmers the enormous price of 13, 14 and 15 dollars a barrel for flour. The crops of corn were uncommonly and unprecedently bad in the *Atlantic States*. It sells at from 7 to 10 dollars a barrel of 5 bushels. But for the economy which forced itself into general use, great distress would have been felt; and with that aid, the poor are in many places considerably pinched.

I am in the midst of preparations to get to my farm, where I shall make myself a fixture, and where I anticipate many enjoyments, which, if not fully realized, will be a welcome exchange for the labors and anxieties of public life.

Mrs. Madison has introduced to Mrs. Gallatin a son of Mr. F. Preston, formerly a member of Congress, whom an opulent father indulges in spending a little of his wealth in Europe. He is well spoken of, both as to his mind and his principles. Permit me to ask your friendly notice of him.



With my respectful regards to Mrs. Gallatin, accept for yourself assurances of my great esteem and friendship.

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TO WILLIAM EUSTIS.

WASHINGTON, March—, 1817.

DEAR SIR,—I cannot take my final leave of Washington without calling to mind the epistolary debt remaining due to you. On consulting with Mr. Monroe some time ago, it was understood that your stay in Holland would be prolonged until next fall, if not next spring, by a joint negotiation with the Government of the Netherlands on the subject of a Commercial Treaty. You will have received the communications relating to it from the Department of State. With respect to your situation on your return to the United States, I can only express the gratification I shall feel if a satisfactory one should offer itself; and my confidence that you enjoy the friendly dispositions of my successor. How far he may be able to give effect to them will of course depend on circumstances.

I can add nothing by way of public information to what goes to you from the official source and from the press. From the latter, it is probable accounts will reach you of later date than this will convey.

I am hastening my preparations to become a fixture on my farm, where I anticipate many enjoyments, which, if not fully realized, will be a welcome exchange for the fatigues and anxieties of public life. I need not say that I shall carry with me, among other recollections, the affectionate ones left in my breast by the official and personal intercourse which existed between us. Mrs. M. would gladly say what would equally express the feelings she retains for Mrs. Eustis, but she is obliged, by intense occupations in the packing and other arrangements, to refer to me the pleasure of doing it for her. I avail myself of the occasion for tendering my own respectful regards, along

with the assurances which I pray you to accept for yourself of my cordial esteem and best wishes.

If this should not be delivered, it will be followed by Mr. William Preston, son of Francis Preston, formerly a member of Congress, and nephew of Col. Preston, late of the Army, and now Governor of Virginia. He is said to be a youth of promising talents and excellent principles; and on that account, as well as from a respect to his valuable connections, I ask the favor of your politeness to him. He is anxious to take a peep at the old world, and his father, being very rich, indulges his curiosity.

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TO W. H. CRAWFORD.

MONTPELIER, April 24, 1817.

I have received, my dear Sir, your favor of the 18th, with the *Lupinella* seed, for which I thank you. I will endeavour to make the most of it, by sowing a part now and the rest in October. It will be a valuable acquisition if it has half the merit ascribed to it.

The British affairs appear to be approaching, if not already in, a paroxysm; which, but for the horrors of the Revolutionary experiment in France, could not fail to issue in some radical change; and which, but for the Republican example in the United States, would as certainly issue in the invigoration of the monarchical system. In the equilibrium produced by these external causes, it is not easy to say what may result from the nature of the disease, and from the conflict of parties. Mr. Adams, being on the spot, has better means of judging than are possessed at this distance. My conjecture would be, that the whig party will be divided, some joining the Ministerialists, some the Reformers; and that finally it will be a question between the Government and the army on one side, and the mass

of the nation, goaded by distress and expecting relief from a political change, on the other. We must understand more thoroughly than we do all the circumstances involved in the question before we can anticipate the ultimate decision of it. Something may depend on the interest which foreign powers may take in the crisis; and much will depend on the degree of public distress to be encountered by the government party.

We reached our home in safety, and in the computed time. I found the agricultural prospects very favorable, but a spell of dry weather has impaired them. We have just had, however, a plentiful rain, which may enable the wheat fields to resist the Hessian fly, which was commencing its ravages under the influence of the dry weather.

Mrs. Madison joins me in cordial regards to Mrs. C. and yourself.

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TO JOHN ADAMS.

MAY 22d, 1817.

DEAR SIR,—I have received your favor of April 22d, with the two volumes bearing the name of Condorcet. If the length of time they remained in your hands had been in the least inconvenient to me, which was not the case, the debt would have been overpaid by the interesting observations into which you were led by your return of them.

The idea of a Government "in one centre," as expressed and espoused by this Philosopher and his theoretic associates, seems now to be every where exploded. And the views which you have given of its fallacy will be a powerful obstacle to its revival any where. It is remarkable that in each of our States which approached nearest to the theory changes were soon made, assimilating their constitutions to the examples of the other States, which had placed the powers of Government in different depositories, as means of controlling the impulse and sympathy of the passions, and affording to reason better opportunity of asserting its prerogatives.

The great question now to be decided, and it is one in which humanity is more deeply interested than in any political experiment yet made, is, whether checks and balances sufficient for the purposes of order, justice, and the general good, may not be created by a proper division and distribution of power among different bodies, differently constituted, but all deriving their existence from the elective principle, and bound by a responsible tenure of their trusts. The experiment is favored by the extent of our Country, which prevents the contagion of evil passions; and by the combination of the federal with the local systems of Government, which multiplies the divisions of power, and the mutual checks by which it is to be kept within its proper limits and direction. In aid of these considerations much is to be hoped from the force of opinion and habit, as these ally themselves with our political institutions. I am running, however, into reflections, without recollecting that all such must have fallen within the comprehensive reviews which your mind has taken of the principles of our Government, and the prospects of our Country.

I have always been much gratified by the favorable opinion you have been pleased occasionally to express of the public course pursued while the Executive trust was in my hands, and I am very thankful for the kind wishes you have added to a repetition of it. I pray you to be assured of the sincerity with which I offer mine, that a life may be prolonged which continues to afford proofs of your capacity to enjoy and make it valuable.

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TO D. LYNCH, JUN<sup>R</sup>.

MONTPELLIER, JUNE 27, 1817.

SIR,—I have received your letter of the 18th instant, informing me that “the American Society for the encouragement of domestic Manufactures” have been pleased to elect me one of its members.

Although I approve the policy of leaving to the sagacity of



individuals, and to the impulse of private interest, the application of industry and capital, I am equally persuaded that in this, as in other cases, there are exceptions to the general rule, which do not impair the principle of it. Among these exceptions is the policy of encouraging domestic manufactures within certain limits, and in reference to certain articles.

Without entering into a detailed view of the subject, it may be remarked, that every prudent nation will wish to be independent of other nations for the necessary articles of food, of raiment, and of defence; and particular considerations applicable to the United States seem to strengthen the motives to this independence.

Besides the articles falling under the above description, there may be others, for manufacturing which natural advantages exist, which require temporary interpositions for bringing them into regular and successful activity.

When the fund of industry is acquired by emigrations from abroad, and not withdrawn or withheld from other domestic employments, the case speaks for itself.

I will only add, that among the articles of consumption and use, the preference in many cases is decided merely by fashion or by habits. As far as an equality, and still more where a real superiority, is found in the articles manufactured at home, all must be sensible that it is politic and patriotic to encourage a preference of them, as affording a more certain source of supply for every class, and a more certain market for the surplus products of the agricultural class.

With these sentiments, I beg you to make my acknowledgments for the mark of distinction conferred on me; and which I accept from a respect for the Society and for its objects, rather than from any hope of being useful as a member.

To yourself, Sir, I tender my friendly respects.



TO RICHARD RUSH.

MONTPELLIER, June 27, 1817.

DEAR SIR,—I have received your two favors of the 18th and 20th inst. I am promised a visit from Mr. Jefferson the ensuing month, and shall not fail to communicate to him the one you note for that purpose.

I readily conceive that Mr. Correa may feel some conflict in his present position, between his two characters of philanthropist and Plenipotentiary; and that he may infer some indulgence towards the latter from a respect to the former. He ought not, however, to impose on you a conflict between this kind feeling in the Government and its self-respect. It is both illiberal and impolitic, and necessarily extorts the admonitions you so gently convey to him.

In assuming a guardianship of our character in Europe, he committed, to say the least, a marked indelicacy; and his avowed resort to the press as the medium of giving information to the public here was a still greater aberration. His regard for our national reputation, if sincere, might have been manifested in a less exceptionable mode than in an *official* conversation. And his consciousness of the wrongfulness of a direct communication to the people is betrayed by the flimsiness of his apology. A silly reason from a wise man is never the true one.

The British doctrine of blockades has given rise to error and irregularity in the practice of other nations. In strictness, the blockade notifies itself, and no other notification can be admitted by neutrals who understand their rights, as having any other effect than as a friendly caution against a probable danger. But even in this sense the notification ought to be to the Government, which may make the use of it deemed proper. This Government has never formally promulgated the blockades more than any other regulations of foreign Governments. The most that seems admissible in such cases is, to let the public be informally apprized of them, that individuals may not ignorantly incur just penalties. In one instance an answer was given by the Department of State to a notification of a British blockade

by Mr. Merry, which, according to my recollection, explained the sense in which it was received, and precluded the idea that anything short of an *actual* attempt to violate a *legal* blockade could subject neutral vessels to interruption on the high seas. Notwithstanding these views of the subject, I am not sure that foreign Consuls in our ports may not have addressed notifications to our Merchants through the newspapers. And it may be worth enquiry whether something of the sort was not done by Mr. Onis, perhaps, prior to his reception as public Minister.

It is to be regretted that any difficulties should have arisen with Portugal, the only recognized nation, besides ourselves, on this hemisphere; and particularly that the most enlightened and esteemed foreigner among us should be the pivot on which they turn. It is not the less necessary, however, to make these considerations, as you are making them, subordinate to the rights of our Country and the honor of its Government. As far as these will permit, conciliation can in no case be more properly intermingled.

May not the event at Pernambuco, if not caused by actual oppression, tend to give at the present moment an unfavorable turn to the sentiment of European Sovereigns in relation to the revolutionary scene in South America? The struggle of the Spanish part of it having the appearance of shaking off a *foreign yoke*, appeals merely to the interest and sympathy of those Sovereigns. That in the Brazils may be viewed by them as an attack on a *domestic* throne, and as adding an example in the New World to those which have inspired so much alarm in the Old.

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TO GEORGE JOY.

MONTPELLIER, Aug. 15, 1817.

DEAR SIR,—I have received your several favors, the last bearing date the——day of——, on the subject of your translation from Rotterdam to Amsterdam; and have expressed to the President the sentiments which my knowledge of your exertions

in the cause of our Country, and my friendly dispositions I have entertained towards you, suggested. He has been for a considerable period on a tour along our Eastern and Northern frontier, and will not receive my letter till he returns to Washington, which is expected to take place about the middle of September. I wish I could comply with your wish for an anticipation of the result of that and the communications through Mr. Adams. But not knowing the list from which the selection will be made, and which will probably be a long and respectable one, nor the precise light in which merits of different descriptions may present themselves to the mind of the President, I cannot venture to predict his decision. Should he, indeed, make an appointment without waiting for the previous sanction of the Senate, you will know nearly as soon as this will reach you.

I take this occasion to thank you for the various and valuable communications I had the pleasure of receiving from you during a period of my official duties, which prevented my acknowledging them. Your candour will, I trust, have rightly interpreted the omission, and preserved your disposition to accept assurances of my esteem and friendly respects.

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TO PRESIDENT MONROE.

MONTPELLIER, August 22, 1817.

DEAR SIR,—Your favor of July 27, from Pittsburg, was duly received, and I am very glad to learn from it that the fatiguing scenes through which you have passed had not prevented some improvement in your health. The sequel of your journey will have been still more friendly to it, as affording a larger proportion of the salutary part of your exercise. I hope you will find an ample reward for all the inconveniences to which you have been subjected in the public benefit resulting from your tour. The harmony of sentiment so extensively manifested will give strength to the Administration at home, and command abroad additional respect for our Country and its institutions. The

little vagaries which have excited criticism, whether proceeding from the fervor of patriotism or from selfish views, are light in the scale against the consideration that an opportunity has been given and seized for a return to the national family of the prodigal part which had been seduced from it, and for such a commitment of the seducers themselves, that they cannot resume their opposition to the Government without a public demonstration that their conversion was inspired by the mere hope of sharing in the loaves and fishes.

You will readily conceive the reluctance with which I say any thing on the subject of candidates for office. But I cannot decline an expression of my good will toward Mr. W. Taylor, heretofore agent in St. Domingo, who wishes to be successor to Mr. Bourne, at Amsterdam. My opinion of him, as an intelligent man, is founded in some measure on my occasional interviews with him. Of his integrity and good dispositions generally, I have had satisfactory information from others. Of his official standing with the Government I may have less, but cannot have more, knowledge than you possess yourself. In naming Mr. Taylor, however, I must add that I do it not only without knowing the list of competitors before you, but with a reserve as to the pretensions of Mr. Joy, consul at Rotterdam, also desirous to be Mr. B.'s successor. I had a personal acquaintance with the latter gentleman many years ago, and have had a series of communications from him since his residence abroad, which have led me to regard him as a man of literary talents, and to know that he exerted them with a laborious fidelity to the rights and honor of his country during the critical periods which furnished the occasion. Mr. Adams can doubtless place before you fully the grounds on which the pretensions of Mr. J. rest.

You will learn from Mr. Cathcart himself that he has, with his family, been driven from Cadiz by the sterility of the Consulate there, and that he has an eye to domestic service. His worth appears to be generally acknowledged, and it is seconded by the sympathy awakened by a large and young family. But it is more easy to point at such cases than to suggest the mode

of providing for them. The parable of the loaves and fishes is applicable to the government in the circumstance of the small number on hand, not in the power of multiplying them.

This will remain at Washington for your return thither, after which I promise myself the pleasure of soon seeing you on your way to Albemarle.

Be assured of my high esteem and constant regard.

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TO D. A. AZUNI, AT GENOA.

OCTOBER , 1817.

SIR,—The three copies of your work on Piracy were duly received, and two of them disposed of, one for the Library of Congress, the other for that of the Department of State. For the 3<sup>d</sup>, presented to myself, I pray you to accept my thanks.

A historical, judicial, and remedial view of piracy, was a subject which merited the researches and disquisition you have bestowed on it, and I have perused this gift of your pen with the pleasure promised by the talents of which the public had other proofs in possession.

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EXTRACT FROM LETTER TO WILLIAM H. CRAWFORD, OCT. 24, 1817,  
IN ANSWER TO HIS OF OCT. 12.

“I feel more satisfaction than surprise at the excess of the Revenue beyond the estimated amount. It is principally drawn from imposts, and these will generally tally with the value of exports, which has, of late, been enhanced by good crops, or good prices overbalancing deficient crops. The difficulty of finding objects for our ways and means will startle foreign Governments, who husband their own so badly, and shut their eyes against the spirit of a responsible Government and the fertile industry of a free people. It will no doubt lead, as you anticipate, to propositions in Congress for repeals in the internal branch of revenue, and probably to reductions in the exter-



nal. In the former, my concern is limited pretty much to the distillery tax, which I hope will be retained. Should a revision of the Impost take place, it may be worth your while to examine the comparative rates on different sorts of wine. The light and cheap wines are at present under prohibitory duties to those who ought to be courted to substitute them for ardent spirits. Mr. Dallas was furnished with some data on this subject by Mr. Jefferson, who had particularly turned his thoughts to it.

“The grounds on which a reduction of taxes will be pleaded for are strengthened by the resource in the public lands, which, if squatting be suppressed, and fair sales secured, as I hope will be the case, promise a rich contribution to the Treasury. One of the objects to which the fund is peculiarly pertinent seems to be internal improvement in roads, canals, &c. Such an application of it, besides its intrinsic importance, would enlist all parts of the Union in watching over the security and sale of the lands. And I anxiously wish Congress may institute the Constitutional process for removing all obstacles to such an arrangement. Pardon these observations, which go even beyond the plea derived from the last paragraph in your letter.”

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TO CHARLES KEILSALL.

MONTPELLIER, VA., October, 1817.

SIR,—I duly received the copy of the “Phantasm of an University,” which you were so obliging as to send me; and I owe you many thanks for so learned and interesting a work.

The recommendation of a National University in the United States has not yet been successful. But a Central Institution is just now on foot in the State of Virginia, which in its development will embrace an extensive circle of sciences, and in the organization of which many errors will be avoided which you have so judiciously pointed out in the aged institutions of your

own Country. In the Architectural plan\* contemplated for this temple of Minerva, I have the satisfaction to find that some of the features bear a miniature likeness to the magnificent model† which you have delineated.

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TO MR. MONROE, PRESIDENT OF THE U. S.

MONTPELLIER, November 29, 1817

DEAR SIR,—Your favor of the 25th has just been received. I am fully aware of the load of business on your hands, preparatory to the meeting of Congress. The course you mean to take in relation to roads and canals appears to be best adapted to the posture in which you find the case. A reluctance has generally been felt to include amendments to the Constitution among Executive recommendations to Congress; but it seems to be called for on the present occasion as preferable to arresting their deliberations by a notice, though the result will be negatived, or to meeting the result with an unexpected negative. For myself, I had not supposed that my view‡ of the Constitution could have been unknown, and I felt with great force the delicacy of giving intimations of it to be used as a bar or a clog to a depending measure.

The expediency of vesting in Congress a power as to roads and canals I have never doubted, and there has never been a moment when such a proposition to the States was so likely to be approved. A general power to establish seminaries being less obvious, and affecting more the equilibrium of influence between the National and State Governments, is a more critical experiment. The feelings awakened by the proposed University within the Congressional District are a proof of the opposition which may be looked for. I should consider it as at least essential

\* Exemplifying all the orders of Architecture, including modern varieties.

† At a cost of five million sterling.

‡ See Hamilton's corresponding opinion in his argument for the Bank power, published in his works in 3 Vols.

that the two propositions, whatever may be the modification of the latter, should be so distinct, that the rejection of the one by the States should not be inconsistent with the adoption of the other.

It is very grateful to have such an overflowing Treasury, especially when every other nation is on the brink, if not in the abyss, of bankruptcy. Its natural effect is the prevailing desire that the taxes may be reduced, particularly the internal taxes, which are most seen and felt. May it not, however, deserve consideration whether the still tax, which is a moralizing as well as a very easy, productive tax, would not be advantageously retained, even at the expense of revenue from foreign trade? Why not press on the whisky drinkers rather than the tea and coffee drinkers, or the drinkers of the lighter kinds of wine? The question will depend much, I am aware, on the public opinion, and on the expense of collecting a solitary internal tax; both of which points will be better understood in the Cabinet than they can be by the fire-side, and in the result there I shall rest with perfect confidence. I make the same remark with respect to the influence which the disbanding at this moment of a conspicuous portion of our fiscal strength may have on the calculations of any other power, particularly Spain.

Health and prosperity.

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TO PRESIDENT MONROE.

DECEMBER 9, 1817.

DEAR SIR,—The mail of Saturday brought me the copy of your message. It is a fine landscape of our situation; and cannot fail to give pleasure at home and command respect abroad. The recommendation of a repeal of taxes is happily shaped. So, also, the introduction of the subject of amending the Constitution. The only questions which occur relate to the proposed suppression of the establishment at Amelia Island, not within

our territorial claim, and to the latitude of the principle on which the right of a civilized people is asserted over the lands of a savage one. I take for granted that the first point was well considered, and the latter may be susceptible of qualifying explanations. I observe you say nothing of a remodelling of the Judiciary. Perhaps you may have in reserve a special message, or you may think it best to let the subject originate in Congress; or it may not appear to you in the light it does to me. I have long thought a systematic change in that Department proper, and should have pressed it more when in office but for the circumstance that it involved a personal accommodation where I might be supposed to feel an interest biasing my judgment, and diminishing the attention paid to my opinion.

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TO J. Q. ADAMS.

MONTPELLIER, December 23d, 1817.

DEAR SIR,—I received two days ago your favor of the 15th, with the written and printed accompaniments.

I am glad to find that your personal interviews with Mr. Bentham afforded an entertainment which may have been some recompense for the trouble which I contributed to give you in relation to him. The celebrity which this philosophic politician has acquired abroad, as well as in his own Country, does not permit one to doubt the extent of his capacity or of his researches; and there is still less room to question the philanthropy which adorns his character. It is unfortunate that he has not added to his merits a style and manner of conveying his ideas which would do more justice to their profoundness and importance. With all his qualifications, however, I greatly overrate, or he greatly underrates, the task in which he has been so anxious to employ his intellectual labours and treasures, for the reformation of our Code of laws, especially in the advanced age at which the work was to be commenced. And I own that I find some difficulty in reconciling the confidence he feels in the adequacy of his powers, not only for a digest of our statutes into



a concise and clear system, but a reduction of our unwritten to a text law, with that penetrating and accurate judgment for which he has the reputation. The disinterestedness and friendly zeal, nevertheless, which dictated the offer of his services to our Country, are entitled to its acknowledgments, and no one can join in them with more cordiality than myself.

I have looked over and return the letters from Governor Plumer and his son. The work conceived by the latter, and the manner in which he has presented an outline of it, indicate talents which merit cultivation and encouragement. The best answer I can give to your communication on the subject of his wish for a copy of the Journal of the Convention is to state the circumstance that, at the close of the Convention, the question having arisen what was to be done with the Journal and the other papers, and it being suggested that they ought to be either destroyed or deposited in the custody of the President, it was determined that they should remain in his hands, subject only to the orders of the National Legislature. Whether a publication of them ought to be promoted, as having a useful tendency, you will probably be better able to decide, on a perusal of the document, than one who cannot take the same abstract view of the subject.

I cannot be insensible to the terms in which you refer to the official relations which have subsisted between us, but must disclaim the obligations which you consider as lying on your side. The results of what took place on mine prove that I only avoided the demerit of a different course.

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TO HENRY ST. GEORGE TUCKER.

MONTPELLIER, December 23, 1817.

DEAR SIR,—I have received your favor of the 18th, inclosing the Report on roads and canals.

I respect too much the right and the duty of the Representatives of the people to examine for themselves the merits of all questions before them, and am too conscious of my own fallibil-



ity, to view the most rigid and critical examination of the particular question referred to your committee with any other feeling than a solicitude for a result favorable to truth and the public good.

I am not unaware that my belief, not to say knowledge, of the views of those who proposed the Constitution, and, what is of more importance, my deep impression as to the views of those who bestowed on it the stamp of authority, may influence my interpretation of the Instrument. On the other hand, it is not impossible that those who consult the instrument without a danger of that bias, may be exposed to an equal one in their anxiety to find in its text an authority for a particular measure of great apparent utility.

I must pray you, my dear sir, to be assured that, although I cannot concur in the latitude of construction taken in the Report, or in the principle that the consent of States, even of a single one, can enlarge the jurisdiction of the General Government, or in the force and extent allowed to precedents and analogies introduced into the Report, I do not permit this difference of opinion to diminish my esteem for the talents, or my confidence in the motives, of its author. I am far more disposed to acknowledge my thankfulness for the polite attention shown in forwarding the document, and for the friendly expressions which accompanied it. Be pleased to accept a sincere return of them.

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TO PRESIDENT MONROE.

MONTPELLIER, December 27, 1817.

DEAR SIR,—Your favor of the 22nd has been duly received. I am so much aware that you have not a moment to spare from your public duties, that I insist on your never answering my letters out of mere civility. This rule I hope will be applied to the present as well as future letters.

My quere as to the expedition against Amelia Island turned

solely on the applicability of the *Executive* power to such a case. That relating to the right to Indian lands was suggested by the principle which has limited the claim of the U. S. to a right of pre-emption. It seemed, also, that an *unqualified* right of a civilized people to land used by people in the hunter state, on the principle that the earth was intended for those who would make it most conducive to the sustenance and increase of the human race, might imply a right in a people cultivating it with the spade to say to one using the plough, either adopt our mode or let us substitute it ourselves. It might also be not easy to repel the claims of those without land in other countries, if not in our own, to vacant lands within the U. S. likely to remain for a *long* period unproductive of human food. The quere was not meant to contest the doctrine of the message, under qualifications which were probably entertained without being specified.

The Cumberland road having been a measure taken during the administration of Mr. Jefferson, and, as far as I recollect, not then brought to my particular attention, I cannot assign the grounds assumed for it by Congress, or which produced his sanction. I suspect that the question of Constitutionality was but slightly, if at all, examined by the former, and that the Executive assent was doubtingly or hastily given. Having once become a law, and being a measure of singular utility, additional appropriations took place, of course, under the same Administration, and, with the accumulated impulse thence derived, were continued under the succeeding one, with less of critical investigation, perhaps, than was due to the case. Be all this as it may, the case is distinguished from that now before Congress by the circumstances—1. That the road was undertaken essentially for the accommodation of a portion of the country with respect to which Congress have a general power not applicable to other portions. 2. That the funds appropriated, and which alone have been applied, were also under a general power of Congress, not applicable to other funds. As a precedent, the case is evidently without the weight allowed to that of the National Bank, which had been often a subject of solemn discussion in Congress, had long engaged the critical attention of

the public, and had received reiterated and elaborate sanctions of *every* branch of the Government; to all which had been superadded many positive concurrences of the States, and implied ones by the people at large. The Bank case is analogous to that of the carriage tax, which was generally regarded by those who opposed the Bank as a direct tax, and, therefore, unconstitutional, and did not receive their acquiescence until these objections were superseded by the highest Judicial, as well as other sanctions. As to the case of post roads and military roads, instead of implying a general power to make roads, the constitutionality of them must be tested by the bona fide object of the particular roads. The post cannot travel, nor troops march, without a road. If the necessary roads cannot be found, they must, of course, be provided.

Serious danger seems to be threatened to the genuine sense of the Constitution, not only by an unwarrantable latitude of construction, but by the use made of precedents which cannot be supposed to have had in the view of their Authors the bearing contended for, and even where they may have crept through inadvertence into acts of Congress, and been signed by the Executive at a midnight hour, in the midst of a group scarcely admitting perusal, and under a weariness of mind as little admitting a vigilant attention.

Another, and perhaps a greater danger, is to be apprehended from the influence which the usefulness and popularity of measures may have on questions of their constitutionality. It is difficult to conceive that any thing short of that influence could have overcome the constitutional and other objections to the Bill on roads and canals which passed the two Houses at the last session.

These considerations remind me of the attempts in the Convention to vest in the Judiciary Department a qualified negative on Legislative *bills*. Such a control, restricted to Constitutional points, besides giving greater stability and system to the rules of expounding the Instrument, would have precluded the question of a judiciary annulment of Legislative *acts*.

But I am running far beyond the subject presented in your

letter, and will detain you no longer than to assure you of my highest respect and sincerest regard.

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TO EBERD. HUNTINGTON.

MONTPELLIER, Jan<sup>y</sup> 4, 1818.

SIR,—I have duly received your letter of the 30th ult., in which you ask, “whether the proposition to commute the half pay was suggested by Congress to the Army, or by the Army to Congress.”

Not being able at this moment to consult the Journals of Congress, or the cotemporary documents, I cannot answer the enquiry with the certainty and precision I would wish. I believe that the measure was brought into view by the memorial of the Deputies from the Army, General M<sup>c</sup>Dougal, &c., in the year 1783; and that it originated with the army in the mortifying attempts to stigmatize the receivers of half pay as *pensioners*. It cannot be doubted, however, that the gross sum substituted was accepted in the expectation that it would be made of specie value to the Army. The Journals of the Revolutionary Congress will probably shew that unsuccessful propositions were made in that body to raise the sum to more than five years' full pay.

I saw, with sincere pleasure, the late recommendation of the President on this subject, and wish that the sentiments of the Legislature may be found to correspond with those that dictated it.

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TO CHARLES J. INGERSOLL.

MONTPELLIER, Jan<sup>y</sup> 4, 1818.

D<sup>r</sup> SIR,—I have received your letter of the 25th ult. Believing that the late war merits a historical review penetrating below the surface of events, and beyond the horizon of unexpanded minds, I am glad to learn that the task is contemplated

by one whose talents, and, what is not less essential, whose fairness of dispositions, are entitled to so much confidence. Whatever be the light in which any individual actor on the public theatre may appear, the contest, exhibited in its true features, cannot fail to do honor to our Country; and, in one respect particularly, to be auspicious to its solid and lasting interest. If our first struggle was a war of our infancy, this last was that of our youth; and the issue of both, wisely improved, may long postpone, if not forever prevent, a necessity for exerting the strength of our manhood.

With this view of the subject, and of the hands into which it is falling, I cannot be unwilling to contribute to the stock of materials. But you much overrate, I fear, "my private papers," as distinct from those otherwise attainable. They consist, for the most part, of my correspondence with the heads of Departments, particularly when separated from them, and of a few vestiges remaining of Cabinet consultations. It has been my purpose to employ a portion of my leisure in gathering up and arranging these, with others relating to other periods of our public affairs; and after looking over carefully the first, I shall be better able to judge how far they throw any valuable rays on your object, and are of a nature not improper for public use.

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TO JACOB GIDEON.

MONTPELLIER, Jan<sup>y</sup> 28, 1818.

SIR,—I have received your letter of the 19th, and in consequence of the request it makes, I send you a copy of the first edition of the "Federalist," with the names of the writers prefixed to their respective numbers. Not being on the spot when it was in the press, the errors now noted in mine were not then corrected. You will be so good as to return the two volumes when convenient to you.

The second Edition of the work comprised a pamphlet ascribed to one of its authors. The pamphlet had no connection with the plan to which the others were parties, and contains a



comment on an important point in the Constitution, which was disapproved by one of them, who published an answer to it.

I take the liberty of suggesting that as comparative views frequently occur in the work of the original "Articles of Confederation," and the Constitution, by which it was superseded, it might be convenient to the reader to have the former, as well as the latter, prefixed to the commentary on both.

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TO GALES & SEATON.

MONTPELLIER, Feb<sup>y</sup> 2d, 1818.

GENTLEMEN,—I have received your letter of January 26. The work to which you have turned your thoughts is of a character which justly claims for it my favorable wishes. A Legislative History of our Country is of too much interest not to be, at some day, undertaken; and the longer it be postponed, the more difficult and deficient must the execution become. In the event of your engaging in it, I shall cheerfully contribute any suggestions in my power as to the sources from which materials may be drawn; but I am not aware at present of any not likely to occur to yourselves.

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TO JACOB GIDEON.

MONTPELLIER, Feb<sup>y</sup> 20, 1818.

SIR,—I have received your letter of the 12th. You are welcome to the copy of the Federalist sent you. If you refer to it in your proposed Edition, it will be more proper to note the fact that the numbers with my name prefixed were published from a copy containing corrections in my hand, than to use the phrase, "revised and corrected by J. M.," which would imply a more careful and professed revisal than is warranted by strict truth.

You seem not rightly to have understood my remark on the circumstance of including in an edition of the Federalist a pamphlet written by one of its authors, which had been answered in

one written by another. My object was to suggest for your consideration how far it would be proper to insert in your edition the former; not to suggest the insertion of both. The occasion, the plan, and the object of the Federalist, essentially distinguish it from the two pamphlets; and there may be a double incongruity in putting into the same publication a work in which the two writers co-operated, and productions at once unconnected with it, and in which they are so pointedly opposed to each other.

That the motive to the observations may not be misconceived, it will not be amiss to say, that although I cannot at this day but be sensible that in the pamphlet under the name of Helvidius a tone is indulged which must seek an apology in impressions of the moment; and although in other respects it may be liable to criticisms, for which the occasions are increased by the particular haste in which the several papers were written, to say nothing of inaccuracies in transcribing them for the press; yet I see no ground to be dissatisfied with the Constitutional doctrine espoused, or the general scope of the reasoning used in support of it.

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TO MR. CUTTS.

MONTPELLIER, March 14, 1818.

DEAR SIR,—As it appears from your letter of the 5th that Mr. Gideon adheres to his plan of publishing the two pamphlets in the same volumes with the Federalist, and desires a corrected copy of the one written by me, I have thought it best to send one. Be so good as to let it be put into his hands. I have limited the corrections to errors of the press and of the transcriber, and a few cases in which the addition of a word or two seemed to render the meaning more explicit. There are passages to which a turn a little different might have been conveniently given; particularly that speaking of treaties as laws, which might have been better guarded against a charge of inconsistency with the doctrine maintained on another occasion; and

which probably would have been so guarded after the accurate investigation of the Constitutional doctrine occasioned by Mr. Jay's Treaty. The reasoning, however, in the pamphlet, is not affected by the question of consistency; and as the author of *Pacificus* is charged with the want of it, I have chosen rather to let the passage stand as it was first published, than to give it what might be considered a retrospective meaning. Intelligent readers will be sensible that the scope of the argument did not lead to a critical attention to Constitutional doctrines properly called forth on other occasions. If you think it worth while, you may give Mr. Gideon a hint of these observations.



ADDRESS  
TO THE  
AGRICULTURAL SOCIETY OF ALBEMARLE  
VIRGINIA.

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TUESDAY, May 12, 1818.

*Resolved*, That the thanks of the Agricultural Society of Albemarle are due to the president for the enlightened and important address, this day delivered; that the secretary be, and he is hereby authorized and required to request a copy for publication; that he cause the said address to be published in the Enquirer; as also 250 copies, to be printed in the pamphlet form, one of which he shall transmit to each member of the society.

*Extract from the minutes,*

P. MINOR, *Secretary.*

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MONTPELLIER, May, 1818.

DEAR SIR,—I have received your letter of the 12th inst., communicating the request of the Agricultural Society of Albemarle, for a copy of the remarks addressed to it, at its last meeting. I cannot decline a compliance with the request, though I have much reason to apprehend, that what the society received with so partial an ear will not bear the deliberate perusal, for which an opportunity will be afforded.

With sincere esteem, I remain your friend and servant,

JAMES MADISON.

PETER MINOR, Esq.,

*Secretary of the Agricultural Society of Albemarle.*

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ADDRESS.

It having pleased the society to name me for their presiding member; I feel it a duty, on my first appearing among you, to repeat my acknowledgments for that honorary distinction; with the assurances of my sincere desire to promote the success of an establishment which has in view so valuable an object as that of improving the agriculture of our country.



The faculty of cultivating the earth, and of rearing animals, by which food is increased beyond the spontaneous supplies of nature, belongs to man alone. No other terrestrial being has received a higher gift than an instinct, like that of the beaver or the ant, which merely hoards for future use the food spontaneously furnished by nature.

As this peculiar faculty gives to man a pre-eminence over irrational animals, so it is the use made of it by some, and the neglect of it by other communities, that distinguish them from each other, in the most important features of the human character.

The contrast between the enlightened and refined nations on some parts of the earth, and the rude and wretched tribes on others, has its foundation in this distinction. Civilization is never seen without agriculture; nor has agriculture ever prevailed where the civilized arts did not make their appearance.

But closely as agriculture and civilization are allied, they do not keep pace with each other. There is probably a much higher state of agriculture in China and Japan than in many other countries far more advanced in the improvements of civilized life. It is surely no small reproach to the latter, that with so great a superiority in science, and in the fuller possession of the auxiliary arts, they should suffer themselves to be outstripped in the very art by which both are essentially distinguished from the brute creation.

It must not be inferred, however, from the capacities and the motives of man, for an artificial increase of the productions of the earth, that the transition from the hunter, or even the herdsman's state, to the agricultural, is a matter of course. The first steps in this transition are attended with difficulty; and what is more, with disinclination.

Without a knowledge of the metals, and the implements made of them, the process of opening and stirring the soil is not an easy operation; though one perhaps not requiring more effort and contrivance, than produced the instruments used by savages in war and in the chase.

And that there is a disinclination in human nature to ex-

change the savage for the civilized life, cannot be questioned. We need not look for proofs beyond our own neighborhood. The Indian tribes have ever shewn an aversion to the change. Neither the persuasive examples of plenty and comfort derived from the culture of the earth by their white brethren, nor the lessons and specimens of tillage placed in the midst of them, and seconded by actual sufferings from a deficient and precarious subsistence, have converted them from their strong propensities and habitual pursuits. In the same spirit, they always betray an anxious disposition to return to their pristine life, after being weaned from it by time, and apparently moulded by intellectual and moral instruction, into the habits and tastes of an agricultural people. A still more conclusive evidence of the bias of human nature is seen in the familiar fact, that our own people, nursed and reared in these habits and tastes, easily slide into those of the savage, and are rarely reclaimed to civilized society with their own consent.

Had the Europeans, on their arrival, found this continent destitute of human inhabitants, whose dangerous neighborhood kept them in a compact and agricultural state, and had their communication with the countries they left been discontinued, they might have spread themselves into the forests where game and fruits would have abounded; and gradually forgetting the arts, no longer necessary to their immediate wants, have degenerated into savage tribes.

An admired historian,\* in his inquiry into the origin of the American savages, represents any such degeneracy as impossible. He lays it down as a certain principle that the necessary arts of life, when once introduced among a people, can never be lost; that the dominion over inferior animals once enjoyed, will never be abandoned; and that America, consequently, must have been peopled from a country as uncivilized as itself. Yet he derives the American savages, generally, from the Tartars, whose example must have taught them the use of certain animals, for which a substitute might have been found in the bison

\* Doctor Robertson.

or buffalo at least, (the same animal with the cow,) if not in the elk, the moose, or the Caraboo; and he regards the Esquimaux, a tribe distinguished, in several respects, for their rude condition, as descendants from the Greenlanders, (of the same modes of life with themselves,) who were a colony from Norway, planted in the ninth century; an epoch prior to which the Norwegians had made such progress in the arts, as to be capable of formidable maritime expeditions. The Greenland colony, therefore, must have undergone a degeneracy from the condition of its parent country: Without supposing the possibility of a transition from a better state of human society to a savage state, how would the learned historian have accounted for the introduction of the savage state at all?

The bent of human nature may be traced on the chart of our country. The manufacturer readily exchanges the loom for the plough, in opposition often to his own interest, as well as to that of his country. The cultivator, in situations presenting an option, to the labors of the field, the more easy employment of rearing a herd. And as the game of the forest is approached, the hunting life displays the force of its attractions. Where do we behold a march to the opposite direction? the hunter, becoming the herdsman; the latter a follower of the plough; and the last repairing to the manufactory or workshop.

Such, indeed, is the fascination of that personal independence which belongs to the uncivilized state, and such the disrelish and contempt of the monotonous labor of tillage, compared with the exciting occupations of the chase, or with the indolence enjoyed by those who subsist chiefly on the mere bounties of nature, or on their migratory flocks, that a voluntary relinquishment of these latter modes of life is little to be expected. We certainly perceive nothing in the character of our savage neighbors, from which it could be inferred that even the germs of agriculture, observed in their spots of maize, and a few other cultivated plants, would ever be developed into the extent implied by an agricultural life. To that little resource, combined with the game furnished by the forest and by the lake or the stream, their population and habits are adjusted. There may

be said, in fact, to be a plenum of the former; because it is commensurate with their food, and this cannot be increased without a change of habits, which being founded in natural propensities, do not change of themselves.

The first introduction of agriculture among a savage people appears, accordingly, never to have taken place without some extraordinary interposition. Where it has not been obtruded by colonies transplanted from agricultural countries, as from Phœnicia and Egypt into Greece, and from Greece herself among her savage neighbors, the revolution has proceeded from some individual, whose singular endowments, and supernatural pretensions, had given him an ascendancy for the purpose. All these great reformers, in ancient times, were regarded as more than men, and ultimately worshipped as gods. A very remarkable example, of modern date, is found in the revolution from the savage to the agricultural state, said to have been brought about by Manco Capac among the Peruvians, to whom he represented himself as the offspring of the sun.

Agriculture, once effectually commenced, may proceed of itself, under impulses of its own creation. The mouths fed by it increasing, and the supplies of nature decreasing, necessity becomes a spur to industry; which finds another spur in the advantages incident to the acquisition of property, in the civilized state. And thus a progressive agriculture, and a progressive population ensue.

But although no determinate limit presents itself to the increase of food, and to a population commensurate with it, other than the limited productiveness of the earth itself, we can scarcely be warranted in supposing that all the productive powers of its surface can be made subservient to the use of man, in exclusion of all the plants and animals not entering into his stock of subsistence; that all the elements and combinations of elements in the earth, the atmosphere, and the water, which now support such various and such numerous descriptions of created beings, animate and inanimate, could be withdrawn from that general destination, and appropriated to the exclusive support and increase of the human part of the creation; so that



the whole habitable earth should be as full of people as the spots most crowded now are or might be made, and as destitute as those spots of the plants and animals not used by man.

The supposition cannot well be reconciled with that symmetry in the face of nature, which derives new beauty from every insight that can be gained into it. It is forbidden also by the principles and laws which operate in various departments of her economy, falling within the scope of common observation, as well as within that of philosophic researches.

The earth contains not less than thirty or forty thousand kinds of plants; not less than six or seven hundred of birds; nor less than three or four hundred of quadrupeds; to say nothing of the thousand species of fishes. Of reptiles and insects, there are more than can be numbered. To all these must be added, the swarms and varieties of animalcules and minute vegetables not visible to the natural eye, but whose existence is probably connected with that of visible animals and plants.

On comparing this vast profusion and multiplicity of beings with the few grains and grasses, the few herbs and roots, and the few fowls and quadrupeds, which make up the short list adapted to the wants of man, it is difficult to believe that it lies with him so to remodel the work of nature as it would be remodelled, by a destruction not only of individuals, but of entire species; and not only of a few species, but of every species, with the very few exceptions which he might spare for his own accommodation.

Such a multiplication of the human race, at the expense of the rest of the organized creation, implies that the food of all plants is composed of elements equally and indiscriminately nourishing all, and which, consequently, may be wholly appropriated to the one or few plants best fitted for human use.

Whether the food or constituent matter of vegetables be furnished from the earth, the air, or water; and whether directly, or by either, through the medium of the others, no sufficient ground appears for the inference that the food for all is the same.

Different plants require different soils; some flourishing in



sandy, some in clayey, some in moist, some in dry soils; some in warm, some in cold situations. Many grow only in water, and a few subsist in the atmosphere. The forms, the textures, and the qualities of plants, are still more diversified. That things so various and dissimilar in their organization, their constitutions, and their characters, should be wholly nourished by, and consist of precisely the same elements, requires more proof than has yet been offered.

A case which has been relied on to prove that different foods are not necessary for different plants, is that of grafting or inoculating one kind of plant on another kind; the sap obtained by the stock for itself, being found to feed and perfect the graft. But this operation has its limits. It does not extend beyond plants having a certain affinity. The apple tree may be planted on the pear or quince. It will not succeed on the peach or the cherry. If the cases prove that the same food suffices for the apple and the pear, they equally prove that different foods are required for the apple and peach. It is said, even, that the fruit from the peach graft on the almond is not precisely the same with that from a peach graft on a plum.

It may be offered as another argument to the same effect, that all animal and vegetable decompositions answer indiscriminately as manures. The fact is not precisely so. Certain manures succeed best with certain plants. It is true, nevertheless, that animal and vegetable substances, in a decomposed state, are, generally, manures for plants. Fish even, an animal from the water, is successfully used as a manure for Indian corn and other crops. But this and similar examples prove only that some ingredients are the same in all animals and plants; not that all the ingredients in each are the same.

The chemist, though as yet a fellow student, as much as a preceptor of the agriculturist, justly claims attention to the result of his processes. From that source we learn that the number of known elements, not yet decomposable, is between forty and fifty; that about seven or eight belong to the organs of plants; that different elements enter into the composition of the same plant; and that they are combined in different numbers and in

different proportions, in different plants. Supposing, then, as must be supposed, that these different elements, in their actual quantities and proportions, are adapted to the quantities and the proportions of the existing varieties of plants, it would happen, in so great a change as that in question, with respect to the number and variety of plants, that the quantities and the proportions of the elements would not be adapted to the particular kinds and numbers of plants retained by man for his own use. Like the types of the alphabet, apportioned to the words composing a particular book, when applied to another book materially different in its contents, there would be of some a deficiency, of others, a useless surplus.

Were it less difficult to admit that all the sources of productiveness could be exclusively appropriated to the food of man, is it certain that an obstacle to his indefinite multiplication would not be encountered in one of the relations between the atmosphere and organized beings?

Animals, including man, and plants, may be regarded as the most important part of the terrestrial creation. They are pre-eminent in their attributes; and all nature teems with their varieties and their multitudes, visible and invisible. To all of them the atmosphere is the breath of life. Deprived of it, they all equally perish. But it answers this purpose by virtue of its appropriate constitution and character. What are these?

The atmosphere is not a simple but a compound body. In its least compound state, it is understood to contain, besides what is called vital air, others noxious in themselves, yet without a portion of which, the vital air becomes noxious. But the atmosphere in its natural state, and in its ordinary communication with the organized world, comprises various ingredients or modifications of ingredients, derived from the use made of it, by the existing variety of animals and plants. The exhalations and perspirations, the effluvia and transpirations of these, are continually charging the atmosphere with a heterogeneous variety and immense quantity of matter, which together must contribute to the character which fits it for its destined purpose of supporting the life and health of organized beings. Is it un-

reasonable to suppose, that if, instead of the actual composition and character of the animal and vegetable creation, to which the atmosphere is now accommodated, such a composition and character of that creation were substituted, as would result from a reduction of the whole to man and a few kinds of animals and plants—is the supposition unreasonable, that the change might essentially affect the aptitude of the atmosphere for the functions required of it? and that so great an innovation might be found, in this respect, not to accord with the order and economy of nature?

The relation of the animal part and the vegetable part of the creation to each other, through the medium of the atmosphere, comes in aid of the reflection suggested by the general relation between the atmosphere and both. It seems to be now well understood, that the atmosphere, when respired by animals, becomes unfitted for their further use, and fitted for the absorption of vegetables; and that when evolved by the latter, it is refitted for the respiration of the former; an interchange being thus kept up, by which this breath of life is received by each, in a wholesome state, in return for it in an unwholesome one.

May it not be concluded from this admirable arrangement and beautiful feature in the economy of nature, that if the whole class of animals were extinguished, the use of the atmosphere by the vegetable class alone would exhaust it of its life-supporting power? that, in like manner, if the whole class of vegetables were extinguished, the use of it by the animal class alone would deprive it of its fitness for their support? And if such would be the effect of an entire destruction of either class, in relation to the other, the inference seems to press itself upon us, that so vast a change in the proportions of each class to the other, and in the species composing the respective classes, as that in question, might not be compatible with the continued existence and health of the remaining species of the two classes.

The immensity of the atmosphere, compared with the mass of animals and vegetables, forms an apparent objection only to this view of the subject. The comparison could at most suggest questions as to the period of time necessary to exhaust the

atmosphere of its unrenewed capacity to keep alive animal or vegetable nature, when deprived, either, of the support of the other. And this period contracts itself at once to the imagination, when it is recollected that the immensity of the atmosphere is the effect of its elasticity and rarefaction. We know from the barometer, that condensed to the specific gravity of mercury, its rise above the surface of the earth would be but about thirty inches; and from the well pump, that condensed to the specific gravity only of water, which is nearly the same with that of the human body, its rise would be little more than as many feet; that is, a little more than five times the human stature. It is found that a single human person, employs in respiration not less than sixteen or eighteen times his own weight of common air, in every twenty-four hours. In different degrees, some greater, some less, the case is the same with most other animals. Plants make a correspondent use of air for their purposes.

Other views of the economy of nature coincide with the preceding. There is a known tendency in all organized beings to multiply beyond the degree necessary to keep up their actual numbers. It is a wise provision of nature—1, to guard against the failure of the species: 2, to afford, in the surplus, a food for animals, whether subsisting on vegetables, or on other animals which subsist on vegetables. Nature has been equally provident in guarding against an excessive multiplication of any one species which might too far encroach on others, by subjecting each, when unduly multiplying itself, to be arrested in its progress by the effect of the multiplication—1, in producing a deficiency of food; and where that may not happen, 2, in producing a state of the atmosphere unfavorable to life and health. All animals as well as plants sicken and die in a state too much crowded. It is the case with our domestic animals of every sort, where no scarcity of food can be the cause. To the same laws mankind are equally subject. An increase, not consisting with the general plan of nature, arrests itself. According to the degree in which the number thrown together exceeds the due proportion of space and air, disease and mortality ensue.



It was the vitiated air alone which put out human life in the crowded hole of Calcutta. In a space somewhat enlarged, the effect would have been slower, but not less certain. In all confined situations, from the dungeon to the crowded work-houses, and from these to the compact population of overgrown cities, the atmosphere becomes, in corresponding degrees, unfitted by reiterated use, for sustaining human life and health. Were the atmosphere breathed in cities not diluted and displaced by fresh supplies from the surrounding country, the mortality would soon become general. Were the surrounding country thickly peopled and not refreshed in like manner, the decay of health, though a later, would be a necessary consequence. And were the whole habitable earth covered with a dense population, wasteful maladies might be looked for, that would thin the numbers into a healthy proportion.

Were the earth in every productive spot, and in every spot capable of being made productive, appropriated to the food of man; were the spade substituted for the plough, and all animals consuming the food of man, or food for which human food might be substituted, banished from existence, so as to produce the maximum of population on the earth, there would be more than an hundred individuals for every one now upon it. In the actual population of many countries, it brings on occasional epidemics, to be traced to no other origin than the state of the atmosphere. Increase the numbers ten or twenty fold, and can it be supposed that they would at any time find the breath of life in a condition to support it? or, if that supposition be admissible when limited to a single country, can it be admitted, when not only the contiguous countries, but the whole earth was equally crowded?

Must we then adopt the opinion entertained by some philosophers, that no variation whatever in the numbers and proportions of the organized beings belonging to our globe, is permitted by the system of nature? that the number of species and of individuals, in the animal and vegetable empires, since they attained a destined complement, has been, and must always be, the same? that the only change possible, is in local augmenta-



tions and diminutions which balance each other, and thus maintain the established and unalterable order of things?

This would be the opposite extreme to that which has been rejected. Man, though so similar in his physical constitution to many other animals, is essentially distinguished from all other organized beings, by the intellectual and moral powers with which he is endowed. He possesses a reason and a will, by which he can act on matter organized and unorganized. He can, by the exercise of these peculiar powers, increase his subsistence, by which his numbers may be increased beyond the spontaneous supplies of nature; and it would be a reasonable conclusion, that making, as he does, in his capacity of an intelligent and voluntary agent, an integral part of the terrestrial system, the other parts of the system are so framed as not to be altogether unsusceptible of his agency, and unpliant to its effects.

This reasonable conclusion is confirmed by the fact, that the capacity of man, derived from his reason and his will, has effected an increase of particular plants and animals conducive to an increase of his own race; and a diminution of the numbers, if not of the species, of plants and animals displaced by that increase.

Most, if not all, our domesticated animals probably exceed the numbers which, without the intervention of man, would be their natural amount; whilst the animals preying on, or interfering with them, are proportionally reduced in their numbers.

The case is the same with cultivated plants. They are increased beyond their natural amount; and banish or proportionally reduce such as interfere with them.

Nor can it be said that these changes, made by human art and industry in some regions, are balanced by corresponding changes made by nature, in other regions. Take for examples, the articles of wheat, rice, millet, and maize, which are the chief food of civilized man; and which are now spread over such immense spaces. It is not possible to regard them, as occupying no more than their original and fixed proportions of the earth;

and that in other parts of it, they have disappeared in the same degree in which they are thus artificially extended. These grains belong to the torrid and temperate zones only; and so great a portion of these zones has been explored, that it is certain, they could not have been displaced from other parts of the globe, in the degree in which they abound where they are now cultivated, and where it is certain they owe their abundance to cultivation. There must consequently be an absolute increase of them produced by the agency of man.

Take more particularly for an example, the article of rice, which constitutes so large a portion of human food. The latitudes to which its growth is limited by the nature of the plant, are for the most part so well known, that it may be assumed for an unquestionable fact, that this grain cannot always have prevailed any where in the extent in which it is now cultivated. And it is equally certain, that the vegetable productions belonging to the same climates, which must have been displaced by its cultivation, have not received an equivalent introduction and extension elsewhere.

It is remarkable that the vegetable productions, most extensively used as human food, are but little if at all found in their indigenous state; whether that state be the same as their present one, or a state from which they were improveable into their present state. They seem, indeed, not likely to flourish extensively in situations not prepared by the hand of man. The potato, so recently brought into use, and now spreading itself over so great a surface, can barely be traced to a native state in the mountains of Chili; nor can it be believed that previously to its adoption by man, it ever existed in the extent to which cultivation is now carrying it.

These views of the subject seem to authorize the conclusion, that although there is a proportion between the animal and vegetable classes of beings on our globe, and between the species in each class, with respect to which nature does not permit such a change as would result from a destruction of the animals and vegetables not used by man; and a multiplication of the human race, and of the several species of animals and vegeta-

bles used by it, sufficient to fill up the void; yet that there is a degree of change which the peculiar faculties of man enable him to make, and by making which his fund of subsistence and his numbers may be augmented; there being at the same time, whenever his numbers, and the change, exceed the admitted degree, a tendency in that excess to correct itself.

Could it, however, be supposed that the established system and symmetry of nature required the number of human beings on the globe to be always the same; that the only change permitted in relation to them was in their distribution over it: still, as the blessing of existence to that number would materially depend on the parts of the globe on which they may be thrown; on the degree in which their situation may be convenient or crowded; and on the nature of their political and social institutions, motives would not be wanting to obtain for our portion of the earth its fullest share, by improving the resources of human subsistence, according to the fair measure of its capacity. For in what other portion of equal extent will be found climates more friendly to the health, or congenial to the feelings of its inhabitants? In what other, a soil yielding more food with not more labor? And above all, where will be found institutions equally securing the blessings of personal independence and of social enjoyments? The enviable condition of the people of the United States is often too much ascribed to the physical advantages of their soil and climate, and to their uncrowded situation. Much is certainly due to these causes; but a just estimate of the happiness of our country will never overlook what belongs to the fertile activity of a free people, and the benign influence of a responsible Government.

In proportion as we relax the hypothesis which makes the aggregate number of mankind unsusceptible of change, and believe that the resources of our country may not only contribute to the greater happiness of a given number, but to the augmentation of the number enjoying a greater happiness, the motives become stronger for the improvement and extension of them.

But, whilst all are sensible that agriculture is the basis of population and prosperity, it cannot be denied that the study

and practice of its true principles have hitherto been too generally neglected in the United States; and that this State has at least its full share of the blame. Now only, for the first time, notwithstanding several meritorious examples of earlier date, a general attention seems to be awakened to the necessity of a reform. Patriotic societies, the best agents for effecting it, are pursuing the object with the animation and intelligence which characterize the efforts of a self-governed people, whatever be the objects to which they may be directed.

Among these promising institutions, I cannot glance at all the names of those composing that of Albemarle, without being assured that its full quota of information will be furnished to the general stock. I regret only, that my own competency bears so little proportion to my wishes to co-operate with them. That I may not be thought, however, deficient in good will, as well as in other requisites, I shall venture on the task; a task the least difficult, of pointing out some of the most prevalent errors in our husbandry, and which appear to be among those which may merit the attention of the society, and the instructive examples of its members.

I. The error first to be noticed is that of cultivating land, either naturally poor or impoverished by cultivation. This error, like many others, is the effect of habit, continued after the reason for it has failed. Whilst there was an abundance of fresh and fertile soil, it was the interest of the cultivator to spread his labor over as great a surface as he could. Land being cheap and labor dear, and the land co-operating powerfully with the labor, it was profitable to draw as much as possible from the land. Labor is now comparatively cheaper and land dearer. Where labor has risen in price fourfold land has risen tenfold. It might be profitable, therefore, now to contract the surface over which labor is spread, even if the soil retained its freshness and fertility. But this is not the case. Much of the fertile soil is exhausted, and unfertile soils are brought into cultivation; and both co-operating less with labor in producing the crop, it is necessary to consider how far labor can be profitably exerted on them; whether it ought not to be applied towards making



them fertile, rather than in further impoverishing them? or whether it might not be more profitably applied to mechanical occupations, or to domestic manufactures?

In the old countries of Europe, where labor is cheap and land dear, the object is to augment labor, and contract the space on which it is employed. In the new settlements taking place in this country, the original practice here may be rationally pursued. In the old settlements, the reason for the practice in Europe is becoming daily less inapplicable; and we ought to yield to the change of circumstances, by forbearing to waste our labor on land which, besides not paying for it, is still more impoverished, and rendered more difficult to be made rich. The crop which is of least amount gives the blow most mortal to the soil. It has not been a very rare thing to see land under the plough not producing enough to feed the ploughman and his horse; and it is in such cases that the death-blow is given. The goose is killed, without even obtaining the coveted egg.

There cannot be a more rational principle in the code of agriculture, than that every farm which is in good heart should be kept so; that every one not in good heart should be made so; and that what is right as to the farm, generally, is so as to every part of every farm. Any system, therefore, or want of system, which tends to make a rich farm poor, or does not tend to make a poor farm rich, cannot be good for the owner; whatever it may be for the tenant or superintendant, who has transient interest only in it. The profit, where there is any, will not balance the loss of intrinsic value sustained by the land.

II. The evil of pressing too hard upon the land has also been much increased by the bad mode of ploughing it. Shallow ploughing, and ploughing up and down hilly land, have, by exposing the loosened soil to be carried off by rains, hastened more than any thing else the waste of its fertility. When the mere surface is pulverized, moderate rains on land but little uneven, if ploughed up and down, gradually wear it away. And heavy rains on hilly land, ploughed in that manner, soon produce a like effect, notwithstanding the improved practice of deeper ploughing. How have the beauty and value of this red



ridge of country suffered from this cause? And how much is due to the happy improvement introduced by a member of this society, whom I need not name,\* by a cultivation in horizontal drills, with a plough adapted to it? Had the practice prevailed from the first settlement of the country, the general fertility would have been more than the double of what the red hills, and indeed all other hilly lands, now possess; and the scars and sores now defacing them would no where be seen. Happily, experience is proving that this remedy, aided by a more rational management in other respects, is adequate to the purpose of healing what has been wounded, as well as of preserving the health of what has escaped the calamity. It is truly gratifying to observe how fast the improvement is spreading from the parent example. The value of our red hills, under a mode of cultivation which guards their fertility against wasting rains, is probably exceeded by that of no uplands whatever; and without that advantage they are exceeded in value by almost all others. They are little more than a lease for years.

Besides the inestimable advantage from horizontal ploughing, in protecting the soil against the wasting effect of rains, there is a great one in its preventing the rains themselves from being lost to the crop. The Indian corn is the crop which most exposes the soil to be carried off by the rains; and it is at the same time the crop which most needs them. Where the land is not only hilly, but the soil thirsty, (as is the case particularly throughout this mountainous range,) the preservation of the rain as it falls, between the drilled ridges, is of peculiar importance; and its gradual settling downwards to the roots is the best possible mode of supplying them with moisture. In the old method of ploughing shallow, with the furrows up and down, the rain as well as the soil was lost.

III. The neglect of manures is another error which claims particular notice. It may be traced to the same cause with our excessive cropping. In the early stages of our agriculture, it was more convenient, and more profitable, to bring new land

\* Col. T. M. Randolph.

into cultivation, than to improve exhausted land. The failure of new land has long called for the improvement of old land; but habit has kept us deaf to the call.

Nothing is more certain than that continual cropping without manure deprives the soil of its fertility. It is equally certain that fertility may be preserved or restored, by giving to the earth animal or vegetable manure equivalent to the matter taken from it; and that a perpetual fertility is not, in itself, incompatible with an uninterrupted succession of crops. The Chinese, it is said, smile at the idea that land needs rest; as if, like animals, it had a sense of fatigue. Their soil does not need rest, because an industrious use is made of every fertilizing particle that can contribute towards replacing what has been drawn from it. And this is the more practicable with them, as almost the whole of what is grown on their farms is consumed within them. That a restoration to the earth of all that annually grows on it prevents its impoverishment is sufficiently seen in our forests, where the annual exuviae of the trees and plants replace the fertility of which they deprive the earth. Where frequent fires destroy the leaves and whatever else is annually dropped on the earth, it is well known that the land becomes poorer: this destruction of the natural crop having the same impoverishing effect as a removal of a cultivated crop. A still stronger proof that an annual restoration to the earth of all its annual produce will perpetuate its productiveness, is seen where our fields are left uncultivated and unpastured. In this case the soil, receiving from the decay of the spontaneous weeds and grasses more fertility than they extract from it, is, for a time at least, improved, not impoverished. Its improvement may be explained, by the fertilizing matter which the weeds and grasses derive from water and the atmosphere, which forms a net gain to the earth. At what point, or from what cause, the formation and accumulation of vegetable mould from this gain ceases, is not perhaps very easy to be explained. That it does cease, is proved by the stationary condition of the surface of the earth in old forests; and that the amount of the accumulation varies with the nature of the subjacent earth is equally certain. It

seems to depend, also, on the species of trees and plants which happen to contribute the materials for the vegetable mould.

But the most eligible mode of preserving the richness, and of enriching the poverty of a farm, is certainly that of applying to the soil a sufficiency of animal and vegetable matter in a putrified state, or a state ready for putrefaction; in order to procure which, too much care cannot be observed in saving every material furnished by the farm. This resource was among the earliest discoveries of men living by agriculture; and a proper use of it has been made a test of good husbandry, in all countries, ancient and modern, where its principle and profits have been studied.

Some farmers of distinction, headed by Tull, supposed that mere earth, in a pulverized state, was sufficient without manure for the growth of plants; and consequently that continued pulverization would render the soil perpetually productive; a theory which never would have occurred to a planter of tobacco or of Indian corn, who finds the soil annually producing less, and less, under a constant pulverizing course. The known experiment of Van Helmont seemed to favor the opposite theory, that the earth parted with nothing towards the plants growing on it. If there were no illusion in the case, the earth used by him must at least have been destitute of vegetable mould; for in an experiment by Woodhouse, a garden mould was diminished in its weight by a plant which grew in it. And the latest chemical examinations of the subject coincide with the general opinion of practical husbandmen, that the substance of plants partakes of the substance of the soil.

The idea is, indeed, very natural that vegetable matter which springs from the earth, and of itself returns to the earth, should be one source at least of the earth's capacity to reproduce vegetable matter.

It has been asked, how it happens that Egypt and Sicily, which have for ages been exporting their agricultural produce, without a return of any equivalent produce, have not lost their reproductive capacity. One answer has been, that they have lost no small degree of it. If the fact be otherwise with regard

to Egypt, it might be accounted for by the fertilizing inundations of the Nile. With regard to Sicily, there may be something in the system of husbandry, or some particular local circumstances, which countervail the continued asportation of the fruits of the soil. But it is far more probable, that the Island is less productive than it once was. It is certainly less of a granary for other countries now, than it was when it received that title from the ancient Romans. And its population being diminished, the internal consumption must also be diminished. If a single farm is rendered less productive by a continued removal of its crops, without any adequate returns, no reason occurs why it should not happen to a number of farms multiplied to the extent of a whole country.

And that individual farms do lose their fertility, in proportion as crops are taken from them, and returns of manure neglected, is a fact not likely to be questioned.

If it were, Virginia, unfortunately, is but too capable of furnishing the proofs. Her prevailing crops have been very exhausting, and the use of manures has been particularly neglected.

Tobacco and Indian corn, which for a long time, on the east side of the Blue Mountains, were the articles almost exclusively cultivated, and which continue to be cultivated, the former extensively, the latter universally, are known to be great impoverishers of the soil. Wheat, which has for a number of years formed a large portion of the general crop, is also an exhausting crop. So are rye and oats, which enter occasionally into our farming system.

With so many consumers of the fertility of the earth, and so little attention to the means of repairing their ravages, no one can be surprised at the impoverished face of the country; whilst every one ought to be desirous of aiding in the work of reformation.

The first main step towards it, is to make the thieves restore as much as possible of the stolen fertility. On this, with other improvements which may be made in our husbandry, we must depend for the rescue of our farms from their present degraded condition.



Of tobacco, not a great deal more than one-half of the entire plant is carried to market. The residue is an item on the list of manures; and it is known to be in its quality a very rich one. The crop of tobacco, however, though of great value, covers but a small proportion of our cultivated ground; and its offal can, of course, contribute but inconsiderably to the general stock of manure. It is probable, also, that what it does contribute, has been more carefully used as a manure than any other article furnished by our crops.

The article which constitutes our principal manure, is wheat straw. It is of much importance, therefore, to decide aright on the mode of using it. There are three modes: 1. Carrying it from the farm yard, after having passed through, or being trodden and enriched by cattle. In that mode, the greater part of it must be used, if used at all; the straw going through that process being a necessary part of the food allotted to the cattle. To derive the full advantage from it, it ought to be hauled out before the substance has been wasted by rain, by the sun, and by the wind; and to be buried in the earth as soon after as possible. 2. Spreading the straw on the surface of the ground. Many respectable farmers are attached to this mode, as protecting the soil from the sun; and by keeping it moist, favoring the vegetation underneath, whether spontaneous or artificial; whilst the straw itself is gradually decomposed into a manure. The objection to this mode is the loss by evaporation, before this last effect is obtained. 3. Turning the straw at once under the surface of the earth. This would seem to be the best mode of managing manures generally; least of their substance being then lost. When the grain is trodden out from the straw, it is left in a state easily admitting this operation. Some difficulty may attend it, when the grain is threshed from the straw, by the flail; or by the machines now in use, neither of which break the straw sufficiently to pieces.

It may be remarked with regard to this article of manure: 1. That its weight is barely more than that of the grain. 2. That the grain is the part which makes the greatest draft on the fertility of the earth. 3. That the grain is for the most part not



consumed within the farm. It is found on trial that a stalk of wheat, as generally cut, including the chaff, and the grains borne by the stalk, are pretty nearly of equal weight. The case is probable the same with rye, and not very different with oats. The proportion of fertilizing matter in the straw, to that in the grain, has not, as far as I know, been brought to any satisfactory test. It is, doubtless, much less in the straw, which alone, in the case of wheat, is with us returnable in any form to the earth. This consideration, whilst it urges us to make the most of the article as a manure, warns us of its insufficiency.

The stubble, and the roots of the small grains, not being taken from the earth, may be regarded as elapsing into a fertility equal to that of which they deprived the earth. This remark is applicable to all cultivated plants, the roots of which are not an esculent part.

An eminent citizen and celebrated agriculturist\* of this State has, among other instructive lessons, called the public attention to the value of the corn stalk as a manure. I am persuaded that he has not overrated it. And it is a subject of agreeable reflection, that an article which is so extensively cultivated as that of Indian corn, and which is so particularly exhausting, should be the one so capable of repairing the injury it does. The cornstalk as a fodder is of great value. Not only the leaves, but the husk inclosing the ear, and the cob enclosed by it, are all more or less valuable food, when duly preserved and dealt out to cattle. There is no better fodder than the leaves or blades for horses and oxen, nor any so much approved for sheep; the husk or shuck is a highly-nourishing food for neat cattle. And the pickings of the stock, even at a late season, and after much exposure to the weather, support them better than any of the straws. From the saccharine matter in the stock, which is long retained about the joints, it cannot be doubted that if cut early, or before exposure to the weather, into parts small enough for mastication, it would well repay, as a food for cattle, the labor required for it.

\* Col. John Taylor.

The great value of the cornstalk, in all its parts, as a fodder, was brought into full proof, by the use made of it, during the late general failure of crops. It is to be hoped that the lesson will not be suffered to pass into oblivion.

But it is as a resource for re-fertilizing the soil, that the cornstalk finds the proper place here; and as such it merits particular notice, whether it be passed through animals, or be prepared by fermentation in the farm yard; or be merely spread on the surface of the earth, the mode in which its effects must be least considerable. The same qualities which render every part of it nutritious to animals, render it nutritious to the earth; and it is accompanied with the peculiar advantages—1. That the grain itself is mostly every where, and altogether, in places distant from navigation, consumed within the farms producing it. 2. That as the grain is in greater proportion to the space on which it grows than most other grains, so the rest of the plant is in greater proportion to the grain than the rest of any other grain plant. The straw and chaff of the smaller grains, as already remarked, are in weight but about one-half of the grain. The cornstalk, with all its appurtenant offal, is of less than three times, and if taken early from the field, probably of not less than four or five times the weight of the grain belonging to it. 3. The fertilizing matter contained in the cornstalk is greater in proportion to its weight, than that contained in the straw and offal of other grains is to the weight of the straw and offal.

Would it be hazarding too much to say, that where a level surface, or the mode of cultivating a hilly one, prevents the rains from carrying off the soil, a restoration of an entire crop of Indian corn, in the form of manure, to the space producing it, (there being no other intervening crop not so restored,) would replace the fertility consumed by the crop, and maintain a perpetual productiveness? Reason, the case of forest and fallow fields, where the spontaneous crop falls back of itself on the earth, and the Chinese example, where the cultivated crop is restored to the earth, all pronounce that such would be the effect. And yet the fact stares us in the face, that our most im-

poverished fields, even the most level of them, owe their condition more to the crops of Indian corn, than to any other crops.

The cotton plant, which is so extensive a crop in the more Southern and the South Western States, is but little cultivated in Virginia, and scarcely at all in this part of it. I am not able to say how far it is comparatively an exhausting crop. But it would seem to be more capable than any crop, not wholly consumed within the farm, of preserving its fertility. The only part of the plant carried away is the cotton fibre, or woolly part, which bears an inconsiderable proportion to the other parts in weight, and, as may be inferred, in fertilizing matter also. The seed alone, passing by the ball and haulm, is of three times its weight, and contains the chief part of the oil in the plant. In the countries where cotton makes the principal part of the crop, the superfluous seed must deserve great attention as a manure. Where the fields are level, or cultivated in horizontal drills, it might go far towards supporting a continued cropping, without a diminished fertility.

The sum of these remarks on cultivating poor lands, and neglecting the means of keeping or making land rich, is, that if every thing grown on a soil is carried from it, it must become unproductive; that if every thing grown on it be directly or indirectly restored to it, it would not cease to be productive; and, consequently, that according to the degree in which the one or the other practice takes place, a farm must be impoverished, or be permanently productive and profitable. Every acre made by an improved management to produce as much as two acres, is, in effect, the addition of a new acre; with the great advantages of contracting the space to be cultivated, and of shortening the distance of transportation between the fields and the barn or the farm yard. One of the Roman writers\* on husbandry enforces the obligation to an improving management by a story of one Paridius, who had two daughters and a vineyard: when the elder was married, he gave her a third part of the vineyard: notwithstanding which, he obtained from two-thirds

\* Columella.

the same crop as from the whole; when his other daughter was married, he portioned her with the half of what remained, and still the produce of his vineyard was undiminished. The story, short as it is, contains a volume of instruction.

The plaster of gypsum, though not a manure within the farm itself, has been too long neglected, as a fertilizing resource. It is now beginning to take a high and just rank as such. The proofs of its efficacy are as incontestable as the causes of it are obscure. The experiments of a very distinguished chemist\* led him to the opinion that its substance enters into the substance of the plant. Without doubting the fact, it does not sufficiently account for the addition made to the size and weight of the plant, which greatly exceed the quantity of the plaster. It must therefore have some further mode of operating. Whether it be by neutralizing some noxious ingredient in the earth, one of the modes by which lime is supposed to operate; or by attracting and conveying to the plant, food from the earth, the air, or water, or by exciting the plant to a more active use of its feeding powers, whatever they be; or by its accretion assimilating to the particular parts of plants on which these powers depend, thereby augmenting and strengthening those particular parts, and enabling the feeding powers to give proportional augmentation to every other part; whether by any one or more of these processes, or by some other or others distinct from them all, the growth of plants be promoted by this mineral, remains, it would seem, to be yet explained. In the mean time, a more extensive use of it promises much advantage to our agriculture. I take it, however, that this advantage cannot be permanent without making the increased product of the soil a source of manure to the soil. That the effect of the plaster will be continued indefinitely, under a constant removal of the whole crop from the soil, surpasses belief. It can scarcely fail to exhaust, at length, the productive powers of the earth. The period of time necessary for the purpose may be uncertain; but that, as in the case of the other mineral manures, lime and marle, such must sooner

\* Sir H. Davy.



or later be the result, cannot well be so. The effect of pulverizing the earth by tillage, as practised by Tull, is stated to have been uninterrupted crops of wheat, without manure, for more than twenty years; which was regarded as a demonstration that tillage was a complete substitute for manure. Supposing the statement to be free from error, the inference is certainly not warranted by the fact. We know that some of our soils, not naturally richer than the highly-manured soils on which Tull probably commenced his tillage, will bear a succession of crops for an equal period; and we know as well, that their fertility will not hold out forever. How long plaster, whatever be its mode of operation, will hold out, may not yet have been fully tried. But to make it permanently successful, it will be wise to take for granted, that it must be made a source of future manure, as well as of immediate productiveness. If the crop, as augmented by the plaster, be given back to the soil, the soil may be benefited more than it would be by the return of a crop not augmented by the plaster. And in this way fertility may be accelerated. The restoration of a crop, increased by ordinary cultivation, to the soil on which it grew, would, I presume, fertilize it more than the restoration of a smaller crop spontaneously produced; although in both cases the whole taken from the soil would return to it.

IV. Among the means of aiding the productiveness of the soil, which have not received merited attention, is irrigation. In scarcely any country does this resource abound more than in the United States; nor is there any, where there is so little sensibility to its value. The inconsiderable use made of it is chiefly by emigrants, particularly Germans, or the immediate descendants of them. I have understood that the market of Baltimore has been much benefited in dry seasons by the irrigation introduced by exiles from St. Domingo. For a distinguished proof of the importance of the practice, I may refer to the fact which has been stated, that in the neighborhood of Barcelona, in Spain, where a part of the land is under irrigation, and a part is not susceptible of it, both being otherwise of equal fertility, the part irrigated is of double price in the market. It is to be noted,



indeed, that the climate is a dry one, and that the article cultivated is Lucerne: and this, a plant which, though much aided in its growth by moisture, is at the same time remarkable for the length of a tap root, and fitted by that, as well as by the absorbent quality of its leaves, to flourish in a thirsty soil and warm climate. Our particular district of country, abounding in springs, small streams, and suitable declivities, admits greatly of irrigation; and being generally of a thirsty nature, the more strongly invites the use of it.

I cannot but consider it as an error in our husbandry, that oxen are too little used in place of horses.

Every fair comparison of the expense of the two animals favors a preference of the ox. But the circumstance particularly recommending him is, that he can be supported when at work by grass and hay; whilst the horse requires grain, and much of it; and the grain generally given him, Indian corn, the crop which requires most labor, and greatly exhausts the land.

From the best estimate I have been enabled to form, more than one-half of the corn crop is consumed by horses, including the ungrown ones; and not less than one-half by other than pleasure horses. By getting free from this consumption, one-half the labor, and of the wear of the land, would be saved, or rather more than one-half; for on most farms, one-half of the crop of corn grows on not more than two-fifths, and sometimes a smaller proportion of the cultivated fields; and the more fertile fields would of course be retained for cultivation. Every one can figure to himself the ease and conveniency of a revolution which would so much reduce the extent of his corn fields; and substitute for the labor bestowed on them the more easy task of providing pasturage and hay.

But will not the ox when kept at hard labor require grain food as well as the horse? Certainly much less, if any. Judging from my own observation, I should say, that a plenty of good grass or good hay will suffice without grain, where the labor is neither constant nor severe. But I feel entire confidence in saying, that a double set of oxen alternately at work, and, therefore, half the time at rest, might be kept in good

plight without other food than a plenty of grass and good hay. And as this double set would double the supply of beef, tallow, and leather, a set-off is found in that consideration for a double consumption of that kind of food.

The objections generally made to the ox are: 1. That he is less tractable than the horse. 2. That he does not bear heat as well. 3. That he does not answer for the single plough used in our corn fields. 4. That he is slower in his movement. 5. That he is less fit for carrying the produce of the farm to market.

The first objection is certainly founded in mistake. Of the two animals, the ox is the more docile. In all countries where the ox is the ordinary draught animal, his docility is proverbial. His intractability, where it exists, has arisen from an occasional use of him only, with long and irregular intervals, during which, the habit of discipline being broken, a new one is to be formed.

The 2d objection has as little foundation. The constitution of the ox accommodates itself, as readily as that of the horse, to different climates. Not only in ancient Greece and Italy, but throughout Asia, as presented to us in ancient history, the ox and the plow are associated. At this day, in the warm parts of India and China, the ox, not the horse, is in the draught service. In every part of India the ox always appears, even in the train of her armies. And in the hottest parts of the West Indies, the ox is employed in hauling the weighty produce to the sea ports. The mistake here, as in the former case, has arisen from the effect of an occasional employment only, with no other than green food. The fermentation of this in the animal, heated by the weather and fretted by the discipline, will readily account for his sinking under his exertions; when green food even, much less dry, with a sober habit of labor, would have no such tendency.

The 3d objection, also, is not a solid one. The ox can, by a proper harness, be used singly, as well as the horse, between the rows of Indian corn; and equally so used for other purposes. Experience may be safely appealed to on this point.

In the fourth place, it is alledged that he is slower in his movements. This is true, but in a less degree than is often taken for granted. Oxen that are well chosen for their form; are not worked after the age of about 8 years, (the age at which they are best fitted for beef;) are not worked too many together; and are suitably matched; may be kept to nearly as quick a step as the horse. May I not say a step quicker than that of many of the horses we see at work, who, on account of their age, or the leanness occasioned by the costliness of the food they require, lose this advantage, where they might have once had it?

The last objection has most weight. The ox is not as well adapted as the horse to the road service, especially for long trips. In common roads, which are often soft, and sometimes suddenly become so, the form of his foot and the shortness of his leg are disadvantages; and on roads frozen, or turnpiked, the roughness of the surface in the former case, and its hardness in both cases, are inconvenient to his cloven hoof. But where the distance to market is not great, where the varying state of the roads and of the weather can be consulted, and where the road service is in less proportion to the farm service, the objection is almost deprived of its weight. In cases where it most applies, its weight is diminished by the consideration that a much greater proportion of service on the farm may be done by oxen than is now commonly done, and that the expense of shoeing them is little different from that of keeping horses shod. It is observable that when oxen are worked on the farm, over rough, frozen ground, they suffer so much from the want of shoes, however well fed they may be, that it is a proper subject for calculation whether true economy does not require of them that accommodation, even on the farm, as well as for the horses.

A more important calculation is, whether, in many situations, the general saving by substituting the ox for the horse, would not balance the expense of hiring a carriage of the produce to market. In the same scale with the hire, is to be put the value of the grass and hay consumed by the oxen; and in the other scale, the value of the corn, amounting to one-half of the crop, and of the grass and hay consumed by the horses. Where the

market is not distant, the value of the corn saved would certainly pay for the carriage of the market portion of the crop, and balance, moreover, any difference between the value of the grass and hay consumed by oxen, and the value of the oxen when slaughtered for beef. In all these calculations it is, doubtless, proper not to lose sight of the rule, that farmers ought to avoid paying others for doing what they can do themselves. But the rule has its exceptions; and the error, if it be committed, will not lie in departing from the rule, but in not selecting aright the cases which call for the departure. It may be remarked, that the rule ought to be more or less general, as there may or may not be at hand a market by which every produce of labor is convertible into money. In the old countries this is much more the case than in the new; and in the new, much more the case near towns than at a distance from them. In this, as in most other parts of our country, a change of circumstances is taking place, which renders every thing raised on a farm more convertible into money than formerly; and as the change proceeds, it will be more and more a point for consideration, how far the labor in doing what might be bought could earn more in another way than the amount of the purchase. Still, it will always be prudent, for reasons which every experienced farmer will understand, to lean to the side of doing, rather than hiring or buying, what may be wanted.

The mule seems to be, in point of economy between the ox and the horse; preferable to the latter, inferior to the former; but so well adapted to particular services, that he may find a proper place on many farms. He is liable to the objection which weighs most against the ox. He is less fitted than the horse for road service.

V. A more manifest error in the husbandry of the older settlements is that of keeping too many neat cattle on their farms. As a farm should not be cultivated farther than it can be continued in good heart, the stock of cattle should not be in greater number than the resources of food will keep in good plight. If a poor farm be unprofitable, so are poor cattle. It is particularly the case with the milch cows. When the whole of the food



given them is necessary to support a lean existence, no part can be spared for the milk pail. The same food given to the proper number will not only keep them in a thrifty state, but enable them to supply the dairy. Even the manure from several poor cattle is worth less than that from a single fat one. The remark holds equally good with respect to the hide.

The misjudged practice in question is another effect of inattention to the change of circumstances through which our country has passed. Originally the forest abounded in rich herbage, which fed and fattened, without expense, all the cattle that could be brought through the winter into the spring. It was natural at that time to keep as large a stock as could be preserved through the winter. For a long time past, the forest is scarcely any where a resource for more than two or three months; and in many places no resource at all. A greater difficulty is often felt in finding summer, than winter subsistence. And yet where no inclosed pasturage is provided to take the place of the extinct one in the forest, the habit, founded in reasons which have entirely ceased, is but too generally retained. The same number of cattle is aimed at, as if the forest was ready to receive and fatten them now as formerly. The size and appearance of our neat cattle, compared with those for which nature or good husbandry has provided sufficient food, are proofs that their food is not in proportion to their number; and that where the food cannot be increased, the number ought to be reduced.

VI. Of all the errors in our rural economy none is perhaps so much to be regretted, because none is so difficult to be repaired, as the injudicious and excessive destruction of timber and firewood. It seems never to have occurred that the fund was not inexhaustible, and that a crop of trees could not be raised as quickly as one of wheat or corn.

Here again we are presented with a proof of the continuance of a practice for which the reasons have ceased. When our ancestors arrived, they found the trees of the forest the great obstacle to their settlement and cultivation. The great effort was, of course, to destroy the trees. It would seem that they contracted and transmitted an antipathy to them; for the trees



were not even spared around the dwellings, where their shade would have been a comfort, and their beauty an ornament; and it is of late years only that these advantages have been attended to. In fact, such has been the inconsiderate and indiscriminate use of the axe, that this country is beginning to feel the calamity as much as some of the old countries of Europe; and it will soon be forced to understand the difficulty of curing it. A vast proportion of the farms on the eastern side of the Blue Ridge, and some even on the other side, have but a scanty fund for present use, and are without a fund for permanent use. And, to increase the evil, the remnant of timber and fuel on many farms, inadequate as it is, is left in situations remote from the dwelling, and incapable of being divided according to the divisions and subdivisions into which all the larger farms must be rapidly forced by the law of descents, the impulses of parental affection, and other causes.

It is high time for many farmers, even in this quarter, and still more so in the country below us, to take this subject into serious consideration. Prudence will no longer delay to economize what remains of woodland; to foster the second growths where taking place in convenient spots; and to commence, where necessary, plantations of the trees recommended by their utility and quickness of growth.

I wish I could more satisfactorily estimate the proportion of woodland which ought to belong to every farm, as a permanent fund of timber for building and repairing houses; for fences, where live or stone ones may not be introduced; for wheel carriages, and the other apparatus needed on farms. The estimate is the more difficult, because it must be varied according to many circumstances, particularly according to the nature of the soil, and the kind of trees at once suited to it, and to the uses to be made of them.

Estimating the crop of wood yielded by an acre at twenty cords, the period of reproduction at twenty years, and the average number of cords annually consumed at a fire-place, including the culinary consumption, at ten cords, every fire-place on a farm will require ten acres for a permanent supply of fuel. For

the other necessities of a farm, several acres more ought to be added.

An estimate in a very sensible publication, entitled "The New England Farmer," makes seventeen acres necessary for a fire-place. The winters there are longer, and the climate may be less favorable to the quick growth of trees. But their houses are generally closer than with us, to say nothing of a more judicious management than can be enforced on most of our farms.

To this catalogue of errors in our rural economy, considerable as it is, many, I fear, might be added. The task of pointing them out I gladly leave to others, less incapable than I have shewn myself to be by the very imperfect manner in which I have performed the one on which I ventured.



## LETTERS, ETC.

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TO M. M. NOAH.

MONTPELLIER, May 15, 1818.

SIR,—I have received your letter of the 6th, with the eloquent discourse delivered at the consecration of the Jewish Synagogue. Having ever regarded the freedom of religious opinions and worship as equally belonging to every sect, and the secure enjoyment of it as the best human provision for bringing all either into the same way of thinking, or into that mutual charity which is the only substitute, I observe with pleasure the view you give of the spirit in which your sect partake of the blessings offered by our Government and laws.

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TO PRESIDENT MONROE.

MAY 21, 1818.

DEAR SIR,—I have just been favored with yours of the 18th, enclosing the Moscow document. I had previously received that written on your setting out for London.

The Russian paper accounts for the confident tone of Spain towards the U. S., and throws light on the equivocal conduct of Great Britain in relation to Spanish America. It corroborates, at the same time, the circumspect policy observed by the Government of the U. S., and in which the nation undoubtedly concurs. Perhaps the most delicate point to be decided awaits the return of your Commissioners. Their report may call for a formal and full acknowledgment of the Independence of Buenos Ayres, and the step be threatened with the active resentment of all Europe. The character and views of Alexander appear to be more and more wrapped in mystery. It would seem

that he aspired to be the conservator of the peace of the world, in contrast with the conquering genius of Napoleon, and that he mingles with this ambition a spice of fanaticism, which, whether, as often happens, it ends in hypocrisy, or, on the contrary, grows into stronger delusions of supernatural guidance, may transform the Saint into the Despot. Already he talks of *coercion*, though he disclaims the sword.

We have here a very remarkable spring. It is nearly three weeks later than usual, and has been attended with frosts in the present month, which have, with little exception, destroyed the peaches and cherries, and some other fruits. They have deprived me, also, of the best, though not the largest portion, of my wheat. What was of the forward sort, and in the strongest soil, was entirely cut off. The crop will come entirely from new shoots, which will, under the most favorable circumstances, not yield more than half of what would otherwise have been reaped. The cold and dry weather has given some alarm with respect to the corn fields. It is now more than a month since most of the grain was put into the ground, and but a small proportion is, in many places, getting above it, with a discovery that a great deal of it never can, and the season is now much later than the usual one for the last replanting. Fortunately, the Hessian fly does not seem likely to make its ravages very extensive, though in particular fields it will materially diminish the crop. The Lawler wheat, in the main, sustains its invulnerable character. It has suffered, however, much, in common with the other kinds, from the peculiar unfavorableness of the winter.

I hope you will dispose of yourself during the summer in the manner most friendly to your health. As nature does less for us, we should take more care of ourselves. We shall count, of course, on the pleasure of seeing you all in your transits between Washington and Albemarle, if the latter, as we presume will be the case, should be the scene of your relaxations.

P. S. Whether the wish of Spain to obtain the mediation of Great Britain on the subject of our differences with her proceed



from a presumed bias of the third party in her favor, or from a growing disposition to bring about an adjustment on fair terms, there can be no doubt as to the propriety of withholding our concurrence in such an appeal, and none certainly as to that of doing it in the manner least unconciliatory.

If it be worth while to invalidate by positive proof the statement of Toledo, that he was improperly countenanced by the American Government during his professed connection with the revolutionary party in Mexico, circumstances have been lately brought to my knowledge, *confidentially*, which make it probable that a statement to the contrary under his own hand is attainable. How far the dates of the two statements might furnish any room for prevarication, I am not able to say. But it is presumable that, even if the false one should be of posterior date, the true one would sufficiently maintain itself.

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TO MR. PAULDING, AT WASHINGTON.

D<sup>R</sup> SIR,—I return your copy of Gideon's edition of the *Federalist*, with the memorandums requested in your note of the 16th. I shall take a pleasure in adding any other circumstances which you may wish to know, and I may be able to communicate.

The following memorandum complies with Mr. Paulding's request of the 16th instant:

The papers under the title of "*Federalist*," and signature of "*Publius*," were written by Alexander Hamilton, James Madison, and John Jay, in the latter part of the year 1787 and the former part of the year 1788. The immediate object of them was, to vindicate and recommend the new Constitution to the State of New York, whose ratification of the instrument was doubtful, as well as important. The undertaking was proposed by A. Hamilton (who had probably consulted Mr. Jay and others) to J. M., who agreed to take a part in it. The papers were originally addressed to the people of N. York, under the signature of a "*Citizen of New York*." This was changed for

that of "Publius," the first name of Valerius Publicola. A reason for the change was, that one of the writers was not a citizen of that State; another, that the publication had diffused itself among most of the other States. The papers were first published at New York in a newspaper printed by Francis Childs, at the rate, during great part of the time, at least, of four numbers a week; and notwithstanding this exertion, they were not completed till a large proportion of the States had decided on the Constitution. They were edited as soon as possible in two small volumes, the preface to the first volume, drawn up by Mr. Hamilton, bearing date N. York, March, 1788. In a publication at New York, in 1810, entitled "the works of A. Hamilton," is comprized an edition of the Federalist, in which the names of the writers are erroneously prefixed to a number of the papers. These errors are corrected in this edition by Jacob Gideon, Jr., which assigns to the several authors their respective shares in them.

MONTPELLIER, July 24, 1818.

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TO BENJAMIN H. LATROBE.

MONTPELLIER, July 24, 1818.

DR SIR,—I have received your favor of the 8th instant, and am much less surprised at your finding occasion for friendly criticism on one passage in the paper to which you refer, than that you did not perceive the occasions for them in others.

In bringing into view Robertson's explanation of the origin of the Greenlanders, the object which ought to have been more clearly conveyed was rather to lessen the weight of his opinion, by pointing out the inconsistency between his reasoning and his facts, than to decide on the accuracy of the latter, as to which there was not, in truth, time, nor, perhaps, means sufficient for a full investigation.

Robertson evidently regards the descent of the Greenlanders from a Norwegian Colony in the 9th century as *possible*, and either that Colony or a prior one as the *most probable* origin!

first of them, and then of the Esquimaux. Krantz, whom he quotes, and who merits the praises you give him, states, I observe, the fact of a Norwegian Colony in the 9th century, and, in another place, observes that there was no evidence that Greenland had inhabitants of            sort when first visited by the Norwegians. But he considers it as most probable that the present Greenlanders are derived from the Esquimaux, and that the latter came from Northern Tartary; entering the American Continent on the Northwest coast, and spreading eastward over the Northern region in which they are now found. This opinion is, at least, more rational than that of Robertson, as is shewn by your striking contrast of the Greenlanders with the Norwegians. Is it not possible that the Greenlanders and Esquimaux may, like many other people, have a compound origin, made up of Samoyedes, the nearest of the Northern Tartars; of Laplanders, who were driven, according to some accounts, from the coast of Norway, by their Gothic successors; and of Colonies from these last, facilitated by the interjacent Island of Iceland? From these different sources they may have obtained their Tartar features, their Lapland stature, and their approach towards Gothic or Teutonic complexions. Krantz intimates that their children are born quite white, and that when grown, the red skins in many faces appear through their brown skins. He says, also, that their noses are not flat, though projecting but little, and that their mouths are commonly small and round; peculiarities more naturally traced to a Norwegian parentage than to any other. The subject is an obscure one, and in itself not an important one; but is connected with some interesting questions, which give it a claim to more investigation than will probably be convenient to either of us.

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TO RICHARD RUSH.

MONTPELLIER, July 24, 1818.

DEAR SIR,—Your two favors of Jan<sup>r</sup> 14th and May 2d came duly to hand; the former accompanied by the three volumes of

Malthus, with a N<sup>o</sup>. of the Quarterly Review, and four volumes of Eustace. They claim many thanks, which I pray you to accept. I have not yet entered on the latter work. I have looked over Malthus, and think the world much indebted to him for the views he has given of an interesting subject; and for the instructive application he makes of them to a state of things inseparable from old countries, and awaiting the maturity of young ones. I did not know, till I was lately apprized by the return of a letter from Annapolis as a *dead* one, that a few lines to you, inclosing a small Bill of Exchange on Mr. Baring, had not reached that place before you left it. I now put the Bill under this cover, and must ask of you to reimburse out of it the cost of the books above mentioned, retaining the little balance for any addition to them which you may think worth sending across the Atlantic. I am truly sorry for the trouble which the search for Mr. Keilsall has occasioned you. I hope it was not prolonged.

Notwithstanding the dark aspect of the Metropolis, and the damp atmosphere of the country where you are, I cannot doubt that you will be indemnified for both by the objects they will present to a discerning eye. London is also, perhaps, at this time, the best political observatory for the phases and movements of the Great Powers of Europe, which are far from being indifferent to this half of the Globe. As long as those powers remain in their present confederacy, the objects and results of every session of their Congress will be important to the prospects of human society everywhere. At this distance, and with our growing capacities, our fate, I trust, cannot depend on any such contingencies; but it is much to be wished that our career may in no respect be embarrassed by interpositions, of which united dislikes and projects of European Governments might be capable.

In all that relates to the transactions of the Government here, and to the communications from the Southern parts of this Continent, you will be informed, of course, from Washington, and infinitely better than from my retirement. The President has, no doubt, some delicate and thorny points on hand; but his sound



judgment may be relied on to dispose of them in the best manner they will admit.

I take for granted, that, if not already, you soon will be engaged with the British Government on the subject of a Commercial Treaty. I sincerely wish the negotiation may aid in friendly arrangements on fair conditions. But I have no doubt that in the the event of a statutory contest, the victory, or if not that, the conspicuous advantage, will be on the American side. Congress seem at length to have adopted the true principle, that as we require nothing from other nations more than a *real* reciprocity, we ought to submit to nothing less; and from the unanimity and tone of their proceedings, it may be inferred that the public mind here is made up for an inflexible perseverance. It will remain with the British Government, therefore, to estimate comparative effects of the extremity to which a mutual perseverance must lead on the commerce and navigation of the parties. This extremity will be not merely an abolition of all direct commerce between the U. States and the British Colonies, but of all *direct* commerce between the U. States and the parent Country. The bulky exports of the U. States for G. Britain will go in American vessels to Havre, Amsterdam, or Rotterdam, whence they will bring the returns of British merchandise; and British vessels will, at most, be employed in the very short transportations between those ports and her own. It is true, this circuitous interchange will be a sacrifice on both sides; but it is obvious that there will be on our side an increase of navigation, the great object in competition; and on the British side, not only a decrease of navigation, but a disadvantage to her manufactures, the raw materials for which will go dearer to her than to her continental rivals. There will be a diminution, also, of the profits she now derives from her *re-exportation* of our products to other parts of the world. I cannot believe that G. Britain would long make such a sacrifice to feelings supported neither by reason nor interest; and unless she vainly counts on a retreat here from a policy now headed by those who alone heretofore dissented from it, she will see the wisdom of



sinking the contest at once in an equitable and amicable compact.

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JNO. RANDOLPH.—[FOR THE PUBLIC, IF FOUND EXPEDIENT.—J. M.]

*(In reference to John Randolph's assertion as to Florida, and the alledged expression that France wanted money and must have it.)*

It may be due to the station, &c., to state, that without undertaking to recollect the particular expressions used by me on the occasion, or remarking on the facility of misconceptions incident to transient conversations, my consciousness assures me that on no occasion, nor with any person whatever, have I ever attached to expressions used by me a meaning that it was within the view of the Executive, or of myself, to apply in whole, or in part, monies which might be appropriated by Congress in consequence of the Message of the President of the day of      or otherwise, but in a bona fide purchase for a valuable consideration in territory; or to purchase any territory from, or pay the price thereof to, any other than the nation owning the territory and conveying the legal title thereto. I may add that this statement coincides with the fact that no other application was ever contemplated by the Executive, or is authorised by its instructions given in the case, as will, in due time, appear from the official records. I might further add, that it corresponds with the established principles and sentiments of the Executive, sufficiently manifest in recorded transactions considerably antecedent to the occasion which has suggested this statement.

TO JOHN ADAMS.

MONTPELLIER, August 7, 1818.

DEAR SIR,—On my return, two days ago, from a meeting appointed to report to the Legislature of the State a proper site for a University, I found your obliging favor of the 25 ult., with its inclosed copies of Doctor Mayhew's sermon. I have read with pleasure this symbol of the political tone of thinking at the period of its original publication. The Author felt the strength of his argument, and has given a proof of his own.

Your remark is very just on the subject of Independence. It was not the offspring of a particular man or a particular moment. If Mr. Wirt be otherwise understood in his life of Mr. Henry, I cannot but suppose that his intention has been not clearly expressed, or not sufficiently scrutinized. Our forefathers brought with them the germ of Independence in the principle of self-taxation. Circumstances unfolded and perfected it.

The first occasion which aroused this principle was, if I can trust my recollection, the projected Union at Albany in 1754, when the proposal of the British Government to reimburse its advances for the Colonies by a parliamentary tax on them was met by the letter from Doctor Franklin to Governor Shirley, pointing out the unconstitutionality, the injustice, and the impolicy of such a tax.

The opposition and discussions produced by the stamp and subsequent Acts of Parliament make another stage in the growth of Independence. The attempts to distinguish between legislation on the subject of taxes, and on other subjects, terminated in the disclosure that no such distinction existed.

And these combats against the arrogated authority of the British Legislature paved the way for burying in the same grave with it the forfeited authority of the British King.

If the merit of Independence, as declared in 1776, is to be traced to individuals, it belongs to those who first meditated the glorious measure, who were the ablest in contending for it,

and who were the most decided in supporting it. Future times will be disposed to apportion this merit justly, and the present times ought to bequeath the means for doing it, unstained with the unworthy feelings which you so properly deprecate.

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TO ASHUR ROBBINS.

MONTPELLIER, Aug<sup>t</sup> 8th, 1818.

DEAR SIR,—I have received your letter of July the 17th, and thank you for your friendly criticism on the passage in the Address to the Agricultural Society of Albemarle relating to the Theory of Tull.

Many years had elapsed since I read the work of Tull; and I was of course guided by my recollection, only aided by the references of others to it, which had occasionally fallen in my way. I was very ready, therefore, to suppose that I had been betrayed into the misconception of his theory which you intimated; and having not found it convenient to examine it throughout, still think it possible that I may have done him injustice.

It would seem, however, from a glance at his chapters on the food of plants, on tillage, and on hoeing, that I was not wrong in considering it as a part of his Theory that pulverized earth is the food of plants; and that you have not sufficiently adverted to his reason for leaving and tilling the intervals between the rows of drilled grain. The reason appears to be, not that the interval earth may be untaxed by the growing crop, and may be aided by the other elements for the succeeding crop; but that it may enlarge the pasture for the growing crop, the roots of which, like those of Indian Corn and tobacco, spread and feed in the adjacent soil when opened for them by the plough; the benefit to the succeeding crop being found in the better tilth resulting from the preparatory tillage. It is, indeed, a question, whether a fallow kept in a naked or pulverized state does not lose more by exhalation than it gains by absorption. In hot climates and summer fallows, at least, this is understood to be the case.

Notwithstanding the fundamental error which I have ascribed to Tull, I regard him as a great benefactor to the agricultural art. The error was of a nature to correct itself, it being impossible that continued pulveration, [pulverization?] without manure, should not be attended with diminishing crops; whilst the improved tillage to which it led could not fail to recommend itself by its good effects. His book contains, also, many interesting facts, and judicious inferences from them.

I join you sincerely in the pleasure excited by the growing taste for agricultural improvements; and am justified, by the scope of the observations which your letter contains, in numbering you among those most capable of promoting them.

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TO GOV<sup>R</sup> PLUMER, (N. H.)

MONTPELLIER, VA., Aug<sup>t</sup> 10th, 1818.

DEAR SIR,—I have received your favor of the 28th ultimo, inclosing a copy of your last Message to the Legislature.

I cannot doubt that the motives to which you have yielded for discontinuing your public labours are such as to justify your purpose; and I congratulate you on the improved and prosperous circumstances of the State, under which your retirement will take place.

I must thank you, at the same time, for the kind interest you take in what concerns myself. If I can find, in a review of the anxious periods through which we have passed, a consoling consciousness of having been faithful to my trust, I am not the less bound to recollect the co-operation of those in important stations, at a distance, as well as on the spot, whose love of Country was commensurate with their talents for supporting its rights, its honor, and its interests.

In anticipation of the Epoch of your return to private life, I offer my best wishes for the health and repose necessary for its enjoyments, and for the well-chosen pursuits to which you mean to consecrate it; to which permit me to add assurances of my high esteem and cordial respects.

TO JUDGE PETERS, (PENNS<sup>A</sup>.)MONTP<sup>A</sup>, August 15, 1818.

D<sup>R</sup> SIR,—I have received your favor of the 30th ult., and trouble you with an acknowledgment of it, for the sake of thanking you for the "Notices for a young farmer." I do not know that there exist any where so many good lessons compressed into so small a space, and placed in so fair a light. I have read the little manual with profit, and with the gratification derived from its sanction to some of the ideas hazarded. The discourse you omitted to inclose had been formerly received, and is preserved with the similar favors I have from time to time had from you. I am much obliged by your kind purpose of sending me the 4<sup>th</sup> Vol., to be published by your Society; but having taken measures which will otherwise procure it, (the preceding volumes being already in my possession,) you need not be at that trouble.

I was surprized to see that your remark on the tendency of the earth to vary its spontaneous productions has been treated as a fancy, and still more as a heresy. Equivocal generation, had that been your meaning, necessarily implies no more than that Omnipotence has bestowed on nature greater capacities than is generally supposed. But the fact you state requires no resort to that hypothesis, it being well understood that the earth abounds with seeds, grains, &c., which remain for an indefinite period without vegetating or rotting, until circumstances happen to promote the one or the other, not to mention the various ways in which they are continually conveyed from one place to another. As to the fact itself, it is beyond question. Within my recollection, there have been three or four changes in the spontaneous herbage of our old, uncultivated fields. The same tendency is exemplified in the case of trees. Originally, not a pine was seen in our red mountain forests. Now, all our red fields, long unplowed, are overspread with pines, as thick as they can grow; whilst the adjacent grey lands, originally clothed with a pine forest, are gradually losing that kind of trees under



the depredation of a particular worm; and many years may not pass before the oak and other trees, hitherto an undergrowth only, will, instead of a new forest of pines, become the masters of the soil. I have seen it remarked as a fact familiar in relation to the French forests, cut from time to time for fuel, that the trees removed are generally replaced spontaneously by a different species.

You seem to adopt the idea that *cheat* is deteriorated wheat. This is the common opinion, and cases within my own notice make it difficult to question the fact. Yet the conversion of any plant into a distinct one, with a germinating faculty, is much akin to the creation of a new plant by what is called equivocal generation. I had supposed that if cheat was a degeneracy of wheat, it might be regenerated into wheat; and a good many years sowed a prepared spot in the garden with cheat, and continued the experiment for five or six years, taking the seed each year from the crop of the preceding one, but without any other product than unaltered cheat. It is possible, nevertheless, that cheat may have been the origin of wheat, and that, as in other cases, it returns to its savage state more readily than it is reclaimed to its cultivated one. But even on this supposition, there is so little in the characteristics of cheat indicating an improveableness into any esculent grain, that it is not easy to account for the discovery. It would be an interesting experiment to sow wheat in a parcel of earth sifted from every ingredient as large as a grain of cheat, guarding, at the same time, against the entrance of any thing as large, and keeping the earth and the plant as nearly as possible under the circumstances which are thought to favor the change of wheat into cheat. I have requested a neighbouring gentleman, who has promised, to ascertain the result of such a process.

You recommend wheat with solid and hard stalks as most likely to resist the Hessian fly, and reason seems to second the advice. It is contradicted, however, by facts on my own farm. Of the several sorts I sow, the purple straw, which has a hard and stiff stalk, is found to be the greatest favorite of that insect; and it is so considered by every one with whom I have

conversed. On the other hand, the Lawler wheat, which is well ascertained here to resist best the ravages of the fly, has a very hollow and soft stalk, all my harvest men concurring in saying that it cuts almost as easily as oats. The scythe and cradle are generally used with us.

Having the pen in my hand, I have indulged these remarks, which occurred while perusing your valuable little tract. You will see that they bear a *private* stamp, and may be assured that they are not meant to draw you either into discussion or explanation.

After detaining you so long, I will bid you an abrupt, but not the less respectful and cordial farewell.

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TO JACOB GIDEON.

MONTPELLIER, Aug. 20, 1818.

SIR,—I have duly received your letter of the 5th instant, with the handsome copy of your edition of the "Federalist." As this replaces the copy sent you, there is the less occasion for a return of the latter. It may be proper, perhaps, to observe, that it is not the only one containing the names of the writers correctly prefixed to their respective papers. I had a considerable time ago, at the request of particular friends, given the same advantage to their copies.

I have not yet been able to look over the passages corrected by me; but, from the care you bestowed on the edition, I cannot doubt that in that instance, as well as others, it is free from errors.

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TO PRESIDENT MONROE.

OCTOBER , 1818.

DEAR SIR,—I have duly received yours of the 27th ult. I am very sorry that I shall not be able to have the pleasure of joining you at the meeting of the visitors. We must await,

therefore, that of seeing you and Mrs. Monroe on your way to Washington, and hope you will set out in time to spare us some days.

The communications from Mr. Rush are very interesting. Great Britain seems so anxious to secure the general trade with the U. S., and at the same time to separate that from the question of the colonial trade, that I fear she will use means to struggle against a change in the latter. I had not understood that the renewal of the existing Treaty was desired by our merchants and ship owners, unless coupled with a reciprocity in the colonial trade; and had supposed that by making the latter a condition of the former, it would be the more attainable, especially as it would be more easy for the British ministry to find a cover for the concession in a mixed than a simple transaction. I readily presume, however, that the official views of the subject are the result of much better estimates than my information can furnish. Were it practicable, it would be an agreeable precedent to effectuate a Treaty making no distinction between colonial and other ports of the same nation, as no distinction is made between our ports. I have no doubt that this will ultimately be the case in all our Treaties; but we must move in concert with one great and good ally, Time.

It proves, as all of us suspected, that the sauciness of Spain proceeded from her expectation of being powerfully backed in Europe. The situation of Great Britain is a little envious [?] and not a little perplexing. She sees the jealousy of the continental powers, and endeavors to manage it by acquiescing in the proposed mediation between Spain and South America, and by protesting against peculiar advantages in the trade of the latter. On the other hand, she wishes to stand as well as possible with the revolutionary countries, and does not wish the U. S. to be ahead of her in countenancing them. It would be a fortunate thing if she could be prevailed on to unite with our views, instead of inviting a union of ours with hers. If she restricts the mediation to an *advisory* one, a great point will be gained for all parties. In every view, it is very gratifying to find her become so much disposed to meet the U. S. on that conciliatory

policy, for which they have so long kept the way open, and which is evidently the true interest of both parties.

Yours, respectfully and affectionately.

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TO PRESIDENT MONROE.

MONTPELLIER, Nov. 28, 1818.

DEAR SIR,—Your favour of the 23rd having passed on to Milton, whence it came back to Orange Court-House, I did not receive it until yesterday.

I am glad to find that our proportion of shipping in the direct trade with Great Britain is increasing. It must continue to do so under an established reciprocity, with regard to the trade with the British colonies, whether that be founded on the admission or exclusion of the ships of both countries.

I thank you for the printed copy of the documents relating to our long controversy with Spain. It forms a valuable continuation of the State papers already published.

It is pleasing to see proofs of the growing respect for us among the great powers of Europe, which must be cherished and enhanced by the current developments of a just and elevated policy on the part of the United States. It is not [Is it not] worth while to found on this respect an experiment to draw Russia and France, who particularly profess it, into our liberal and provident views in favor of South America. The great work of its emancipation would then be completed *per saltum*; for Great Britain could not hold back, if so disposed, and Spain would have no choice but acquiescence.

The inference of Mr. Rush, from the circumstances of his last interview with Lord Castlereagh, in the moment of his departure for Aix la Chapelle, is as judicious as it is favorable to our hopes of terminating the thorny question of impressment. The British Cabinet gave up its *sine qua non*, in order to get rid of a war with us at a crisis rendering it embarrassing to its affairs, internal and external. It may be equally ready to obviate, by



another sacrifice, the danger of one which might be not less embarrassing in both respects. Impressment and peace, it must now be evident, are irreconcilable. It will be happy if the apparent disposition to yield in this case be carried into effect; and it may be hoped the same flexibility may be extended to the case of blockades, which, in the event of a maritime war in Europe, would have a like tendency with impressments. The remaining danger to a permanent harmony would then lie in the possession of Canada; which, as Great Britain ought to know, whenever rich enough to be profitable, will be strong enough to be independent. Were it otherwise, Canada can be of no value to her when at war with us; and when at peace, will be of equal value, whether a British colony or an American State. Whether the one or the other, the consumption of British manufactures and export of useful materials will be much the same. The latter would be guarded even against a tax on them by an article in our Constitution.

But notwithstanding the persuasive nature of these considerations, there is little probability of their overcoming the national pride, which is flattered by extended dominion; and still less, perhaps, ministerial policy, always averse to narrow the field of patronage. As far as such a transfer would affect the relative power of the two nations, the most unfriendly jealousy could find no objection to the measure, for it would evidently take more weakness from Great Britain than it would add strength to the U. S. In truth, the only reason we can have to desire Canada ought to weigh as much with G. Britain as with us. In her hands it must ever be a source of collision, which she ought to be equally anxious to remove; and a snare to the poor Indians, towards whom her humanity ought to be equally excited. Interested individuals have dwelt much on its importance to G. Britain as a channel for evading and crippling our commercial laws. But it may well be expected that other views of her true interest will prevail in her councils, if she permits experience to enlighten them. I return the private letter you enclosed from Mr. Rush.

Health and success.



TO MONS<sup>R</sup> HYDE DE NEUVILLE.MONTPELLIER, Dec<sup>r</sup> 9, 1818.

D<sup>R</sup> SIR,—I have been duly favored with your interesting communication of the 3d instant. The evacuation of France by the occupying armies is a just subject of the joy you express. It is an important event in the affairs of Europe; and an epoch particularly so in those of France. Her recovery of an untroubled will must be gratifying to all who wish to see nations in full possession of the independence belonging to them. And I sincerely hope that the enjoyment of it, whilst it gives happiness to your Country, may promote also the reign of justice and peace over the quarter of the Globe of which it makes so conspicuous a part.

Mrs. M. charges me with her acknowledgments and best returns for the kind recollections of Mad. de Neuville and yourself, and unites with me in adding, that we shall be happy in any future occasion of manifesting our impressions to you both at Montpellier.

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 TO JOHN NICHOLAS.

JANUARY 4th, 1819.

D<sup>R</sup> SIR,—I received a few days ago a copy of your agricultural address, under a blank cover. Presuming that I am indebted for it to your kind attention, I offer you my thanks for the favor. I have read your observations with pleasure, and not without instruction. Whatever differences of opinion may exist on particular points, the substance and scope of the address cannot fail to be acceptable and useful to those who take an interest in the subject, as all must do who love their Country.

You adhere, I see, as I do, to the expediency of a tax on distilleries, combined with a prohibition of foreign spirits. Its advantages, under several aspects, ought to recommend the measure; particularly to the owners of the soil, as an extensive

and certain market for the grain which seems to find the foreign one more and more limited and precarious; whilst a proper modification of the tax would free it from most of the objections to excises. Yet such is the force of prepossession, and such the charm of a silent and surreptitious revenue from the duties on imports, that the innovation will require both a lucky moment and a concert of powerful talents.

I am sorry to learn that the ox is giving way, among your farmers, to the horse. You will see how partial I am to the former, with the reasons which make me so. And I have always backed my argument with the practice, which I knew, from a conversation with you, to prevail in your quarter. I wish your expostulations on the subject may recall your brethren to their true economy, and restore to my reasoning the sanction of their example.

I cannot, my dear Sir, take leave of you without expressing my unfeigned concern at the account you give of your health. I well know that friendly sympathies are without avail in controuling physical maladies, or I should ardently dwell on them. I am equally aware that you derive your consolations from sources which do not need the aid of such as I could offer. I restrict myself, therefore, to the hope, which I do not relinquish, that your complaint may be less serious than its actual symptoms might suggest; and that a life valuable in so many relations may be long preserved. I pray you to be assured that the circle is very small which contains those who would be more sincerely rejoiced at such a result than your past fellow-labourer in the service of our Country, and your present as well as past affectionate friend.

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TO THOMAS JEFFERSON.

MONTPELLIER, Feb<sup>y</sup> 12, 1819.

DEAR SIR,—I have not been able to learn a tittle of your health since I saw you. It has, I hope, been entirely re-established. I congratulate you on the success of the Report to the

Legislature on the subject of the University. It does not yet appear what steps have been taken by the Governor towards giving effect to the law.

Will you be so good as to have the inclosed forwarded, when convenient, to Mr. Minor? I leave it open that you may peruse the printed memoir, which the author, T. Coxe, wishes you may have an opportunity of doing. It is short, and contains facts and remarks which will pay for the trouble. He refers me, also, to an article from his pen in the American Edition of Rees's Cyclopedia, under the head "United States," which I believe he would be gratified by your looking into. I have not seen it, but understand that it contains not only other remarks on the subject of the Memoir, under the sectional head "Agriculture," but a review of the most important translations—*quorum partes fuimus*.

The President intimates to me that there is a prospect of an early and satisfactory close to the negotiations with Spain, promoted, he doubts not, by the course of events of late date, and the account to which they have been turned.

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TO TENCH COXE.

MONTPELLIER, Feb<sup>y</sup> 12th, 1819.

D<sup>R</sup> SIR,—I have received your favor of the 2d instant, with the printed addition to your Memoir relating to Cotton. This further view of the subject gives peculiar force to your former observations, and I wish it may attract all the attention which is due from our public Councils. Without a just estimate of her manufacturing and commercial interests, as I should understand them, Great Britain seems intent on supplanting our cotton staple in her market, and consequently forcing it into rival markets, whence the fabrics made of it will be taken in return; and into our domestic manufactories, which may prevent a recovery of what she may lose by the experiment. In every view of the subject, it becomes us to anticipate a fall in the price of that important portion of our agricultural products. And if

peace continues in Europe, as ought to be the wish of all, nothing but seasons extensively unfavorable can give us an adequate market for the next greatest portion, that of our grain crop. Whilst the third, tobacco, cannot fail to be reduced in price by the more extended culture of it even in our own Country, which will be accelerated by the reduced markets for the two other great staples. These prospects merit general attention, and suggest conclusions such as you will draw from them.

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TO PRESIDENT MONROE.

MONTPELLIER, February 13, 1819.

DEAR SIR,—I received by the last mail your favor of the 7th. The death of Gen<sup>l</sup> Mason, with the manner of it, is an event truly lamentable. The only alleviation it admits is in the hope that its admonitions will not be fruitless.

The newspapers from Washington not having come to hand regularly of late, and other matters having engaged my attention, I am but partially acquainted with what has passed in Congress on the subject of the proceedings in Florida. The views of the Executive could not certainly have been better directed than to the objects of shielding the Constitution, silencing Spain and her allies, and turning every thing to the best account for the nation. It will be a most happy termination of the business if Onis should make good the prospect of the desired accommodation of our affairs with Spain.

It would be a happiness, also, if the subject, as it relates to General Jackson, could have an issue satisfactory to his feelings, and to the scruples of his friends and admirers. Mr. Adams has given all its lustre to the proof that the conduct of the General is invulnerable to complaints from abroad; and the question between him and his country ought to be judged under the persuasion that if he has erred, it was in the zeal of his patriotism, and under a recollection of the great services he has rendered.

You have seen the agreeable result at Richmond to the Report of the University Commissioners. I do not know what steps have been taken for carrying the law into execution.

I have heard nothing from or of Mr. Jefferson since the visit of Dr Eustis and myself to Monticello. I mentioned to you the state of his health at that time, and our hopes that it would be soon entirely restored. It is to be wished that he may witness and guide the launching of the Institution which he put on the stocks, and the materials for which were supplied from his stores.

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TO PRESIDENT MONROE.

MONTPELLIER, February 18, 1819.

DEAR SIR,—I have received your favor of the 13th. I beg that you will not think of the pecuniary subject until it be in every respect perfectly convenient to you.

The real sense of the nation with respect to the Revolutionary struggle in South America cannot, I should suppose, be mistaken. Good wishes for its success, and every lawful manifestation of them, will be approved by all, whatever may be the consequences. The nation will equally disapprove any measures unnecessarily involving it in the danger of a war, which might even do less good to the Spanish patriots than harm to the United States, or any underhand measures bringing a just stain on the national character. Those who are most disposed to censure the tardiness of the Executive in acknowledging the Independence of Buenos Ayres, which alone has the appearance of having reached maturity, should recollect that it was never *declared* until July, 1806, and that it has been rendered uncertain whether the declaration would preclude a modified re-establishment of a dependent State.

The account of Mr. Rush's conversation must be founded at least in some egregious mistake. No one who is acquainted with his good sense, his self-command, his official habits, and his personal dispositions, can easily believe that he would commit either the Executive or himself in the manner stated, and



still less that he would have withheld what he had done from you. Besides, what considerate citizen could desire that the Government should purchase Florida from such an adventurer as M<sup>c</sup>Gregor, whose conquest, if a real one, could give no title that would be *alienable*, before it should be consummated by a termination of the contest between the parties? The purchase of such a title from such a quarter would have exposed the United States to the utmost odium as to the mode of gaining the possession, without any greater security for keeping it than would attend a direct seizure on the plea of an obstinate refusal to pay an acknowledged debt.

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TO RICHARD PETERS.

FEB<sup>r</sup> 22d, 1819.

D<sup>B</sup> SIR,—I perceive that I am indebted to you for the copy of an Agricultural Almanack and Memorial, brought me by a late mail, for which I offer my thanks. Accept them, also, for the copy of Mr. Rawle's address, which you have been so kind as to send me.

I am particularly pleased with your scheme of a "pattern farm." There is no form in which Agriculture can be so successfully conveyed. Nor is there any situation so favorable for the establishment of them as the neighbourhood of a large commercial city. The vessels going thence to every part of the globe can obtain from our Consuls, or from mercantile correspondents, specimens of every article, vegetable and animal, which deserve experiment; and from such a position the fruits of successful experiments can be conveniently diffused, by water as well as by land. The only objection likely to be started is the expense. But I do not see that even this extends much, if at all, beyond the outfit. A small proportion only of the experiments would be a dead loss; whilst many would yield lucrative samples for distributive sale.

The subject of Mr. Rawle's address is an important one, and he has handled it with the ability of which he enjoys the repu-

tation. My own ideas run much in the same channel with his. Our kind reception of emigrants is very proper, but it is dictated more by benevolent than by interested considerations, though some of them seem to be very far from regarding the obligations as lying on their side. I think he has justly graduated, also, the several classes of emigrants. The cultivators of the soil are of a character, and in so minute a proportion to our Agricultural population, that they give no foreign tint whatever to its complexion. When they come among us, too, it is with such a deep feeling of its being for the good of all, that their adopted Country soon takes the place of a native home. These remarks belong, in a considerable degree, to the Mechanical class. The Mercantile class has different features. Their proportional number, their capital or their credit, and their intelligence, often give them pretensions, and even an influence, among the native class, which you can better appreciate, perhaps, than I can. They are also less permanently tied to their new Country by the nature of their property and pursuits than either of the other classes, a translation of them to another being more easy. And even after naturalization, the rights involved in their native allegiance facilitate violations of the duties of their assumed one. According to the general laws of Europe, no emigrant ceases to be a subject. With this double aspect, I believe it cannot be doubted that naturalized citizens among us have found it more easy than native ones to practise certain frauds. I have been led to think it worthy of consideration whether our law of naturalization might not be so varied as to communicate the rights of citizens by degrees, and in that way preclude the abuses committed by naturalized Merchants, particularly ship owners. The restrictions would be felt, it is true, by meritorious individuals, of whom I could name some, and you doubtless more; but this always happens in precautionary regulations for the general good. But I forget that I am only saying what Mr. Rawle has much better told you, or what, if just, will not have escaped your own reflections.

TO ROBERT WALSH.

MONTPELLIER, Mar. 2d, 1819.

D<sup>R</sup> SIR,—I received some days ago your letter of Feb<sup>y</sup> 15, in which you intimate your intention to vindicate our Country against misrepresentations propagated abroad, and your desire of information on the subject of negro slavery, of moral character, of religion, and of education in Virginia, as affected by the Revolution, and our public Institutions.

The general condition of slaves must be influenced by various causes. Among these are: 1. The ordinary price of food, on which the quality and quantity allowed them will more or less depend. This cause has operated much more unfavorably against them in some quarters than in Virginia. 2. The kinds of labour to be performed, of which the sugar and rice plantations afford elsewhere, and not here, unfavorable examples. 3. The national spirit of their masters, which has been graduated by philosophic writers among the slaveholding Colonies of Europe. 4. The circumstance of conformity or difference in the physical characters of the two classes; such a difference cannot but have a material influence, and is common to all the slaveholding countries within the American hemisphere. Even in those where there are other than black slaves, as Indians and mixed breeds, there is a difference of colour not without its influence. 5. The proportion which the slaves bear to the free part of the community, and especially the greater or smaller numbers in which they belong to individuals.

This last is, perhaps, the most powerful of all the causes deteriorating the condition of the slave, and furnishes the best scale for determining the degree of its hardship.

In reference to the actual condition of slaves in Virginia, it may be confidently stated as better, beyond comparison, than it was before the Revolution. The improvement strikes every one who witnessed their former condition, and attends to their present. They are better fed, better clad, better lodged, and better treated in every respect; insomuch, that what was formerly deemed a moderate treatment, would now be a rigid one, and

what formerly a rigid one, would now be denounced by the public feeling. With respect to the great article of food particularly, it is a common remark among those who have visited Europe, that it includes a much greater proportion of the animal ingredient than is attainable by the free labourers even in that quarter of the Globe. As the two great causes of the melioration in the lot of the slaves since the establishment of our Independence, I should set down: 1. The sensibility to human rights, and sympathy with human sufferings, excited and cherished by the discussions preceding, and the spirit of the Institutions growing out of, that event. 2. The decreasing proportion which the slaves bear to the individual holders of them; a consequence of the abolition of entails and the rule of primogeniture; and of the equalizing tendency of parental affection unfettered from all prejudices, as well as from the restrictions of law.

With respect to the moral features of Virginia, it may be observed, that pictures which have been given of them are, to say the least, outrageous caricatures, even when taken from the state of society previous to the Revolution; and that so far as there was any ground or colour for them then, the same cannot be found for them now.

Omitting more minute or less obvious causes, tainting the habits and manners of the people under the Colonial Government, the following offer themselves: 1. The negro slavery chargeable in so great a degree on the very quarter which has furnished most of the libellers. It is well known that, during the Colonial dependence of Virginia, repeated attempts were made to stop the importation of slaves, each of which attempts was successively defeated by the foreign negative on the laws, and that one of the first offsprings of independent republican legislation was an act of perpetual prohibition. 2. The too unequal distribution of property, favored by laws derived from the British code, which generated examples in the opulent class inauspicious to the habits of the other classes. 3. The indolence of most, and the irregular lives of many, of the established clergy, consisting, in a very large proportion, of foreign-



ers, and these, in no inconsiderable proportion, of men willing to leave their homes in the parent country, where their demerit was an obstacle to a provision for them, and whose degeneracy here was promoted by their distance from the controuling eyes of their kindred and friends; by the want of Ecclesiastical superiors in the Colony, or efficient ones in G. Britain, who might maintain a salutary discipline among them; and, finally, by their independence both of their congregations and of the civil authority for their stipends. 4. A source of contagious dissipation might be traced in the British factors, chiefly from Scotland, who carried on the general trade, external and internal, of the Colony. These being interdicted by their principals from marrying in the Country, being little prone to apply their leisure to intellectual pursuits, and living in knots scattered in small towns or detached spots, affording few substitutes of social amusements, easily fell into irregularities of different sorts, and of evil example. I ought not, however, to make this remark without adding, not only that there were exceptions to it, but that those to whom the remark is applicable often combined with those traits of character others of a laudable and amiable kind. Such of them as eventually married and settled in the country were, in most cases, remarked for being good husbands, parents, and masters, as well as good neighbours, as far as was consistent with habits of intemperance, to which not a few became victims. The weight of this mercantile class in the community may be inferred from the fact that they had their periodical meetings at the seat of Government, at which they fixed the rate of foreign exchange, the advance on their imported merchandise, universally sold on credit, and the price of tobacco, the great, and, indeed, the only staple commodity for exportation; regulations affecting more deeply the interests of the people at large than the ordinary proceedings of the Legislative body. As a further mark of their importance, their influence as creditors was felt in elections of the popular branch of that body. It had the common name of the Ledger interest. 5. Without laying undue stress on it, I may refer to the rule of septennial elections for the Legislature, which led, of course, to the



vitiating means to which candidates are more tempted to resort by so durable, than by a shorter, period of power.

With the exception of slavery, these demoralizing causes have ceased, or are wearing out; and even that, as already noticed, has lost no small share of its former character. On the whole, the moral aspect of the State may, at present, be fairly said to bear no unfavorable comparison with the average standard of the other States. It certainly gives the lie to the foreign calumniators whom you propose to arraign.

That there has been an increase of religious instruction since the Revolution, can admit of no question. The English church was originally the established religion; the character of the clergy, that above described. Of other sects there were but few adherents, except the Presbyterians, who predominated on the West side of the Blue Mountains. A little time previous to the Revolutionary struggle the Baptists sprang up, and made a very rapid progress. Among the early acts of the Republican Legislature were those abolishing the Religious establishment, and putting all sects at full liberty and on a perfect level. At present, the population is divided, with small exceptions, among the Protestant Episcopalians, the Presbyterians, the Baptists, and the Methodists. Of their comparative numbers I can command no sources of information. I conjecture the Presbyterians and Baptists to form each about a third, and the two other sects together, of which the Methodists are much the smallest, to make up the remaining third. The old churches, built under the establishment at the public expense, have in many instances gone to ruin, or are in a very dilapidated state, owing chiefly to a transition of the flocks to other worships. A few new ones have latterly been built, particularly in the towns. Among the other sects, Meeting Houses have multiplied and continue to multiply; though, in general, they are of the plainest and cheapest sort. But neither the number nor the style of the religious edifices is a true measure of the state of religion. Religious instruction is now diffused throughout the community by preachers of every sect, with almost equal zeal, though with very unequal acquirements; and at private houses, and open stations, and occasion-

ally in such as are appropriated to civil use, as well as buildings appropriated to that use. The qualifications of the preachers, too, among the new sects, where there was the greatest deficiency, are understood to be improving. On a general comparison of the present and former times, the balance is certainly vastly on the side of the present, as to the number of religious teachers, the zeal which actuates them, the purity of their lives, and the attendance of the people on their instructions. It was the universal opinion of the century preceding the last, that civil Government could not stand without the prop of a religious establishment, and that the Christian religion itself would perish if not supported by a legal provision for its clergy. The experience of Virginia conspicuously corroborates the disproof of both opinions. The civil Government, though bereft of every thing like an associated hierarchy, possesses the requisite stability, and performs its functions with complete success; whilst the number, the industry, and the morality of the Priesthood, and the devotion of the people, have been manifestly increased by the total separation of the church from the State.

On the subject of education, I am not enough informed to give a view of its increase. The system contemplated by the literary fund cannot yet be taken into the estimate, farther than as it may be an index of the progress of knowledge prerequisite to its adoption. Those who are best able to compare the present intelligence of the mass of the people with that antecedent to the revolution, will all agree, I believe, in the great superiority of the present.

I know not how far these notices may fall within the precise scope of your meditated exposition. Should any of them do so, I communicate them with pleasure, well assured that they will be in good hands for a good purpose. The only restriction I wish in the use of them is, that my name may not be referred to.

In compliance with your request, I send a copy of the observations addressed to the Agricultural Society of Albemarle. I regret that they are not more worthy of the place to which you destine them. I am not unaware that some of the topics intro-

duced may be interesting ones; but they required a development very different from that which I gave them.

As you intend to notice the variance between my statement and that of Mr. Hamilton, relating to certain numbers in the *Federalist*, I take the liberty of remarking, that independent of any internal evidences that may be discernible, the inaccuracy of Mr. Hamilton's memory is illustrated by the circumstance that his memorandum ascribes not only to Mr. Jay a paper, N<sup>o</sup> 54, not written by him, but to himself a paper, N<sup>o</sup> 64, written by Mr. Jay. This appears by the statement (presumed to be authentic) in the life of Mr. Jay, by Delaplaine. If I have any interest in proving the fallibility of Mr. Hamilton's memory, or the error of his statement, however occasioned, it is not that the authorship in question is of itself a point deserving the solicitude of either of the parties; but because I had, at the request of a confidential friend or two, communicated a list of the numbers in that publication, with the names of the writers annexed, at a time and under circumstances depriving me of a plea for so great a mistake in a slip of the memory or attention.

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TO THOMAS JEFFERSON.

MONTPELLIER, March 6, 1819.

DEAR SIR,—Your favor of March 3d came safe to hand, with the seeds you were so kind as to send with it.

I return Mr. Cabell's letter. I hope his fears exaggerate the hostility to the University; though, if there should be a dearth in the Treasury, there may be danger from the predilection in favor of the popular schools. I begin to be uneasy on the subject of Cooper. It will be a dreadful shock to him if serious difficulties should beset his appointment. A suspicion of them, even, will deeply wound his feelings, and may alienate him from his purpose. I understand that a part of his articles are packed up, to be in readiness for his removal.

I had noticed the liberty taken by the press with my opinion

as well as yours, as to the conduct of General Jackson. I certainly never said any thing justifying such a publication, or any publication. In truth, I soon perceived that both the legality and the expediency of what was done depended essentially on all the circumstances; and this information I do not even yet fully possess, having not read the documents, and part only of the debates, which give different shades, at least, to the facts brought into view. As far as I have taken any part in conversations, I have always expressed the fullest confidence in the patriotism of his views; that if he should have erred in any point, the error ought not to be separated from that merit; and that no one could thoroughly appreciate the transactions without putting himself precisely in his situation. I believe I expressed, also, in a few lines answering a letter from a friend, my regret that the question in Congress could not take some turn that would satisfy the feelings of the General, and the scruples of his friends and admirers.

The paper from Detroit, which you will see is from Woodward, came to me by mistake, with one directed to me. I inclose it, as a more certain conveyance than the newspaper mail.

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TO RICHARD RUSH.

MONTPELLIER, May 10th, 1819.

DEAR SIR,—I have looked over with amusement the two posthumous works of Watson and Walpole. The former has an importance to which the latter cannot pretend. But both, in drawing aside the curtain from the secrets of Monarchy, offer at once lessons and eulogies to Republican Government. As you have in hand a remnant of the fund from the bill on Mr. Baring, I avail myself of your kindness so far as to request that you will procure for me and forward the last and fullest edition of the posthumous Works of Gibbon. If the cost should exceed the fund, let me know; if it should leave any little balance, this may be laid out in some literary article of your choice for which it will suffice. As you sent a copy of what was ad-



dressed to the Agricultural Society of Albemarle to Sir John Sinclair, I owe, perhaps, an apology for not doing it myself, having been favored with several marks of that sort of attention from him. The truth is, I did not wish to attach to so inadequate a discussion of the subject the importance implied by regarding it as worth his acceptance; and if any unsought opportunity should make it proper, you will oblige me by intimating to him such a view of the omission.

It is much to be regretted that the British Government had not the magnanimity nor the forecast to include in the late Treaty a final adjustment of all the questions on which the two Countries have been at variance. A more apt occasion cannot be expected, and it must be evident, that if not adjusted by treaty, the first war in Europe will leave G. Britain no alternative but an ungracious and humiliating surrender of her pretensions, or an addition of this Country to the number of her enemies. With regard to the West India trade, she is not less inconsiderate. Nothing but a retrograde course by Congress, not to be presumed, can save her from ultimate defeat in the Legislative contest.

The President is executing the Southern half of his projected tour, and is every where greeted with public testimonies of affection and confidence. Whatever may be the motives of some who join in the acclamations, the unanimity will have the good effect of strengthening the Administration at home and inspiring respect abroad.

Our printed journals of every denomination will present to you the perplexed situation of our monied and mercantile affairs, and the resulting influence on the general condition of the Country. The pressure is severe, but the evil must gradually cure itself. The root of it lies more particularly in the multitude and mismanagement of the Banks. It has always been a question with some how far Banks, when best constituted, and when limited to mercantile credits, furnished set-offs in the abuse of them by the imprudent, against the advantage of them to the prudent. But there are few now who are not sensible that when distributed throughout the land, and carrying, or



rather hawking, their loans at every man's door, they become a real nuisance. They not only furnish the greedy and unskilful with means for their————enterprises, but seduce the mass of the people into gratifications beyond their resources; and these gratifications consisting chiefly of imported articles, it follows that the entire Country consumes more of them than it can pay for. Hence the balance of trade against it; hence the demand on the Banks for specie to pay it; hence their demands on their debtors; and hence the bankruptcies of both. This is the little circle of causes and effects, which shew that the Banks are themselves the principal authors of the state of things of which they are the victims. A better state of things, it is to be hoped, will grow out of their ashes.

In the mean time, the policy of the great nations with which we have most intercourse co-operates in augmenting the temporary difficulties experienced. Whether it may not in the end have a more salutary operation for us than for themselves, remains to be seen. G. Britain is endeavouring to make herself independent of us and of the world for supplies of food. In this she is justified by cogent views of the subject; although with her extensive capital and maritime power she would seem in little danger of being unable at any time to supply her deficiency; whilst the tendency of this policy is to contract the range of her commerce, on which she depends for her wealth and power. If agricultural nations cannot sell her the products of their soil, they cannot buy the products of her looms. They must plough less and manufacture more. The fall in the price of our wheat and flour is already reanimating the manufacturing spirit, and enforcing that of economy. She is endeavouring, also, to make herself independent of the U. States for the great article of cotton wool, by encouraging East India substitutes. If she pays that part of her dominions for its raw material by the return of it in a manufactured state, the loss of our custom may be balanced; perhaps for a time overbalanced. But a proportional loss of our custom, great and growing as it is, must be certain. One-half of our ability to purchase British manufactures is derived from the cotton sold to her. The effect of her

India importations in reducing the demand and the price of that article is already felt, both in the necessity and the advantage of working it up at home.

France, too, is making herself independent of the U. States for one of their great staples. Before our Revolution, she consumed, if I rightly remember, about thirty thousand hogsheads of tobacco. Her market now receives but a very few thousand, and it is said that land enough is appropriated in France for the culture of the balance. If France means to be a commercial and maritime power, this policy does not bespeak wisdom in her councils. She ought rather to promote an exchange of her superfluous wines and silks for a foreign article, which, not being a necessary of life, need not be forced into cultivation at home; which she will rarely, if ever, be unable to procure when she pleases from abroad; and which is well adapted by its bulk to employ shipping and marines. The price of this article, like that of cotton, has rapidly fallen, and will contribute, of course, to turn the attention here to the obligation of substituting internal manufactures for imports which the exports will not balance. Neither Great Britain nor France seem sufficiently aware that a self-subsisting system in some nations must produce it in others, and that the result of it in all must be most injurious to those whose prosperity and power depend most on the freedom and extent of the commerce among them.

I find myself very pertinently called off from speculations which, whether just or otherwise, cannot be new to you, by a charge from Mrs. Madison to present her very affectionate regards to Mrs. Rush, with many thanks for the repetitions of her kind offers. I pray that my respectful ones may be added, and that you will accept for yourself assurances of my great esteem and unvaried friendship.

TO J. Q. ADAMS.

MONTPELLIER, May 18, 1819.

DEAR SIR,—I have received your favor of the 14th, in behalf of Mr. Cardelli. The examples and auspices alone under which his request is made entitle it to a ready compliance. And I know at present no objection to the particular time at which he proposes to make his visit.

Mrs. Madison is very thankful to Mrs. Adams for the kind expressions you convey from her, and charges me to offer a cordial return of them. I beg that I may be respectfully presented, also, and that you will accept for yourself assurances of my high esteem and sincere regard.

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TO WILLIAM KING.

MONTPELLIER, May 20, 1819.

SIR,—I have received yours of the 10th, requesting an account of the proceedings of Virginia in reference to the separation of Kentucky into an Independent State.

Not being able to recur to the early proceedings of the Legislature on that subject, I can only give the substance of what was done on it.

As soon as it was understood to be the wish of the people of Kentucky, which had previously been formed into a separate District, that it should become a co-ordinate State, and that the only proper question related to the time for it, the Legislature submitted the question to a convention, to be chosen by the people of the District, specifying, at the same time, conditions on which the event should take place.

The consideration of the subject, and of the conditions equitable between the parties, was prolonged for several years. The final act of Virginia, which led to the contemplated result, was passed near the close of the year 1789. It provided for a Convention, to be elected by the free male inhabitants, with full power to determine whether it be expedient for, and the will of,

the good people of the said District that the same be erected into an Independent State.

The principal conditions proposed were, that all private rights to land within the new State, derived from the laws of Virginia, should remain valid, and be determined by the laws then existing; that the lands, reciprocally, of non-resident proprietors should not be taxed higher than those of residents, nor be subjected, within six years after the admission of the new State into the Union, to forfeiture or other penalty, by neglect of cultivation or improvement; that no grant of land be made by the new State interfering with a grant—————issued by Virginia, and located prior to September, 1791, on land within Kentucky liable thereto at the passage of the law; that unlocated lands within Kentucky, standing appropriated by Virginia to individuals for military or other services, should remain subject to her disposal until May, 1792; the residue of the lands to be subject to the disposal of the new State; that in case of disagreement as to the meaning of these articles, it should be settled by six commissioners, two to be chosen by each of the parties, and the others by them; that the Convention of Kentucky might fix a day posterior to November, 1791, at which the authority of Virginia should cease; provided, that prior thereto, Congress should assent to the separation, and the admission of the new State into the Union.

To prevent an interval of anarchy, it was declared that the Convention to decide on the separation was to be understood as having authority to take provisional measures for the choice and meeting of another Convention, with full power to establish a Constitution for the new State.

I regret, Sir, that, for the reason mentioned, I have not been able to furnish more precisely the course pursued in the precedent of a voluntary separation of two parts of the same community into an equal independence of each other, which I should otherwise have done with pleasure. And from the tenor of your letter, I infer that this early answer would be preferred to the delay of a fuller one.



TO J. Q. ADAMS.

MONTPELLIER, June 7, 1819.

DEAR SIR,—I have duly received your letter of the 1st instant. On recurring to my papers for the information it requests, I find that the speech of Col. Hamilton, in the Convention of 1787, in the course of which he read a sketch of a plan of Government for the United States, was delivered on the 18th of June; the subject of debate being a resolution proposed by Mr. Dickinson, “that the Articles of Confederation ought to be revised and amended, so as to render the Government of the United States adequate to the exigencies, the preservation, and the prosperity of the Union.”

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TO ROBERT J. EVANS, (AUTHOR OF THE PIECES PUBLISHED  
UNDER THE NAME OF BENJAMIN RUSH.)

MONTPELLIER, June 15, 1819.

SIR,—I have received your letter of the 3d instant, requesting such hints as may have occurred to me on the subject of an eventual extinguishment of slavery in the United States.

Not doubting the purity of your views, and relying on the discretion by which they will be regulated, I cannot refuse such a compliance as will, at least, manifest my respect for the object of your undertaking.

A general emancipation of slaves ought to be—1. Gradual. 2. Equitable, and satisfactory to the individuals immediately concerned. 3. Consistent with the existing and durable prejudices of the nation.

That it ought, like remedies for other deep-rooted and widespread evils, to be gradual, is so obvious, that there seems to be no difference of opinion on that point.

To be equitable and satisfactory, the consent of both the master and the slave should be obtained. That of the master will require a provision in the plan for compensating a loss of what he held as property, guaranteed by the laws, and recognised by the Constitution. That of the slave, requires that his condition



in a state of freedom be preferable, in his own estimation, to his actual one in a state of bondage.

To be consistent with existing and probably unalterable prejudices in the United States, the freed blacks ought to be permanently removed beyond the region occupied by, or allotted to, a white population. The objections to a thorough incorporation of the two people are, with most of the whites, insuperable; and are admitted by all of them to be very powerful. If the blacks, strongly marked as they are by physical and lasting peculiarities, be retained amid the whites, under the degrading privation of equal rights, political or social, they must be always dissatisfied with their condition, as a change only from one to another species of oppression; always secretly confederated against the ruling and privileged class; and always uncontrolled by some of the most cogent motives to moral and respectable conduct. The character of the free blacks, even where their legal condition is least affected by their colour, seems to put these truths beyond question. It is material, also, that the removal of the blacks be to a distance precluding the jealousies and hostilities to be apprehended from a neighbouring people, stimulated by the contempt known to be entertained for their peculiar features; to say nothing of their vindictive recollections, or the predatory propensities which their state of society might foster. Nor is it fair, in estimating the danger of collisions with the whites, to charge it wholly on the side of the blacks. There would be reciprocal antipathies doubling the danger.

The colonizing plan on foot has, as far as it extends, a due regard to these requisites; with the additional object of bestowing new blessings, civil and religious, on the quarter of the Globe most in need of them. The Society proposes to transport to the African coast all free and freed blacks who may be willing to remove thither; to provide by fair means, and, it is understood, with a prospect of success, a suitable territory for their reception; and to initiate them into such an establishment as may gradually and indefinitely expand itself.

The experiment, under this view of it, merits encouragement

from all who regard slavery as an evil, who wish to see it diminished and abolished by peaceable and just means, and who have themselves no better mode to propose. Those who have most doubted the success of the experiment must, at least, have wished to find themselves in an error.

But the views of the Society are limited to the case of blacks already free, or who may be *gratuitously* emancipated. To provide a commensurate remedy for the evil, the plan must be extended to the great mass of blacks, and must embrace a fund sufficient to induce the master, as well as the slave, to concur in it. Without the concurrence of the master, the benefit will be very limited as it relates to the negroes, and essentially defective as it relates to the United States; and the concurrence of masters must, for the most part, be obtained by purchase.

Can it be hoped that voluntary contributions, however adequate to an auspicious commencement, will supply the sums necessary to such an enlargement of the remedy? May not another question be asked? Would it be reasonable to throw so great a burden on the individuals distinguished by their philanthropy and patriotism?

The object to be obtained, as an object of humanity, appeals alike to all; as a national object, it claims the interposition of the nation. It is the nation which is to reap the benefit. The nation, therefore, ought to bear the burden.

Must, then, the enormous sums required to pay for, to transport, and to establish in a foreign land, all the slaves in the United States, as their masters may be willing to part with them, be taxed on the good people of the United States, or be obtained by loans, swelling the public debt to a size pregnant with evils next in degree to those of slavery itself?

Happily, it is not necessary to answer this question by remarking, that if slavery, as a national evil, is to be abolished, and it be just that it be done at the national expense, the amount of the expense is not a paramount consideration. It is the peculiar fortune, or, rather, a providential blessing of the United States, to possess a resource commensurate to this great object, without taxes on the people, or even an increase of the public debt.

I allude to the vacant territory, the extent of which is so vast, and the vendible value of which is so well ascertained.

Supposing the number of slaves to be 1,500,000, and their price to average 400 dollars, the cost of the whole would be 600 millions of dollars. These estimates are probably beyond the fact; and from the number of slaves should be deducted: 1. Those whom their masters would not part with. 2. Those who may be gratuitously set free by their masters. 3. Those acquiring freedom under emancipating regulations of the States. 4. Those preferring slavery where they are to freedom in an African settlement. On the other hand, it is to be noted that the expense of removal and settlement is not included in the estimated sum; and that an increase of the slaves will be going on during the period required for the execution of the plan.

On the whole, the aggregate sum needed may be stated at about six hundred millions of dollars.

This will require 200 millions of acres, at three dollars per acre; or 300 millions at two dollars per acre; a quantity which, though great in itself, is perhaps not a third part of the disposable territory belonging to the United States. And to what object so good, so great, and so glorious, could that peculiar fund of wealth be appropriated? Whilst the sale of territory would, on one hand, be planting one desert with a free and civilized people, it would, on the other, be giving freedom to another people, and filling with them another desert. And if in any instances wrong has been done by our forefathers to people of one colour, by dispossessing them of their soil, what better atonement is now in our power than that of making what is rightfully acquired a source of justice and of blessings to a people of another colour?

As the revolution to be produced in the condition of the negroes must be gradual, it will suffice if the sale of territory keep pace with its progress. For a time, at least, the proceeds would be in advance. In this case, it might be best, after deducting the expense incident to the surveys and sales, to place the surplus in a situation where its increase might correspond

with the natural increase of the unpurchased slaves. Should the proceeds at any time fall short of the calls for their application, anticipations might be made by temporary loans, to be discharged as the land should find a market.

But it is probable that for a considerable period the sales would exceed the calls. Masters would not be willing to strip their plantations and farms of their labourers too rapidly. The slaves themselves, connected, as they generally are, by tender ties with others under other masters, would be kept from the list of emigrants by the want of the multiplied consents to be obtained. It is probable, indeed, that for a long time a certain portion of the proceeds might safely continue applicable to the discharge of the debts or to other purposes of the nation; or it might be most convenient, in the outset, to appropriate a certain proportion only of the income from sales to the object in view, leaving the residue otherwise applicable.

Should any plan similar to that I have sketched be deemed eligible in itself, no particular difficulty is foreseen from that portion of the nation which, with a common interest in the vacant territory, has no interest in slave property. They are too just to wish that a partial sacrifice should be made for the general good, and too well aware that whatever may be the intrinsic character of that description of property, it is one known to the Constitution, and, as such, could not be constitutionally taken away without just compensation. That part of the nation has, indeed, shewn a meritorious alacrity in promoting, by pecuniary contributions, the limited scheme for colonizing the blacks, and freeing the nation from the unfortunate stain on it, which justifies the belief that any enlargement of the scheme, if founded on just principles, would find among them its earliest and warmest patrons. It ought to have great weight that the vacant lands in question have, for the most part, been derived from grants of the States holding the slaves to be redeemed and removed by the sale of them.

It is evident, however, that in effectuating a general emancipation of slaves in the mode which has been hinted, difficulties of other sorts would be encountered. The provision for ascer-

taining the joint consent of the masters and slaves; for guarding against unreasonable valuations of the latter; and for the discrimination of those not proper to be conveyed to a foreign residence, or who ought to remain a charge on masters in whose service they had been disabled or worn out, and for the annual transportation of such numbers, would require the mature deliberations of the national councils. The measure implies, also, the practicability of procuring in Africa an enlargement of the district or districts for receiving the exiles sufficient for so great an augmentation of their numbers.

Perhaps the Legislative provision best adapted to the case would be an incorporation of the Colonizing Society, or the establishment of a similar one, with proper powers, under the appointment and superintendence of the National Executive.

In estimating the difficulties, however, incident to any plan of general emancipation, they ought to be brought into comparison with those inseparable from other plans, and be yielded to or not according to the result of the comparison.

One difficulty presents itself which will probably attend every plan which is to go into effect under the Legislative provisions of the National Government. But whatever may be the defect of existing powers of Congress, the Constitution has pointed out the way in which it can be supplied. And it can hardly be doubted that the requisite powers might readily be procured for attaining the great object in question, in any mode whatever approved by the nation.

⤵ If these thoughts can be of any aid in your search of a remedy for the great evil under which the nation labors, you are very welcome to them.

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TO GOV<sup>R</sup> PLUMER.

MONTPELLIER, June 20, 1819.

DEAR SIR,—I have received your favor of the 8th, covering a copy of your interesting address to your Legislature, for which I pray you to accept my thanks.



Allow me, at the same time, to congratulate you on the auspicious circumstances, personal as well as public, under which you retire to the shade of private life, and to offer my sincere wishes that you experience in it many years of health and happiness.

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TO J. Q. ADAMS.

MONTPELLIER, June 27, 1819.

DEAR SIR,—I return the list of yeas and nays in the Convention, with the blanks filled, according to your request, as far as I could do it by tracing the order of the yeas and nays, and their coincidences with those belonging to successive questions in my papers. In some instances, the yeas and nays in the list, corresponding with those on more questions than one, did not designate the particular question on which they were taken, and of course did not enable me to fill the blanks. In other instances, as you will find by the paper formerly sent you, there are questions noted by me for which the list does not contain yeas and nays. I have taken the liberty, as you will see, of correcting one or two slips in the original list, or in the copy; and I have distinguished the days on which the several votes passed.

Will you permit me to trouble you with the inclosed letter, misdirected to me, on a subject to which the Department of State has usually paid whatever attention benevolence might suggest.

I commit this to Mr. Cardelli, just setting out for Washington. He is thought to have succeeded extremely well in the purpose which brought him here.

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TO DR. WILLIAM EUSTIS.

MONTPELLIER, July 6, 1819.

DEAR SIR,—I have delayed to thank you for your favors from Williamsburg and New York till I should learn that a letter would find you at Boston.

I am glad that your interview with Dr. Mason has authenticated a circumstance which, though of a minute character, it is well enough should not be left in uncertainty.

And I am very glad that you sought the conversation with Van Wirt. The particulars of it have a public interest, and I hope your communication of them to me is not the only mode you will take of guarding them against oblivion.

Ought you not to do equal justice to other things of a public bearing which may exist in no other memory or memoranda than yours, or in none where they will not perish with the possessor? The infant periods of most nations are buried in silence, or veiled in fable; and perhaps the world may have lost but little which it need regret. The origin and outset of the American Republic contain lessons of which posterity ought not to be deprived; and, happily, there never was a case in which a knowledge of every interesting incident could be so accurately preserved. You have lights, I am persuaded, which ought not to be forever under a bushel.

We have had the pleasure of finding, by information from Williamsburg, where Mrs. E. and yourself left every impression you could wish, that your health had become well established. As your letter from New York does not contradict the favorable account, we hope you continued, and still continue, to enjoy it. Should symptoms of a reverse at any time occur, you know the quarter to which you are to look for relief; and why should you not look to it as a *preventive*, as well as a restorative? Be assured, both of you, from Mrs. M. and myself, that Montpelier will always have a glad and affectionate welcome for you; and that, in the mean time, we wish you both not only health, but every other happiness.

In assorting my papers, I stumbled on the enclosed, which ought to have been long ago returned.

The Boston Patriot, which was a volunteer paper to the President whilst I was at Washington, has for more than a year come on to me here. Whether during the preceding interval it was discontinued, or was regarded as a derelict at the city, I know not. The latter was probably the case. I intended, but

forgot, to mention this circumstance to you when with us. Will you now do me the favor, by a word at the printing office, to ascertain the footing on which it is now forwarded; and to pay whatever may be due, or expected, dropping a line that the advance may be immediately replaced? In any event, I wish the paper to be no longer sent. As a compliment, it is too much for the Editor; and as a cost, more than so distant, and even a daily paper, repays to me.

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TO JOSEPH C. CABELL.

JULY 26, 1819.

DEAR SIR,—Your favour of the 10th did not come to hand till Saturday morning last.

I concur in thinking it will be expedient to request from the General Assembly any interest which may be allowed on the debt due from the United States, unless it should appear that the attempt will be hopeless, or it be morally certain that no such allowance will be made. On these points you will be able to form the best judgment when the occasion arises.

I am disposed to think that the difficulty with Congress will not proceed from the case of the Massachusetts claim. The objection to that is founded on considerations peculiar to it. The claim is certainly without any legal validity, and it is barred in the opinion of those who oppose it by a just policy. Were it to be allowed, it would probably be on the ground of an extraordinary indulgence. The idea of interest would hardly be brought forward, or, if so, with any expectation of success. The objection to interest on the Virginia claim will arise chiefly, if not solely, from the bearing of the precedent on cases past, present, and to come, similar to or not easily distinguishable from it, and which may be of vast extent. The justice of interest seems, in the abstract, not to be questionable, but it must often depend on the degree and kind of exertions used by the claimant on the public for the liquidation of his accounts; exertions not reducible, perhaps, to any safe or practicable test.

The refusal of interest is a spur to the settlement of accounts with the public. Its allowance would have a dilatory tendency at the expense of the public. Does the State ever allow interest on advances by individuals? Something may depend on that fact. †

After all, may it not be hoped that the University, being now a State establishment, will be more and more felt as such, and as making a vital part of the system of education contemplated by a literary fund?

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TO RICHARD BLAND LEE.

MONTPELLIER, August 5, 1819.

DEAR SIR,—I have received your favor of the 2d, with a copy of your able and interesting Oration\* on the last anniversary of our Independence.

The existing tranquillity and harmony in the public feeling, the result of the propitious evanescence of the causes of discord, is a just subject of congratulation. It is to be wished that they never may be interrupted by the worst of all political divisions, one founded on Geographical boundaries, and embittered by another discrimination among the States which happens to coincide with them. Political parties intermingled throughout the community unite as well as divide every section of it. Parties founded on local distinctions and fixed peculiarities, which separate the whole into great conflicting masses, are far more to be dreaded in their tendency.

I can have no remark to make on your public introduction of my name, but that I am aware of my deficient title to the merit allowed me, at the same time that I cannot be indifferent to any mark of esteem from one who is himself so justly esteemed.

\* Delivered July 5, 1819, in the Chamber of House of Representatives.



TO JUDGE ROANE.

SEPTEMBER 2, 1819.

DEAR SIR,—I have received your favour of the 22d ult., enclosing a copy of your observations on the judgment of the Supreme Court of the United States in the case of M'Culloh against the State of Maryland; and I have found their latitudinarian mode of expounding the Constitution combated in them with the ability and the force which were to be expected.

It appears to me, as it does to you, that the occasion did not call for the general and abstract doctrine interwoven with the decision of the particular case. I have always supposed that the meaning of a law, and, for a like reason, of a constitution, so far as it depends on judicial interpretation, was to result from a course of particular decisions, and not those from a previous and abstract comment on the subject. The example in this instance tends to reverse the rule, and to forego the illustration to be derived from a series of cases actually occurring for adjudication.

I could have wished, also, that the judges had delivered their opinions *seriatim*. The case was of such magnitude, in the scope given to it, as to call, if any case could do so, for the views of the subject separately taken by them. This might either, by the harmony of their reasoning, have produced a greater conviction in the public mind; or, by its discordance, have impaired the force of the precedent, now ostensibly supported by a unanimous and perfect concurrence in every argument and dictum in the judgment pronounced.

But what is of most importance is the high sanction given to a latitude in expounding the Constitution, which seems to break down the landmarks intended by a specification of the powers of Congress, and to substitute, for a definite connection between means and ends, a legislative discretion as to the former, to which no practical limit can be assigned. In the great system of political economy, having for its general object the national welfare, everything is related immediately or remotely to every other thing; and, consequently, a power over any one thing, if



not limited by some obvious and precise affinity, may amount to a power over every other. Ends and means may shift their character at the will and according to the ingenuity of the legislative body. What is an end in one case may be a means in another; nay, in the same case may be either an end or a means, at the legislative option. The British Parliament, in collecting a revenue from the commerce of America, found no difficulty in calling it either a tax for the regulation of trade, or a regulation of trade with a view to the tax, as it suited the argument or the policy of the moment.

Is there a legislative power, in fact, not expressly prohibited by the Constitution, which might not, according to the doctrine of the court, be exercised as a means of carrying into effect some specified power?

Does not the court also relinquish, by their doctrine, all control on the legislative exercise of unconstitutional powers? According to that doctrine, the expediency and constitutionality of means for carrying into effect a specified power are convertible terms; and Congress are admitted to be judges of the expediency. The court certainly cannot be so; a question, the moment it assumes the character of mere expediency or policy, being evidently beyond the reach of judicial cognizance.

It is true, the court are disposed to retain a guardianship of the Constitution against legislative encroachments. "Should Congress," say they, "under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the government, it would become the painful duty of this tribunal to say that such an act was not the law of the land." But suppose Congress should, as would doubtless happen, pass unconstitutional laws, not to accomplish objects not specified in the Constitution, but the same laws as means expedient, convenient, or conducive to the accomplishment of objects intrusted to the government; by what handle could the court take hold of the case? We are told that it was the policy of the old government of France to grant monopolies, such as that of tobacco, in order to create funds in particular hands from which loans could be made to the public, adequate capitalists not being formed in

that country in the ordinary course of commerce. Were Congress to grant a like monopoly merely to aggrandize those enjoying it, the court might consistently say, that this not being an object intrusted to the government, the grant was unconstitutional and void. Should Congress, however, grant the monopoly, according to the French policy, as a means judged by them to be necessary, expedient, or conducive to the borrowing of money, which is an object intrusted to them by the Constitution, it seems clear that the court, adhering to its doctrine, could not interfere without stepping on legislative ground, to do which they justly disclaim all pretension.

It could not but happen, and was foreseen at the birth of the Constitution, that difficulties and differences of opinion might occasionally arise in expounding terms and phrases necessarily used in such a charter; more especially those which divide legislation between the general and local governments; and that it might require a regular course of practice to liquidate and settle the meaning of some of them. But it was anticipated, I believe, by few, if any, of the friends of the Constitution, that a rule of construction would be introduced as broad and pliant as what has occurred. And those who recollect, and, still more, those who shared in what passed in the State conventions, through which the people ratified the Constitution, with respect to the extent of the powers vested in Congress, cannot easily be persuaded that the avowal of such a rule would not have prevented its ratification. It has been the misfortune, if not the reproach, of other nations, that their governments have not been freely and deliberately established by themselves. It is the boast of ours that such has been its source, and that it can be altered by the same authority only which established it. It is a further boast, that a regular mode of making proper alterations has been providently inserted in the Constitution itself. It is anxiously to be wished, therefore, that no innovations may take place in other modes, one of which would be a constructive assumption of powers never meant to be granted. If the powers be deficient, the legitimate source of additional ones is always open, and ought to be resorted to.

Much of the error in expounding the Constitution has its origin in the use made of the species of sovereignty implied in the nature of government. The specified powers vested in Congress, it is said, are sovereign powers; and that, as such, they carry with them an unlimited discretion as to the means of executing them. It may surely be remarked, that a limited government may be limited in its sovereignty, as well with respect to the means as to the objects of its powers; and that to give an extent to the former superseding the limits to the latter is, in effect, to convert a limited into an unlimited government. There is certainly a reasonable medium between expounding the Constitution with the strictness of a penal law or other ordinary statute, and expounding it with a laxity which may vary its essential character, and encroach on the local sovereignties with which it was meant to be reconcilable.

The very existence of these local sovereignties is a control on the pleas for a constructive amplification of the powers of the General Government. Within a single State possessing the entire sovereignty, the powers given to the Government by the people are understood to extend to all the acts, whether as means or ends, required for the welfare of the community, and falling within the range of just government. To withhold from such a government any particular power necessary or useful in itself, would be to deprive the people of the good dependent on its exercise, since the power must be there or not exist at all. In the Government of the United States the case is obviously different. In establishing that Government, the people retained other governments, capable of exercising such necessary and useful powers as were not to be exercised by the General Government. No necessary presumption, therefore, arises, from the importance of any particular power in itself, that it has been vested in that government, because, though not vested there, it may exist elsewhere, and the exercise of it elsewhere might be preferred by those who alone had a right to make the distribution. The presumption which ought to be indulged is, that any improvement of this distribution sufficiently pointed out by experience would not be withheld.

Although I have confined myself to the single question concerning the rule of interpreting the Constitution, I find that my pen has carried me to a length which would not have been permitted by a recollection that my remarks are merely for an eye to which no aspect of the subject is likely to be new. I hasten, therefore, to conclude, with assurances, &c., &c.

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TO PRESIDENT MONROE.

SEPTEMBER 6, 1819.

DEAR SIR,—Captain O'Brien having extended a ride into Virginia thus far, has, during his stay with me, communicated the state of a claim he has against the United States, being part of a claim, the other part of which was settled and allowed whilst I was Secretary of State. I understood from him that the vouchers to the settled part had certain references to the part not allowed, and that he afterwards procured documentary proof, with the aid of which the same vouchers would now support the latter. But these, it appears, were destroyed when the public offices at Washington were burnt in 1814, and he is desirous of obtaining some evidence of their contents from personal recollections, and from mine, among others. I need not express the reluctance with which I should recur to such transactions; still, I might not be justified in refusing to do so, in a case where justice had no other resource. But in this case I have no recollection either of the particular contents of those papers, or of any other circumstances which might throw light on it. This want of recollection, however, can have no adverse bearing on the claim of Capt. O'Brien, for whom I entertain friendly wishes, and whose personal character and interesting public career are known to you as well as myself.

TO ROBERT WALSH.

MONTPELLIER, Oct<sup>r</sup> 16th, 1819.

D<sup>R</sup> SIR,—I have received, with your favor of Sept<sup>r</sup> 30, the copy of the "United States and G. Britain," which you have been so kind as to send me, and for which I offer you many thanks.

As yet, I have rather looked into the volume than over it. I have seen enough of it, however, to be satisfied that it is a triumphant vindication of our Country against the libels which have been lavished on it. If it be a battery as well as a rampart, it must occur to all that it could not well be the one without the other.

Whatever may be the regret that such a warfare should prevail between two Countries having so many inducements to live in friendship, the just and impartial will charge it on the constant aggressions of the adverse party; aggressions daily increasing both in number and violence; increasing, too, with the increased motives for a change of conduct. Whenever they shall be disposed to lay down their pens, it cannot be doubted that a disposition equally pacific will be found here. In the mean time, the ground on which the United States stand is rising every day higher, and their character becoming more invulnerable as it becomes better known. To make it so, the task you have already executed cannot fail largely to contribute.

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TO THOMAS JEFFERSON.

MONTPELLIER, Oct<sup>r</sup> 25, 1819.

DEAR SIR,—I received a few days ago the two inclosed letters, one from Mr. Hackley, the other from the Botanical professor at Madrid; the latter accompanied by the three little pamphlets also inclosed, and by thirty specimens of wheat, with four of barley, and between 2 and 300 papers of the seeds referred to as "rarion Horti Botan., Matritaises." The wheats and bar-



leys, notwithstanding the numerous varieties, I will endeavor to have sowed. The garden seeds, which probably include many which would be very acceptable to a Botanical professor at the University, if we had one, I am at a loss what to do with. I know not that I can do better with them than to give you an opportunity of inspecting their names, and with the aid of Mr. Randolph, judging how far any of them ought to be kept for the University, and into what hands the others can best be disposed of. They are, therefore, herewith also inclosed. Be so good as to return the two letters. Mr. Randolph, perhaps, may be willing to look into the pamphlets, which he will best understand and appreciate.

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TO ROBERT WALSH.

MONTPELLIER, November 27, 1819.

DEAR SIR,—Your letter of the 11th was duly received, and I should have given it a less tardy answer, but for a succession of particular demands on my attention, and a wish to assist my recollections by consulting both manuscript and printed sources of information on the subjects of your inquiry. Of these, however, I have not been able to avail myself but very partially.

As to the intention of the framers of the Constitution in the clause relating to "the migration and importation of persons," &c., the best key may, perhaps, be found in the case which produced it. The African trade in slaves had long been odious to most of the States, and the importation of slaves into them had been prohibited. Particular States, however, continued the importation, and were extremely averse to any restriction on their power to do so. In the convention, the former States were anxious, in framing a new constitution, to insert a provision for an immediate and absolute stop to the trade. The latter were not only averse to any interference on the subject, but solemnly declared that their constituents would never accede to a Constitution containing such an article. Out of this conflict grew the middle

measure, providing that Congress should not interfere until the year 1808; with an implication, that after that date they might prohibit the importation of slaves into the States then existing, and previous thereto, into the States not then existing. Such was the tone of opposition in the States of South Carolina and Georgia, and such the desire to gain their acquiescence in a prohibitory power, that, on a question between the epochs of 1800 and 1808, the States of New Hampshire, Massachusetts, and Connecticut, (all the Eastern States in the Convention,) joined in the vote for the latter, influenced, however, by the collateral motive of reconciling those particular States to the power over commerce and navigation, against which they felt, as did some other States, a very strong repugnance. The earnestness of South Carolina and Georgia was farther manifested by their insisting on the security in the Vth article, against any amendment to the Constitution affecting the right reserved to them, and their uniting with the small States, who insisted on a like security for their equality in the Senate.

But some of the States were not only anxious for a Constitutional provision against the introduction; they had scruples against admitting the term "slaves" into the instrument. Hence the descriptive phrase, "migration or importation of persons;" the term migration allowing those who were scrupulous of acknowledging expressly a property in human beings to view *imported* persons as a species of emigrants, while others might apply the term to foreign malefactors sent or coming into the country. It is possible, though not recollected, that some might have had an eye to the case of freed blacks as well as malefactors.

But, whatever may have been intended by the term "migration," or the term "persons," it is most certain that they referred exclusively to a migration or importation from other countries into the United States, and not to a removal, voluntary or involuntary, of slaves or freemen from one to another part of the United States. Nothing appears or is recollected that warrants this latter intention. Nothing in the proceedings

of the State Conventions indicates such a construction there.\* Had such been the construction, it is easy to imagine the figure it would have made in many of the States, among the objections to the Constitution, and among the numerous amendments to it proposed by the State Conventions,† not one of which amendments refers to the clause in question. Neither is there any indication that Congress have heretofore considered themselves as deriving from this clause a power over the migration or removal of individuals, whether freemen or slaves, from one State

\* The debates of the Pennsylvania Convention contain a speech of Mr. Wilson, (\*) (Dec. 3, 1787,) who had been a member of the general convention, in which, alluding to the clause tolerating for a time the farther importation of slaves, he consoles himself with the hope that, in a few years, it would be prohibited altogether; observing that, in the mean time, the new States which were to be formed would be under the control of Congress *in this particular*, and slaves would never be introduced among them. In another speech on the day following, and alluding to the same clause, his words are, "yet the lapse of a few years, and Congress will have power to *exterminate* slavery within our borders." How far the language of Mr. Wilson may have been accurately reported, is not known. The expressions used are more vague and less consistent than would be readily ascribed to him. But, as they stand, the fairest construction would be, that he considered the power given to Congress to arrest the importation of slaves as "laying a foundation for banishing slavery out of the country; and though at a period more distant than might be wished, producing the same kind of gradual change which was pursued in Pennsylvania." (See his speech, page 90 of the Debates.) By this "change," after the example of Pennsylvania, he must have meant a change by the other States influenced by that example, and yielding to the general way of thinking and feeling produced by the policy of putting an end to the importation of slaves. He could not mean by "banishing slavery," more than by a power "to exterminate it," that Congress were authorized to do what is literally expressed.

† In the convention of Virginia, the opposition to the Constitution comprised a number of the ablest men in the State. Among them were Mr. Henry and Colonel Mason, both of them distinguished by their acuteness, and anxious to display unpopular constructions. One of them, Colonel Mason, had been a member of the General Convention, and entered freely into accounts of what passed within it. Yet neither of them, nor, indeed, any of the other opponents, among the multitude of their objections and far-fetched interpretations, ever hinted, in the debates on the 9th section of Art. 1, at a power given by it to prohibit an interior migration of any sort. The meaning of the section, as levelled against migrations or importations from abroad, was not contested.

(\*) See letter of J. M. to Mr. Walsh, January 11, 1820.

to another, whether new or old. For it must be kept in view, that if the power was given at all, it has been in force eleven years over all the States existing in 1808, and at all times over the States not then existing. Every indication is against such a construction by Congress of their constitutional powers. Their alacrity in exercising their powers relating to slaves is a proof that they did not claim what they did not exercise. They punctually and unanimously put in force the power accruing in 1808, against the farther importation of slaves from abroad. They had previously directed their power over American vessels on the high seas against the African trade. They lost no time in applying the prohibitory power to Louisiana, which, having maritime ports, might be an inlet for slaves from abroad. But they forbore to extend the prohibition to the introduction of slaves from other parts of the Union. They had even prohibited the importation of slaves into the Mississippi Territory from *without the limits of the United States*, in the year 1798, without extending the prohibition to the introduction of slaves from *within those limits*; although, at the time, the ports of Georgia and South Carolina were open for the importation of slaves from abroad, and increasing the mass of slavery within the United States.

If these views of the subject be just, a power in Congress to control the interior migration or removals of persons must be derived from some other source than section 9, Art. 1; either from the clause giving power "to make all needful rules and regulations respecting the territory or other property belonging to the United States," or from that providing for the admission of new States into the Union.

The terms in which the first of these powers is expressed, though of a ductile character, cannot well be extended beyond a power over the territory, as property, and a power to make the provisions really needful or necessary for the government of settlers until ripe for admission as States into the Union. It may be inferred that Congress did not regard the interdict of slavery among the needful regulations contemplated by the Constitution, since in none of the territorial governments



created by them is such an interdict found. The power, however, be its import what it may, is obviously limited to a territory while remaining in that character, as distinct from that of a State.

As to the power of admitting new States into the federal compact, the questions offering themselves are: whether Congress can attach conditions, or the new States concur in conditions, which, after admission, would abridge or *enlarge* the constitutional rights of legislation common to the other States; whether Congress can, by a compact with a new member, take power either to or from itself, or place the new member above or below the equal rank and rights possessed by the others; whether all such stipulations, expressed or implied, would not be nullities, and so pronounced when brought to a practical test. It falls within the scope of your inquiry to state the fact that there was a proposition in the convention to discriminate between the old and new States, by an article in the Constitution declaring that the aggregate number of representatives from the States thereafter to be admitted should never exceed that of the States originally adopting the Constitution. The proposition, happily, was rejected. The effect of such a discrimination is sufficiently evident.

In the case of Louisiana, there is a circumstance which may deserve notice. In the treaty ceding it, a privilege was retained by the ceding party, which distinguishes between its ports and others of the United States for a special purpose and a short period. This privilege, however, was the result, not of an ordinary legislative power in Congress, nor was it the result of an arrangement between Congress and the people of Louisiana. It rests on the ground that the same entire power, even in the nation, over that territory, as over the original territory of the United States, never existed; the privilege alluded to being in the deed of cession carved by the foreign owner out of the title conveyed to the purchaser. A sort of necessity, therefore, was thought to belong to so peculiar and extraordinary a case. Notwithstanding this plea, it is presumable that if the privilege had materially affected the rights of other ports, or had been



of a permanent or durable character, the occurrence would not have been so little regarded. Congress would not be allowed to effect, through the medium of a treaty, obnoxious discriminations between new and old States more than among the latter.

With respect to what has taken place in the N. W. Territory, it may be observed, that the ordinance giving its distinctive character on the subject of slaveholding proceeded from the old Congress, acting with the best intentions, but under a charter which contains no shadow of the authority exercised. And it remains to be decided how far the States formed within that territory, and admitted into the Union, are on a different footing from its other members as to their legislative sovereignty.

For the grounds on which three-fifths of the slaves were admitted into the ratio of representation, I will, with your permission, save trouble by referring to No. 54 of the Federalist. In addition, it may be stated, that this feature in the Constitution was combined with that relating to the power over commerce and navigation. In truth, these two powers, with those relating to the importation of slaves, and the articles establishing the equality of representation in the Senate and the rule of taxation, had a complicated influence on each other, which alone would have justified the remark that the Constitution was "the result of mutual deference and concession."

It was evident that the large States holding slaves, and those not large which felt themselves so by anticipation, would not have concurred in a constitution allowing them no more representation in one legislative branch than the smallest States, and in the other less than their proportional contributions to the common treasury.

The considerations which led to this mixed ratio of taxation and representation, which had been very deliberately agreed on in April, 1783, by the old Congress, make it probable that the convention could not have looked to a departure from it in any instance where slaves made a part of the local population.

Whether the convention could have looked to the existence of slavery at all in the new States, is a point on which I can add little to what has been already stated. The great object of the

convention seemed to be to prohibit the increase by the *importation* of slaves. A power to emancipate slaves was disclaimed; nor is anything recollected that denoted a view to control the distribution of those within the country. The case of the North-western Territory was probably superseded by the provision against the importation of slaves by South Carolina and Georgia, which had not then passed laws prohibiting it. When the existence of slavery in that territory was precluded, the importation of slaves was rapidly going on, and the only mode of checking it was by narrowing the space open to them. It is not an unfair inference, that the expedient would not have been undertaken if the power afterward given to terminate the importation everywhere had existed, or been even anticipated. It has appeared that the present Congress never followed the example during the twenty years preceding the prohibitory epoch.

The *expediency* of exercising a supposed power in Congress to prevent a diffusion of the slaves actually in the country, as far as the local authorities may admit them, resolves itself into the probable effects of such a diffusion on the interests of the slaves and of the nation.

Will it, or will it not, better the condition of the slaves by lessening the number belonging to individual masters, and intermixing both with greater masses of free people? Will partial manumissions be more or less likely to take place, and a general emancipation be accelerated or retarded? Will the moral and physical condition of slaves, in the mean time, be improved or deteriorated? What do experiences and appearances decide as to the comparative rates of generative increase in their present and in a dispersed situation?

Will the aggregate strength, security, tranquillity, and harmony of the whole nation, be advanced or impaired by lessening the proportion of slaves to the free people in particular sections of it?

How far an occlusion of the space now vacant against the introduction of slaves may be essential to prevent completely a smuggled importation of them from abroad ought to influence

the question of expediency, must be decided by a reasonable estimate of the degree in which the importation would take place, in spite of the spirit of the times, the increasing co-operation of foreign powers against the slave-trade, the increasing rigour of the acts of Congress, and the vigilant enforcement of them by the executive, and by a fair comparison of this estimate with the considerations opposed to such an occlusion.

Will a multiplication of States holding slaves multiply advocates of the importation of foreign slaves, so as to endanger the continuance of the prohibitory acts of Congress? To such an apprehension seem to be opposed the facts, that the States holding fewest slaves are those which most readily abolished slavery altogether; that, of the thirteen primitive States, eleven had prohibited the importation before the power was given to Congress; that all of them, with the newly added States, unanimously concurred in exerting that power; that most of the present slaveholding States cannot be tempted by motives of interest to favour the reopening of the ports to foreign slaves; and that these, with the States which have even abolished slavery within themselves, could never be outnumbered in the national councils by new States wishing for slaves, and not satisfied with the supply attainable within the United States.

On the whole, the Missouri question, as a constitutional one, amounts to the question whether the condition proposed to be annexed to the admission of Missouri would or would not be void in itself, or become void the moment the territory should enter as a State within the pale of the Constitution. And as a question of expediency and humanity, it depends essentially on the probable influence of such restrictions on the quantity and duration of slavery, and on the general condition of slaves in the United States.

The question raised with regard to the tenour of the stipulation in the Louisiana treaty, on the subject of its admission, is one which I have not examined, and on which I could probably throw no light if I had.

Under one aspect of the general subject, I cannot avoid saying, that, apart from its merits under others, the tendency of

what has passed and is passing fills me with no slight anxiety. Parties, under some denominations or other, must always be expected in a government as free as ours. When the individuals belonging to them are intermingled in every part of the whole country, they strengthen the union of the whole while they divide every part. Should a state of parties arise founded on geographical boundaries, and other physical and permanent distinctions which happen to coincide with them, what is to control those great repulsive masses from awful shocks against each other?

The delay in answering your letter made me fear you might doubt my readiness to comply with its requests. I now fear you will think I have done more than these justified. I have been the less reserved because you are so ready to conform to my inclination formerly expressed, not to be drawn from my sequestered position into public view.

Since I thanked you for the copy of your late volume, I have had the pleasure of going through it; and I should have been much disappointed if it had been received by the public with less favour than is everywhere manifested. According to all accounts from the Continent of Europe, the American character has suffered much there by libels conveyed by British prints, or circulated by itinerant calumniators. It is to be hoped the truths in your book may find their way thither. Good translations of the preface alone could not but open many eyes which have been blinded by prejudices against this country.

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TO MR. MAURY, (SON OF J. MAURY, LIVERPOOL.)

DEC<sup>r</sup> 24, 1819.

D<sup>r</sup> SIR,—I thank you for the information given in your favor of the 4th instant, which was received but a few days ago, having been missent to Norfolk.

No apology was needed for such a step from your mercantile path. There are few professions to which a knowledge of what belongs to others may not be useful, or, if not useful, orna-



mental; and the products of agriculture being among the most important subjects of commerce, the remark cannot be inapplicable to the relation between those pursuits.

I have not at hand the means of identifying the salivating plant by its botanical name, or by that of Indian tobacco. There is a variety of weeds which spring up about midsummer and afterwards in the pastures having this effect on horses and other cattle. But I do not know that the effect has been ascribed here to any of them. Certain it is that it is not confined to fields of clover, red or white. There are few, if any, fields in which the phenomenon, whatever be its cause, does not occur.

The discovery of the cause is important because it may lead to a remedy; half the problem, however, will be unsolved, until the recent date of the malady shall be reconciled with a cause not recent; unless, indeed, it be a fact that the *Lobelia inflata* has but lately appeared among us.

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TO CLARKSON CROLIUS.

MONTPELLIER, December , 1819.

I have received, Sir, the copy of the address of the Society of Tammany, with which I have been politely favored.

The want of economy in the use of imported articles enters very justly into the explanation given of the causes of the present general embarrassments. Were every one to live within his income, or even the savings of the prudent to exceed the deficits of the extravagant, the balance in the foreign commerce of the nation could not be against it. The want of a due economy has produced the unfavorable turn which has been experienced. Hence the need of specie to meet it; the call on the vaults of the Banks, and the discontinuance of their discounts, followed by their curtailments. Hence, too, the failure of so many banks, with a diminished confidence in others; and hence, finally, a superabundance of debts without the means of paying them.

The address seems very justly, also, to charge much of the general evil by which many of the Banks themselves have been



overwhelmed on the multiplicity of these institutions, and a diffusion of the indiscriminate loans of which they have been the sources. It has been made a question whether Banks, when restricted to spheres in which temporary loans only are made to persons in active business, promising quick returns, do not as much harm to imprudent as good to prudent borrowers. But it can no longer be a doubt with any, that loan offices, carrying to every man's door, and even courting his acceptance of, the monied means of gratifying his present wishes under a prospect or hope of procrastinated repayments, must, of all devices, be the most fatal to a general frugality, and the benefits resulting from it.

The effect of domestic manufactures in diminishing imports, and as far as they are carried on by hands attracted from abroad, or by hands otherwise idle or less productively employed at home, without a proportional diminution of the exports, merits, certainly, a distinguished attention in marking out an internal system of political economy, and in counteracting a tendency in our foreign commerce to leave a balance against us. The relief from this source would be more effectual, but for the circumstance that the articles which contribute much to an excess of our imports over our exports are articles, some not likely soon, others, perhaps, not at all, to be produced within ourselves. There is, moreover, a feature in the trade between this Country and most others which promotes not a little an unfavorable result. Our exports being chiefly articles for food, for manufactures, or for a consumption easily surcharged, the amount of them called for never exceeds what may be deemed real and definite wants. This is not the case with our imports. Many of them, some the most costly, are objects neither of necessity nor utility, but merely of fancy and fashion; wants of a nature altogether indefinite. This relative condition of the trading parties, although it may give to the one furnishing the necessary and profitable articles a powerful advantage over the one making its returns in superfluities, on extraordinary occasions of an interrupted intercourse; yet, in the ordinary and free course of commerce, the advantage lies on the other side; and it

will be the greater in proportion to the lengthened credits on which the articles gratifying expensive propensities are supplied. Such an inequality must, in a certain degree, controul itself. It would be completely redressed by a change in the public preferences and habits, such as is inculcated in the address.

In not regarding domestic manufactures as, of themselves, an adequate cure for all our embarrassments, it is by no means intended to detract from their just importance, or from the policy of legislative protection for them.

However true it may be, in general, that the industrious pursuits of individuals ought to be regulated by their own sagacity and interest, there are practical exceptions to the theory, which sufficiently speak for themselves. The theory itself, indeed, requires a similarity of circumstances, and an equal freedom of interchange among commercial nations, which have never existed. All are agreed, also, that there are certain articles so indispensable, that no provident nation would depend for a supply of them on any other nation. But besides these, there may be many valuable branches of manufactures which, if once established, would support themselves, and even add to the list of exported commodities; but which, without public patronage, would either not be undertaken or come to a premature downfall. The difficulty of introducing manufactures, especially of a complicated character and costly outfit, and above all, in a market preoccupied by powerful rivals, must readily be conceived. They appear, accordingly, to have required for their introduction into the countries where they are now seen in their greatest extent and prosperity, either the liberal support of the Government, or the aid of exiled or emigrant manufacturers, or both of these advantages.

In determining the degree of encouragement which can be afforded to domestic manufactures, it is evident, that among other considerations, a fair comparison ought to be made of what might be saved by supplies at home during foreign wars, to say nothing of our own, with the expense of supporting manufactures in times of peace against foreign competitions in our

market. The price of domestic fabrics, though dearer than foreign in times of peace, might be so much cheaper in times of war as to be cheaper, also, than the medium price of the foreign, taking the two periods together. Yet the American manufacturer, if unprotected during the periods of peace, would necessarily be undermined by the foreign; and he could not be expected to resume his undertaking at the return of war, knowing the uncertainty of its continuance, and foreseeing his certain ruin at the end of it. Estimates on these points cannot be made with much precision, but they ought not on that account to be overlooked; and in making them, a strong leaning ought to be indulged towards the policy of securing to the nation independent resources within itself.

If I have extended these remarks beyond the proper limits, I must find my apology in the nature of the subject, and in the tenor of your letter, for which I pray you to accept my acknowledgments, with my respects and best wishes.

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TO GENERAL STARK.

WASHINGTON, December 26, 1819.

SIR,—A very particular friend of yours, who has been much recommended to my esteem, has lately mentioned you to me in a manner of which I avail myself to offer this expression of the sense I have always entertained of your character, and of the part you bore as a Hero and a Patriot in establishing the Independence of our Country.

I cannot better render this tribute than by congratulating you on the happiness you cannot fail to derive from the motives which made you a champion in so glorious a cause; from the gratitude shewn by your fellow-citizens for your distinguished services; and especially from the opportunity which a protracted life has given you of witnessing the triumph of republican Institutions so dear to you, in the unrivalled prosperity flowing from them during a trial of more than a fourth of a century.

May your life still be continued as long as it can be a blessing; and may the example it will bequeath never be lost on those who live after you.

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TO NOAH WEBSTER.

MONTPELLIER, Jan<sup>y</sup> —, 1820.

DEAR SIR,—In looking over my papers in order to purge and finally arrange my files, my attention fell on your letter of Aug. 20, 1804, in which I was requested to give such information as I could as to the origin of the change in the Federal Government which took place in 1788. My answer does not appear, the copy of it having been lost, if one was retained, as is probable. Will you be so obliging as to enable me to replace it, and to pardon the trouble I am imposing on you; accepting, at the same time, assurances of my esteem, and of my friendly respects?

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TO REV<sup>d</sup> F. C. SCHAEFFER.

MONTPELLIER, Jan<sup>y</sup> 8, 1820.

REV<sup>d</sup> SIR,—I have received your favor of December 30, with a copy of the Report from the Committee to the Managers of the Society for the prevention of pauperism in N. York.

To provide employment for the poor, and support for the indigent, is among the primary, and, at the same time, not least difficult cares of the public authority. In very populous Countries, the task is particularly arduous. In our favored Country, where employment and food are much less subject to failures or deficiencies, the interposition of the public guardianship is required in a far more limited degree. Some degree of interposition, nevertheless, is at all times and every where called for. In the cities, as the most crowded spots, this has been most the case; and in N. York, as appears, is in a greater degree the case [than] at present elsewhere, or than is usual there. The causes of this peculiarity are satisfactorily explained in the Re-



port. And among them, as was to be presumed, is the disproportionate resort thither of the poor of foreign countries.

Of the remedial measures suggested, I cannot be a competent judge, so many local considerations being involved. I can say, however, that the general view taken of the subject, and the vein of good sense conspicuous in the Report, authorize a reliance on the judgment which dictated it, with respect to details on which it would be presumptuous in a stranger to decide.

I beg you to receive my thanks for your polite communication, and a return of the good wishes with which you accompanied it.

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TO ROBERT WALSH.

MONTPELLIER, January 11, 1820.

DEAR SIR,—I have received your favor of the 2nd, with the pamphlet on the Missouri question, and return my thanks for your politeness in the communication.

Those who cannot assent to your conclusions as to the powers of Congress, and the preference of a confined to a dispersed situation of the slaves among us, must still be sensible of the lustre which ingenuity and eloquence have bestowed on some of your premises. And there cannot be many whose feelings will not accord with your pictures of the evils inherent in slavery itself.

It is far from my purpose to resume a subject on which I have, perhaps, already exceeded the proper limits. But, having spoken with so confident a recollection of the meaning attached by the convention to the term "migration," which seems to be an important hinge to the argument, I may be permitted merely to remark that Mr. Wilson,\* with the proceedings of that assembly fresh on his mind, distinctly applies the term to persons coming to the United States *from abroad*, (see his printed speech, p. 59;) and that a consistency of the passage cited from the Federalist, with my recollections, is preserved by the dis-

\* See letter of J. M. to Mr. Walsh of November 27, 1819.



criminating term "*beneficial*," added to voluntary emigrations from Europe to America.

I am glad to learn that your "appeal," &c., has so quickly got before the British public. It will satisfy the candid, and ought to silence the prudent part of the nation. From the press there it will spread the more easily over the continent, where its good effects will be not less certain. I congratulate you, sir, very sincerely on the prospect of ample success to your patriotic and very able performance, and beg leave to renew the assurances of my esteem and good wishes.

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TO PRESIDENT MONROE.

MONTPELLIER, February 10, 1820.

DEAR SIR,—I have duly received your favor of the 5th, followed by a copy of the public documents, for which I give you many thanks. I should like to get a copy of the Journals of the Convention. Are they to be purchased, and where?

It appears to me, as it does to you, that a coupling of Missouri with Maine, in order to force the entrance of the former through the door voluntarily opened to the latter, is, to say the least, a very doubtful policy. Those who regard the claims of both as similar and equal, and distrust the views of such as wish to disjoin them, may be strongly tempted to resort to the expedient; and it would, perhaps, be too much to say, that in no possible case such a resort could be justified. But it may at least be said that a very peculiar case only could supersede the general policy of a direct and magnanimous course, appealing to the justice and liberality of others, and trusting to the influence of conciliatory example.

I find the idea is fast spreading that the zeal with which the extension, so called, of slavery is opposed, has, with the coalesced *leaders*, an object very different from the welfare of the slaves, or the check to their increase; and that their real object is, as you intimate, to form a new state of parties, founded on local instead of political distinctions, thereby dividing the Re-

publicans of the North from those of the South, and making the former instrumental in giving to the opponents of both an ascendancy over the whole. If this be the view of the subject at Washington, it furnishes an additional reason for a conciliatory proceeding in relation to Maine.

I have been truly astonished at some of the doctrines and deliberations to which the Missouri question has led, and particularly so at the interpretations put on the terms "migration or importation, &c." Judging from my own impressions, I should deem it impossible that the memory of any one who was a member of the general convention, could favor an opinion that the terms did not *exclusively* refer to migration and importation *into the United States*. Had they been understood in that body in the sense now put on them, it is easy to conceive the alienation they would have then created in certain States; and no one can decide better than yourself the effect they would have had in the State Conventions, if such a meaning had been avowed by the advocates of the Constitution. If a suspicion had existed of such a construction, it would at least have made a conspicuous figure among the amendments proposed to the Instrument.

I have observed, *as yet*, in none of the views taken of the ordinance of 1787, interdicting slavery N. W. of the Ohio, an allusion to the circumstance that, when it passed, the Congress had no authority to prohibit the importation of slaves from abroad; that all the States had, and some were in the full exercise of, the right to import them; and, consequently, that there was no mode in which Congress could check the evil but the indirect one of narrowing the space open for the reception of slaves. Had a federal authority then existed to prohibit directly and totally the importation from abroad, can it be doubted that it would have been exerted? and that a regulation having merely the effect of preventing an interior dispersion of the slaves actually in the United States, and creating a distinction among the States in the degrees of their sovereignty, would not have been adopted, or perhaps thought of?

No folly in the Spanish Government can now create surprise.

I wish you happily through the thorny circumstances it throws in your way.

Adieu, &c.

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TO C. D. WILLIAMS.

FEB<sup>R</sup> —, 1820.

I have received your favor of———, accompanied by the pamphlet on the subject of a circulating medium.

I have not found it convenient to bestow on the plan proposed the attention necessary to trace the bearings and operations of new arrangements ingeniously combined on a subject which, in its most simple forms, has produced so much discussion among political economists.

It cannot be doubted that a paper currency, rigidly limited in its quantity to purposes absolute necessary, may be made equal and even superior in value to specie. But experience does not favor a reliance on such experiments. Whenever the paper has not been convertible into specie, and its quantity has depended on the policy of the Government, a depreciation has been produced by an undue increase, or an apprehension of it. The expedient suggested in the pamphlet has the advantage of tying up the hands of the Government; but besides the possibility of Legislative interferences bursting the fetters, a discretion vested in a few hands over the currency of the nation, and, of course, over the legal value of its property, is liable to powerful objections; and, though confined to a range of 5 per cent., would have still room for a degree of error or abuse not a little formidable. The idea, also, of making foreign currency, depending on a foreign will, and the balance of trade always varying, and at no time reducible to certainty and precision, standards for a national currency, would not easily be admitted.

I am sensible, sir, that these observations must have been included in your examination of the subject, and that they are to be regarded in no other light than as an expression of the re-

spect and acknowledgment which I pray you to accept for your polite communication.

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TO SAM<sup>L</sup> WYLLYS POMEROY.

MONTPELLIER, (VIRG<sup>A</sup>.) Feb<sup>J</sup>, 1820.

SIR,—Your favor of the 7th, with the Agricultural pamphlet, came duly to hand, and I offer my thanks for them. The letter on Dairy farms gives some interesting views of the subject. What relates to the use of the spayed heifer in place of the ox is new to me. If its qualities for draught be such as seems to be attested, they furnish new arguments for making less use of that expensive animal, the Horse. That their carcass will be improved for beef, comports with analogy. The case of the ox teams, as used in the Revolutionary war, is in point as to the aptitude of the ox for long trips and warm climates; and being of domestic experience and authority, may be expected to combat prejudices with more effect than evidence drawn from distant times and countries. It will merit, therefore, the attention you allot to it. I have not yet read the other papers in the publication; but from the subjects of them, and the reputation of the Society under whose auspices they appear, I regard them as promising me both pleasure and instruction.

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TO PRESIDENT MONROE.

MONTPELLIER, February 23, 1820.

DEAR SIR,—I received yours of the 19th on Monday. General Brown, who returned from Monticello that evening, has been since with me till 10 o'clock to-day.

Your letter found me indisposed from exposure to a cold wind, without due precaution, and I have continued so. I write now with a fever on me. This circumstance will account for both the delay and the brevity in complying with your request.

The pinch of the difficulty in the case stated seems to be in the words "forever," coupled with the interdict relating to the

Territory N. of lat.  $36^{\circ} 30'$ . If the necessary import of these words be, that they are to operate as a condition on future States admitted into the Union, and as a restriction on them after admission, they seem to encounter indirectly the argument which prevailed in the Senate for an unconditional admission of Missouri. I must conclude, therefore, from the assent of the Senate to these words, after the strong vote on constitutional grounds against the restriction on Missouri, that there is some other mode of explaining the words in their actual application.

As to the right of Congress to apply such a restriction during the territorial periods, it depends on the clause in the Constitution specially providing for the management of these subordinate establishments.

On one side, it naturally occurs that the right, being given from the necessity of the case, and in suspension of the great principle of self-government, ought not to be extended farther nor continued longer than the occasion might fairly require.

On the other side, it cannot be denied that the Constitutional phrase, "to make all rules," &c., as expounded by uniform practice, is somewhat of a ductile nature, and leaves much to legislative discretion.

The questions to be decided seem to be—1<sup>st</sup>, whether a *territorial* restriction be an assumption of illegitimate power, or—2, a measure of legitimate power. And if the latter only, whether the injury threatened to the nation from an acquiescence in the measure, or from a frustration of it, under all the circumstances of the case, be the greater. On the first point there is certainly room for difference of opinion, though, for myself, I must own that I have always leaned to the belief that the restriction was not within the true scope of the Constitution. In the alternative presented by the second point, there can be no room, with the cool and candid, for blame on those acquiescing in a conciliatory course, the demand for which was deemed urgent, and the course itself deemed not irreconcilable with the Constitution.

This is the hasty view of the subject I have taken. I am aware that it may be suspected of being influenced by the habit



of a guarded construction of Constitutional powers; and I have certainly felt all the influence that could justly flow from a conviction that an uncontroled dispersion of the slaves now in the United States was not only best for the nation, but most favorable for the slaves also, both as to their prospects of emancipation, and as to their condition in the mean time.

The inflammatory conduct of Mr. King surprises every one. His general warfare against the slaveholding States, and his efforts to disparage the securities derived from the Constitution, were least of all to be looked for. I have noticed less of recurrence to the contemporary expositions of the charter than was to be expected from the zeal and industry of the champions in debate. The proceedings of the Virginia Convention have been well sifted; but those of other States ought not to have been overlooked. The speeches of Mr. King in Massachusetts, and Mr. Hamilton in New York, shew the ground on which they vindicated particularly the compound rule of representation in Congress. And doubtless there are many other evidences of the way of thinking then prevalent on that and other articles equally the result of a sense of *equity* and a spirit of mutual concession.

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TO W. H. CRAWFORD.

MONTPELLIER, February 25, 1820.

DEAR SIR,—Yours of February 12th, with the medal from Count Marbois, were duly handed to me by General Brown. Will you do me the favor, whenever you have occasion to write to the Count, to make my acknowledgements for this token of his polite attention, and assure him that he has a full return of the friendly sentiments and wishes expressed by him?

I learn, with pleasure, from General Brown, that you enjoy good health in the midst of your official fatigues. I hope the former will continue, and that the latter will accomplish for our Country all the good which I am sure is the object of them.

When do you meditate an excursion into the Country, or a

trip to Georgia? In either case, it need not be repeated that Montpelier has ever the most cordial welcome for Mrs. C. and yourself, to both of whom Mrs. M. joins in a tender of sincere respects, and of every good wish.

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TO TENCH COXE.

MONTPELLIER, March 20, 1820.

DEAR SIR,—On the receipt of yours of the 7th, I dropped a few lines to the President on the subject of your son. I did it, however, rather in compliance with your desire, than from a doubt that his own dispositions would be as favorable as circumstances will permit. I sincerely wish that nothing in them may oppose the object you have so much and so justly at heart.

I am glad to find you still sparing moments for subjects interesting to the public welfare. The remarks on the thorny one to which you refer in the "National Recorder," seem to present the best arrangement for the unfortunate part of our population whose case has enlisted the anxiety of so many benevolent minds, next to that which provides a foreign outlet and location for them. I have long thought that our vacant territory was the resource which, in some mode or other, was most applicable and adequate as a gradual cure for the portentous evil; without, however, being unaware that even that would encounter serious difficulties of different sorts.

I had noticed the views published in the National Intelligencer on the culture of the vine, and conjectured the source to which they were to be credited. I heartily wish they may engage the same public attention, and with the same success as distinguished the efforts in behalf of the article of cotton; but it can scarcely be hoped that a progress equally rapid will take place in the case of the vine as was experienced in the other. I believe I have heretofore expressed my anticipation of a decreasing market for all our great staples for exportation, and of the consequent necessity of directing our labour to other ob-

jects. The vine would add a very important one, as you have shewn, to the manufacturing substitutes. With respect to these, I concur in the opinion which I take to be yours, that the zeal of some of their advocates has pushed them beyond the practicable and eligible limit; whilst others have run into the opposite extreme, by allowing no exceptions to a just theory. A middle course, difficult to be defined, and more difficult to be made the basis of a compromise in the National Councils and in the public opinion, would in this, as in most cases, be the advisable one. After all, I fear the greatest obstacle to domestic manufactures lies where it has not been sufficiently adverted to, and where it will be found most difficult to overcome it; I mean, in the credit which the foreign capital gives in the sale of imported manufactures over our manufacturers, who, giving little or no credit to the retail merchants, these must do the same to the consumer. The importing merchants, by the credits they enjoy, enabling the retailers to grant correspondent indulgences, the foreign fabrics readily exclude or supplant the domestic in the general consumption, notwithstanding the preference due to the quality and price of the domestic. I am led to believe, that apart from the difference between the credit and cash sales, the market for the domestic would rapidly extend itself. There seems to be an additional circumstance not friendly to the household branch, more than to our spinning establishments. The sale of yarns being of less importance to the retail merchants through the country than that of imported stuffs, they are not interested in favoring the household looms by keeping on hand the spun material.

It is proposed in Congress, I see, to invigorate the statutory contest with G. Britain for a reciprocity in the West India trade, in which the address of the latter has thus far parried the measures on this side. Perseverance in countervailing her Protean expedients cannot fail of ultimate success. But the peace and plenty now enjoyed in Europe, and still more, the supplies attainable *from* Canada and from the contiguous parts of the United States, now become so productive, *through* Canada, may render the contest more obstinate than might have

happened at periods when the dependence of the Islands on our exports was more acutely felt.

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TO WILLIAM S. CARDELL.

MARCH —, 1820.

SIR,—I have received your favor of the 4th, inclosing a printed copy of a circular address on the subject of a “National Philological Academy.”

The object of such an Institution well recommends it to favorable attention. To provide for the purity, the uniformity, and the stability of language, is of great importance under many aspects; and especially as an encouragement to genius and to literary labours, by extending the prospect of just rewards. A universal and immortal language is among the wishes never likely to be gratified. But all languages are, more or less, susceptible of improvement and of preservation; and none can be better entitled to the means of perfecting and fixing it than that common to this country and Great Britain; since there is none that seems destined for a greater and freer portion of the human family. This consideration alone makes it desirable, that instead of allowing this common tongue to be gradually fashioned into distinct ones, or even to diverge into different dialects, there should be at least a tacit co-operation in perpetuating its identity by a joint standard. No obstacle on the side of Great Britain can arise from the present ascendancy of British over American literature and population. Whilst it must be flattering to both nations to contemplate the prospect of covering with their posterity and their language a greater space on the earth than any other nation, it is obvious that a few years will transfer the ascendancy to the United States, with respect to the number of people, and that a period of years may be calculated to have a like effect as to the number devoting themselves to scientific and literary pursuits.

From this view of the subject you will not doubt my cordial wishes for the success of the projected Academy, nor the sense



I have of the honorary relation to it held out to me. Foreseeing, at the same time, as I cannot but do, that, in accepting it, I should be a nominal functionary only, and in the way of some other choice which might justify the distinction by the services due from it, I must hope to be excused for requesting that my name may not be proposed, as suggested by your partiality and politeness.

I know not well what to say in answer to your request of names worthy of being associated in the proposed Institution. I am not sure that any occur to me at present who are not sufficiently known to the public; nor can I lose sight of the risk of doing injustice, by omissions of which I should be unconscionable. I shall not be backward, nevertheless, in contributing any future aid on this head which my better recollections, or further information, may put in my power.

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TO M. VAN BUREN, ALBANY.

MONTPELLIER, Mar. 27, 1820.

SIR,—I have just received your communication of the 15th, in which my consent is requested to the publication of my correspondence in 1814 with the Vice President of the United States, then Governor of New York, on the subject of his proposed nomination for the Department of State. There being nothing in that correspondence which I could possibly wish to be regarded as under a seal of secrecy, I cannot hesitate in complying with the request.

As most delicate to the Vice President, as well as becoming to myself, under existing circumstances, I forbear to add for publication any further expression of the high sense which I have always entertained of his exertions and services during the period of the late war, and which were so generally applauded throughout the Nation.

The transcripts are returned, with the interlined correction from the papers in my possession of a few immaterial errata, the



effect, probably, of the copying pen. I am not able to lay my hand on the first letter from me of September 28, 1814; but I cannot doubt the sufficient exactness of the copy now returned.

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TO M. VAN BUREN.\*

1820.

D<sup>R</sup> SIR,—I find by a newspaper just come to hand that the publication of the correspondence with Governor Tompkins in 1814 is preceded by that, or rather part of that, between you and myself.

I cannot but regret that my intention in this particular was not rightly understood. My hasty letter was written under the impression that nothing would go to the press but the original correspondence, with, at most, an intimation that it had been ascertained that on my part there was no desire that there should be any seal of secrecy on it. Writing under this impression, I did not distinguish between the letter from you as chairman and that in your own name; to the latter of which the terms of mine were more particularly adapted than to the other.

I have not yet seen any comments on this publication, but am apprehensive of inferences from the face of it that I furnished the copies of the original correspondence, which I should have thought of doubtful propriety, at least if I should have readily done it; and that I publicly volunteered for the occasion an extra testimony of my high sense of the merits of the Vice President; which would not have accorded with the aversion I ought to feel at any thing like interfering with party politics, and which is commensurate with the manifest impropriety of it.

I have thought it proper, Sir, to trouble you with these remarks, in full confidence that you will, in the mode you may deem best, controul such inferences as I have alluded to by letting it be publicly known that they are erroneous; which I presume may be done without a publication of this letter.

\* Not sent, there appearing to be no occasion for the explanation.

TO MARK L. HILL.

APRIL —, 1820.

D<sup>R</sup> SIR,—I have received your favor of the 17th, inclosing two letters from Mr. Jefferson, one to the late Governor Langdon, the other to yourself, and a copy of your printed address to your constituents on the Missouri question. The letters I return, as you desired. Mr. Jefferson was very right, I think, in not assenting to the publication of his letter to your uncle.

I was myself intimately acquainted with your uncle, and cheerfully concur in all the praise Mr. Jefferson bestows on him. He was a true patriot and a good man; with a noble way of thinking, and a frankness and warmth of heart that made his friends love him much, as it did me in a high degree, and disarmed his enemies of some of the asperity indulged towards others.

The candid view you have given of the Missouri question is well calculated to assuage the party zeal which it generated. As long as the conciliatory spirit which produced the Constitution remains in the mass of the people, and the several parts of the Union understand the deep interest which every part has in maintaining it, these stormy subjects will soon blow over; and the people, on the return of calm, be more disposed to consider wherein their interests agree, than wherein their opinions differ. The very discords to which they found themselves subject, even under the guardianship of a united Government, premonish them of the tempestuous hostilities which await a dissolution of it. I did not know that I had so much personal concern in the length of the session as I found I had by its effect on your intended visit. I well know how much room there is for sympathetic recollection of the political scenes through which we have passed, and should have found the pleasure of seeing you increased by the tranquil review which our conversations might have taken of them. I cannot but hope that a future opportunity will repair the disappointment, and that it may still be in my power to express to you, under my

vine and fig tree, the esteem and friendly respects of which I pray you to accept this assurance at Washington.

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TO J. Q. ADAMS.

MONTPELLIER, June 13, 1820.

DEAR SIR,—I have received and return my thanks for your polite favor accompanying the copy of the printed Journal of the Federal Convention, transmitted in pursuance of a late resolution of Congress.

In turning over a few pages of the Journal, which is all I have done, a casual glance caught a passage which erroneously prefixed my name to the proposition made on the 7th day of September, for making a council of six members a part of the Executive branch of the Government. The proposition was made by Col. *George Mason*, one of the Virginia delegates, and seconded by Doctor Franklin. I cannot be mistaken in the fact; for, besides my recollection, which is sufficiently distinct on the subject, my notes contain the observations of each in support of the proposition. As the original Journal, according to my extract from it, does not name the mover of the proposition, the error, I presume, must have had its source in some of the extrinsic communications to you; unless, indeed, it was found in some of the separate papers of the Secretary of the Convention, or is to be ascribed to a copying pen. The degree of symphony in the two names, *Madison* and *Mason*, may possibly have contributed to the substitution of the one for the other.

This explanation having a reference to others as well as myself, I have thought it would be neither improper nor unacceptable.

TO G. W. FEATHERSTONHAUGH.

JUNE —, 1820.

DEAR SIR,—I have received your favor of the 1st instant, with the pamphlet containing the “Address from the Board of Agriculture of the State of New York to the County Societies.”

I thank you, Sir, for the communication. The address seems happily calculated as well to dissuade from the fallacious pursuits which have been so extensively injurious, as to cherish a zeal for the one most essential, to the public prosperity; and which gives, at the same time, the best assurance of individual success.

It is truly gratifying to see the interest now generally taken in Rural Economics. The extent in which the State of New York has patronized the study and practice of them is highly creditable to its liberality, and merits the more attention, as it forms a ground of instructive comparison with the experiments left by other States to the unaided associations of patriotic individuals. Thus far, the experiment in the latter form has a promising aspect with us. But it is of too recent a commencement for any final inference with regard to its comparative success.

I shall deposit the publication, for which I am indebted, with the Board to which I belong, not doubting that it will readily accept the proffered correspondence with that of New York. I have as little reason to doubt a similar disposition of the other Societies within the State.

I cannot at present send you the document requested in a pamphlet form. As soon as I can procure a copy, it shall be put under a cover and forwarded.

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TO GEORGE ALEXANDER OTIS.

MONTPELLIER, July 3d, 1820.

SIR,—I have received your favor of June 20, with the translated copies of Pradt's Europe for 1819, and of the 1<sup>st</sup> Vol. of

Botta's History of our War of Independence. Be pleased to accept my thanks for both.

The literary reputation of the latter author, with the philosophic spirit and classic taste allowed abroad to this historical work, justly recommended the task in which you are engaged of placing a translation of it before American readers, to whom the subject must always be deeply interesting, and who cannot but feel a curiosity to see the picture of it as presented to Europe by so able a hand. The author seems to have the merit of adding to his other qualifications much industry and care in his researches into the best sources of information, and it may readily be supposed that he did not fail to make the most of his access to those in France not yet generally laid open. A complete view of our revolutionary contest involves transactions in and out of the Cabinets of the several nations who directly or indirectly participated in it, which time may be expected more and more to disclose.

I sincerely wish, Sir, that you may meet with all the encouragement due to your laudable undertaking; which, besides the gratification it will afford to readers in general, will enable the more critical part of them to mark and correct errors which all the care and candor of Mr. Botta may not have avoided, and which either do injustice or not full justice to the American cause and character.

I shall endeavour to give an opportunity for subscribing your proposals to such of the individuals in my vicinity as are most likely to make use of it. The number would be small under more favorable circumstances. Under those now felt every where, I cannot venture to expect any sensible aid to the publication.

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TO D<sup>R</sup> DE LA MOTTA.

MONTPELLIER, Aug., 1820.

SIR,—I have received your letter of the 7th instant, with the Discourse delivered at the Consecration of the Hebrew Syna-



gogue at Savannah, for which you will please to accept my thanks.

The history of the Jews must forever be interesting. The modern part of it is, at the same time, so little generally known, that every ray of light on the subject has its value.

Among the features peculiar to the political system of the United States, is the perfect equality of rights which it secures to every religious sect. And it is particularly pleasing to observe in the good citizenship of such as have been most distrusted and oppressed elsewhere a happy illustration of the safety and success of this experiment of a just and benignant policy. Equal laws, protecting equal rights, are found, as they ought to be presumed, the best guarantee of loyalty and love of country; as well as best calculated to cherish that mutual respect and good will among citizens of every religious denomination which are necessary to social harmony, and most favorable to the advancement of truth. The account you give of the Jews of your congregation brings them fully within the scope of these observations.

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TO RICHARD RUSH.

MONTPELLIER, Aug. 12, 1820.

D<sup>R</sup> SIR,—In acknowledging your favor of September last, an interval between that date and this presents itself, which would call for apology were I less sure that you would put no misconstruction on it. The truth is, I well know your time must be so engrossed with objects more important than my correspondence, that I am unwilling to multiply its interferences, notwithstanding the temptations I feel in the pleasure which your letters afford me.

I thank you much, my dear sir, for your kindness in procuring the posthumous works of Gibbon, and the continuation of Eustace, by Sir R. Hoare. The latter I have not yet found it convenient to look over. The former has recreated not a few of my leisure hours. I have to thank you, also, for the copy

you were so good as to spare of the pamphlet relating to the Holkam Estate. It contains some instructive, and many amusing, pages. I was surprised to see stated, as a new expedient, the substitution of *dotting* for *turfing*. I had practised the former for several years on a small scale, without regarding it in the least as a new idea.

The scene you are witnessing, in the case of the British Queen, so agitating on the local theatre, is regarded not without curiosity at this distance. The Ministry seem to be entangled in their own web; and Monarchy itself may well dread the tendency of such specimens, in the present temper of the world, and with the contrast of an uncorrupted Republic giving full relief to such deformities. This consideration, I presume, accounts for the general anxiety to stifle the inquiry in its birth.

You see that the evasive resorts of the British Parliament against the retaliating acts of Congress have produced a further effort to force a reciprocity in the West India trade. I heartily wish you may be able to negotiate the controversy into a just and amicable settlement, for the benefit of both parties. Resting, as the claims of Congress do, on the soundest of principles, and united and committed in the contest as all parties here now are, no retreat on this side can be expected on the other; notwithstanding the advantage it may have at this postponed epoch for making the British West Indies independent of direct supplies from the United States, particularly by supplies through Canada from the districts now so productive on the Lakes and the S<sup>t</sup> Lawrence. It has always appeared to me that the British Government had no plausible plea for the course it has pursued. The rule of reciprocity, the only admissible one between independent nations, evidently forbade it. The very principle of Colonial monopoly gives no countenance to it; that principle excluding all commercial intercourse between a Colony and a foreign Country, other than through the parent State, and being abandoned the moment a *direct* intercourse is opened in national vessels. The Colonial ports in this case are assimilated to other ports of the same nation opened to such intercourse; and are brought, of course, within the same rule of

reciprocity. Nor is there any truth in the plan, so much urged on the British side, and too often admitted on ours, which refers to the practice of other European nations having Colonies. The general practice of these nations, inconformably to the Colonial principle, is to shut the Colonies against all direct trade with foreign Countries. But it is equally their practice, whenever they find it requisite to suspend the principle by opening the Colonial ports to a foreign trade, to respect the principle of reciprocity, by allowing to foreign vessels the same carrying privileges with their own. If there be any exception, it is of recent date, and probably an effect of the British practice, instead of a precedent for it.

You will learn, with pleasure, that the seasons of the present year are proving abundantly fruitful throughout our whole Country. For want of adequate markets, however, particularly for the esculent grains, the surplus will not give the desired relief from the pressure felt by so large a portion of the people. This must be the work of time and economy, aided by the professional household manufactures. The latter abridges the expenditures of individuals; and both, the amount to be paid to foreign nations. There are glimpses, it would seem, in late Parliamentary discussions, of some approaching relaxation of the system which precludes the sale of British products by refusing to purchase those of other Countries. In so plain a case, the error of the system cannot permanently resist the increasing light on all subjects of political economy. But it is so common to find a long interval between the discovery and the correction of a false policy, that other remedies must be relied on for the difficulties felt here.

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TO BERNARD SMITH.

SEPT<sup>r</sup> —, 1820.

D<sup>r</sup> SIR,—I have just received yours of the 6th instant. Knowing nothing that could in the least detract from the respect and confidence of which you have had successive marks from me, I

should always be ready to bear the testimony requested, under circumstances not liable to be misconstrued or misrepresented. How far those under which it would now be given are of that character, I cannot but think may deserve the consideration of us both. The people of the States are naturally and justly jealous of external interferences, and particularly so on occasions when they are exercising their elective rights; and any thing from me to be publicly used on the approaching one to which you refer, would be the more likely to awaken that feeling, as it involves, it seems, a great political question, on which a local bias might be alleged or suspected to be chargeable on me. With this view of the subject, I think I do not err in supposing that I consult your advantage, not less than what concerns myself, in leaving the result in the present case to the merit which heretofore procured the suffrages of your constituents, and to their intelligence and liberality in appreciating your discharge of the trust committed to you.

I thank you, sir, for the very kind wishes you have expressed, and beg you to be assured of a sincere return of mine for a long and prosperous life.

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MONTPELLIER, Oct 14, 1820.

DEAR SIR,—In fulfilment of my promise, I return the letters to General Washington which you were so obliging as to forward to me. I should have done it sooner, but that I had hoped to return at the same time the letters expected from Richmond. Will you permit me to recall your attention to the latter portion, (which, I believe, will comprise the letters I could most wish to obtain,) that the Chief Justice may not lose the opportunity of a recess for looking them up?

Be assured always of my high esteem and my cordial respects.

TO JUDGE WASHINGTON.



TO JOEL K. MEADE.

OCTOBER 16, 1820.

SIR,—I have received your letter of the 12th instant, and cannot speak too favorably of the object which employs your thoughts, or of the distinguished zeal with which you devise means for accomplishing it. Of those which have occurred you ask my opinion. I wish it were better entitled to the confidence you seem to attach to it. Such as it is, I give it with the candour which I cannot doubt you will approve, however it may be wanting in any other recommendation.

An essential reliance is placed in a lottery and a Society, (incorporated, of course,) under the authority of Congress. To the first, there will be serious objections of a moral nature with some, and of a constitutional nature with others. To the second, constitutional objections will be urged of a still more decided cast.

Should none of these objections prevail, and the lottery be successful to an adequate extent, the conversion of the pecuniary fund into a large landed estate, as proposed, would involve others which could not but be allowed peculiar weight. A Society formed of scattered members, with a trust in which they would not be personally interested, and that trust at so great a distance, and consisting of farms and leases, would scarcely be exempt from mismanagements of a ruinous tendency. Whatever might be the purity and activity of the founders and their first agents, relaxations of zeal in their successors, with multiplying opportunities for collusions and other abuses, would speedily ensue. Nothing has been found more difficult in practice than to guard charitable institutions against mismanagements fatal to their original objects. In England, where they have abounded in every form, late investigations have brought to light a degree and a generality of the perverseness of their endowments into sinecures and corrupt jobs, which suggest every where the utmost precaution against such evils; a task which will always be more difficult in proportion to the complexity of the plans, and the number, the dispersion, and the distance



of those who are to be concerned in the superintendence and conduct of them.

Some provision for selecting and educating youths who possess genius and virtue, without the means of doing justice to the gifts of nature, seems equally due to individual merit and to the public welfare. The difficulty lies in devising the plans at once most practicable and most effectual. Perhaps a limitation of the efforts, in the first instance, at least, to the sphere and patronage of the local authorities, would promise most success. Constitutional difficulties would then be avoided; a greater simplicity in the plans and responsibility in the execution of them attainable. And an emulation in that, as is taking place in other instances, might produce, finally, the most eligible provision for the object in view: a provision for selecting boys of uncommon promise, and carrying them forward, as their merits might develop themselves, through the successive grades of education proposed for the State. But it has never received a legislative sanction.

I have only to add to these remarks a request that they may be regarded as merely addressed to yourself, and a tender of my respect and good wishes.

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TO TENCH COXE.

MONTPELLIER, Nov. 4th, 1820.

DEAR SIR,—I have received your letter of the 12th, and written one to the President, which will remind him of your successive services to your Country, and convey my sense of their merit and value. Being in no correspondence with any of the present members of the Senate, I feel myself less at liberty to do the same with them; especially as there may be some delicacy in anticipating a nomination from the Executive. I will, however, drop a few lines in confidence to one of the Senators from this State.

I am glad to find that you have not relinquished your watchfulness over our public affairs, or your efforts to give fair and

consistent views of important subjects evolved in the progress of them. This can best be done by those who know best, as well the general spirit and scope of our political institutions, as the history of the proceedings under them. I see every day errors afloat, which prove how much is unknown or forgotten of what is essential to a just and satisfactory comment on politics of the times. Facts even the most easily traced, when not remembered, seem, in many instances, to be entirely misunderstood or misapplied. Among these, none is more remarkable than the allegations issuing from so many sources against what is called the Southern ascendancy. Certain it is, that there never has been a time (nor is there likely to be one) when there has not been a minority of Southern votes in both Houses of Congress. It is equally certain, that in the first period under the existing Constitution, when the most precious fruits of it were gathered, the ascendancy was elsewhere, and not in that section. Nor is it less certain, that if during subsequent periods the Southern opinions and views have generally prevailed in the National Councils, it is to be ascribed to the coinciding opinions and views entertained by such a portion of other sections as produced, in the aggregate, a majority of the nation. The ascendancy, therefore, was not a Southern, but a Republican one, as it was called and deemed by all, wherever residing, who contributed to it. But I am not only overstepping my intended limit, but repeating what is better understood by no one than yourself.

In looking over my pamphlets and other printed papers, I perceive a chasm in the Debates of Congress between March 4, 1790, (being the close of N<sup>o</sup> III of Vol. IV, by T. Lloyd,) and the removal of Congress from Philadelphia to Washington. May I ask the favor of you, if it can be done without difficulty, to procure for me the means of filling the chasm. I should be glad, also, to procure a pamphlet, "Sketches of American policy, by Noah Webster," published in Philadelphia in 1784 or '5; and another, "Pelitiah Webster's dissertation on the political Union and Constitution of the thirteen United States," pub-

lished in 1783 or '4. Both of them have disappeared from my collection of such things.

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TO PRESIDENT MONROE.

MONTPELLIER, Nov. 19, 1820.

DEAR SIR,—Yesterday's mail brought me your favor of the 16th, with a copy of your message; the only one which reached me, no newspaper containing it having come to hand.

The view you have taken of our public affairs cannot but be well received at home, and increase our importance abroad. The state of our finances is the more gratifying, as it so far exceeds the public hopes. I infer from the language of your letter that the contest for the chair terminated in favor of Mr. Taylor, and that it manifested a continuance of the spirit which connected itself with the Missouri question at the last session. This is much to be regretted, as is the clause in the Constitution of the new State, which furnishes a text for the angry and unfortunate discussion. There can be no doubt that the clause, if against the Constitution of the U. S., would be a nullity; it being impossible for Congress, with, more than without, a concurrence of new or old members of the Union, to vary the political equality of the States, or their constitutional relations to each other or to the whole. But it must, to say the least, be an awkward precedent to sanction the constitution of the new State containing a clause at variance with that of the U. S., even with a declaration that the clause was a nullity; and the awkwardness might become a very serious perplexity if the admission of the new State into the Union, and of its Senators and Representatives into Congress, and their participation in the acts of the latter, should be followed by a determination of Missouri to remain as it is, rather than accede to an annulment of the obnoxious clause. Would it not be a better course to suspend the admission until the people of Missouri could amend their constitution; provided their so doing would put an end to

the controversy, and produce a quiet admission at the ensuing session? Or, if the objections to this course be insuperable, may it not deserve consideration whether the terms of the clause would not be satisfied by referring the authority it gives to the case of free people of color *not citizens* of other States?

Not having the constitution of Missouri at hand, I can form no opinion on this point; but a right in the States to inhibit the entrance of that description of coloured people, it may be presumed, would be as little disrelished by the States having no slaves as by the States retaining them. There is room, also, for a more critical examination of the constitutional meaning of the term "citizens" than has yet taken place, and of the effect of the various civil disqualifications applied by the laws of the States to free people of color.

I do not recollect that Mr. Correa had any direct or explicit conversation with me on the subject between him and the Government. It is possible that my view of it might have been inferred from incidental observations; but I have no recollections leading me to the supposition, unless an inference was made from a question touched on concerning the precise criterion between a civilized and uncivilized people, which had no connection, in my mind, with his diplomatic transactions. What may have passed with Mr. Jefferson, I know not.

I find that Mr. Tench Coxe is desirous of some *profitable mark* of the confidence of the Government, for which he supposes some opportunities are approaching, and, with that view, that you should be reminded of his public career. I know not what precise object he has in his thoughts, nor how far he may be right in anticipating an opening for its attainment; and I am aware both of your own knowledge of his public services, and of your good dispositions towards him. I feel an obligation, nevertheless, to testify in his behalf that, from a very long acquaintance with him, and continued opportunities of remarking his political course, I have ever considered him among the most strenuous and faithful laborers for the good of his country. At a very early period, he was an able defender of its commercial rights and interests. He was one of the members

of the convention at Annapolis. His pen was indefatigable in demonstrating the necessity of a new form of Government for the nation, and he has steadfastly adhered, in spite of many warping considerations, to the true principles and policy on which it ought to be administered. He has also much merit in the active and efficient part he had in giving impulse to the cotton cultivation and other internal interests, and I have reason to believe that his mind and his pen continue to be occupied with subjects closely connected with the public welfare. With these impressions of the services he has rendered, I cannot but own that any provision that could be proper in itself, and contribute to make his advanced age more comfortable than it otherwise might be, would afford me real pleasure. Of its practicability I do not presume to judge.

In looking over the bundle of my letters to Mr. Jones, I find one dated in December, 1780, containing a statement of what passed in the old Congress relative to the proposed cession of the Mississippi to Spain, corresponding *precisely* with my recollection of it as explained to you. I was disappointed in finding it limited to that year. My correspondence ran through a much longer period, of which I have proofs on hand; and from the tenor of the above letters, and my intimacy with him, I have no doubt that my communications were often of an interesting character. Perhaps the remaining letters, or a part of them, may have escaped your search. Will you be so good as to renew it whenever and wherever the convenient opportunity may admit?

What is become of the secret journals of the old Congress, and when will the press give them to the public?

A fever of the typhus denomination, which has for some months been rambling in this district of country, has lately found its way to this spot. Out of fourteen patients within my precincts, five have died, two only have perfectly recovered, and among the rest the major number are very ill. New cases, also, are almost daily occurring. I have sustained a heavy loss in a young fellow who was educated in Washington, a cook, and was becoming, moreover, a competent gardener. I am suf-



fering, also, much from the protracted illness of the man charged with my farming business, which exposes the several crops not yet secured to great neglect and waste.

We have heard nothing particularly of Mrs. Monroe's health, which we hope has been fully restored. We have the same hope as to Mr. Gouverneur, who Mr. Hay informed me was dangerously ill.

With our best wishes for you all, be assured of my affectionate respects.

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TO GENERAL LA FAYETTE.

MONTPELLIER, NOV<sup>r</sup> 25, 1820.

I have received, my dear friend, your kind letter of July 22, inclosing your printed opinion on the Election project. It was very slow in reaching me.

I am very glad to find, by your letter, that you retain, undiminished, the warm feelings of friendship so long reciprocal between us; and, by your "opinion," that you are equally constant to the cause of liberty, so dear to us both. I hope your struggles in it will finally prevail, in the full extent required by the wishes and adapted to the exigencies of your Country.

We feel here all the pleasure you express at the progress of reformation on your Continent. Despotism can only exist in darkness, and there are too many lights now in the political firmament to permit it to reign any where as it has heretofore done almost every where. To the events in Spain and Naples has succeeded already an auspicious epoch in Portugal. Free States seem, indeed, to be propagated in Europe as rapidly as new States are on this side of the Atlantic. Nor will it be easy for their births, or their growths, if safe from dangers within, to be strangled by external foes; who are not now sufficiently united among themselves, are controuled by the aspiring sentiments of their people, are without money of their own, and are

no longer able to draw on the foreign fund which has hitherto supplied their belligerent necessities.

Here, we are, on the whole, doing well, and giving an example of a free system, which, I trust, will be more of a pilot to a good port than a beacon-warning from a bad one. We have, it is true, occasional fevers, but they are of the transient kind, flying off through the surface, without preying on the vitals. A Government like ours has so many safety-valves, giving vent to overheated passions, that it carries within itself a relief against the infirmities from which the best of human Institutions cannot be exempt. The subject which ruffles the surface of public affairs most, at present, is furnished by the transmission of the "Territory" of Missouri from a state of nonage to a maturity for self-Government, and for a membership in the Union. Among the questions involved in it, the one most immediately interesting to humanity is the question whether a toleration or prohibition of slavery Westward of the Mississippi would most extend its evils. The humane part of the argument against the prohibition turns on the position, that whilst the importation of slaves from abroad is precluded, a diffusion of those in the Country tends at once to meliorate their actual condition, and to facilitate their eventual emancipation. Unfortunately, the subject, which was settled at the last session of Congress by a mutual concession of the parties, is reproduced on the arena by a clause in the Constitution of Missouri, distinguishing between free persons of colour and white persons, and providing that the Legislature of the new State shall exclude from it the former. What will be the issue of the revived discussion is yet to be seen. The case opens the wider field, as the Constitutions and laws of the different States are much at variance in the civic character given to free persons of colour; those of most of the States, not excepting such as have abolished slavery, imposing various disqualifications, which degrade them from the rank and rights of white persons. All these perplexities develop more and more the dreadful fruitfulness of the original sin of the African trade.

I will not trouble you with a full picture of our economics. The cessation of neutral gains, the fiscal derangements incident to our late war, the inundation of foreign merchandizes since, and the spurious remedies attempted by the local authorities, give to it some disagreeable features. And they are made the more so by a remarkable downfall in the prices of two of our great staples, breadstuffs and tobacco, carrying privations to every man's door, and a severe pressure to such as labour under debts for the discharge of which they relied on crops and prices, which have failed. Time, however, will prove a sure physician for these maladies. Adopting the remark of a British Senator, applied with less justice to his Country, at the commencement of the Revolutionary contest, we may say that, "Although ours may have a sickly countenance, we trust she has a strong Constitution."

I see that the bickerings between our Governments on the point of tonnage has not yet been terminated. The difficulty, I should flatter myself, cannot but yield to the spirit of amity and the principles of reciprocity entertained by the parties.

You would not, believe me, be more happy to see me at Lagrange than I should be to see you at Montpelier, where you would find as zealous a farmer, though not so well cultivated a farm as Lagrange presents. As an interview can hardly be expected to take place at both, I may infer, from a comparison of our ages, a better chance of your crossing the Atlantic than of mine. You have also a greater inducement in the greater number of friends, whose gratifications would at least equal your own. But if we are not likely to see one another, we can do what is the next best, communicate by letter what we would most wish to express in person; and, particularly, can repeat those sentiments of affection and esteem which, whether expressed or not, will ever be most sincerely felt by your old and steadfast friend.

TO JAMES BARBOUR.

Nov<sup>r</sup> 25. 1820.

DEAR SIR,—Although I know not that any occasion will arise making it pertinent to bring the political career of Mr T. Coxe to your attention, I cannot, in justice to my recollections of it, refuse my testimony as to the credit to which it is entitled. I am not unaware that he may have political and perhaps personal enemies who do not speak as I think of him. But facts cannot be impaired by opinions.

Mr. Coxe was one of the Convention at Annapolis [in] 1786, where he was regarded as a sound politician, as particularly enlightened on subjects of commerce, and as a man of literary accomplishments. His pen was ably and indefatigably employed in defending and recommending the Constitution proposed by the Convention of 1787. And he has steadfastly adhered, in spite of many considerations, some of a very trying sort, to the principles and policy in administering it which ultimately had the sanction of the nation. He has the merit, also, of an elaborate and distinguished work, vindicating, at an early day, our commerce against its foreign foes; and of an important impulse, through the press, to the cultivation of cotton, since become the primary staple of our exports; not to mention instructive efforts in favor of the cultivations, which by degrees may become valuable additions to our Agricultural prosperity. With this view of his pretensions, combined with a long and intimate acquaintance, I cannot but own that any provision for him that would be proper in itself, and contribute to make his advanced age more comfortable than it otherwise might be, would afford me real pleasure; and I take the liberty of saying so, not forgetting, at the same time, that it may be most delicate to do it in confidence, in order to avoid an apparent anticipation when I can have no warrant for it.



TO F. CORBIN.

NOVEMBER, 26, 1820.

D<sup>r</sup> SIR,—I had the pleasure of receiving, a few days ago, your favor post-marked the 18th, in lieu of the greater pleasure with which I should have received you *in propria persona*. I am sorry you so readily yielded to the consideration which deprived us of it in September. The addition of your company would have been felt no otherwise than as an ingredient highly acceptable to that you would have met here, as well as to Mrs. M. and myself. For a day or two, indeed, you might have been involved in the common distress occasioned by the hopeless and expiring condition of the little son of Mrs. Scott; but even that drawback might not have taken place within the period of your visit.

You complain of the times, which are certainly very hard; but you have a great abatement of your comparative suffering in your paper funds, notwithstanding the suspension of their current productiveness. This is but a *lucrum cessans*. How many are feeling the *damnum emergens* also! Besides, in the event of a necessary sale of property, (certainly not your case,) the paper property is the only sort that can find a tolerable and certain market. Whilst I condole with you, therefore, on the hardships in which you participate, I must congratulate you on your escape from a portion which afflicts others. The general condition of these is truly lamentable. If debtors to the Banks, nothing can relieve them but a renewal of discounts, not to be looked for: if owing debts, for discharging which they have relied on crops or prices, which have failed, they have no resource but in the sale of property, which none are able to purchase. With respect to all these, the times are hard indeed; the more so, as an early change is so little within the reach of any fair calculation.

I do not mean to discuss the question how far *slavery* and *farming* are incompatible. Our opinions agree as to the evil, moral, political, and economical, of the former. I still think, notwithstanding, that under all the disadvantages of slave cul-



tivation, much improvement in it is practicable. Proofs are annually taking place within my own sphere of observation; particularly where slaves are held in small numbers, by good masters and managers. As to the very wealthy proprietors, much less is to be said. But after all, (protesting against any inference of a disposition to underrate the evil of slavery,) is it certain that in giving to your wealth a new investment, you would be altogether freed from the cares and vexations incident to the shape it now has? If converted into paper, you already feel some of the contingencies belonging to it; if into commercial stock, look at the wrecks every where giving warning of the danger. If into large landed property, where there are no slaves, will you cultivate it yourself? Then beware of the difficulty of procuring faithful or complying labourers. Will you dispose of it in leases? Ask those who have made the experiment what sort of tenants are to be found where an ownership of the soil is so attainable. It has been said that America is a country for the poor, not for the rich. There would be more correctness in saying it is the country for both, where the latter have a relish for free government; but, proportionally, more for the former than for the latter.

Having no experience on the subject myself, I cannot judge of the numerical point at which congratulations on additional births cease to be appropriate. I hope that your 7th son will in due time prove that in his case, at least, they were amply called for; and that Mrs. C. and yourself may long enjoy the event as an addition to your happiness.

Mrs. M. unites with me in this, and in every assurance of respect and good wishes to you both.

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TO RICHARD RUSH.

DECEMBER 4th, 1820.

DEAR SIR,—Since my last, which was of August 12, I have been favoured with yours of August 30, with which was returned

my letter to Mr. Keilsall, whose vanishment is not a little remarkable. Notwithstanding the trouble given you by that letter, I am not deterred from relying on your goodness to have the two now inclosed forwarded to the parties. To one of them the direction is so precise that it will readily find its own way. To the other, Miss Wright, the direction is as particular as her letter to me enabled me to make it. This lady is the author of a Tragedy, "Altorf," said to have been favorably received on the Theatres of Philadelphia and New York. I can add little, I believe, to what our public prints will give you concerning our country. A great pinch, through the greater part of it, is felt by the mass of the people, occasioned by the discontinuance or contraction of Bank discounts, and by the unexampled fall in the prices of produce. Flour, an article so extensively the main resource, is as low as four dollars per barrel, and in this State does not exceed  $3\frac{1}{2}$ . It has been even lower than that, and from the account of crops abroad, and the great ones at home, a further depreciation is apprehended. The general embarrassment produced by these causes is multiplying injurious or abortive experiments for relief.

Congress have not yet engaged in any of the subjects most likely to bring on a fermentation. A very painful one is apprehended from a renewal of that relating to the Missouri case. The tariff is another not a little pregnant with animated discussion. But it divides the nation in so checkered a manner, that its issue cannot be very serious; especially as it involves no great constitutional question. The manufacturers, also, should they fail entirely in their hopes from Congress, will experience much encouragement from the cheapness of food, of materials, and of labour, resulting from the cessation of the foreign demands. It is unlucky that a greater degree of mutual concession on this subject is not likely to prevail in the National Councils and the public mind. Instead of increasing, it might then mitigate, the alienation threatened by the Missouri controversy.

TO THOMAS JEFFERSON.

MONTPELLIER, Dec<sup>r</sup> 10, 1820.

DEAR SIR,—Yours of November 29 came to hand a few days ago. The letter from T. Coxe is returned. I had one from him lately on the same subject, and, in consequence, reminded the President of his political career; dropping, at the same time, a few lines in his favour to our Senator, Mr. Barbour. I sincerely wish something proper in itself could be done for him. He needs it and deserves it.

The law terminating appointments at periods of four years is pregnant with mischiefs such as you describe. It overlooks the important distinction between repealing or modifying the office and displacing the officer. The former is a legislative, the latter an Executive function; and even the former, if done with a view of re-establishing the office and letting in a new appointment, would be an indirect violation of the theory and policy of the Constitution. If the principle of the late statute be a sound one, nothing is necessary but to limit appointments held during pleasure to a single year, or the next meeting of Congress, in order to make the pleasure of the Senate a tenure of office, instead of that of the President alone. If the error be not soon corrected, the task will be very difficult; for it is of a nature to take a deep root.

On application, through Mr. Stephenson, I have obtained from the legislative files at Richmond a copy of Col. Bland's letter to you, for which I gave you the trouble of a search last fall. The letter being a public, not a private one, was sent to the Legislature, according to the intention of the writer. It contains what I expected to find in it; a proof that I differed from him on the question of ceding the Mississippi to Spain in 1780.

TO MR. FEATHERSTONHAUGH.

DEC<sup>r</sup> 23, 1820.

SIR,—I received your letter of the 7 on the 20th instant. The agricultural paper to which it refers being already in print, is, of course, subject to any further publication without my consent, and I regard the asking it as a special mark of your politeness; the more so, as it was intended to give me an opportunity of rectifying the errors into which I might have fallen. That there may be more of these than have occurred to either of us, is probable; and that the passage you have pointed out may be particularly exposed to unfriendly criticism, your suggestions ought to make me aware. I have not, however, if there were time, the means of consulting the most recent works on chemistry, and adapting what was advanced to the most approved of them. I must leave it, therefore, as it is; with a wish, nevertheless, that if the paper be inserted in your Agricultural Memoirs, it may be accompanied with whatever notices may be necessary to shew that its errors are those of an individual only, and nowise chargeable on a defective state of chemical knowledge in our country.

It was far from my purpose to enter into the depths of the question concerning the formation and food of plants. I had in view merely to infer, from the vast variety of dissimilar objects in the organized departments of nature, that they could not all be composed of a few ingredients precisely the same in all. I could not reconcile, either with a physical possibility or with the apparent economy of nature, a supposition that those few distinct ingredients, whether designated under the names of elements, atoms, molecules, or gases, could produce so great a profusion of heterogeneous existences; that they could be indiscriminately fitted for the composition and structure of each of them; and, consequently, that the entire mass of organizable matter might be converted into a single species of plants, the potatoe for example, and thence exclusively into the human species feeding on it.

It seemed to be more reasonable to distrust the results of

chymistry, or rather the adequacy of its decomposing and discriminating powers, and to suppose that the very few gaseous substances may themselves be further divisible, as a solar ray has been found to be by a prism; that other substances clude altogether the analysing processes, as the gases formerly did; or that there are other elementary substances, not only undiscovered, but undiscoverable, sufficient in number and variety to form, by their combinations with each other and with those already known, the system before us, with all its diversified organizations and appearances.\*

In attempting to solve the problem relating to the composition, mechanism, and growth of vegetables, we must either suppose that 3, 4, or 5 elements, simple and immutable in their essence, are susceptible of combinations sufficiently multiplied to produce the vegetable system; or that other and more numerous elements remain to be added to them; or that the vegetable organs possess a transubstantiating power, by which one element can be changed into another. Among these alternatives, the first and the last seem to have least claim to our assent.

I am very sensible, Sir, that I have glided into a train of ideas too hasty and too crude for even a private letter: and that they need an apology much more than was called for by the observations in your letter, which had sufficient interest to recommend them to attention; and the frankness of which could have no other effect than to enhance the respect and esteem of which I tender you assurances.

\* Every aspect under which the formation and organizations of plants can be regarded, presents difficulties more or less inexplicable; not more inexplicable, however, than many other operations of nature. The law by which certain particles of matter assort, distribute, and combine, in the organic structure of a tulip or pear tree, is not more obscure than what takes place in crystalization of sugar or salt, and perhaps less so than the instinct which prepares and puts together the materials for the cells of the bee or the cocoon of the silk-worm.



## TO PRESIDENT MONROE.

MONTPELLIER, December 28, 1820.

DEAR SIR,—I have received your two favors of the 10th and 23d inst. The prospect of a favorable issue to the difficulties with Spain is very agreeable. I hope the ratification will arrive without clogs on it; and that the acquisition of Florida will give no new stimulus to the spirit excited by the case of Missouri. I am glad to learn that a termination of this case, also, is not despaired of. If the new State is to be admitted with a proviso, none better occurs than a declaration that its admission is not to imply an opinion in Congress that its Constitution will be less subject to be tested and controuled by the Constitution of the U. S. than if formed after its admission, or than the Constitutions of other States now members of the Union.

It is a happy circumstance that the discussions renewed by the offensive clause introduced by Missouri are marked by such mitigated feelings in Congress. It argues well as to the ultimate effect which you anticipate. The spirit and manner of conducting the opposition to the new State, with the palpable efforts to kindle lasting animosity between geographical divisions of the nation, will have a natural tendency, when the feverish crisis shall have passed, to reunite those who never differed as to the essential principles and the true policy of the Government. This salutary reaction will be accelerated by candor and conciliation on one side, appealing to like dispositions on the other; and it would be still farther promoted by a liberality with regard to all depending measures on which local interests may seem to be somewhat at variance, and may perhaps be so for a time.

Your dispositions towards Mr. T. Coxe are such as I had counted on. I shall regret, if it so happen, that nothing can properly be done for him. I feel a sincere interest in behalf of Dr. Eustis. The expedient at which you glance would, I suppose, be in itself an appropriate provision; but I am sensible of the delicacy of the considerations which I perceive weigh with

you. I wish he could have been made the Governor of his State. It would have closed his public career with the most apt felicity.

Is not the law vacating periodically the described offices an encroachment on the Constitutional attributes of the Executive? The creation of the office is a legislative act; the appointment of the officer, the joint act of the President and Senate; the tenure of the office, (the judiciary excepted,) is the pleasure of the President alone; so decided at the commencement of the Government, so acted on since, and so expressed in the commission. After the appointment has been made, neither the Senate nor House of Representatives have any power relating to it; unless in the event of an impeachment by the latter, and a judicial decision by the former; or unless in the exercise of a legislative power by both, abolishing the office itself, by which the officer indirectly loses his place; and even in this case, if the office were abolished merely to get rid of the tenant, and with a view, by its re-establishment, to let in a new one, on whom the Senate would have a negation, it would be a virtual infringement of the Constitutional distribution of the powers of Government. If a law can displace an officer at every period of four years, it can do so at the end of every year, or at every session of the Senate; and the tenure will then be the pleasure of the Senate as much as of the President, and not of the President alone. Other very interesting views might be taken of the subject. I never read, if I ever saw, the debates on the passage of the law. Nor have I looked for precedents which may have countenanced it. I suspect that these are confined to the Territories; that they had their origin in the ordinance of the old Congress, in whom all powers of Government were confounded; and that they were followed by the new Congress, who have exercised a very undefined and irregular authority within the Territorial limits; the Judges themselves being commissioned from time to time, and not during good behavior, or the continuance of their *offices*.

TO GEORGE A. OTIS.

MONTPELLIER, Dec<sup>r</sup> 29, 1820.

SIR,—Your letter of the 5th came safe to hand, with the 2<sup>d</sup> Volume of the translation of Botta's History, for which I am anew to offer my thanks.

Without a more careful reading of the two volumes, and comparison of them with the original, than has been permitted by other demands on my time, I could not express any opinion as to the merits of the translation that would be worth your acceptance. Of the original work, the high character seems to be sufficiently established. And as far as a limited examination of your version will warrant, I cheerfully concur in the judgment that it is entitled to all the encouragement which I hope you are receiving. The style of a translation can rarely observe at once the exact fidelity due to the original, and all the elegance of which the translator's language is susceptible. This remark is made merely in reference to the difficulties you have to encounter, and not to imply that you have not adequately surmounted them.

The remark you cite from my former letter was not prompted by any particular instances of a failure in Mr. Botta to do justice to our Country; but by the general probability of errors which he could not easily escape, and which might be ascertained among ourselves. The probability in this case is the greater, as new lights on important measures of the Revolution must from time to time be brought forth, from sources not opened at the date of his work, or not then known to him.

My letter of July 5 was not written for publication, but there is nothing in it, I believe, which forbids any use of it you may think proper.

I find my conjecture was but too true as to the little prospect of subscriptions to your work in this neighbourhood, at the present period. A gentleman, not of it, desires that he may be set down for copies of your volumes as they come out. You will address them to "Andrew Stevenson, Richmond, Virginia."

TO THOMAS JEFFERSON.

MONTPELLIER, JAN 7, 1821.

DEAR SIR,—In the inclosed you will see the ground on which I forward it for your perusal.

In the late views taken by us of the act of Congress vacating periodically the Executive offices, it was not recollected, in justice to the President, that the measure was not without precedents. I suspect, however, that these are confined to the Territorial establishments, where they were introduced by the old Congress, in whom all powers of Government were confounded; and continued by the new Congress, who have exercised a like confusion of powers within the same limits. Whether the Congressional code contains any precedent of a like sort more particularly misleading the President, I have not fully examined. If it does, it must have blindly followed the territorial examples.

We have had for several months a typhus fever in the family, which does not yield in the least to the progress of the season. Out of twenty odd cases there have been six deaths, and there are several depending cases threatening a like issue. The fever has not yet reached any part of our white family; but in the overseer's there have been five cases of it, including himself. None of them, however, has been mortal.

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TO WILLIAM S. CARDELL.

MONTPELLIER, January 19, 1821.

SIR,—I have received your letter of the 12th, enclosing a copy of your circular one on the subject of the "American Academy of Language and Belles Lettres." It informs me, at the same time, that the Society has been pleased to put me on the list of its honorary members.

I request, Sir, that they may be assured of the respectful impressions with which I receive this mark of distinction.

Having heretofore made known my good wishes for the In-



stitution now developed under the above title, I have only to renew my tender of them; and to express the confidence inspired by the names enlisted in the cause, that the Academy will be the means as well of illustrating the present advance, as of extending the future improvement, of useful and ornamental literature in our Country.

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TO GEORGE A. OTIS.

MONTPELLIER, JAN. , 1821.

SIR,—I received, some days ago, your letter of the 4th instant. However favorable my general opinion may be to the History of Botta, I could not undertake to vouch for its entire exemption from flaws, such as are charged on it, without a more thorough examination of the work than I have made, or than other calls on my time will now permit me to make. It is, indeed, quite presumable that at the early date of his undertaking a defect of materials may have betrayed him into errors of fact, and that, as a foreigner, he has not always penetrated the character of a people fashioned as the American has been by so many peculiar circumstances; nor comprehended fully the mechanism and springs of their novel and compound system of Government. It is not the less true, however, that his History may have a value justly entitling it to the attention claimed for it from the American public. If it cannot be regarded as a popular manual, it may aspire to the merit of being nearly a cotemporary work by an industrious compiler, who was capable, at the same time, of viewing our revolutionary transactions and events with a philosophic eye, and describing them with a polished and eloquent pen.

I know not any source from which Botta could have taken a tincture of partiality for one more than another portion of our country. He was probably led to put his fictitious and, doubtless, very erroneous speeches, exhibiting the arguments for and against Independence, into the mouths of Mr. Lee and Mr. Dick-



inson, by his discovering that the former was the organ of the proposition, and the latter the most distinguished of its opponents. It is to be regretted that the Historian had not been more particularly acquainted with what passed in Congress on that great occasion. He would, probably, very justly have assigned to your venerable correspondent\* a very conspicuous part on the Theatre. I well recollect that his fellow-labourers in the cause from Virginia filled every mouth in that State with the praises due to the comprehensiveness of his views, the force of his arguments, and the boldness of his patriotism. It is to be hoped that historical justice may be done by others better furnished with the means of doing it.

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TO LYNDE WALTER, JOHN MACKAY, P. P. T. DE GRANDE, N. G. CARNES, COMMITTEE.

MONTPELLIER, Jan<sup>y</sup> 24, 1821.

GENTLEMEN,—I have just received your letter of the 15th instant, and I cannot be insensible to the marks of respect and confidence contained in it. But, besides that it attaches a very undue weight to my opinion on the subject of a Bankrupt act, I am not sure that the interference you suggest would be received in the light you anticipate. Candour requires, also, an acknowledgment that, though sincerely anxious for the relief of the prevailing distresses every where, and not opposed altogether to the resource of a Bankrupt system, my reflections would call for modifications, which I have no reason to believe coincide with the views of the subject likely to be taken at Washington.

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TO R. CHAPMAN.

JAN<sup>y</sup> 25, 1821.

D<sup>r</sup> SIR,—I received yours of the 16th some days ago. Particular engagements have prevented an earlier answer.

\* John Adams.

Different plans for reading history have been recommended. What occurs as most simple and suitable, where the object is such as you point out, is to begin with some abridgment of General History; I am not sure that I am acquainted with the best, late ones having been published which I have not seen. Milot's history, ancient and modern, translated from the French, would answer well enough. The work is not large, and might be preceded or accompanied by Colvin's historical letters, now publishing at Georgetown, in a single volume. After this outline, Hume's History of England, and Robertson's History of Scotland, might follow. Then, Ramsay's History of the United States and of the American Revolution; and Burk's History of Virginia, continued by Jones and Girardin. This course being ended, particular histories of different countries, according to leisure and curiosity, might be taken up; such as Goldsmith's History of Greece; ditto of Rome; preceded or accompanied by Tooke's Pantheon. Robertson's History of America would also deserve attention. This fund of information, with a competent knowledge of Geography, would prepare the mind for reading with advantage the voyages round the world, and the most intelligent travels into the most interesting countries. Geography is a preliminary, in all cases, to a pleasing and instructive course of historical reading. That and chronology have been called the two eyes of History. Geography might be called the right one.

No studies seem so well calculated to give a proper expansion to the mind as Geography and History; and when not absorbing an undue portion of time, are as beneficial and becoming to the one sex as to the other.

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TO P. S. CHAZOTTE.

MONTPELLIER, JAN 30th, 1821.

SIR,—I have received, and thank you for, your little tract on the culture of vines, olives, &c. Its practical views of the several articles, derived from long personal experience, with the

apparent aptitude for them of soils and climates in a certain portion of the United States, justly claim the attention of those particularly living within its limits. Experiments for introducing these valuable productions are strongly recommended by the success which attended the culture of rice and cotton, the importance of which was, at one time, as little understood as that of the articles whose merits you discuss.

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TO GEORGE FEATHERSTONHAUGH.

MONTPELLIER, March —, 1821.

SIR,—I offer you many thanks for the 1st Volume of Memoirs published by your Agricultural Board. It contains a very valuable mass of instruction, both theoretical and practical. If it had not the benefit of the materials expected from the subordinate societies, it must be of great use in stimulating and guiding their reports which may succeed it.

I am very glad to find that it fell within the scope of your disquisitions to unfold the present chemical doctrine with regard to the elements of matter, particularly the organized parts of it. It will answer the purpose of counteracting any general imputations from unfriendly quarters, should a pretext for such be taken from the defective views of the subject in the paper, which I see has been honored with a place in your volume.

On the supposition, as authorized by facts, that a combination of two elements may produce a third substance, differing from both; that a combination of a greater number may proportionally diversify such new results; and that a change even in the proportions of the same elements combined may have like effects; a field seems to be opened for possible multiplication from a few kinds of elements of the forms and qualities of matter such as the face of our Globe now presents. It does not necessarily follow, however, from this possibility, that all the varieties now beheld in the productions of nature could be converted into a single or few classes of them. It is more than probable that there are laws in the economy of nature which would not admit

so entire a metamorphosis of her original system; that there may be certain relations between different classes of her productions, which require for their preservation and increase the existence and influence of each other. And it seems certain that such a revolution would have the consequence, not easily to be admitted, of rendering a portion of the elementary matter supernumerary and useless for the laboratory of nature.

Whatever be the number of distinct elements or gases, as these must be inconvertible one into another, the existing mass of each element must be of fixed amount; and bear, of course, a fixed proportion, each to the others, in the existing order of things. Taking, then, any particular class or classes of plants, (those, for example, of human use,) which happen not to comprise *every* distinct element, or though comprising every element, yet in proportions not corresponding with the proportions now existing in the whole vegetable creation, and a destruction of every other class of plants would necessarily leave unemployed all the elements not required for the new-modelled system.

Perceiving how far I have wandered from my proper object, I hasten to return to it, by repeating my acknowledgments for your valuable Book, with assurances of my esteem and cordial respects.

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G. W. FEATHERSTONHAUGH.

MONTPELLIER, Ap<sup>l</sup> 5, 1821.

SIR,—I have received your favor of March 19, and am glad to find that you think of giving still more value to your agricultural work, by extending in a new edition your practical views of the subject. I retain, at the same time, my opinion in favour of the chemical instruction which your original plan combined with them.

I know not well what to answer to your enquiry relative to the reception such a volume would meet with in the Southern States. As to the State in which I live, I dare not speak with confidence; so difficult is a diffusion of literary production through

its dispersed readers, and so universal is the present dearth of means, even for the minuter articles of cost. I can scarcely doubt, however, that the attention which has been excited to the practice and the science of rural economy would produce a demand sufficient, at least, to give a right turn to the scale, if it should need such a weight, which I should not easily suppose would be the case. For myself, I sincerely wish that your calculations may justify the experiment; and that, without a pecuniary loss, which would be very unreasonable, it may reward you with the satisfaction of contributing more extensively to enlighten and animate a pursuit so deeply interesting to the public prosperity.

I renew to you, Sir, assurances of esteem and good wishes.

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TO FRANCIS GLASS.

MONTPELLIER, April 8, 1821.

SIR,—I have received your letter of March 3, on the subject of your "Life of Washington, written in Latin, for the use of Schools."

If it were less foreign to my inclinations to be distinguished by a dedication, I should recommend, as more expedient, that you should bestow that mark of respect on some one who would find it more practicable to give value to his acceptance of it by a previous examination of the work, and whose known critical knowledge of the language would satisfy the public of the merit of its execution. This precaution is rendered particularly worthy of attention by the difficulty of giving to modern Latinity the classical purity requisite for a school book, and by the fewness of examples in which the undertaking has been regarded as successful.

I regret the failure of your laudable efforts to make your acquirements a resource for the maintenance of your family, and wish that your future ones may be more fortunate.



TO MR. RUSH.

MONTPELLIER, April 21, 1821.

DEAR SIR,—Your favor of November 15th came duly to hand, with Mr. Ridgeley's farming pamphlet, for which I return my thanks.

The inflexibility of Great Britain on the points in question with the United States is a bad omen for the future relations of the parties. The present commercial dispute, though productive of ill humor, will shed no blood. The same cannot be said of impressments and blockades.

I have lately received, also, Mr. Godwin's attack on Malthus, which you were so good as to forward. The work derives some interest from the name of the author, and the singular views he has taken of the subject. But it excites a more serious attention by its tendency to disparage abroad the prospective importance of the United States, who must owe their rapid growth to the principle combated.

In this Country, the fallacies of the author will be smiled at only, unless other emotions should be excited by the frequent disregard of the probable meaning of his opponent, and by the harshness of comments on the moral scope of his doctrine. Mr. Godwin charges him, also, with being dogmatical. Is he less so himself? and is not Mr. Godwin one of the last men who ought to throw stones at theorists? At the moment of doing it, too, he introduces one of the boldest speculations, in anticipating from the progress of chemistry an artificial conversion of the air, the water, and earth, into food for man, of the natural flavor and colour.

My memory does not retain all the features of Mr. Malthus's system. He may have been unguarded in his expressions, and have pushed some of his notions too far. He is certainly vulnerable in assigning for the increase of human food an arithmetical ratio. In a country thoroughly cultivated, as China is said to be, there can be *no* increase. And in one as partially cultivated, and as fertile as the United States, the increase may *exceed* the geometrical ratio. A surplus beyond it, for which a

foreign demand has failed, is a primary cause of the present embarrassments of this Country.

The two cardinal points on which the two authors are at issue are: 1. The prolific principle in the human race. 2. Its actual operation, particularly in the United States. Mr. Godwin combats the extent of both.

If the principle could not be proved by direct facts, its capacity is so analogous to what is seen throughout other parts of the animal, as well as vegetable domain, that it would be a fair inference. It is true, indeed, that in the case of vegetables on which animals feed, and of animals the food of other animals, a more extensive capacity of increase might be requisite than in the human race. But in this case, also, it is required, over and above the degree sufficient to repair the ordinary wastes of life, by two considerations peculiar to man: one, that his reason can add to the natural means of subsistence for an increased number, which the instinct of other animals cannot; the other, that he is the only animal that destroys his own species.

Waiving, however, the sanction of analogy, let the principle be tested by facts either stated by Mr. Godwin, or which he cannot controvert.

He admits that Sweden has doubled her numbers in the last hundred years, without the aid of emigrants. Here, then, there must have been a prolific capacity equal to an increase in ten centuries from two millions to one thousand millions. If Sweden were as populous ten centuries ago as now, or should not in ten centuries to come arrive at one thousand millions, must not 998 millions of births have been prevented? or that number of infants have perished? and from what causes?

The two late enumerations in England, which shew a rate of increase there much greater than in Sweden, are rejected by Mr. Godwin as erroneous. They probably are so, though not in the degree necessary for his purpose. He denies that the population increases at all. He even appeals with confidence to a comparison of what it has been with what it is at present, as proving a decrease.

There being no positive evidence of the former numbers, and none admitted by him of the present, resort must be had to circumstantial lights; and these will decide the question with sufficient certainty.

As a general rule, it is obvious that the quantity of food produced in a Country determines the actual extent of its population. The number of people cannot exceed the quantity of food, and this will not be produced beyond the consumption. There are exceptions to the rule, as in the case of the United States, which export food, and of the West Indies, which import it. Both these exceptions, however, favor the supposition that there has been an increase of the English population: England adding latterly imported food to its domestic stock, which at one period it diminished by exportation. The question to be decided is, whether the quantity of food produced, the true measure of the population consuming it, be greater or less now than heretofore.

In the savage state, where wild animals are the chief food, the population must be the thinnest. Where reared ones are the chief food, as among the Tartars, in a pastoral state, the number may be much increased. In proportion as grain is substituted for animal food, a far greater increase may take place. And as cultivated vegetables, and particularly roots, enter into consumption, the mass of subsistence being augmented, a greater number of consumers is necessarily implied.

Now, it will not be pretended that there is at present in England more of forest and less of cultivated ground than in the feudal, or even much later periods. On the contrary, it seems to be well understood that the opened lands have been both enlarged and fertilized; that bread has been substituted for flesh; and that vegetables, particularly roots, have been more and more substituted for both. It follows that the aggregate food raised and consumed now being greater than formerly, the number who consume it is greater also.

The Report to the Board of Agriculture, quoted by Mr. Godwin, coincides with this inference. The animal food of an individual, which is the smaller part of it, requires, according to

this authority, two acres of ground; all the other articles, one and three-fourths of an acre only. The Report states that a horse requires four acres. It is probable that an ox requires more, being fed less on grain and more on grass.

It may be said that horses, which are not eaten, are now used instead of oxen, which were. But the horse, as noted, is supported by fewer acres than the ox; and the oxen superseded by the horses form but a small part of the eatable stock to which they belong. The inference, therefore, can, at most, be but slightly qualified by this innovation.

The single case of Ireland ought to have warned Mr. Godwin of the error he was maintaining. It seems to be agreed that the population there has greatly increased of late years, although it receives very few, if any, emigrants, and has sent out numbers, very great numbers, as *Mr. Godwin must suppose*, to the United States.

In denying the increase of the American population from its own stock, he is driven to the most incredible suppositions, to a rejection of the best-established facts, and to the most preposterous estimates and calculations.

He ascribes the rapid increase, attested by our periodical lists, wholly to emigrations from Europe; which obliged him to suppose that from 1790 to 1810 one hundred and fifty thousand persons were annually transported; an extravagance which is made worse by his mode of reducing the number necessary to one-half; and he catches at little notices of remarkable numbers landed at particular points, in particular seasons; as if these could be regarded as proofs of the average arrivals for a long series of years, many of them unfavorable for such transmigrations. In the year 1817, in which the emigrants were most numerous, according to Seybert, they did not, in the ten principal ports, where, with few if any exceptions, they are introduced, exceed 22,240; little more than one-seventh of the average annually assumed.

Were it even admitted that our population is the result altogether of emigrations from Europe, what would Mr. Godwin gain by it?



The census for 1820 is not yet completed. There is no reason, however, to doubt that it will swell our numbers to about ten millions. In 1790 the population was not quite four millions. Here, then, has been an increase of six millions. Of these six, five millions will have been drawn from the population of Great Britain and Ireland. Have the numbers there been reduced accordingly? Then they must have been thirty years ago greater by five millions than at this time. Has the loss been replaced? Then, as it has not been by emigrants, it must have been by an effect of the great principle in question. Mr. Godwin may take his choice of the alternatives.

It is worth remarking that New England, which has sent out such continued swarms to other parts of the Union for a number of years, has continued, at the same time, as the Census shews, to increase in population; although it is well known that it has received comparatively very few emigrants from any quarter, these preferring places less inhabited for the same reason that determines the course of migrations from New England.

The appeal to the case of the black population in the United States was particularly unfortunate for the reasoning of Mr. Godwin, to which it gives the most striking falsification.

Between the years 1790 and 1810 the number of slaves increased from 694,280 to 1,165,441. This increase, at a rate nearly equal to that of the whites, surely was not produced by *emigrants* from Africa. Nor could any part of it have been imported, (except 30 or 40,000\* into South Carolina and Georgia,) the prohibition being every where strictly enforced throughout that period. Louisiana, indeed, brought an addition, amounting in 1810 to 37,671. This number, however, (to be reduced by the slaves carried thither from other States prior to 1810,) may be regarded as overbalanced by emancipated blacks and their subsequent offspring. The whole number of this description in the Census of 1810 amounts to 186,446.

The evidence of a natural and rapid increase of the blacks in

\* See, for exact number, Senator Smith's speech of last session.



the State of Virginia is alone conclusive on the subject. Since the epoch of Independence the importation of slaves has been uniformly prohibited, and the spirit of the people concurring with the policy of the law, it has been carried fully into execution. Yet the number of slaves increased from 292,627 in 1790, to 392,518 in 1810; although it is notorious that very many have been carried from the State by external purchases and migrating masters. In the State of Maryland, to the North of Virginia, whence alone it could be surmised that any part of them could be replaced, there has been also an increase.

Mr. Godwin exults not a little (p. 420—2) in the detection of an error in a paper read by Mr. W. Barton, in 1791, to the Philosophical Society at Philadelphia. I have not looked for the paper, but from the account of it given by Mr. Godwin, a strange error was committed by Mr. Barton; not, however, in the false arithmetic blazoned by Mr. Godwin, but by adding the number of deaths to that of births in deducing the productiveness of marriages in a certain parish in Massachusetts. But what is not less strange than the *lapsus* of Mr. Barton is, that his critic should overlook the fact on the face of the paper, as inserted in his own page, that the population of the parish had doubled in 54 years, in spite of the probable removals from an old parish to newer settlements; and what is strangest of all, that he should not have attended to the precise statement in the record, that the number of births within the period exceeded the number of deaths by the difference between 2,247 and 1,113. Here is the most demonstrable of all proofs of an increasing population, unless a theoretical zeal should suppose that the pregnant women in the neighbourhood made lying-in visits to Hingham, or that its sick inhabitants chose to have their dying eyes closed elsewhere.

Mr. Godwin has not respected other evidence in his hands, which ought to have opened his eyes to the reality of an increasing population in the United States. In the population list of Sweden, in the authenticity of which he fully acquiesces, as well as in the Census of the United States, the authenticity of which he does not controvert, there is a particular column for those

under ten years of age. In that of Sweden, the number is to the whole population as 2,484 to 10,000, which is less than one-fourth. In that of the United States, the number is as 2,016,704 to 5,862,096, which is more than one-third. Now, Mr. Godwin refers (p. 442) to the proportion of the ungrown to the whole population, as testing the question of its increase. He admits and specifies the rate at which the population of Sweden increases. And yet, with this evidence of a greater increase of the population of the United States, he contends that it does not increase at all. An attempt to extricate himself by a disproportion of children, or of more productive parents emigrating from Europe, would only plunge him the deeper into contradictions and absurdities.

Mr. Godwin dwells on the Indian establishment at Paraguay by the Jesuits, which is said not to have increased, as a triumphant disproof of the prolific principle. He places more faith in the picture of the establishment given by Raynal than is due to the vivid imagination of that author, or than the author appears to have had in [it?] himself. For he rejects the inference of Mr. Godwin, and reconciles the failure to increase with the power to increase by assigning two causes for the failure; the small-pox, and the exclusion of individual property. And he might have found other causes; in the natural love of indolence till overcome by avarice and vanity, motives repressed by their religious discipline; in the pride of the men, retaining a disdain of agricultural labor; and in the female habit of prolonging for several years the period of keeping children to the breast. In no point of view can a case marked by so many peculiar circumstances, and these so imperfectly known, be allowed the weight of a precedent.

Mr. Godwin could not have given a stronger proof of the estrangement of his ideas from the Indian character and modes of life than by his referring to the Missouri tribes, which do not multiply, "although they cultivate corn." His fancy may have painted to him fields of wheat, cultivated by the plough, and gathered into barns, as a provision for the year. How would he be startled at the sight of little patches of maize and squashes,

stirred by a piece of wood, and that by the squaws only; the hunters and warriors spurning such an occupation, and relying on the fruits of the chase for the support of their wigwams? "Corn Eaters" is a name of reproach given by some tribes to others beginning, under the influence of the whites, to enlarge their cultivated spots.

In going over Mr. Godwin's volume, these are some of the remarks which occurred; and in thanking you for it, I have made them supply the want of more interesting materials for a letter. If the heretical work should attract conversations in which you may be involved, some of the facts, which you are saved the trouble of hunting up, may rebut misstatements from misinformed friends or illiberal opponents of our country.

You have not mentioned the cost of Godwin's book, or the pamphlet of Mr. Rigby. I suspect that they overgo the remnant of the little fund in your hands. If so, let me provide for it. You will oblige me, also, by forwarding, with a memorandum of its cost, the Book entitled "The apocryphal New Testament, translated from the original tongues," "printed for W<sup>m</sup> Hone, Ludgate Hill."

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TO SOLOMON SOUTHWICK.

APRIL 21, 1821.

I have received your letter of the 12th instant, with the copy of your address at the opening of the Apprentice's Library.

This class of our youths is a valuable one, and its proportional numbers must increase as our population thickens. It is a class, too, which particularly claims the guardianship of benevolence. Their age, their separation from their parents, and their residence for the most part in towns and villages, where groups are readily formed, in which the example of a few may taint many, create snares into which their relaxations from labour too often betray them. Among the provisions against the danger, the establishment of special Libraries was a happy thought; to the author of which your Eulogy is a just tribute.

A proper assortment of Books always at hand will enable apprentices to put their morals and their understandings both to a good school for their own happiness, at the same time that they are acquiring the professional arts so useful to the community of which they are members. Your address is an eloquent and persuasive recommendation of the opportunity. I hope it may have all the success which your laudable zeal merits.

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TO JUDGE ROANE.

MONTPELLIER, May 6, 1821.

DEAR SIR,—I received, more than two weeks ago, your letter of April 17. A visit to a sick friend at a distance, with a series of unavoidable attentions, have prevented an earlier acknowledgment of it.

Under any circumstances, I should be disposed rather to put such a subject as that to which it relates into your hands than to take it out of them. Apart from this consideration, a variety of demands on my time would restrain me from the task of unravelling the arguments applied by the Supreme Court of the United States to their late decision. I am particularly aware, moreover, that they are made to rest not a little on technical points of law, which are as foreign to my studies as they are familiar to yours.

It is to be regretted that the court is so much in the practice of mingling with their judgments pronounced, comments and reasonings of a scope beyond them; and that there is often an apparent disposition to amplify the authorities of the Union at the expense of those of the States. It is of great importance; as well as of indispensable obligation, that the constitutional boundary between them should be impartially maintained. Every deviation from it in practice detracts from the superiority of a chartered over a traditional Government, and mars the experiment which is to determine the interesting problem, whether the organization of the political system of the United



States establishes a just equilibrium, or tends to a preponderance of the national or the local powers, and, in the latter case, whether of the national or of the local.

A candid review of the vicissitudes which have marked the progress of the General Government does not preclude doubts as to the ultimate and fixed character of a political establishment, distinguished by so novel and complex a mechanism. On some occasions, the advantage taken of favourable circumstances gave an impetus and direction to it, which seemed to threaten subversive encroachments on the rights and authorities of the States. At a certain period we witnessed a spirit of usurpation by some of these on the necessary and legitimate functions of the former. At the present date, theoretic innovations, at least, are putting new weights into the scale of Federal sovereignty, which make it highly proper to bring them to the bar of the Constitution.

In looking to the probable course and eventual bearing of the compound government of our country, I cannot but think that much will depend not only on the moral changes incident to the progress of society, but on the increasing number of the members of the Union. Were the members very few, and each very powerful, a feeling of self-sufficiency would have a relaxing effect on the bands holding them together. Were they numerous and weak, the government over the whole would find less difficulty in maintaining and increasing subordination. It happens, that while the power of some is swelling to a great size, the entire number is swelling also. In this respect, a corresponding increase of centripetal and centrifugal forces may be equivalent to no increase of either.

In the existing posture of things, my reflections lead me to infer, that whatever may be the latitude of jurisdiction assumed by the judicial power of the United States, it is less formidable to the reserved sovereignty of the States than the latitude of power which it has assigned to the national legislature; and that encroachments of the latter are more to be apprehended from impulses given to it by a majority of the States, seduced by ex-



pected advantages, than from the love of power in the body itself, controlled as it *now* is by its responsibility to the constituent body.

Such is the plastic faculty of legislation, that, notwithstanding the firm tenure which judges have on their offices, they can, by various regulations, be kept or reduced within the paths of duty; more especially with the aid of their amenability to the legislative tribunal in the form of impeachment. It is not probable that the Supreme Court would long be indulged in a career of usurpation opposed to the decided opinions and policy of the legislature.

Nor do I think that Congress, even seconded by the judicial power, can, without some change in the character of the nation, succeed in  *durable* violations of the rights and authorities of the States. The responsibility of one branch to the people, and of the other branch to the legislatures of the States, seem to be, in the present stage, at least, of our political history, an adequate barrier. In the case of the alien and sedition laws, which violated the general *sense* as well as the *rights* of the States, the usurping experiment was crushed at once, notwithstanding the co-operation of the federal judges with the federal laws.

But what is to control Congress when backed, and even pushed on, by a majority of their constituents, as was the case in the late contest relative to Missouri, and as may again happen in the constructive power relating to roads and canals? Nothing within the pale of the Constitution, but sound arguments and conciliatory expostulations addressed both to Congress and to their constituents.

On the questions brought before the public by the late doctrines of the Supreme Court of the United States, concerning the extent of their own powers, and that of the exclusive jurisdiction of Congress over the ten miles square and other specified places, there is as yet no evidence that they express either the opinions of Congress or those of their constituents. There is nothing, therefore, to discourage a development of whatever flaws the doctrines may contain or tendencies they may threaten. Congress, if convinced of these, may not only abstain from the

exercise of powers claimed for them by the court, but find the means of controlling those claimed by the court for itself. And should Congress not be convinced, their constituents, if so, can certainly, under the forms of the Constitution, effectuate a compliance with their deliberate judgment and settled determination.

In expounding the Constitution, the court seems not insensible that the intention of the parties to it ought to be kept in view, and that, as far as the language of the instrument will permit, this intention ought to be traced in the contemporaneous expositions. But is the court as prompt and as careful in citing and following this evidence when against the federal authority as when against that of the States? [See the partial reference of the court to the "Federalist."]

The exclusive jurisdiction over the ten miles square is itself an anomaly in our representative system. And its object being manifest, and attested by the views taken of it at its date, there seems a peculiar impropriety in making it the fulcrum for a lever stretching into the most distant parts of the Union, and overruling the municipal policy of the States. The remark is still more striking when applied to the smaller places over which an exclusive jurisdiction was suggested by a regard to the defence and the property of the nation.

Some difficulty, it must be admitted, may result in particular cases from the impossibility of executing some of these powers within the defined spaces, according to the principles and rules enjoined by the Constitution; and from the want of a constitutional provision for the surrender of malefactors, whose escape must be so easy, on the demand of the United States, as well as of the individual States. It is true, also, that these exclusive jurisdictions are in the class of enumerated powers, to which is subjoined the "power in Congress to pass all laws necessary and proper for their execution." All, however, that could be exacted by these considerations would be, that the means of execution should be of the most obvious and essential kind, and exerted in the ways as little intrusive as possible on the powers and police of the States. And, after all, the question would

remain, whether the better course would not be to regard the case as an omitted one, to be provided for by an amendment of the Constitution. In resorting to legal precedents as sanctions to power, the distinctions should ever be strictly attended to between such as take place under transitory impressions, or without full examination and deliberation, and such as pass with solemnities and repetitions sufficient to imply a concurrence of the judgment and the will of those who, having granted the power, have the ultimate right to explain the grant. Although I cannot join in the protest of some against the validity of all precedents, however uniform and multiplied, in expounding the Constitution, yet I am persuaded that legislative precedents are frequently of a character entitled to little respect, and that those of Congress are sometimes liable to peculiar distrust. They not only follow the example of other legislative assemblies in first procrastinating, and then precipitating their acts; but, owing to the termination of their session every other year at a fixed day and hour, a mass of business is struck off, as it were, at short-hand, and in a moment. These midnight precedents of every sort ought to have little weight in any case.

On the question relating to involuntary submissions of the States to the tribunal of the Supreme Court, the court seems not to have adverted at all to the expository language when the Constitution was adopted, nor to that of the eleventh amendment, which may as well import that it was declaratory as that it was restrictive of the meaning of the original text. It seems to be a strange reasoning, also, that would imply that a State, in controversies with its own citizens, might have less of sovereignty than in controversies with foreign individuals, by which the national relations might be affected. Nor is it less to be wondered at that it should have appeared to the court that the dignity of a State was not more compromised by being made a party against a private person than against a co-ordinate party.

The Judicial power of the United States over cases arising under the Constitution must be admitted to be a vital part of

the system. But that there are limitations and exceptions to its efficient character, is among the admissions of the court itself. The eleventh amendment introduces exceptions, if there were none before. A liberal and steady course of practice can alone reconcile the several provisions of the Constitution literally at variance with each other, of which there is an example in the treaty power and the legislative power on subjects, to which both are extended by the words of the Constitution. It is particularly incumbent, in taking cognizance of cases arising under the Constitution, and in which the laws and rights of the States may be involved, to let the proceedings touch individuals only. Prudence enjoins this, if there were no other motive, in consideration of the impracticability of applying coercion to States.

I am sensible, sir, that these ideas are too vague to be of value, and that they may not even hint for consideration anything not occurring to yourself. Be so good as to see in them at least an unwillingness to disregard altogether your request. Should any of the ideas be erroneous as well as vague, I have the satisfaction to know that they will be viewed by a friendly as well as a candid eye.

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TO JUDGE ROANE.

MONTPELLIER, June 29, 1821.

DEAR SIR,—I have received, and return my thanks for, your obliging communication of the 20th instant. The papers of "Algernon Sidney" have given their full lustre to the arguments against the suability of States by individuals, and against the projectile capacity of the power of Congress within the "ten miles square." The publication is well worthy of a pamphlet form, but must attract public attention in any form.

The Gordian knot of the Constitution seems to lie in the problem of collision between the federal and State powers, especially as eventually exercised by their respective tribunals. If the knot cannot be untied by the text of the Constitution, it ought not, certainly, to be cut by any political Alexander.



I have always thought that a construction of the instrument ought to be favoured as far as the text would warrant, which would obviate the dilemma of a judicial rencounter or a mutual paralysis; and that on the abstract question, whether the federal or the State decisions ought to prevail, the sounder policy would yield to the claims of the former.

Our governmental system is established by a compact, not between the Government of the United States and the State governments, but between the States as sovereign communities, stipulating each with the other a surrender of certain portions of their respective authorities to be exercised by a common government, and a reservation, for their own exercise, of all their other authorities. The possibility of disagreements concerning the line of division between these portions could not escape attention; and the existence of some provision for terminating regularly and authoritatively such disagreements could not but be regarded as a material desideratum.

Were this trust to be vested in the States in their individual characters, the Constitution of the United States might become different in every State, and would be pretty sure to do so in some; the State governments would not stand all in the same relation to the General Government, some retaining more, others less, of sovereignty, and the vital principle of equality, which cements their Union, thus gradually be deprived of its virtue. Such a trust vested in the government representing the whole, and exercised by its tribunals, would not be exposed to these consequences, while the trust itself would be controllable by the States, who directly or indirectly appoint the trustees: whereas, in the hands of the States, no federal control, direct or indirect, would exist, the functionaries holding their appointments by tenures altogether independent of the General Government.

Is it not a reasonable calculation, also, that the room for jarring opinions between the national and State tribunals will be narrowed by successive decisions, sanctioned by the public concurrence; and that the weight of the State tribunals will be increased by improved organizations, by selections of abler



judges, and, consequently, by more enlightened proceedings? Much of the distrust of these departments in the States, which prevailed when the National Constitution was formed, has already been removed. Were they filled everywhere as they are in some of the States, one of which I need not name, their decisions at once indicating and influencing the sense of their constituents, and founded on united interpretations of constitutional points, could scarcely fail to frustrate an assumption of unconstitutional powers by the federal tribunals.

Is it too much to anticipate, even, that the federal and State judges, as they become more and more co-ordinate in talents, with equal integrity, and feeling alike the impartiality enjoined by their oaths, will vary less and less, also, in their reasonings and opinions on all judicial subjects; and thereby mutually contribute to the clearer and firmer establishment of the true boundaries of power, on which must depend the success and permanency of the Federal Republic, the best guardian, as we believe, of the liberty, the safety, and the happiness of men? In these hypothetical views I may permit my wishes to sway too much my hopes. I submit the whole, nevertheless, to your perusal, well assured that you will approve the former, if you cannot join fully in the latter.

Under all circumstances, I beg you to be assured of my distinguished esteem and sincere regard.

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TO F. CORBIN.

MAY 21, 1821.

D<sup>R</sup> SIR,—On the receipt of yours of the 18th, post-marked 14th, I dropped a few lines to the President, as you wished, reminding him of the views of your young friend, and the grounds on which his hopes rested. I just see that the office had been otherwise filled.

On looking over the papers and letters which I had preserved through a long course of public life, during a memorable period, I found so much matter relating to current events, and transac-

tions which, in many particulars, may not so fully, if [at] all, be found elsewhere, that I have thought it incumbent on me to digest the most material parts, at least, into a form that may not be without future use. The task is a very tedious one. I thank you for the kind offer of your memory in case of any reference to occurrences within the range of your participations. I do not, however, foresee, at present, that I shall have occasion to avail myself of it. If you have preserved a copy of the Journals of the General Assembly for 1785, you will oblige me by a loan of it.

We have had, as you were informed, a severe visitation of a fever of the typhus character. The cases amounted to between 40 and 50; and the deaths to about one-fourth of the cases. We hope the disease has left us, or, at least, is doing so. The last cases have been so mild as to make their real character doubtful. A remarkable circumstance in this endemic is, that it seems to have preferred situations the most elevated and healthy. It attacked, I understand, the family living on the summit of Peter's mountain, the Chimborazo of our Lilliputian Andes.

Your favor of March 3d came duly to hand. I hope you are freed from the gouty guest in your stomach. Come, and let the excursion and a bottle of the old Bachelor aid in driving or keeping him out. It may dispose us, at the same time, to cast an eye at the reverse of the medal which has presented you with such a group of gloomy features in our national affairs.

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TO S. W. POMEROY.

MONTPELLIER, July 23d, 1821.

D<sup>R</sup> SIR,—I return my thanks for the Agricultural Journal, for which, I observe, I am indebted to your politeness.

Several of the articles have well rewarded the perusal. Those on the culture of flax are particularly interesting, being calculated both to gratify curiosity and to instruct the husbandman.

I send herewith samples of flax in the several stages of its

preparation, by a machine invented a few years ago in Ireland, adopted by the Trustees of the Linen Board, and protected by a special act of Parliament; they came to my hands whilst I was in public life at Washington, accompanied by a letter from a person who wished his name to be concealed; in which the machine is represented as cheap and simple, and capable of being worked by hand, by horse, or by steam. It is said to be adapted to a similar preparation of hemp, also; which must add much to its value, hemp being produced in much greater quantity than flax from equal ground, having a stronger fibre, and being much less an exhauster of the soil.

It is not improbable that this information may not be new to you, it being understood that a person had arrived several years ago in the northern quarter with the knowledge of the machine and its uses; and that you may have even seen samples such as are not sent: in that case, the communication will answer no purpose but that of confirming the respect: of which I offer you assurances, with my good wishes.

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TO MR. GALES.

MONTPELLIER, August 26, 1821.

DEAR SIR,—I thank you for your friendly letter of the 20th, enclosing an extract, from notes by Judge Yates, of debates in the Convention of 1787, as published in a New York paper.\* The letter did not come to hand till yesterday.

If the extract be a fair sample, the work about to be published will not have the value claimed for it. Who can believe that so palpable a misstatement was made on the floor of the Convention, as that the several States were political societies, *varying* from the *lowest* corporation to the highest sovereign; or that the States had vested *all* the essential rights of sovereignty in the old Congress? This intrinsic evidence alone ought to satisfy every candid reader of the extreme incorrectness of the pas-

\* Commercial Advertiser, August 18, 1821.

sage in question. As to the remark that the States ought to be under the control of the General Government, at least as much as they formerly were under the King and British Parliament, it amounts, as it stands, when taken in its presumable meaning, to nothing more than what actually makes a part of the Constitution; the powers of Congress being much greater, especially on the great points of taxation and trade, than the British Legislature were ever permitted to exercise.

Whatever may have been the personal worth of the two delegates from whom the materials in this case were derived, it cannot be unknown that they represented the strong prejudices in New York against the object of the Convention; which was, among other things, to take from that State the important power over its commerce, to which it was peculiarly attached; and that they manifested, until they withdrew from the Convention, the strongest feelings of dissatisfaction against the contemplated change in the federal system, and, as may be supposed, against those most active in promoting it. Besides misapprehensions of the case, therefore, the attention of the note-taker would materially be warped, as far, at least, as an upright mind could be warped, to an unfavorable understanding of what was said in opposition to the prejudices felt.

I have thought it due to the kind motives of your communication to say thus much; but I do it in the well-founded confidence that your delicacy will be a safeguard against my being introduced into the newspapers. Were there no other objection to it, there would be an insuperable one in the alternative of following up the task, or acquiescing in like errors as they may come before the public.

With esteem and friendly respects,

TO THOMAS RITCHIE.

MONTPELLIER, Sep<sup>r</sup> 15, 1821.

DEAR SIR,—I have received yours of the 8th instant, on the subject of the proceedings of the Convention of 1787.

It is true, as the public has been led to understand, that I possess materials for a pretty ample view of what passed in that Assembly. It is true, also, that it has not been my intention that they should forever remain under the veil of secrecy. Of the time when it might be not improper for them to see the light, I had formed no particular determination. In general, it had appeared to me that it might be best to let the work be a posthumous one, or, at least, that its publication should be delayed till the Constitution should be well settled by practice, and till a knowledge of the controversial part of the proceedings of its framers could be turned to no improper account. Delicacy, also, seemed to require some respect to the rule by which the Convention "prohibited a promulgation, without leave, of what was spoken in it," so long as the policy of that rule could be regarded as in any degree unexpired. As a guide in expounding and applying the provisions of the Constitution, the debates and incidental decisions of the Convention can have no authoritative character. However desirable it be that they should be preserved as a gratification to the laudable curiosity felt by every people to trace the origin and progress of their political Institutions, and as a source, perhaps, of some lights on the science of Government, the legitimate meaning of the Instrument must be derived from the text itself; or if a key is to be sought elsewhere, it must be, not in the opinions or intentions of the body which planned and proposed the Constitution, but in the sense attached to it by the people in their respective State Conventions, where it received all the authority which it possesses.

Such being the course of my reflections, I have suffered a concurrence and continuance of particular inconveniences for the time past to prevent me from giving to my notes the fair and full preparation due to the subject of them. Of late, being



aware of the growing hazards of postponement, I have taken the incipient steps for executing the task; and the expediency of not risking an ultimate failure is suggested by the Albany publication, from the notes of a N. York member of the Convention. I have not seen more of the volume than has been extracted into the newspapers; but it may be inferred from these samples, that it is not only a very mutilated but a very erroneous edition of the matter to which it relates. There must be an entire omission, also, of the proceedings of the latter period of the session, from which Mr. Yates and Mr. Lansing withdrew in the temper manifested by their report to their constituents; the period during which the variant and variable opinions converged and centered in the modifications seen in the final act of the body.

It is my purpose now to devote a portion of my time to an exact digest of the voluminous materials in my hands. How long a time it will require, under the interruptions and avocations which are probable, I cannot easily conjecture: not a little will be necessary for the mere labour of making fair transcripts. By the time I get the whole into a due form for preservation, I shall be better able to decide on the question of publication. As to the particular place or press, should this be the result, I have not, as must be presumed, turned a thought to either. Nor can I say more now than that your letter will be kept in recollection, and that should any other arrangement prevail over its object, it will not proceed from any want of confidence, esteem, or friendly dispositions; of all which I tender you sincere assurances.

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TO THOMAS JEFFERSON.

MONTPELLIER, Sept<sup>r</sup> 20, 1821.

DEAR SIR,—I received yesterday yours of the 16th, inclosing the paper from Mr. Ticknor on the tax imposed on books imported. He has taken a very comprehensive and judicious view of the subject. The remark you add to it is a proper one also;

that books, being a permanent property, ought not to be taxed whilst other permanent property is exempt, both in the acquisition and possession.

I have always considered the tax in question as an impolitic and disreputable measure; as of little account in point of revenue; and as a sacrifice of intellectual improvement to mechanical profits. These two considerations, however, produced the tax, and will be the obstacles to its removal. Of the precise amount it yields to the revenue, I have no knowledge. It cannot, I presume, be such as to weigh, even in the present difficulties of the Treasury, against the arguments for its discontinuance. If the fiscal consideration is to prevail, a better course would be to substitute an equivalent advance on some other articles imported. As to the encouragement of the book printers, their interest might be saved in the mode suggested by Mr. Ticknor, by a continuance of the tax on books republished within a specified time. And perhaps the encouragement is recommended by the interests of literature, as well as by the advantage of conciliating an active and valuable profession; reprinted books being likely to obtain a greater number of purchasers and readers, especially when founded on previous subscriptions, than would seek for or purchase imported originals. As I approve, therefore, the general object of the Northern literati, I should prefer, at the same time, a modification of it in favor of publishers. I see no adequate reason for distinguishing between English and other books, whether in modern or ancient languages. If it were possible to define such as would fall under the head of luxurious or demoralizing amusements, there might be a specious plea for their exception from the repeal; but besides the impracticability of the discrimination, it would invoke a principle of censorship which puts at once a veto on it.

The proposed concert among the learned institutions in presenting the grievance to Congress, would seem to afford the best hope of success in drawing their favorable attention to it. A captious or fastidious adversary may, perhaps, insinuate that the proper petitioners for redress are those who feel the grievance, not those who are exempt from it; that the latter assume

the office of counsellors, under the name of petitioners; and that from Corporate bodies, above all, a combination of them, the precedent ought to be regarded with a jealous eye. The motives of modesty which would doubtless be stamped on the face of the interposition in this case will be the best answer to such objections; or, if there should be any serious apprehension of danger from them, the auxiliary expedient you suggest, of addressing the respective representatives, instead of Congress, might be made a substitute, instead of an auxiliary. I should suppose that our University would not withhold their concurrence in either or both modes. In that of addressing the particular representatives in Congress, there could be no room for hesitation. Mr. Ticknor's wishes for information as to the other Institutions in Virginia, and to the South and West, proper to be invited into the plan, you can satisfy as well without as with my attempt [to] enumerate them. The members of Congress most proper to be engaged in the cause could be best selected on the spot, where, I presume, some well-chosen agent or agents, none better than Mr. Ticknor himself, will be provided in the quarter giving birth to the experiment.

These are hasty thoughts, but I send them in compliance with your request of an immediate answer. Take them for what they are worth only.

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TO JOHN DRAYTON.

MONTPELLIER, September 23d, 1821.

D<sup>R</sup> SIR,—I have duly received the copy of your Memoirs, which you were so good as to send me. Be pleased to accept my thanks for it. I have looked sufficiently into the work to be sensible of its value, not only to those who take an immediate interest in local details, but as a contribution, also, to the fund of materials for a general history of the American Revolution. Every incident connected with this great and pregnant event is already an object of patriotic curiosity, and will be rendered by the lapse of time more and more so. It is much to be de-

sired that the example you have given be followed in all the States, by individuals who unite with industry and opportunities the requisite judgment and impartiality. Besides the more general obligation to engage in the task, a special one will be found in the occasions for doing justice to individual merits, which might otherwise escape the historical tribute due to them.

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TO ALBERT PICKET AND OTHERS.

SEPTEMBER —, 1821.

GENTLEMEN,—I have received your letter of——, asking my opinion as to the establishment of a female college, and a proper course of instruction in it.

The importance of both these questions, and the novelty of the first, would require more consideration than is allowed by other demands on my time, if I were better qualified for the task, or than is permitted, indeed, by the tenor of your request, which has for its object an early answer.

The capacity of the female mind for studies of the highest order cannot be doubted, having been sufficiently illustrated by its works of genius, of erudition, and of science. That it merits an improved system of education, comprising a due reference to the condition and duties of female life, as distinguished from those of the other sex, must be as readily admitted. How far a collection of female students into a public seminary would be the best of plans for educating them, is a point on which different opinions may be expected to arise. Yours, as the result of much observation on the youthful minds of females, and of long engagement in tutoring them, is entitled to great respect; and as experiment alone can fully decide the interesting problem, it is a justifiable wish that it may be made; and it could not, as would appear, be made under better auspices than such as yours.



## TO LITTELL &amp; HENRY.

Oct<sup>r</sup> 18, 1821.

GENTLEMEN,—I duly received your letter of Séptémber 24. The answer it requests has been delayed by an indisposition, from which I am just recovered.

I very cheerfully express my approbation of the proposed edition of Blackstone's Commentaries, accompanied by a comparative view of the laws of the United States and of the several States.

Such a work, executed with the ability to be presumed in its authors, must be very useful in several respects. It will be so not only to the Bench and the Bar, but to the citizens generally, by facilitating to those of each State a knowledge of the laws of the others, in which the intercourses of business give them an interest. Nor will a comparison of the different Codes be without value to the legislator, also, who will be able to extract whatever improvements may be found in the examples before him. And it may well be supposed that there are few of the different codes which do not contain something worthy of adoption, as well as something requiring amendment. Finally, such a work will have a tendency to assimilate gradually the codes of all the States on subjects not merely local; to assimilate them, too, according to a model formed by a selection of the best parts and features of each.

The people of the United States federal association have now the same Constitution; and the same code of laws. A uniformity among the State codes would extend the advantage, without violating the Constitutional separation, jurisdiction, and independence of the States themselves.

Should it be an object with the compilers to include in their review of the State laws observations on the practical advantages and inconveniences of such as differ in different States, it will not a little enrich the instruction they are about to give to their Country; and, indeed, to all who make the science of legislation their study.



TO THOMAS JEFFERSON.

MONTPELLIER, Nov<sup>r</sup> 10, 1821.

DEAR SIR,—I return the several papers which accompanied yours of the 30th ult. I have interlined with a pencil, for your consideration, a very slight change in the petition to Congress, and another in the Report to the President and Directors of the Literary Fund. The first is intended to parry objections from the reprinters of foreign books, by a phraseology not precluding exceptions in their favour. The exceptions can be made without injury to the main object; and although not necessary for the protection of the American editions, the greater cheapness here being a sufficient one, will probably be called for by the patrons of domestic industry. I find that, besides the few classics for schools and popular works, others of solid value continue to be republished in the Northern cities. The other interlineation suggests the objects, other than the library, to be provided for in the pantheon. It will aid in accounting for the estimated cost, and may otherwise mitigate difficulties.

The view you take of the question of commencing the library and trusting to the alternative with the Legislature, will claim for it a fair consideration with the visitors. I shall endeavour to be with you at the time you have fixed for their meeting.

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TO RICHARD RUSH.

Nov<sup>r</sup> 20, 1821.

D<sup>r</sup> SIR,—I have been for some time a debtor for your favor of June 21, which was accompanied by the "Apocryphal New Testament." Accept my thanks for both.

I have not yet seen any notice in this Country of Godwin's last work, nor has it been reviewed by any of the English critics who have fallen under my eye. I think with you, however, that it can scarcely fail to attract public attention. It merits a solid answer, and Malthus himself, challenged as he is, will be expected to give one. Our census is now completed, though I

have not seen the precise result. The number it adds to our population, that is, according to Mr. Godwin, the number of emigrants from Europe, of constitutions more than ordinarily robust, will put the ingenious author to new difficulties in finding transports and prolific pairs to account for the phenomenon. The increase of the blacks, also, where neither emigration nor importation can be pretended, is another hard nut for him to crack.

I observe in the quarterly list of new publications in England for Dec<sup>r</sup>, 1820, "Classical excursions from Rome to \_\_\_\_\_, by Charles Keilsall," for whom I troubled you with a letter, returned with a *non est inventus*. The absence which produced this volume accounts for his not being then discoverable. As I wish to make to him the acknowledgments contained in the letter, and presume he will have got back to England, I take the liberty of replacing it in your hands, in the hope that it may now reach him. I must ask the favor of you, also, to procure for me a copy of his recent publication.

We have seen, not without some little disappointment, the latter developments of character in the Emperor Alexander. He is no longer the patron of the liberal ideas of the age, of the independence of nations, and of their relief from the burdens imposed by warlike establishments. What is the object of those gigantic armaments, which furnish motives or pretexts for imitation throughout Europe? Whether for conquest, or for interference against the people in their struggles for political reforms, they equally belye the professions which gave lustre to his name. What, too, must be thought of his having no scruples at stepping into the domestic quarrels of Naples against the people contending for their rights, and his scrupling to intermeddle in the domestic affairs of Turkey against the most atrocious of despotisms, wreaking its worst of cruelties on a people having peculiar claims to the sympathy of the Christian, as well as the civilized, world?

Russia seems at present the great bug-bear of the European politicians on the land, as the British Leviathan is on the water. They are certainly both formidable powers at this time, and

must always hold a high rank among the nations of Europe. I cannot but think, however, that the future growth of Russia and the stability of the British ascendancy are not a little over-rated. Without a civilization of the hordes nominally extending the Russian dominion over so many latitudes and longitudes, they will add little to her real force, if they do not detract from it; and in the event of their civilization, and consequent increase, the overgrown empire, as in so many preceding instances, must fall into separate and independent States. With respect to G. Britain, her overbearing power is derived from the vast extent of her manufactures and of her commerce, which furnish her naval resources. But as other nations infuse free principles into their Governments, and extend the policy they are adopting of doing for themselves what G. Britain has been allowed to do for them, she will, like the Dutch, who once enjoyed a like ascendancy on the same element, be reduced within her natural sphere.

If my partiality as an American does not misguide my judgment, the trident will ultimately belong, not to the Eastern, but to the Western Hemisphere. It is in the latter, not the former, that the greater and more lasting fund of materials are found for constructing ships, and for bulky cargoes; and consequently for the employment of marines. With dispositions, therefore, on this side of the Atlantic to take advantage of the gifts of nature, corresponding with those on the other to make the most of factitious resources, the inference drawn seems an obvious one. I pray and hope, at the same time, that the trident may never be the symbol of lawless power in the new, as it has been in the old, world.

The year past has been distinguished by much sickness throughout a great portion of the United States, though the mortality has not been very considerable, except in particular spots. Virginia has had a large share of the calamity, and this part of the State more than an equal one. In my own family the fever has been very severe. We are at present happily freed from it. It was of the typhoid character, and seemed to select for its visitations the more elevated and healthy, rather

than the situations most subject to annual complaints. Its type has been most malignant, also, in the cold season.

The year has been unfavorable, also, to the productions of our soil. In the States north of Maryland the wheat crops are said to be below the average, and in Maryland and Virginia the failure has been beyond example, occasioned by a very wet spring and continued rains during the harvest. The crops of maize, on the other hand, though not universally, are generally, good, and in this particular quarter uncommonly abundant. The crops of tobacco are somewhat deficient, I believe, every where; though better in the result than they were in the promise. Complaints are made, I observe, from the cotton country of scanty crops there also; but I cannot speak with certainty on that point. There are probably both truth and exaggeration in the reports. Though you are not on the list of either planters or farmers, the interest you feel as a good citizen in whatever concerns so great a portion of them, will render such agricultural notices not obtrusive.

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TO GENERAL LA FAYETTE.

1821.

I did not receive, my dear friend, your favor of July 1 till a few weeks ago. It came through the post office from N. York. Of Dr. Barba I have not heard a word. I shall keep in mind the title your recommendation gives to any marks of my attention for which opportunities may be afforded.

I have read, with great pleasure, your opinion occasioned by the Budget. Sentiments so noble, in language so piercing, cannot be without effect. The deafness to them within doors will not prevent their being heard and felt without, and the present atmosphere of Europe is favorable to an echo of them every where. The toleration of such bold and severe truths is a proof that, although the time may not be arrived for their compleat triumph, it is approaching, and will be accelerated by such appeals to honest hearts and reflecting minds. Go on, my friend,

in your consistent and magnanimous career; and may you live to witness and enjoy the success of a cause the most truly glorious that can animate the breast of man; that of elevating and meliorating the condition of his race. Representative and responsible Governments are so congenial with the rights and the feelings of all nations, that their progress cannot be arrested. Sooner or later they must expel despotism from the civilized world. Their forms will improve as experiments shall be multiplied. The experiment here cannot fail to add new lights on the science of constitutions.

We have seen with regret, and not without some disappointment, the Emperor Alexander throwing himself into the breach in defence of arbitrary power against national reforms. His language at Laybach, his conduct towards Naples, and his unparalleled armaments, furnishing to some the motives, to others the pretexts, to follow the opposite example, forfeit his pretensions to be regarded as a patron of the liberal ideas of the age; as a guardian of the independence of Nations; and as a friend to the relief which peace ought to give the people from military burdens. How account, too, for his having no scruples to interfere in the domestic struggles of Naples in favor of a vitiated monarchy, and his pleading them against an interference in behalf of the Christian Greeks, struggling against the compound and horrible despotism at Constantinople? His apostasy, if he was ever sincere, is a conspicuous proof of the necessity of Constitutional barriers against the corrupting influence of unbridled power.

I have lately been looking over De Pradt's Europe in 1819. He has taken many instructive views of its nations, with their mutual relations and prospects. His prophetic conjectures seem, however, to ascribe too much permanency to the gigantic growth of Russia on the land, and to the ascendancy of G. Britain on the ocean. Without a civilization of the numerous hordes, spread over so many latitudes and longitudes, at present nominal rather than real subjects, the Russian power cannot be measured by the extent of her territory; and in the event of a civilization and consequent multiplication of these barriers, her



Empire, like that of all overgrown ones, must fall to pieces. Those of Alexander, of Rome, of Charlemagne, of Charles V; all experienced this fate, after the personal talents or temporary causes which held the parts together had ceased. Napoleon would have furnished another example if his fortune had equalled his ambition. His successor would have found a physical and moral impossibility of wielding either a sceptre or sword of more than a given length. The vast power of G. Britain rests on a basis too artificial to be permanent. She owes it not to the extent of her natural resources, but to the prosperity of her manufactures, her commerce, and her navigation. As other nations infuse salutary principles into their forms of Government, and extend the policy they are adopting, of doing for themselves what G. Britain has been permitted to do for them, her power, like that of the Dutch, who once enjoyed an artificial ascendancy on the same element, will be reduced to the limits prescribed by nature. These are, undoubtedly, consistent with the rank of a great and important member of the society of nations. Nor will Russia fail to continue a great Power; though without the overwhelming accumulation of means assigned [ascribed?] to her destiny.

Will you indulge my partiality as an American in remarking, that, in looking forward to the comparative resources for naval ascendancy, the trident will ultimately belong not to the Eastern but to the Western Hemisphere? Naval power depends on ships and seamen; and these on the materials for constructing the former, and the bulky and coveted products for loading them. On which side will there be the greatest and most durable abundance for both purposes? And can it be supposed that there will be less disposition on this than there has been on the other side of the Atlantic to take, at least, a fair advantage of the fortunate lot? I hope and pray that the trans-Atlantic example may not be followed beyond that limit.

The negro slavery is, as you justly complain, a sad blot on our free country, though a very ungracious subject of reproaches from the quarter which has been most lavish of them. No satisfactory plan has yet been devised for taking out the stain. If

an asylum could be found in Africa, that would be the appropriate destination for the unhappy race among us. Some are sanguine that the efforts of an existing Colonization Society will accomplish such a provision; but a very partial success seems the most that can be expected. Some other region must, therefore, be found for them as they become free and willing to emigrate. The repugnance of the whites to their continuance among them is founded on prejudices, themselves founded on physical distinctions, which are not likely soon, if ever, to be eradicated. Even in States, Massachusetts for example, which displayed most sympathy with the people of colour on the Missouri question, prohibitions are taking place against their becoming residents. They are every where regarded as a nuisance, and must really be such as long as they are under the degradation which public sentiment inflicts on them. They are at the same time rapidly increasing from manumissions and from offsprings, and of course lessening the general disproportion between the slaves and the whites. This tendency is favorable to the cause of a universal emancipation.

The state of our Country is, in other respects, highly flattering. There have been pecuniary difficulties in the Government, and still more among the people; but they are curing themselves. Little eddies also occasionally arise, which, for a moment, ruffle the political surface, but they gradually sink into the general calm. Every thing, as yet, favors the principle of self-Government on which our destinies are staked.

I am glad to find you retain so feelingly all your American recollections, even the little itinerant scenes in which we were associated; and that you cherish the idea of giving your friends here an opportunity of once more embracing you. God forbid that your visit should result from one of the causes you glance at! Happen it how it may, you will find that they have forgotten nothing of what always endeared you to their best feelings; and that this is more true of no one than of your cordial and steadfast friend.

## TO GEORGE JOY.

MONTPELLIER, Nov<sup>r</sup> 21, 1821.

DEAR SIR,—I have not forgotten your favor of Feb<sup>r</sup> last, though I am so tardy in acknowledging it. The truth is, I find, as generally happens, that age is daily increasing my disinclination to use the pen, as it possibly may, though I am less sensible of it, an inclination for the other mode of communicating our thoughts. I might find an apology, also, in a very afflicting fever of the typhoid character, which has been constantly in my family for a year past, and from which I did not escape myself. I should, nevertheless, have not failed to answer that part of your letter which called for my aid in procuring (for I did not possess) a newspaper copy of your "Conciliator," if I could have procured one. I give you the answer of Mr. Gales to my application on the subject in his own words: "I much regret that it is wholly out of my power to oblige Mr. Joy. Admiral Cockburn, when he paid his respects to us, took care to leave us no spare copies of the National Intelligencer, having burnt them, with the few books I had at that time collected." In writing to Mr. Gales, I took occasion to hand over to him the newspapers you were so good as to send me. Whether he republished any thing from them, I cannot say. If he did not, it was probably owing to the crowd of matter which his paper experiences, and to the decreasing interest taken by his readers in what occurs abroad, as the importance increases in their eyes of what occurs at home. Heretofore, every incident in the great nations of Europe, especially in G. Britain, awakened a lively curiosity in the public here; and this tendency still exists in a considerable degree. It is, however, becoming less and less; as, on the other hand, what passes here is understood to be more and more an object of attention abroad. This is a natural consequence of the change going on in the relative growth of this Country. If it should continue to prosper till it reaches a population, which self-love predicts, of 60 or 70 millions, the scene will be reversed; and the eyes of England will be as much turned toward the United States as the eyes of the latter

have been towards her, and their eyes as little towards her as hers have been towards them. This is a light in which the people of G. Britain are too proud to view the future, and the people of this country too vain, if that be the epithet, not to regard it.

I did not send Mr. Gales the newspapers without looking over the speech of your nephew in one of them. I will not say that your criticisms might not have improved it; but it is a specimen of talents which promise to do well without your or any other aid. I can say nothing of the work of Mr. Tudor, not having had an opportunity of looking into it. From the general commendations bestowed on it, and the literary reputation of the author, I cannot doubt that it merits all you say of it.

We had a very wet harvest throughout a greater portion of our wheat country, as appears to have been the case in G. Britain. There is a surplus here, however, which would gladly supply the deficiency there; and the supply would be as welcome there, I presume, as here, if the question were to be decided by the manufacturers instead of agriculturists. Whilst the prohibitory laws continue, the effect must be an increase of ploughs on that side, and of looms on this.

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TO F. L. SCHAEFFER.

MONTPELLIER, Dec<sup>r</sup> 3d, 1821.

REV<sup>d</sup> SIR,—I have received, with your letter of November 19th, the copy of your address at the ceremonial of laying the corner-stone of S<sup>t</sup> Matthew's Church in New York.

It is a pleasing and persuasive example of pious zeal, united with pure benevolence, and of cordial attachment to a particular creed, untinged with sectarian illiberality. It illustrates the excellence of a system which, by a due distinction, to which the genius and courage of Luther led the way, between what is due to Cæsar and what is due to God, best promotes the discharge of both obligations. The experience of the United States is a happy disproof of the error so long rooted in the



unenlightened minds of well-meaning Christians, as well as in the corrupt hearts of persecuting usurpers, that without a legal incorporation of religious and civil polity, neither could be supported. A mutual independence is found most friendly to practical Religion, to social harmony, and to political prosperity.

In return for your kind sentiments, I tender assurances of my esteem and my best wishes.

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TO JOHN G. JACKSON.

MONTPELLIER, Dec<sup>r</sup> 27, 1821.

DEAR SIR,—Your favor of the 9th came safe to hand a few days ago only; and the usages of the season, with some additional incidents, have not allowed me time for more promptly acknowledging its friendly contents.

You were right in supposing that some arrangement of the mass of papers accumulated through a long course of public life, would require a tedious attention after my final return to a private station. I regret to say, that concurring circumstances have essentially interfered with the execution of the task. Becoming every day more and more aware of the danger of a failure from delay, I have at length set about it in earnest; and shall continue the application as far as health and indispensable avocations will permit.

With respect to that portion of the mass which contains the voluminous proceedings of the Convention, it has always been my intention that they should, some day or other, see the light. But I have always felt, at the same time, the delicacy attending such a use of them; especially at an early season. In general, I have leaned to the expediency of letting the publication be a posthumous one. The result of my latest reflections on the subject I cannot more conveniently explain than by the inclosed extract from a letter,\* *confidentially* written since the appear-

\* See letter of the 15th September, 1821, to Thomas Ritchie.



ance of the proceedings of the Convention, as taken from the notes of Chief Justice Yates.

Of this work I have not yet seen a copy. From the scraps thrown into the newspapers, I cannot doubt that the prejudices of the author guided his pen, and that he has committed egregious errors, at least, in relation to others as well as myself.

That most of us carried into the Convention a profound impression, produced by the experienced inadequacy of the old Confederation, and by the monitory examples of all similar ones, ancient and modern, as to the necessity of binding the States together by a strong Constitution, is certain. The necessity of such a Constitution was enforced by the gross and disreputable inequalities which had been prominent in the internal administrations of most of the States. Nor was the recent and alarming insurrection, headed by Shays, in Massachusetts, without a very sensible effect on the public mind. Such, indeed, was the aspect of things, that, in the eyes of all the best friends of liberty, a crisis had arrived which was to decide whether the American experiment was to be a blessing to the world, or to blast forever the hopes which the republican cause had inspired; and what is not to be overlooked, the disposition to give to a new system all the vigour consistent with Republican principles was not a little stimulated by a backwardness in some quarters towards a Convention for the purpose, which was ascribed to a secret dislike to popular Government, and a hope that delay would bring it more into disgrace, and pave the way for a form of Government more congenial with monarchical or aristocratic predilections.

This view of the crisis made it natural for many in the Convention to lean more than was, perhaps, in strictness, warranted by a proper distinction between causes temporary, as some of them doubtless were, and causes permanently inherent in popular frames of Government. It is true, also, as has been sometimes suggested, that in the course of discussions in the Convention, where so much depended on compromise, the patrons of different opinions often set out on negotiating grounds more

remote from each other than the real opinions of either were from the point at which they finally met.

For myself, having, from the first moment of maturing a political opinion down to the present one, never ceased to be a votary of the principle of self-government, I was among those most anxious to rescue it from the danger which seemed to threaten it; and with that view, was willing to give to a Government resting on that foundation as much energy as would insure the requisite stability and efficacy. It is possible, that in some instances this consideration may have been allowed a weight greater than subsequent reflection within the Convention, or the actual operation of the Government, would sanction. It may be remarked, also, that it sometimes happened, that opinions as to a particular modification or a particular power of the Government had a conditional reference to others, which, combined therewith, would vary the character of the whole.

But whatever might have been the opinions entertained in forming the Constitution, it was the duty of all to support it in its true meaning, as understood *by the nation* at the time of its ratification. No one felt this obligation more than I have done; and there are few, perhaps, whose ultimate and deliberate opinions on the merits of the Constitution accord in a greater degree with that obligation.

The departures from the true and fair construction of the instrument have always given me pain, and always experienced my opposition when called for. The attempts in the outset of the Government to defeat those safe, if not necessary, and those politic, if not obligatory, amendments introduced in conformity to the known desires of the body of the people, and to the pledges of many, particularly myself, when vindicating and recommending the Constitution, was an occurrence not a little ominous. And it was soon followed by indications of political tenets, and by rules, or rather the abandonment of all rules, of expounding it, which were capable of transforming it into something very different from its legitimate character as the offspring of the national will. I wish I could say that constructive innovations had altogether ceased.

Whether the Constitution, as it has divided the powers of Government between the States in their separate and in their united capacities, tends to an oppressive aggrandizement of the General Government, or to an anarchical independence of the State Governments, is a problem which time alone can absolutely determine. It is much to be wished that the division as it exists, or may be made with the regular sanction of the people, may effectually guard against both extremes; for it cannot be doubted that an accumulation of all power in the General Government would as naturally lead to a dangerous accumulation in the Executive hands, as that the resumption of all power by the several States would end in the calamities incident to contiguous and rival Sovereigns; to say nothing of its effect in lessening the security for sound principles of administration within each of them.

There have been epochs when the General Government was evidently drawing a disproportion of power into its vortex. There have been others, when States threatened to do the same. At the present moment, it would seem that both are aiming at encroachments, each on the other. One thing, however, is certain: that in the present condition and temper of the community, the General Government cannot long succeed in encroachments contravening the will of a majority of the States and of the people. Its responsibility to these would, as was proved on a conspicuous occasion, quickly arrest its career. If, at the same time, the powers of the General Government be carried to unconstitutional lengths, it will be the result of a majority of the States and of the people, actuated by some impetuous feeling, or some real or supposed interest, overruling the minority, and not of successful attempts by the General Government to overpower both.

In estimating the greater tendency in the political system of the Union to a subversion, or to a separation of the States composing it, there are some considerations to be taken into the account which have been little adverted to by the most oracular authors on the science of Government, and which are but imperfectly developed, as yet, by our own experience. Such are

the size of the States, the number of them, the territorial extent of the whole, and the degree of external danger. Each of these, I am persuaded, will be found to contribute its impulse to the practical direction which our great political machine is to take.

We learn, for the first time, the second loss sustained by your parental affection. You will not doubt the sincerity with which we partake the grief produced by both. I wish we could offer better consolations than the condoling expressions of it. These must be derived from other sources. Afflictions of every kind are the onerous conditions charged on the tenure of life; and it is a silencing, if not a satisfactory, vindication of the ways of Heaven to man, that there are but few who do not prefer an acquiescence in them to a surrender of the tenure itself.





## JONATHAN BULL AND MARY BULL.

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JONATHAN BULL and Mary Bull, who were descendants of old John Bull, the head of the family, had inherited contiguous estates in large tracts of land. As they grew up and became well acquainted, a partiality was mutually felt, and advances on several occasions made towards a matrimonial connexion. This was particularly recommended by the advantage of putting their two estates under a common superintendence. Old Bull, however, as guardian of both, and having long been allowed certain valuable privileges within the estates, with which he was not long content, had always found the means of breaking off the match, which he regarded as a fatal obstacle to his secret design of getting the whole property into his own hands.

At a moment favorable, as he thought, for the attempt, he brought suit against both, but with a view of carrying it on in a way that would make the process bear on the parties in such different modes, times, and degrees, as might create a jealousy and discord between them. Jonathan and Mary had too much sagacity to be duped. They understood well old Bull's character and situation. They knew that he was deeply versed in all the subtleties of the law; that he was of a stubborn and persevering temper; and that he had, moreover, a very long purse. They were sensible, therefore, that the more he endeavored to divide their interests and their defence of the suit, the more they ought to make a common cause and proceed in a concert of measures. As this could best be done by giving effect to the feelings long entertained for each other, an intermarriage was determined on and solemnized, with a deed of settlement, as usual in such opulent matches, duly executed; and no event certainly of the sort was ever celebrated by a greater fervor or variety of rejoicings among the respective tenants of the parties.

They had a great horror of falling into the hands of old Bull, and regarded the marriage of their proprietors, under whom they held their freeholds, as the surest mode of warding off the danger. They were not disappointed. United purses and good advocates compelled old Bull, after a hard struggle, to withdraw the suit, and relinquish forever, not only the new pretensions he had set up, but the old privileges he had been allowed.

The marriage of Jonathan and Mary was not a barren one. On the contrary, every year or two added a new member to the family; and on such occasions the practice was to set off a portion of land sufficient for a good farm, to be put under the authority of the child on its attaining the age of manhood. And these lands were settled very rapidly by tenants going, as the case might be, from the estates, sometimes of Jonathan, sometimes of Mary, and sometimes partly from one and partly from the other.

It happened that at the expiration of the nonage of the tenth or eleventh fruit of the marriage some difficulties were started concerning the rules and conditions of declaring the young party of age, and of giving him, as a member of the family, the management of his patrimony. Jonathan became possessed with a notion that an arrangement ought to be made that would prevent the new farm from being settled and cultivated, as in all the latter instances, indiscriminately by persons removing from his and Mary's estate, and confine this privilege to those going from his own; and in the perverse humor which had seized him, he listened, moreover, to suggestions that Mary had some undue advantage from the selections of the head stewards, which happened to have been made much oftener out of her tenants than his.

Now the prejudice suddenly taken up by Jonathan against the equal right of Mary's tenants to remove with their property to new farms, was connected with a peculiarity in Mary's person not as yet noticed. Strange as it may appear, the circumstance is not the less true, that Mary, when a child, had unfortunately received from a certain African dye a stain on her left arm, which had made it perfectly black, and withal somewhat

weaker than the other arm. The misfortune arose from a ship from Africa, loaded with the article, which had been permitted to enter a river running through her estate, and dispose of a part of the noxious cargo. The fact was well known to Jonathan at the time of their marriage, and if felt as an objection; it was, in a manner, reduced to nothing, by the comely form and pleasing features of Mary in every other respect, by her good sense and amiable manners, and in part, perhaps, by the large and valuable estate she brought with her.

In the unlucky fit, however, which was upon him, he looked at the black arm, and forgot all the rest. To such a pitch of feeling was he wrought up, that he broke out into the grossest taunts on Mary for her misfortune, not omitting, at the same time, to remind her of his long forbearance to exert his superior voice in the appointment of the head steward. He had now, he said, got his eyes fully opened; he saw every thing in a new light, and was resolved to act accordingly. As to the head steward, he would let her see that the appointment was virtually in his power, and she might take her leave of all chance of ever having another of her tenants advanced to that station; and as to the black arm, she should, if the color could not be taken out, either tear off the skin from the flesh, or cut off the limb; for it was his fixed determination that one or other should be done, or he would sue out a divorce, and there should be an end of all connexion between them and their estates. I have, he said, examined well the marriage settlement, and flaws have been pointed out to me, that never occurred before, by which I shall be able to set the whole aside. White as I am all over, I can no longer consort with one marked with such a deformity as the blot on your person.

Mary was so stunned with the language she heard, that it was some time before she could speak at all; and as the surprise abated, she was almost choked with the anger and indignation swelling in her bosom. Generous and placable as her temper was, she had a proud sensibility to what she thought an unjust and degrading treatment, which did not permit her to suppress the violence of her first emotions. Her language ac-

cordingly for a moment was such as these emotions prompted. But her good sense, and her regard for Jonathan, whose qualities as a good husband she had long experienced, soon gained an ascendancy, and changed her tone to that of sober reasoning and affectionate expostulation.

“Well, my dear husband, you see what a passion you have put me into. But it is now over, and I will endeavor to express my thoughts with the calmness and good feelings which become the relation of wife and husband.

“As to the case of providing for our child just coming of age, I shall say but little. We both have such a tender regard for him, and such a desire to see him on a level with his brethren as to the chance of making his fortune in the world, that I am sure the difficulties which have occurred will in some way or other be got over.

“But I cannot pass so lightly over the reproaches you cast on the color of my left arm, and on the more frequent appointment of my tenants than of yours to the head stewardship of our joint estates.

“Now, as to the first point, you seem to have forgotten, my worthy partner, that this infirmity was fully known to you before our marriage, and is proved to be so by the deed of settlement itself. At that time you made it no objection whatever to our union; and, indeed, how could you urge such an objection, when you were conscious that you yourself were not entirely free from a like stain on your own person? The fatal African dye, as you well know, had found its way into your abode as well as mine; and at the time of our marriage, you had spots and specks scattered over your body as black as the skin on my arm. And although you have, by certain abrasions and other applications, taken them in some measure out, there are visible remains which ought to soften at least your language when reflecting on my situation. You ought surely, when you have so slowly and imperceptibly relieved yourself from the mortifying stain, although the task was comparatively so easy, to have some forbearance and sympathy with me, who have a task so much more difficult to perform. Instead of that, you



abuse me as if I had brought the misfortune on myself, and could remove it at will; or as if you had pointed out a ready way to do it, and I had slighted your advice. Yet, so far is this from being the case, that you know as well as I do that I am not to be blamed for the origin of the sad mishap; that I am as anxious as you can be to get rid of it; that you are as unable as I am to find out a safe and feasible plan for the purpose; and, moreover, that I have done every thing I could, in the mean time, to mitigate an evil that cannot as yet be removed. When you talk of tearing off the skin, or cutting off the unfortunate limb, must I remind you, of what you cannot be ignorant, that the most skilful surgeons have given their opinions that if so cruel an operation were to be tried, it could hardly fail to be followed by a mortification, or a bleeding to death? Let me ask, too, whether, should neither of the fatal effects ensue, you would like me better in my mangled or mutilated condition than you do now? And when you threaten a divorce and an annulment of the marriage settlement, may I not ask whether your estate would not suffer as much as mine by dissolving the partnership between them? I am far from denying that I feel the advantage of having the pledge of your arm, your stronger arm, if you please, for the protection of me and mine; and that my interests, in general, have been, and must continue to be, the better for your aid and counsel in the management of them. But, on the other hand, you must be equally sensible that the aid of my purse will have its value, in case old Bull, or any other such litigious fellow, should put us to the expense of another tedious lawsuit. And now that we are on the subject of loss and gain, you will not be offended if I take notice of a report that you sometimes insinuate that my estate, according to the rates of assessment, does not pay its due share into the common purse. I think, my dear Jonathan, that if you ever entertained this opinion, you must have been led into it by a very wrong view of the subject. As to the direct income from rents, there can be no deficiency on my part there; the rule of apportionment being clear, and founded on a calculation by numbers. And as to what is raised from the articles bought and used by



my tenants, it is difficult to conceive that my tenants buy or use less than yours, considering that they carry a greater amount of crops to market, the whole of which, it is well known, they lay out in articles from the use of which the bailiff regularly collects the sum due. It would seem, then, that my tenants, selling more, buy more; buying more, use more; and using more, pay more. Meaning, however, not to put you in the wrong, but myself in the right, I do not push the argument to that length; because I readily agree that in paying for articles bought and used, you have, beyond the fruits of the soil, on which I depend, ways and means which I have not. You draw chiefly the interest we jointly pay for the funds we were obliged to borrow for the fees and costs the suit of old Bull put us to. Your tenants also turn their hands so ingeniously to a variety of handicraft and other mechanical productions, that they make not a little money from that source. Besides all this, you gain much by the fish you catch and carry to market; by the use of your teams and boats, in transporting and trading on the crops of my tenants; and, indeed, in doing that sort of business for strangers also. This is a fair statement on your side of the account, with the drawback, however, that as your tenants are supplied with a greater proportion of articles, made by themselves, than is the case with mine, the use of which articles does not contribute to the common purse, they avoid, in the same proportion, the payments collected from my tenants. If I were to look still further into this matter, and refer you to every advantage you draw from the union of our persons and property, I might remark that the profits you make from your teams and boats, and which enable you to pay your quota, are in great part drawn from the preference they have in conveying and disposing of the products of my soil—a business that might fall into other hands in the event of our separation. I mention this, as I have already said, not by way of complaint, for I am well satisfied that your gain is not altogether my loss in this, more than in many other instances; and that what profits you immediately, may profit me also in the long run. But I will not dwell on these calculations and comparisons of interest, which you ought

to weigh as well as myself, as reasons against the measure to which you threaten a resort. For when I consult my own heart, and call to mind all the endearing proofs you have given of yours being in sympathy with it, I must needs hope that there are other ties than mere interest to prevent us from ever suffering a transient resentment on either side, with or without cause, to bring on both all the consequences of a divorce—consequences, too, which would be a sad inheritance, indeed, for our numerous and beloved offspring.

“As to the other point, relative to the head stewards, I must own, my worthy husband, that I am altogether at a loss for any cause of dissatisfaction on your part, or blame on mine. It is true, as you say, that they have been oftener taken from among my tenants than yours; but, under other circumstances, the reverse might as well have happened. If the individuals appointed had made their way to the important trust by corrupt or fallacious means; if they had been preferred merely because they dwelt on my estate, or had succeeded by any interposition of mine contrary to your inclination; or, finally, if they had administered the trust unfaithfully, sacrificing your interests to mine, or the interests of both to selfish or to unworthy purposes; in any of these cases you would have ground for your complaints. But I know, Jonathan, that you are too just and too candid not to admit that no such ground exists. The head stewards in question could not have been appointed without your own participation as well as mine. They were recommended to our joint choice by the reputed fairness of their characters; by their tried fidelity and competency in previous trusts; and by their exemption from all charges of impure and grasping designs. And so far were they from being partial to my interest at the expense of yours, that they were rather considered by my tenants as leaning to a management more favorable to yours than to mine. I need not say that I allude to the bounties, direct or indirect, to your teams and boats, to the hands employed in your fisheries, and the looms and other machineries, which, without such encouragements, would not be able to meet the threatened rivalships of interfering neighbors. I say, only, that

these ideas were in the heads of some of my tenants. For myself, I should not have mentioned them, but as a defence against what I must regard as so unfounded a charge, that it ought not to be permitted to make a lasting impression.

“But, laying aside all these considerations, I repeat, my dear Jonathan, that the appointment of the head steward lies as much, if not more, with you than with me. Let the choice fall where it may, you will find me faithfully abiding by it, whether it be thought the best possible one or not; and sincerely wishing that he may equally improve better opportunities of serving us both than was the lot of any of those who have gone before him.”

Jonathan, who had a good heart as well as a sound head and steady temper, was touched with this tender and considerate language of Mary, and the bickering which had sprung up ended, as the quarrels of lovers *always*, and of married folks *sometimes* do, in an increased affection and confidence between the parties.

## LETTERS, ETC.

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TO HENRY R. SCHOOLCRAFT.

MONTPELLIER, JAN 22d, 1822.

SIR,—I have received the copy of your Memoir on the fossil Tree, which you politely forwarded. Of the decisive bearing of this phenomenon on important questions in geology, I rely more on your judgment than my own.

The present is a very inquisitive age, and its researches of late have been ardently directed to the primitive composition and structure of our Globe, as far as it has been penetrated, and to the processes by which succeeding changes have been produced. The discoveries already made are encouraging; but vast room is left for the industry and sagacity of geologists. This is sufficiently shewn by the opposite theories which have been espoused; one of them regarding water, another fire, as the great agent employed by nature in her work.

It may well be expected that this hemisphere, which has been least explored, will yield its full proportion of materials towards a satisfactory system. Your zealous efforts to share in the contributions do credit to your love of truth and devotion to the cause of science. And I wish they may be rewarded with the success they promise, and with all the personal gratification to which they entitle you.

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TO BENJAMIN ROMAINE.

MONTPELLIER, JAN 26, 1822.

D<sup>R</sup> SIR,—I have duly received the two pamphlets which followed your favor of the 11th instant. Not having critically examined, as you have done, the Constitution on foot, with an eye

to a comparison with the existing one, or to its connexion with the Constitution of the United States, I cannot presume to speak of its merits or defects in either respect. I have indulged the reflection only, that it is propitious to the cause of self-government that the trying task of revising an established Constitution should have been so deliberately conducted, and so tranquilly concluded, by a body elected and acting in conformity to the freedom and forms of the popular system.

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TO DR. JESSE TERRY, JUN<sup>R</sup>.

MONTPELLIER, July 30, 1822.

SIR,—I have received your letter of the 15th, with a copy of "The Moral Instructor." Neither Mrs. M. nor myself have recollections which called for your apology. If there had been occasion for one, that offered would be more than sufficient.

I have looked enough into your little volume to be satisfied that both the original and selected parts contain information and instruction which may be useful not only to juvenile, but most other readers. I must suggest for your consideration, however, whether, contrarily to what you suppose, the labor of part of the community, especially with the aids of machinery, may not be sufficient to provide the necessaries and plainest comforts of life for the whole, and, consequently, that the remaining part must either be supported in idleness or employed in producing superfluities, from the sale of which they may derive their own necessaries and comforts. It may deserve consideration, also, whether, by classing among noxious luxuries some articles of general, and, it would seem, innocent use, prejudices may not be excited [un] favorable to the reception and circulation of the book itself.

Your plan of free libraries to be spread through the community does credit to your benevolent zeal. The trial of them in behalf of apprentices seems to have been justly approved, and to have had an encouraging success. As apprentices are generally found more together in particular spots than youths of



other descriptions, such a provision can the more easily and effectually be made for them. For the same reason, these establishments may, without difficulty, be made accessible to others dwelling in towns who need them. In the country, the difficulties will be greater or less as the population is more or less sparse. Where it is the most so, the best efforts may fail. It is not to be forgotten, however, that every day is multiplying situations in which the obstacles will not be insuperable, and which consequently invite the philanthropic attention of which you have given examples. A tree of useful knowledge planted in every neighbourhood would help to make a paradise, as that of forbidden use occasioned the loss of one. And I wish you success in propagating the fruitful blessing.

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TO THE REV<sup>D</sup> J. MORSE.

FEB<sup>R</sup> 16, 1822.

SIR,—I have received your letter of the———, with the printed Constitution of a Society for the benefit of the Indians. Esteeming, as I do, the objects of the institution, I cannot decline the honorary relation to it which has been conferred on me, although good wishes be the only returns I shall be able to make.

Beside the general motive of benevolence, the remnants of the tribes within our limits have special claims on our endeavours to save them from the extinction to which they are hastening, and from the vices which have been doubled by our intercourse with them. This cannot be done without substituting for the torpid indolence of wigwams and the precarious supplies of the chase the comforts and habits of civilized life. With the progress of these may be sown the elements of moral and intellectual improvement, which will either not be received into the savage mind, or be soon stifled by savage manners. The constitution of the society very properly embraces the object of gathering whatever information may relate to the opinions, the government, the social condition, &c., of this untutored race.

Materials may thus be obtained for a just picture of the human character, as fashioned by circumstances which are yielding to others which must efface all the peculiar features of the original.

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TO THOMAS JEFFERSON.

MONTPELLIER, March 5, 1822.

DEAR SIR,—This is the first mail since I received yours of the 25 ult., which did not come to hand in time for an earlier answer, having lain a day or two at Orange Court House.

Regarding the new society for the benefit of the Indians as limited to their civilization, an object laudable in itself, and taking for granted, perhaps too hastily, that the plan had not been formed and published without the sanction of the most respectable names on the spot; finding, moreover, that no act of incorporation from the Government was contemplated, I thought it not amiss to give the inclosed answer to Mr. Morse. In its principle, the association, though a great amplification, is analogous to that of the Academy of Languages and Belles-lettres.

The project appears to me to be rather ostentatious than dangerous. Those embraced by it are too numerous, too heterogeneous, and too much dispersed, to concentrate their views in any covert or illicit object; nor is the immediate object a sufficient cement to hold them long together for active purposes. The clergy, who may prove a great majority of the whole, and might be most naturally distrusted, are themselves made up of such repulsive sects that they are not likely to form a noxious confederacy, especially with ecclesiastical views.

On a closer attention than I had given to the matter before I received your letter, I perceive that the organization of the Board of Directors is a just subject of animadversion. The powers vested in it may devolve on too few to be charged with the collection and application of the funds. As the proceedings, however, will be at the seat of Government, and under the

eye of so many of every description of observers, there will be no little controul against abuses. It is pretty remarkable that Doctor Morse and one of his own name may be two-thirds of a majority of a Board. This person has, I believe, lately returned from some agency under the Government, along with Governor Cass, among the Northern tribes of Indians; which makes it the more probable that his present plans are in accord with the ideas of the War Department at least.

Had I not written my answer, I should be led by my present view of the subject to suspend it till more should be known of this project, and particularly how far the high characters named, on the spot or elsewhere, had embarked in it. I find by a Gazette just received that a member of the Senate has denounced the project in very harsh terms. He is from a State, however, not distant from the Indians, and may have opinions and feelings on topics relating to them not common to the members of the Body.

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TO EDWARD EVERETT.

MONTPELLIER, March 9th, 1822.

DEAR SIR,—I have received, with your letter of February 14th, the volume on "Europe," for which I am indebted to the politeness of your brother and yourself. I have run through it with pleasure, and return my thanks to you both.

The interior view which the writer takes of the institutions and situations of the several nations of Europe, furnishes more information of the valuable sort than I have any where found. Looking at every thing with an American eye, he has selected the facts and features most acceptable to American curiosity; and which are, in truth, most worthy of reflection there also. Some of his political speculations will not obtain the concurrence of all. Others cannot fail to do so. And no one can reject the evidence given of a capacity and spirit of observation on an enlarged scale. If there be not in some of the pages that condensation of ideas which often renders them the more lucid,

as it always gives them more force, there is in others, to claim the apology offered by Pascal for the length of one of his Provençal letters, that he had not time to make it shorter.

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TO JOSHUA GILPIN.

MARCH 11, 1822.

D<sup>R</sup> SIR,—Your favor of Feb<sup>r</sup> 8, with the little volume on the Delaware and Chesapeake Canal, were so long on the way that they did not come to hand till a few days ago.

I have not done more than look over the introductory memoir, which has been drawn up with great judgment, and in a manner well suited to its object.

I am a great friend to canals, as a leading branch of those internal improvements which are a measure of the wisdom and source of the prosperity of every Country. Whenever the authority to make them is possessed, I wish it to be exercised; and to be given where it is not possessed and can be usefully exercised.

The great canals which are going forward and contemplated in the United States will do them great credit, and I hope will have a salutary effect, by shewing the practicability, as well as value, of works of discouraging magnitude; and particularly by demonstrating how much good can be done at an expense so inconsiderable when compared with the sums wasted for unprofitable, or perverted to injurious, purposes. This reflection will express the praise which I regard as due to yourself and your associates for your persevering efforts in the undertaking so well explained and enforced in your memoir.

Mrs. M. and myself are very sensible of your and Mrs. G.'s kindness in the invitation to your present residence. Whether we shall have the pleasure of expressing it on the spot or not, we shall not forget the mark of regard, and shall be happy in returning it by a cordial welcome at our farm, if your excursions should ever afford the opportunity.



TO JOHN ADLUM.

APRIL 12, 1822.

SIR,—I received some days ago the two copies of your memoir on the cultivation of the vine, with a bottle of your Tokay; and I have since received your letter enforcing the importance of making the vineyard an appertenance to American farms.

The Memoir appears to merit well the public attention to which it is offered. It is so long since I tasted the celebrated wine whose name you have adopted, that my memory cannot compare its flavour with that of your specimen from an American grape. I am safe, I believe, in saying that the latter has an affinity to the general character of the good Hungarian wines, and that it can scarcely fail to recommend itself to discriminating palates.

The practicability and national economy of substituting, to a great extent at least, for the foreign wines, on which so large a sum is expended, those which can be produced at home, without withdrawing labour from objects not better rewarding it, is strongly illustrated by your experiments and statements. The introduction of a native wine is not a little recommended, moreover, by its tendency to substitute a beverage favorable to temperate habits for the ardent liquors, so destructive to the morals, the health, and the social happiness of the American people; and, it may be added, which is so expensive to them also; for, besides the actual cost of the intoxicating draughts, the value of the time and strength consumed by them is of not less amount.

I shall forward one of the copies of the Memoir, as you desire, to the Agricultural Society of Albemarle, to which your letter will also be communicated, that the members may have the benefit of the suggestions and remarks which it contains. Nothing seems to be wanting to an addition of a desirable article to our productions but decisive efforts; to which the patronage of the Agricultural Societies may contribute a seasonable stimulus.



TO RICHARD RUSH.

MONTPELLIER, May 1, 1822.

D<sup>R</sup> SIR,—I have duly received your letter of March 6th, accompanied by the English pamphlet on “The state of the Nation.” Keilsall’s “Classical Excursion” had arrived some time before. For these several favors I give you many thanks.

Having not received, at the date of my last, your favor of September 26, I take this occasion to thank you for that also, and for the accompanying Edinburgh Review. I owe particular attention to the paragraph which mentions the intended name for your new-born son. The friendly feelings from which alone the intention could spring correspond too much with my own not to give to such a mark of them its full value. The best wish I can form for the new-comer is, that he may inherit the virtues of his parents; and that if there has been anything desirable in the lot of his namesake, he may enjoy it without its drawbacks.

I think, with you, that the Reviewer has handled too slightly the hollow theory of Mr. Godwin, and that the late census here must give the *coup de grace* to his Book, if it should not have previously died a natural death.

Mr. Keilsall’s Book, like his “Phantasm of a University,” shews learned research, some originality of thought, and a pregnant fancy. His details relating to Cicero, and his Phantasm, as it may be called, of a monument to the fame of that orator and sage, will have an interest for his particular admirers, and be amusing to all who indulge a rélish for Roman antiquities.

I have run over the English pamphlet. There is in the workmanship of it a political sleight which sufficiently discloses an official hand, or a hand furnished with official materials, and familiar with such a use of them. There is certainly in the publication much of the *suppressio veri*; I will not say how much of the *suggestio falsi*. The notice taken of the U. States is a proof that, if the British Government has not begun to love us, it feels the necessity of ceasing to disrespect us. It calls “cousin” as lavishly as we used to be stigmatized as the spawn of convicts and vagabonds. We can easily forgive them, however,

because we never injured them, and shall meet them in every friendly sentiment, as well as in all the beneficial intercourse which may be authorized by the principle of reciprocity.

I have not overlooked what you intimate in regard to Mr. Jefferson, who approaches his *octogenary climacteric* with a *mens sana in corpore sano*. The vigor of both is, indeed, very remarkable at his age. He bears the lamented failure of our Legislature to enable the University to go into immediate action with a philosophic patience, supported by a patriotic hope that a succeeding Representation of the people will better consult their interest and character. The University, (the germ of which was the Central College,) or the Academic Village, as it might be called, is prepared to receive ten Professors and 200 students; but the funds having been exhausted in the site and the buildings, no Professors even can be engaged without further aid from the public.

I take for granted you receive, in official transmissions and in private correspondence, what is most interesting in the occurrences at Washington. The length and sterility of the session have attracted not a few animadversions on Congress. The remaining period, however, limited as it is, may bring forth something in answer to the latter charge. Whether it will be of a nature to mitigate or invigorate the former, is for the result to shew.

Our Country, the Western parts of it particularly, is still labouring under fruits of pecuniary follies. The unfavorable exchange, which carries off the coin, is becoming, also, a fresh clog on the restorative policy. It has been made a question whether this evil be not the mere effect of a difference of value in the metals here and in G. Britain; but I suspect, notwithstanding the custom-house returns, that there is an excess of our imports over our exported products; and, I fear, this is a course of things not easily to be got entirely right. Much reliance is put by some on the substitution of domestic for foreign manufactures, as a radical and permanent remedy. But, however this might alleviate the malady of an unfavorable balance of trade, there would remain articles of luxury, not provided at home, for a

consumption beyond the means of paying for it. And such are the habits of a great portion of our people, that they will not restrict their wants to their incomes, as long as they can borrow from banks or obtain credit with the vendors of merchandise. This indiscretion has, no doubt, a check within itself, and time may put an end to it; but, whilst it continues, it tends to keep the country behind hand in its foreign dealings; and, of course, to produce the embarrassments incident to drains of the precious metals. Although a nation exchanging necessary and useful articles for the luxuries of another has a manifest advantage in a contest of prohibitions and restrictions, the advantage may be reversed in a trade entirely free; inasmuch as the first articles supply wants that are limited; whilst luxuries are of more indefinite consumption, and the want of some of them as boundless as the fancy itself.

The difficulties of the country have had another cause in a scanty harvest and low prices. The cotton planters have little ground for complaint. Nor have the tobacco planters much on the score of prices; which have made up, in a good degree, for the defect in the quantity and quality of the crop. But throughout the wheat country, southward of Pennsylvania, at least, the harvest, both in point of quantity and quality, was never known to be so deficient; nor has the market in anywise furnished a compensation. At this moment there is a reanimation of the demand for flour, occasioned by the expected renewal of the direct trade to the British West Indies, but there is so small a part unsold that the farming class will scarcely feel the benefit. It is too soon to speak positively of the prospects of the current year. In this quarter they are at present discouraging. The winter was a bad one for the wheat fields; and the fly has commenced its ravages with an activity that will be very fatal, if the weather should continue dry for 8 or 10 days. In Maryland, I learn that the wheat fields wear a dismal aspect, in consequence of the unfavorable season. Whether, and in what extent, the ruin is augmented by the insect, I have no information. Of the States farther North I can say nothing.

## TO PRESIDENT MONROE.

MONTPELLIER, May 6, 1822.

DEAR SIR,—This will probably arrive at the moment for congratulating you on the close of the scene in which your labours are blended with those of Congress. When will your recess from those which succeed commence, and when and how much of it will be passed in Albemarle? We hope for the pleasure of halts with us, and that Mrs. M. and others of your family will be with us.

Mr. Anduaga, I observe, casts in our teeth the postponement of the recognition of Spanish America till the cession of Florida was secured, and taking that step immediately after. This insinuation will be so readily embraced by suspicious minds, and particularly by the wily Cabinets of Europe, that I cannot but think it might be well to take away that pretext against us by an exposé, brought before the public in some due form, in which our conduct would be seen in its true light. An historical view of the early sentiments expressed here in favor of our neighbours; the successive steps openly taken, manifesting our sympathy with their cause, and our anticipation of its success; more especially our declarations of neutrality towards the contending parties, as engaged in a civil, not an insurrectionary war, would show to the world that we never concealed the principles that governed us, nor the policy which terminated in the decisive step last taken. And the time at which this was taken is surely well explained, without reference to the Florida treaty, by the greater maturity of the Independence of some of the new States, and particularly by the recent revolution in Mexico, which is able, not only to maintain its own Independence, but to turn the scale, if it were doubtful, in favor of the others. Although there may be no danger of hostile consequences from the Recognising act, it is desirable that our Republic should stand fair in the eyes of the world, not only for its own sake, but for that of Republicanism itself. Nor would, perhaps, a conciliatory appeal to the candour and liberality of the better part of Eu-



rope be a superfluous precaution, with a view to the possible collisions with Spain on the ocean, and the backing she may receive from some of the great powers, friendly to her or unfriendly to us. Russia has, if I mistake not, heretofore gone far in committing herself against a separation of the Colonies from Spain. And her enterprising policy against revolutionary events every where make it the more probable that she may resent the contrast to it in that of the U. S. I am aware that these ideas cannot be new to you, and that you can appreciate them much better than I can. But having the pen in my hand, I have permitted them to flow from it.

It appears that the Senate have been discussing the precedents relating to the appointment of public Ministers. One question is, whether a public Minister be an officer in the strict constitutional sense. If he is, the appointment of him must be authorized by *law*, not by the President and Senate. If, on the other hand, the appointment creates the office, the office must expire with the appointment, as an office created by law expires with the law; and there can be no difference between Courts to which a public minister had been sent, and those to which one was sent for the first time. According to my recollection, this subject was on some occasion carefully searched into; and it was found that the practice of the Government had, from the beginning, been regulated by the idea that the places or offices of public Ministers and Consuls existed under the law and usages of Nations, and were always open to receive appointments as they might be made by competent authorities.

Other questions may be started as to Commissions for making Treaties; which, when given to a public Minister, employ him in a distinct capacity; but this is not the place, nor am I the person, to pursue the subject.

We had a hard winter, and our wheat fields exhibit the proof of it. To make the matter worse, the fly has commenced its ravages in a very threatening manner; a dry, cold spell will render them very fatal. I know not the extent of the evil. There has been of late a reanimation of prices for the last crop,



occasioned by the expected opening of the West India trade; but there is so little remaining in the hands of the farmers, that the benefit will be scarcely felt by them.

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TO PRESIDENT MONROE.

MONTPELLIER, May 16, 1822.

DEAR SIR,—I am just favored with yours of the 12th, in which you ask whether I recollect any case of a “nomination of an officer of the army to a particular office, to take rank from a certain date, on which the Senate have interposed to give rank from another date?” and, again, whether I recollect any instances of filling original vacancies in civil or military offices in the recess of the Senate, where authority was not given by law?

On the first point, I have no particular recollection, but it is possible that there may have been cases such as you mention. The journals of the Senate will of course present them, if they ever existed. Be the fact as it may, it would seem that such an interposition of the Senate would be a departure from the naked authority to decide on nominations of the Executive. The tenure of the officer in the interval between the two dates, where that of the Senate was the prior one, would be altogether of the Senate’s creation; or, if understood to be made valid by the commission of the President, would make the appointment originate with the Senate, not with the President; nor would a posteriority of the date of the Senate possibly be without some indirect operation beyond the competency of that Body.

On the second point, although my memory cannot refer to any particular appointments to original vacancies in the recess of the Senate, I am confident that such have taken place under a pressure of circumstances, where no legal provision had authorized them. There have been cases where offices were created by Congress, and appointments to them made with the sanction of the Senate, which were, notwithstanding, found to be vacant in consequence of refusals to accept them, or of unknown death

of the party at the time of the appointment, and thence filled by the President alone. I have a faint impression instances of one or both occurred within the Mississippi Territory. These, however, were cases of necessity. Whether others not having that basis have occurred, my present recollections do not enable me to say.

In the enclosed English newspaper is sketched a debate in the House of Commons, throwing light on the practice there with respect to filling military vacancies in certain cases. If I understand the sketch, from a very slight perusal, the rule of promotion is not viewed as applicable to original vacancies. In the abstract, it has always appeared to me desirable that the door to special merit should be widened as far as could possibly be reconciled with the general rules of promotion. The inconveniency of a rigid adherence to this rule gave birth to Brevets; and favors every permitted mode of relaxing it, in order to do justice to superior capacity for public service.

The aspect of things at Washington, to which you allude, could escape the notice of no one who ever looks into the newspapers. The only effect of a political rivalry among the members of the Cabinet which I particularly anticipated, and which, I believe, I mentioned once in conversation with you, was an increased disposition in each to cultivate the good will of the President. The object of such rivalry, on and through the proceedings of Congress, is to be ascribed, I hope, to a peculiarity and combination of circumstances not likely often to recur in our annals.

I am afraid you are too sanguine in your inferences, from the absence here of causes which have most engendered and embittered the spirit of party in former times and in other Countries. There seems to be a propensity in free Governments which will always find or make subjects on which human opinions and passions may be thrown into conflict. The most, perhaps, that can be counted on, and that will be sufficient, is, that the occasions for party contests in such a country and government as ours will be either so slight or so transient as not to threaten any permanent or dangerous consequences to the character and

prosperity of the Republic. But I must not forget that I took up my pen merely to answer your two inquiries, and to remind you that you omitted to answer mine, as to your intended movements after the release from your confinement at Washington.

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TO DOCTOR WATERHOUSE.

MONTPELLIER, June 22, 1822.

DEAR SIR,—I have received your favor of the 9th, with a copy of your Lecture on tobacco and ardent spirits. It is a powerful dissuasive from the pernicious use of such stimulants. I had read formerly the first edition of the Lecture; but have read this last, also, for the sake of the additions and the notes. Its foreign translations and its reaching a fifth edition are encouraging evidences of its usefulness; however much it be feared that the listlessness of non-labourers, and the fatigues of hard labourers, will continue to plead for the relief of intoxicating liquors or exhilarating plants; one or other of which seems to have been in use in every age and Country. As far as the use of tobacco is a mere fashion or habit, commencing not only without, but against a natural relish, and continued without the need of such a resort, your reasonings and warnings might reasonably be expected to be an overmatch for the pernicious indulgence. In every view, your remedial efforts are highly meritorious, since they may check, if they cannot cure, the evil, and since a partial success may excite co-operating efforts which will gradually make it compleat; and I join heartily in every wish that such may be the result.

At present, Virginia is not much threatened with the loss of her staple, whatever be the character really belonging or ridiculously ascribed to it. Its culture is rather on the increase than decline; owing to the disposition in Europe, particularly G. Britain, to chew our tobacco rather than eat our wheat. This is not the best state of things either for them or us.

TO THOMAS RITCHIE.

MONTPELLIER, July 2d, 1822.

D<sup>R</sup> SIR,—I received, some time ago, a letter from Mr. H. G. Spafford, at Ballston Spa, N. York, in which he says, “I wish your Booksellers would encourage me to write a Gazetteer of Virginia. I could travel all over the State, collect materials, and prepare the work for the press, in about two years, on a salary of \$1,000 a year, and a few copies of the work.”

I answered that I could not undertake to judge how far a Gazetteer for the State, on the plan and terms suggested, would be espoused by our Printers and Booksellers; intimating, at the same time, that a survey was on foot, the details and progress of which I could not tell him; and I took the liberty of referring him to you, as the best source he could consult on the whole subject.

In his reply, just received, he says, “As to a Geography and Gazetteer of Virginia, may I ask of thee the favor to suggest the idea to Mr. Ritchie, of Richmond. As soon as I shall have compleated the one of this State, say by next winter, I should like well to engage in such a work.”

Will you be so obliging as to drop me a line, enabling me to say what may be proper to Mr. Spafford? He is, I believe, a worthy man, is very laborious in what he undertakes, and has executed works in N. York analogous to the one for which he offers himself here. He has been the author, also, of one if not more periodical publications. All these together would be a test of his qualifications.

I am sorry to be the occasion of any encroachment on your time, especially as it may be a useless one; but, apart from the introduction already made of your name, I should be at a loss for another resort equally capable of furnishing the desired information.



TO EDWARD LIVINGSTON.

MONTPELLIER, July 10th, 1822.

D<sup>R</sup> SIR,—I was favored some days ago with your letter of May 19, accompanied by a copy of your Report to the Legislature of the State on the subject of a penal Code.

I should commit a tacit injustice if I did not say that the Report does great honor to the talents and sentiments of the author. It abounds with ideas of conspicuous value, and presents them in a manner not less elegant than persuasive.

The reduction of an entire code of criminal jurisprudence into statutory provisions, excluding a recurrence to foreign or traditional codes, and substituting for technical terms more familiar ones, with or without explanatory notes, cannot but be viewed as a very arduous task. I sincerely wish your execution of it may fulfil every expectation.

I cannot deny, at the same time, that I have been accustomed to doubt the practicability of giving all the desired simplicity to so complex a subject without involving a discretion, inadmissible in free Government, to those who are to expound and apply the law. The rules and usages which make a part of the law, though to be found only in elementary treatises, in respectable commentaries, and in adjudged cases, seem to be too numerous and too various to be brought within the requisite compass; even if there were less risk of creating uncertainties by defective abridgments, or by the change of phraseology.

This risk would seem to be particularly incident to a substitution of new words and definitions for a technical language, the meaning of which had been settled by long use and authoritative expositions. When a technical term may express a very simple idea, there might be no inconveniency, or rather an advantage, in exchanging it for a more familiar synonyme, if a precise one could be found. But where the technical terms and phrases have a complex import, not otherwise to be reduced to clearness and certainty than by practical applications of them, it might be unsafe to introduce new terms and phrases, though aided by brief explanations. The whole law expressed by sin-



gle terms, such as "trial by jury, evidence, &c., &c.," fill volumes, when unfolded into the details which enter into their meaning.

I hope it will not be thought by this intimation of my doubts I wish to damp the enterprise from which you have not shrunk. On the contrary, I not only wish that you may overcome all the difficulties which occur to me, but am persuaded that if complete success should not reward your labors, there is ample room for improvements in the criminal jurisprudence of Louisiana, as elsewhere, which are well worthy the exertion of your best powers, and will furnish useful examples to other members of the Union. Among the advantages distinguishing our compound Government, it is not the least that it affords so many opportunities and chances in the local Legislatures for salutary innovations by some, which may be adopted by others; or for important experiments, which, if unsuccessful, will be of limited injury, and may even prove salutary as beacons to others. Our political system is found, also, to have the happy merit of exciting a laudable emulation among the States composing it, instead of the enmity marking competitions among powers wholly alien to each other.

I observe with particular pleasure the view you have taken of the immunity of Religion from civil jurisdiction, in every case where it does not trespass on private rights or the public peace. This has always been a favorite principle with me; and it was not with my approbation that the deviation from it took place in Congress, when they appointed chaplains, to be paid from the National Treasury. It would have been a much better proof to their constituents of their pious feeling if the members had contributed for the purpose a pittance from their own pockets. As the precedent is not likely to be rescinded, the best that can now be done may be to apply to the Constitution the maxim of the law, *de minimis non curat*.

There has been another deviation from the strict principle in the Executive proclamations of fasts and festivals, so far, at least, as they have spoken the language of *injunction*, or have lost sight of the equality of *all* religious sects in the eye of the

Constitution. Whilst I was honored with the Executive trust, I found it necessary on more than one occasion to follow the example of predecessors. But I was always careful to make the Proclamations absolutely indiscriminate, and merely recommendatory; or, rather, mere *designations* of a day on which all who thought proper might *unite* in consecrating it to religious purposes, according to their own faith and forms. In this sense, I presume, you reserve to the Government a right to *appoint* particular days for religious worship. I know not what may be the way of thinking on this subject in Louisiana. I should suppose the Catholic portion of the people, at least, as a small and even unpopular sect in the U. States, would rally, as they did in Virginia when religious liberty was a Legislative topic, to its broadest principle. Notwithstanding the general progress made within the two last centuries in favour of this branch of liberty, and the full establishment of it in some parts of our Country, there remains in others a strong bias towards the old error, that without some sort of alliance or coalition between Government and Religion neither can be duly supported. Such, indeed, is the tendency to such a coalition, and such its corrupting influence on both the parties, that the danger cannot be too carefully guarded against. And in a Government of opinion like ours, the only effectual guard must be found in the soundness and stability of the general opinion on the subject. Every new and successful example, therefore, of a perfect separation between ecclesiastical and civil matters, is of importance; and I have no doubt that every new example will succeed, as every past one has done, in shewing that religion and Government will both exist in greater purity the less they are mixed together. It was the belief of all sects at one time that the establishment of Religion by law was right and necessary; that the true religion ought to be established in exclusion of every other; and that the only question to be decided was, which was the true religion. The example of Holland proved that a toleration of sects dissenting from the established sect was safe, and even useful. The example of the Colonies, now States, which rejected religious establishments altogether, proved that all

sects might be safely and advantageously put on a footing of equal and entire freedom; and a continuance of their example since the Declaration of Independence has shewn that its success in Colonies was not to be ascribed to their connection with the parent Country. If a further confirmation of the truth could be wanted, it is to be found in the examples furnished by the States which have abolished their religious establishments. I cannot speak particularly of any of the cases excepting that of Virginia, where it is impossible to deny that religion prevails with more zeal and a more exemplary priesthood than it ever did when established and patronised by public authority. We are teaching the world the great truth, that Governments do better without kings and nobles than with them. The merit will be doubled by the other lesson: that Religion flourishes in greater purity without, than with the aid of Government.

My pen, I perceive, has rambled into reflections for which it was not taken up. I recall it to the proper object, of thanking you for your very interesting pamphlet, and of tendering you my respects and good wishes.

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TO W. T. BARRY.

AUGUST 4, 1822.

D<sup>R</sup> SIR,—I received some days ago your letter of June 30, and the printed circular to which it refers.

The liberal appropriations made by the Legislature of Kentucky for a general system of Education cannot be too much applauded. A popular Government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

I have always felt a more than ordinary interest in the destinies of Kentucky. Among her earliest settlers were some of my particular friends and neighbors. And I was myself among

the foremost advocates for submitting to the will of the "District" the question and the time of its becoming a separate member of the American family. Its rapid growth and signal prosperity in this character have afforded me much pleasure; which is not a little enhanced by the enlightened patriotism which is now providing for the State a plan of education embracing every class of citizens, and every grade and department of knowledge. No error is more certain than the one proceeding from a hasty and superficial view of the subject: that the people at large have no interest in the establishment of academies, colleges, and universities, where a few only, and those not of the poorer classes, can obtain for their sons the advantages of superior education. It is thought to be unjust that all should be taxed for the benefit of a part, and that, too, the part least needing it.

If provision were not made at the same time for every part, the objection would be a natural one. But, besides the consideration, when the higher seminaries belong to a plan of general education, that it is better for the poorer classes to have the aid of the richer, by a general tax on property, than that every parent should provide at his own expense for the education of his children, it is certain that every class is interested in establishments which [give] to the human mind its highest improvements, and to every country its truest and most durable celebrity.

Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty. They are the nurseries of skilful teachers for the schools distributed throughout the community. They are themselves schools for the particular talents required for some of the public trusts, on the able execution of which the welfare of the people depends. They multiply the educated individuals, from among whom the people may elect a due portion of their public agents of every description; more especially of those who are to frame the laws; by the perspicuity, the consistency, and the stability, as well as by the just and equal spirit of which the great social purposes are to be answered.

Without such institutions, the more costly of which can



scarcely be provided by individual means, none but the few whose wealth enables them to support their sons abroad can give them the fullest education; and in proportion as this is done, the influence is monopolized which superior information every where possesses. At cheaper and nearer seats of learning, parents with slender incomes may place their sons in a course of education, putting them on a level with the sons of the richest. Whilst those who are without property, or with but little, must be peculiarly interested in a system which unites with the more learned institutions a provision for diffusing through the entire society the education needed for the common purposes of life. A system comprising the learned institutions may be still further recommended to the more indigent class of citizens by such an arrangement as was reported to the General Assembly of Virginia, in the year 1779, by a committee\* appointed to revise laws in order to adapt them to the genius of Republican Government. It made part of a "Bill for the more general diffusion of knowledge," that wherever a youth was ascertained to possess talents meriting an education which his parents could not afford, he should be carried forward at the public expense, from seminary to seminary, to the completion of his studies at the highest.

But why should it be necessary in this case to distinguish the society into classes, according to their property? When it is considered that the establishment and endowment of academies, colleges, and universities, are a provision, not merely for the existing generation, but for succeeding ones also; that in Governments like ours, a constant rotation of property results from the free scope to industry, and from the laws of inheritance; and when it is considered, moreover, how much of the exertions and privations of all are meant, not for themselves, but for their posterity, there can be little ground for objections from any class to plans of which every class must have its turn of benefits. The rich man, when contributing to a permanent plan for the education of the poor, ought to reflect that he is providing

\* The report was made by Mr. Jefferson, Mr. Pendleton, and Mr. Wythe.



for that of his own descendants; and the poor man, who concurs in a provision for those who are not poor, that at no distant day it may be enjoyed by descendants from himself. It does not require a long life to witness these vicissitudes of fortune.

It is among the happy peculiarities of our Union, that the States composing it derive from their relation to each other and to the whole a salutary emulation, without the enmity involved in competitions among States alien to each other. This emulation, we may perceive, is not without its influence in several important respects; and in none ought it to be more felt than in the merit of diffusing the light and the advantages of public instruction. In the example, therefore, which Kentucky is presenting, she not only consults her own welfare, but is giving an impulse to any of her sisters who may be behind her in the noble career.

Throughout the civilized world nations are courting the praise of fostering science and the useful arts, and are opening their eyes to the principles and the blessings of Representative Government. The American people owe it to themselves, and to the cause of Free Government, to prove, by their establishments for the advancement and diffusion of knowledge, that their political institutions, which are attracting observation from every quarter, and are respected as models by the new-born States in our own Hemisphere, are as favorable to the intellectual and moral improvement of man as they are conformable to his individual and social rights. What spectacle can be more edifying or more seasonable than that of liberty and learning, each leaning on the other for their mutual and surest support?

The committee, of which your name is the first, have taken a very judicious course in endeavoring to avail Kentucky of the experience of elder States in modifying her schools. I inclose extracts from the laws of Virginia on that subject, though I presume they will give little aid; the less, as they have as yet been imperfectly carried into execution. The States where such systems [have] been long in operation, will furnish much better answers to many of the enquiries stated in your circular. But after all, such is the diversity of local circumstances, more par-

ticularly as the population varies in density and sparseness, that the details suited to some may be little so to others. As the population, however, is becoming less and less sparse, and it will be well, in laying the foundation of a good system, to have a view to this progressive change, much attention seems due to examples in the Eastern States, where the people are most compact, and where there has been the longest experience in plans of popular education.

I know not that I can offer on the occasion any suggestions not likely to occur to the committee. Were I to hazard one, it would be in favor of adding to reading, writing, and arithmetic, to which the instruction of the poor is commonly limited, some knowledge of geography; such as can easily be conveyed by a globe and maps, and a concise geographical grammar. And how easily and quickly might a general idea, even, be conveyed of the solar system, by the aid of a planetarium of the cheapest construction. No information seems better calculated to expand the mind and gratify curiosity than what would thus be imparted. This is especially the case with what relates to the Globe we inhabit, the nations among which it is divided, and the characters and customs which distinguish them. An acquaintance with foreign countries in this mode has a kindred effect with that of seeing them as travellers, which never fails, in uncorrupted minds, to weaken local prejudices and enlarge the sphere of benevolent feelings. A knowledge of the Globe and its various inhabitants, however slight, might, moreover, create a taste for books of travels and voyages; out of which might grow a general taste for history—an inexhaustible fund of entertainment and instruction. Any reading not of a vitious species must be a good substitute for the amusements too apt to fill up the leisure of the labouring classes.

I feel myself much obliged, Sir, by your expressions of personal kindness, and pray you to accept a return of my good wishes, with assurances of my great esteem and respect.

P. S. On reflection, I omit the extracts from the laws of Virginia, which it is probable may be within your reach at home.

Should it be otherwise, and you think them worth the transmission by the mail, the omission shall be supplied.

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TO GEORGE JOY.

AUGUST 10, 1822.

D<sup>R</sup> SIR,—On the receipt of your letters of January 2 and 9 last, I searched for, and found, that of April 16, 1804, and gave information thereof to your brother B. I sent him, at the same time, your copy of that letter, with an intimation that the original would be disposed of as might best answer your purpose. Owing to his absence, it was some time before I heard from him. Our correspondence resulted in his informing me that Mr. Webster, your agent, considered the copy as sufficient. The original, therefore, is still on my files, subject to your order. This will answer the last favor from you of May 29. I was in no hurry to give you the information of what had taken place in consequence of your letters of January, because I took for granted that you would have received it from your brother or your agent.

It may be proper to note that the book you mention in yours of Feb<sup>r</sup> 2, if sent, has miscarried.

I am glad to find that G. Britain has at length taken juster views of her monopolizing attempts with regard to the navigation between her Colonies and the U. States. This Country will not be behind her in a friendly policy of every sort. But it is too proud to acquiesce in inequalities; and sufficiently alive to its interests not to sacrifice them.

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TO THOMAS RITCHIE.

AUGUST 13, 1822.

D<sup>R</sup> SIR,—Your favor of Aug. 7 is so full and satisfactory an answer to my request of July 2, that I ought not to withhold my thanks for it. The delay was immaterial. But I lament, most sincerely, the afflicting causes of it.

The Enquirer of the 6th very properly animadverts on the attempts to pervert the historical circumstances relating to the draught of the Declaration of Independence. The fact that Mr. Jefferson was the author, and the nature of the alterations made in the original, are too well known, and the proofs are too well preserved, to admit of successful misrepresentation.

In one important particular, the truth, though on record, seems to have escaped attention; and justice to be left, so far, undone to Virginia. It was in obedience to *her positive instruction*, passed *unanimously* in her Convention on the 5th of May, 1776,\* and the mover was, of course, the mouth only of the Delegation, as the Delegation was of the Convention. Had P. Randolph, the first named, not been cut off by death, the motion would have been made by him. The duty, in consequence of that event, devolved on the next in order, R. H. Lee, who had political merits of a sort very different from that circumstantial distinction.

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TO PRESIDENT MONROE.

MONTPELLIER, September 24, 1822.

DEAR SIR,—The mail of Saturday brought me your favor of the 16th. The letters enclosed in it are returned. Accept my thanks for the odd volume of Congressional documents.

As I understand the case presented in the other paper enclosed, it turns on the simple question, whether the Senate have a right, in their advice and consent, to vary *the date* at which, according to the nomination of the President, an appointment to office is to take effect.

The subject continues to appear to me in the light which I believe I formerly intimated. The power of appointment, when not otherwise provided by the Constitution, is vested in the President and the Senate. Both must concur in the act; but the act must originate with the President. He is to nominate,

\* See the Journal of that date.



and their advice and consent are to make the nomination an appointment. They cannot give their advice and consent without his nomination, nor, of course, differently from it. In so doing they would originate or nominate, so far as the difference extended, and it would be *his*, not their, advice and consent which consummated the appointment. If the President should nominate A to be an officer from the 1st day of January preceding, it is evident, that for the period not embraced by the nomination of the President, the nomination would originate with the Senate, and would require his subsequent sanction to make it a joint act. During that period, therefore, it would be an appointment made by the nomination of the Senate with the advice and consent of the President, not of the President with the advice and consent of the Senate.

The case is not essentially changed by supposing the President to nominate A to an office from the 1st day of Jan<sup>y</sup>, and the Senate to confirm it from the 1st day of May following. Here, also, the nomination of the President would not be pursued, and the Constitutional order of appointment would be transposed. Its intention would be violated, and he would not be bound by his nomination to give effect to the advice and consent of the Senate. The proceeding would be a nullity. Nor would this result from pure informality. The President might have as [?] just objections to a postponement. The change in the date might have an essential bearing on the public service, and a collateral or consequential one on the rights or pretensions of others in the public service. In fact, if the Senate, in disregard of the nomination of the President, would postpone the commencement of an appointment for a single day, it could do it for any period, however remote; and whatever might be the intermediate change of things, the date may be as material a part of the nomination as the person named in it.

We are still suffering under the intense drought of which you witnessed its increasing effects. *Ten* weeks have now passed since we had any rain of sensible value. On some of our farms it may be said there has been none at all. Our crops of corn,



notwithstanding they were *forward*, were so favored by the early part of the season as to promise support until the next summer harvest. The tobacco crop is in a sad plight, and no weather now can repair it. Your neighborhood, in Albemarle, I understand, has fared much better.

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TO J. MAURY.

SEP<sup>R</sup> 28, 1822.

D<sup>R</sup> SIR,—I have lately received yours of July 20. That of June 24, inclosing the act of Parliament relating to the West India trade, was also duly received.

I am glad to find that the British Government has at length made this change in its Colonial policy. It argues well for greater harmony in the intercourse between the two nations. The United States will, I believe, be always ready to meet G. Britain, as well as other nations, in a liberal and *reciprocal* system; and it may be hoped, notwithstanding the enveloped motives which preface the act of repeal, that the late restrictive contest has sufficiently shewn, not only that this Country will be satisfied with nothing short of reciprocity, but that in relation to the British Colonies, at least, such a contest has a ruinous influence on their prosperity, and their value to the parent Country.

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[Circular.]

TO THE PRESIDENT OF THE AGRICULTURAL SOCIETY OF———,  
VIRGINIA.

OCTOBER 21st, 1822.

SIR,—The enclosed Resolutions of the Agricultural Society of Albemarle explain the wish of the society to provide for agriculture the advantage of a professorship, to be incorporated into the University of Virginia; the means proposed for making the provision; and the hope entertained of a general co-operation in the scheme.

The present seems to be an important crisis in the agriculture of Virginia. The portions of her soil first brought into cultivation have, for the most part, been exhausted of its natural fertility, without being repaired by a meliorating system of husbandry; and much of what remains in forest, and can be spared from the demands of fuel and other rural wants, will need improvement on the first introduction of the plough.

These truths are now sufficiently impressed on the public attention, and have led to the establishment of the Agricultural Societies among us, which are so laudably promoting the work of reform.

As a further means of advancing the great object, it has occurred to the Albemarle Society that a distinct Professorship in the University of the State, if sanctioned by the proper authority, might be advantageously appropriated to the instruction of such as might attend in the theory and practice of rural economy in its several branches.

To the due success of agriculture, as of other arts, theory and practice are both requisite. They always reflect light on each other. If the former, without the test of the latter, be a vain science, the latter, without the enlightening precepts of the former, is generally enslaved to ancient modes, however erroneous, or is at best but too tardy and partial in adopting salutary changes. In no instance, perhaps, is habit more unyielding, or irrational practice more prevalent, than among those who cultivate the earth. And this is the more to be lamented, as agriculture is still so far below the attainments to which it may fairly aspire.

A professorship of agriculture may derive special advantage from the lights thrown out from the chair of Chemistry in that Institution. This science is every day penetrating some of the hidden laws of nature, and tracing the useful purposes to which they may be made subservient. Agriculture is a field on which it has already begun to shed its rays, and on which it promises to do much towards unveiling the processes of nature, to which the principles of agriculture are related. The professional lec-

tures on chemistry, which are to embrace those principles, could not fail to be auxiliary to a professorship having lessons on agriculture for its essential charge.

The fund contemplated for the support of such a professorship is to consist of a sum drawn from unexpended subscriptions, from special donations, and from a diffusive contribution, not exceeding a dollar from an individual. It is hoped that, for a purpose of such general utility, the number of contributors will more than make up for the smallness of the respective sums; and that, with the other resources, means may be gathered not only adequate to the immediate views entertained, but justifying an enlargement of them.

Should this prove to be the case, it will be an enlargement of the plan of agricultural instruction to provide and place under the superintendence of the Professor a small farm in the vicinage, to be cultivated partly as a pattern farm, illustrating practically a system at once profitable and improving; partly as an experimental farm, not only bringing to the test new modes of culture and management, but introducing new plants and animals deemed worthy of experiment. In obtaining these, aid might be found in the patriotic attention of the public and private Naval Commanders, in their visits to foreign countries; and it might well happen that occasional success in rearing new species or varieties, of peculiar value, would yield in seeds and stocks a profit defraying the expenses incurred on this head.

A farm exhibiting an instructive model, observed, as it would be, by occasional visitors, and understood, as it would be, in its principles and plants by students returning to their dispersed homes, would tend to spread sound information on the subject of agriculture, and to cherish that spirit of imitation and emulation which is the source of improvement in every art and enterprise.

You will oblige, Sir, the Society of Albemarle by laying this communication before that over which you preside, and by transmitting its sentiments thereon; which will afford particu-

pleasure if they should accord with the views of this Society, and promise so valuable a co-operation in carrying them into effect.

By order of the Society.

JAMES MADISON, *President.*

AGRICULTURAL SOCIETY OF ALBEMARLE, October 7th, 1822.

On motion of Gen. John H. Cocke, the following preamble and resolutions were adopted:

Whereas the establishment of a Professorship of Agriculture in one of the principal seminaries of learning in this State is a measure eminently calculated to hasten and perpetuate the march of agricultural improvement, already so happily commenced: and whereas there are grounds to believe that such an institution may be incorporated into the University of Virginia, a position at once the most advantageous and convenient to every part of the State: and whereas this society could not make an appropriation of its funds more conducive to the permanent attainment of the primary objects of its institution; and as it is reasonable to expect that all the Agricultural Societies, the farmers, and planters generally, will cheerfully contribute to an establishment of such universal interest: therefore—

*Resolved*, That one thousand dollars of the sum now in the hands of the Treasurer of this Society be appropriated to the establishment of a fund, the profits of which shall go to the support of a Professorship of Agriculture at the University of Virginia.

*Resolved*, For the furtherance of this design, that the President be requested to prepare an address to the other Agricultural Societies of this State, requesting their co-operation in this scheme; and further to promote the same object, and increase the said fund, that a committee be appointed to solicit donations, not to exceed one dollar, from individuals in every part of this Commonwealth.

*Resolved*, That the aforesaid appropriation, together with all that may accrue under the foregoing resolutions, be loaned [lent] to individuals on good security, or to corporate bodies; and that when the sum loaned [lent] to any one individual shall amount to one thousand dollars or upwards, landed security shall be required; that the interest shall be payable semi-annually, and shall be re-invested until the yearly profits of the fund shall be sufficient to afford an income equal, at least, to a Professorship in the University.

*Resolved*, That the funds above referred to, together with donations of books, and property of any other description, be, with the permission of the Legislature, transferred to the Rector and Visitors of the University in their corporate capacity.

(Extract from the minutes.)

P. MINOR, *Secretary.*

TO J. Q. ADAMS.

MONTPELLIER, October 24, 1822.

DEAR SIR,—I have received, with your favor of the 11th, a copy of the Collection of Documents which you recently published.

The treaty of Ghent forms a prominent epoch in our national history, and will be a lasting monument of the ability and patriotism with which it was negotiated. Incidents elucidating the transaction cannot, therefore, but be interesting; and they are made the more so by the eloquent strain in which they are presented. Accept my thanks for the little volume containing them, with assurances of my continued esteem and cordial respects.

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TO H. G. SPAFFORD.

DEC<sup>R</sup> 5th, 1822.

D<sup>R</sup> SIR,—I have received your letter of the 25th ult., in which you state your discovery of a process which gives a greater purity and cheapness to steel and iron than any yet known.

Iron is the metal, and even the article, which has been justly considered as causing, more than any other, the civilization and increase of the human race. Every improvement, therefore, in the preparation and uses of it has been deemed a benefaction to the world. If the discovery you have made be found, on extensive and thorough trials, to justify your expectations from those already made, it will be well entitled to the merit claimed for it, and the author to the pecuniary as well as honorary recompense due to public benefactors. In what mode it may be most advisable to seek the former, I know not that I can say any thing that would be of service to you. On the general question on which you ask my opinion, whether Congress would grant a special law securing your patent right, I can only give a general answer, that it is a fair presumption that Congress will be disposed to give all Constitutional encourage-



ments to useful inventions. I have no doubt there may be cases in which a purchase on behalf of the public might be preferable to the grant of a monopoly; but on a recurrence to the enumerated powers of Congress, it is observable that the one relating to the encouragement of useful arts is confined to the mode of granting to inventors exclusive rights for limited times. If there be cases in which any other mode be authorized, the authority must be found, if at all, to be an incident to some other powers, and necessary and proper to the exercise of it. Such a peculiarity is not suggested in your case. From this view of the subject, you will be sensible that, instead of advice, I can only offer the good wishes, which I beg you to accept, that you may be gratified with all the success on which you count in making your discoveries beneficial to your Country, and a source, at the same time, of liberal compensation for the labour and merit of introducing them.

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TO DOCTOR CUTTING.

DECEMBER 7th, 1822.

D<sup>R</sup> SIR,—I have received with your note of the 30 ultimo the little tract of Mr. Law, forwarded by you at his request; and I take the liberty of conveying, through the same channel, my respects and thanks to him. If my sympathies with his domestic affliction could be of any avail, I should add the expression of them with great sincerity.

I have always regarded Mr. Law as a man of genius, as well as of singular philanthropy, and as uniting with other intellectual acquirements a particular familiarity with questions of finance. In his occasional publications relating to them, I have observed many sound principles and valuable suggestions. I must own, at the same time, that I have never had the confidence he has felt in his favorite plan for putting an end to the evils of an unfavorable balance of trade, and the fluctuations of an exportable currency. There would seem to be much danger, at least, that the disposition to borrow the paper issuable by a pub-

lic Board would bring an excess into circulation; and that this, instead of reducing the rate of interest, would have the effect of depreciating the principal.

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TO DOCTOR WATERHOUSE.

MONTPELLIER, Dec<sup>r</sup> 27, 1822.

DEAR SIR,—I have received your favor of the 12th instant, and with it the "Botanist," and the sheets containing "Heads of a course of Lectures."

A glance over them has satisfied me that the volume on Botany very happily opens the door to the subject, and gives enough of an inside view to attract curiosity and guide investigation. From the heads selected for the Lectures, they must have embraced a larger field, which I doubt not, in your hands, became a fruitful one.

It is among the proofs of Mr. Adams' comprehensive patriotism that he called the attention of his Country at so early a day, and in so impressive a mode, to the subject of Natural History, then so little an object of American science; and you have done an act of justice only in the conspicuous notice you have taken of the fact.

I perceive, by the newspaper paragraph you cite, that more than justice is done to me, in the notice taken of the proposed professorship of Agriculture in the University of Virginia. The printed sheet inclosed shews that the Resolution of the Agricultural Society originated with General Cocke, a highly respectable member; and that I but executed an order of the Society in preparing an address on the subject to the other Societies in Virginia; taking the liberty only of bringing into view a small, cultivated farm, as a sort of apparatus to the professorship.

The principles of Agriculture have been sometimes embraced in other professorships, and are to be so in that of Chemistry, in the University of Virginia. The object of the Society of Albemarle was to give to agriculture the importance as well as

the advantage of a distinct professorship, exclusively charged with it, which was not known to have been done in any other instance.

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TO THOMAS COOPER.

MONTPELLIER, January 5th, 1823.

DEAR SIR,—I have received the "Report" on the state of the South Carolina College, covered by your favor of December 21. I have read it with very sincere pleasure as the harbinger of days happy for yourself, as well as prosperous for the Institution. You are not, I perceive, without an adversary of the same family which raised its cries against you elsewhere. The triumphs of education under your auspices may prove an antidote to the ambition which would monopolize the fountains of knowledge, which is another name for power.

Our University is still at a halt. Whether the present Representatives of the people are as blind as their predecessors, is yet to be learnt. I have as many fears as hopes.

I enclose a little tract, of which I have just received a couple of copies from the author. It will be at least a harmless duplicate, if you should be otherwise possessed of one. If it has any good pretensions, you will be more able to do them justice than I am.

I take this occasion, though aware of its lateness, to thank you for your Introductory Lecture on Chemistry; of which the merits certainly never had a more persuasive illustration.

With great esteem and cordial regards.

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TO THOMAS JEFFERSON.

MONTPELLIER, Jan<sup>y</sup> 15, 1823.

DEAR SIR,—I have duly received yours of the 6th, with the letters of Mr. Cabell, Mr. Gerry, and Judge Johnson. The

letter from Mr. Cabell, proposing an extra meeting of the Visitors, and referred to in yours, was not sent, and of course is not among those returned.

The friends of the University in the Assembly seem to have a delicate task on their hands. They have the best means of knowing what is best to be done, and I have entire confidence in their judgment as well as their good intentions. The idea of Mr. Cabell, if successful, will close the business handsomely. One of the most popular objections to the Institution, I find, is the expense added by what is called the ornamental style of the architecture. Were this additional expense as great as is supposed, the objection ought the less to be regarded, as it is short of the sum saved to the public by the private subscribers who approve of such an application of their subscriptions. I shall not fail to join you on receiving the expected notice from Mr. Cabell, if the weather and my health will permit; but I am persuaded it will be a supernumerary attendance, if the money be obtained, and the sole question be on its application to the new edifice.

The two letters from Mr. Gerry are valuable documents on a subject that will fill some interesting pages in our history. The disposition of a party among us to find a cause of rupture with France, and to kindle a popular flame for the occasion, will go to posterity with too many proofs to leave a doubt with them. I have not looked over Mr. Gerry's letters to me, which are very numerous, but may be of dates not connected with the period in question. No resort has been had to them for materials for his biography; perhaps from the idea that his correspondence with me may contain nothing of importance.

Judge Johnson's letter was well entitled to the perusal you recommended. I am glad you have put him in possession of such just views of the course that ought to be pursued by the court in delivering its opinions. I have taken frequent occasions to impress the necessity of the *seriatim* mode; but the contrary practice is too deeply rooted to be changed without the injunction of a law, or some very cogent manifestation of the public discontent. I have long thought, with the Judge, also, that the



Supreme Court ought to be relieved from its circuit duties, by some such organization as he suggests. The necessity of it is now rendered obvious by the impossibility, in the same individual, of being a Circuit Judge in Missouri, &c., and a Judge of the Supreme Court at the seat of Government. He is under a mistake in charging on the Executive, at least, an inattention to this point. Before I left Washington I recommended to Congress the importance of establishing the Supreme Court at the seat of Government, which would at once enable the Judges to go through the business, and to qualify themselves by the necessary studies for doing so, with justice to themselves and credit to the Nation. The reduction of the number of Judges would also be an improvement, and might be conveniently effected in the way pointed out. It cannot be denied that there are advantages in uniting the local and general functions in the same persons, if permitted by the extent of the country. But if this were ever the case, our expanding settlements put an end to it. The organization of the Judiciary Department over the extent which a Federal system can reach, involves peculiar difficulties. There is scarcely a limit to the distance which turnpikes and steamboats may, at the public expense, convey the members of the Government and distribute the laws. But the delays and expense of suits brought from the extremities of the Empire, must be a severe burden on individuals. And in proportion as this is diminished, by giving to local tribunals a final jurisdiction, the evil is incurred of destroying the uniformity of the law.

I hope you will find an occasion for correcting the error of the Judge, in supposing that I am at work on the same ground as will be occupied by his historical view of parties, and for *animating* him to the completion of what he has begun on that subject. Nothing less than full-length likenesses of the two great parties which have figured in the national politics will sufficiently expose the deceptive colours under which they have been painted. It appears that he has already collected materials, and I infer, from your account of his biography of Greene, which I have not yet seen, that he is capable of making the proper use



of them. A good work on the side of truth, from his pen, will be an apt and effective antidote to that of his colleague, which has been poisoning the public mind and gaining a passport to posterity.

I was afraid the Doctor was too sanguine in promising so early a cure of the fracture in your arm. The milder weather, soon to be looked for, will doubtless favor the *vis medicatrix* which nature employs in repairing the injuries done her.

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TO LITTLETON DENNIS TEACKLE.

FEB<sup>R</sup> 12, 1823.

SIR,—I received a few days ago your letter of the 4th inst., inclosing the copy of a bill to provide for the public instruction of youth, and to promote the interest of agriculture, and requesting observations thereon. I wish I were less incompetent to a satisfactory compliance with the request.

The wisdom of providing a system of diffusive education must at once be universally approved. Of the proper organization and details of it, which must be accommodated to local circumstances, to popular opinions and habits, and perhaps to co-existing institutions and arrangements, those only can judge who can apply these tests. And, after all, such is the difficulty of the task, that experience alone can give the system its desired improvements. It will be well, therefore, in such cases, instead of requiring too much perfection in the outset, to trust to the lights which must quickly be furnished from that source.

It is easy to observe, generally, that such a system ought to be made as little complicated and expensive as possible; that its structure should render its execution regular and certain; and that it should guard particularly against the abuses incident to monies held in trust, or passing through different hands. But it is not so easy to foresee or judge of the precise regulations necessary to obtain these advantages; especially where the population is thin, and local changes of various sorts are constantly going on, and where the difficulty is much greater than in a

more compact and settled population, where the duties to be performed lie within a narrow space, and within the reach of every eye.

The plan proposed by the bill appears, in its outline, to have been well conceived. A single superintendent, held in adequate responsibility, may be preferable to a Board. The inconveniences of the latter justifies the experiment, at least. The

Courts are entitled, doubtless, to the confidence placed in them. Whether the chain of agencies might not be shortened by dropping that link, and making the commissioners appointable by the people at county elections for other purposes, is a question I do not venture to decide. Unless the extent of the counties forbid, it might be a question, also, whether the commissioners might not suffice, without the inspectors associated with them. The trustees, whose agency is connected with the arrangement of the taxes, and the immediate application of the funds, are very properly to be elected by the people of their districts, whose interests are at stake, and who will, of course, have an eye to the due expenditure of their money. In contracting with the teachers, they are to have, I presume, a discretion to make the amount of their wages depend in part on the number of pupils. This may be influenced more or less by the conduct of the teachers, as this again will be by making the amount of his income depend on it.

I observe that the commissioners and trustees are made corporate bodies for receiving and holding property granted for the schools, without limitation, and without any authority over it reserved to the Government. It may be thought very nugatory to guard at this time against excessive accumulations in such hands, and abuses growing out of them. But if the schools are to be permanent, and charitable donations be unattainable, time must produce here what it has produced elsewhere. The abuses which have been brought to light in old countries in the management of \_\_\_\_\_, and literary endowments accumulated by a lapse of time, are a sufficient warning to a young one to keep the door shut against them.

• The provision made by the bill in behalf of agriculture is an

example highly creditable. But why restrict the professorship to the chemical source of instruction? Ought it not to be at large on a subject abounding in others, many of them still more appropriate to it?

You will readily believe that I have sketched these remarks because some were expected, and not because they present ideas not obvious, or not likely to occur in the discussion of the bill; and, viewed in that light, you will as readily pardon my request that they may be received as a *private*, and not a public communication.

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TO MR. MONROE.

MONTPELLIER, February 13, 1823.

DEAR SIR,—I have received your favor of the 3rd. I am much obliged by the kind manner in which you speak of my nephew. I hope you will always consider expressions of my good will in such cases as perfectly subordinate to public considerations and superior pretensions. In the present case, I am not sure that the appointment of my nephew to the place in question ought to be desired, even by himself. Unless Col. Barbour, who knows him well, and who has a nearer view of the duties to be performed, thinks him adequate to them, and sufficiently balancing the clerk on the other side, it might ultimately be more of an obstacle than an advance in his career.

Nothing was further from my purpose than to draw a word from you on the constitutional question regarding consuls, &c. I have as little doubt of your sincerity in the views taken of it as of the ability with which it was maintained. I have always regretted that the court did not give more power on the subject than your construction of it claims.

I had noticed the call of the House of Representatives, which, among other cases, would touch that of Mr. Cutts. He is very fortunate in having friendly dispositions where his fate must be finally decided, because they ensure him every thing consistent with justice and propriety. I can say nothing but that I shall

feel much pleasure, on many and obvious accounts, if the loss of his fortune should not be followed by that of his character and station.

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TO EDWARD EVERETT.

MONTPELLIER, Feb<sup>y</sup> 18th, 1823.

D<sup>R</sup> SIR,—I have received your favor of the 9th, and with it the little pamphlet forwarded at the request of your brother, for which you will please to accept and to make my acknowledgments.

The pamphlet appears to have very ably and successfully vindicated the construction in the book on "Europe" to [?] the provisional article in Mr. Jay's Treaty. History, if it should notice the subject, will assuredly view it in the light in which the "notes" have placed it; and as affording to England a ground for intercepting American supplies of provisions to her enemy, and to her enemy a ground for charging on America a collusion with England for the purpose. That the British Government meant to surrender gratuitously a maritime right of confiscation, and to encourage a neutral in illegal supplies of provisions to an enemy, by adding to their chance of gain an insurance against loss, will never be believed. The necessary comment will be, that Mr. Jay, though a man of great ability and perfect rectitude, was diverted, by a zeal for the object of his mission, from a critical attention to the terms on which it was accomplished. The Treaty was fortunate in the sanction it obtained, and in the turn which circumstances gave to its fate.

Nor was this the only instance of its good fortune. In two others it was saved from mortifying results: in one, by the integrity of the British Courts of Justice; in the other, by a cast of the die.

The value of the article opening our trade with India depended much on the question whether it authorized an *indirect* trade thither. The question was carried into the Court of King's Bench, where it was decided in our favour; the Judges stating,



at the same time, that the decision was forced upon them by the particular structure of the article, against their private conviction as to what was intended. And this decision of that court was confirmed by the 12 Judges.

In the other instance, the question was, whether the Board of Commissioners for deciding on spoliations could take cognizance of American claims which had been rejected by the British tribunal in the last resort. The two British Commissioners contended that Great Britain could never be understood to submit to any extraneous tribunal a revision of cases decided by the highest of her own. The American Commissioners, Mr. Pinckney and Mr. Gore, argued with great and just force against a construction which, as the Treaty confined the jurisdiction of the Board to cases where redress was unattainable in the ordinary course of judicial proceedings, would have been fatal not only to the claims which had been rejected by the Tribunal in the last resort, but to the residue, which it would be necessary to carry thither through the ordinary course of justice. The four Commissioners being equally divided, the lot for the fifth, provided by the Treaty for such a contingency, fell on Mr. Trumbull, whose casting vote obtained for the American sufferers the large indemnity at stake.

I speak on these points from memory alone. There may be, therefore, if no substantial error, inaccuracies which a sight of the archives at Washington, or the reports of adjudged cases in England, would have prevented.

The remarks on the principle, "free ships, free goods," I take to be fair and well considered. The extravagance of Genet drove our Secretary of State to the ground of the British doctrine. And the Government, finding it could not depart from that ground without a collision, or rather war with Great Britain, and doubting, at least, whether the old law of Nations on that subject did not remain in force, never contested the practice under it. The United States, however, in their treaties, have sufficiently thrown their weight into the opposite scale. And such is the number and character of like weights now in it from other powers, that it must preponderate; unless it be ad-



mitted that no authority of that kind, though coinciding with the dictates of reason, the feelings of humanity, and the interest of the civilized world, can make or expound a law of Nations.

With regard to the rule of 1756, it is to be recollected that its original import was very different from the subsequent extensions and adaptations given to it by the belligerent policy of its parent. The rule commenced with confiscating neutral vessels trading between another belligerent nation and its colonies, on the inference that they were hostile vessels in neutral disguise; and it ended in spoliations on neutrals trading to any ports or in any productions of belligerents who had not permitted such a trade in time of peace. The author of the "Notes" is not wrong in stating that the United States did, in some sort, acquiesce in the exercise of the rule against them; that they did not make it a cause of war; and that they were willing, on considerations of expediency, to accede to a compromise on the subject. To judge correctly of the course taken by the Government, a historical view of the whole of it would be necessary. In a glancing search over the State papers for the document from which the extract in the pamphlet was made, [it is referred to in a wrong volume and page, being found in Vol. VI, p. 240, the extract itself not being one free from typographical change of phrase,] my eye caught a short letter of instructions to Mr. Monroe, [Vol. VI, p. 180-1,] in which the stand taken by the Government is distinctly marked out. The illegality of the British principle is there asserted; nothing *declaratory* in its favor, as applied even against a neutral trade *direct* between a belligerent country and its colonies, is permitted; and a stipulated concession on the basis of compromise is limited, by a reference to a former instruction of January, 1804, to that of the Russian Treaty of 1781, which protects all colonial produce converted into neutral property. This was, in practice, all that was essential; the American capital being then adequate and actually applied to the *purchase* of the colonial produce transported in American vessels.

"The Examination of the subject," &c., referred to in the letter of instruction as being forwarded to Mr. Monroe, was a

stout pamphlet drawn up by the Secretary of State. It was undertaken in consequence of the heavy losses and complaints of merchants in all our large sea ports under the predatory operation of the extended rule of 1756. The pamphlet went into a pretty ample and minute investigation of the subject, which terminated in a confirmed conviction, both of the heresy of the doctrine, and of the enormity of the practice growing out of it. I must add that it detracted much, also, from the admiration I had been led to bestow on the distinguished Judge of the High Court of Admiralty; not from any discovery of defect in his intellectual powers or judicial eloquence, but on account of his shifting decisions and abandonment of his independent principles. After setting out with the lofty profession of abiding by the same rules of public law when sitting in London as if a Judge at Stockholm, he was not ashamed to acknowledge that, in expounding that law, he should regard the Orders in Council of his own Government as his authoritative guide. These are not his words, but do him, I believe, no injustice. The acknowledgment ought to banish him as "authority" from every prize Court in the world.

I ought to have premised to any remarks on the controversy into which your brother has been drawn, that I have never seen either the Review in which his book is criticised, or the pamphlet in which it is combated. Having just directed the British Quarterly Review, now sent me, to be discontinued, and the North American Review substituted, with the back numbers for the last year, I may soon be able to do a fuller justice to his reply.

On adverting to the length of this letter, I fear that my pen has received an impulse from awakened recollections which I ought more to have controuled. The best now to be done is to add not a word more than an assurance of my cordial respect and esteem.

TO TENCH COXE.

FEBRUARY 21, 1823.

DEAR SIR,—Since I received your two letters of instant, I have hitherto been prevented from acknowledging them, first by some very urgent calls on my time, and afterwards by an indisposition which has but just left me.

I have forwarded the letters, with the printed papers, to Mr. Jefferson. I know well the respect which he, as well as myself, attaches to your communications. But I have grounds to believe, that with me, also, he has yielded to the considerations and counsels which dissuade us from taking part in measures relating to the ensuing Presidential election. And certainly, if we are to judge of the ability with which the comparative pretensions of the candidates will be discussed, by the samples sent us, the public will be sufficiently enabled to decide understandingly on the subject. I know you too well to doubt that you will take this explanation in its just import, and will remain assured that it proceeds from no diminution of confidence or regard towards you.

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TO RICHARD PETERS.

FEB<sup>r</sup> 22d, 1823.

D<sup>R</sup> SIR,—I have received the copy of your Agricultural address in January last, which I have read with much pleasure, and, as always, not without finding instructive ideas. You have done very right in taking occasion to record the fact which shews that your Society is the mother of the American family, and to present a fair view of its public services, with respect to which you might say, though you will not say, *quorum pars maxima fui*.

You will pardon me for noting an error in the reference to the Resolution of the Albemarle Society as requesting the cooperation of the Societies in other States. The request was addressed to the other Societies of this State. I must take the

blame, in part, at least, to myself. I ought to have let it appear, when I forwarded you a copy, that it was a friendly only, not an official communication.

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TO NICHOLAS BIDDLE.

MONTPELLIER, February 23, 1823.

DEAR SIR,—I duly received your favor of the 9th instant, accompanied by a copy of your agricultural address, which I have read with much pleasure, and, I can add, with instruction also. It is made particularly interesting by the views taken of the ancient and modern husbandry, where, unless a part of China be an exception, the earth has made the greatest returns to human labour. The advantage of contracting and fertilizing the area on which our farmers exert their faculties, seems every where to be more and more understood; but the reform does not keep pace with the change of circumstances requiring it. The error, as a radical one, cannot, therefore, be too clearly exposed, or the remedy too strongly inculcated.

You have very properly, under that impression, noticed the minuteness of the farms allotted to proprietors by the early laws of Rome; and it seems certain that they were not a little remarkable in that respect. I must own, however, that the limitation of them to about one and one-fourth of our acres, from which must be deducted the site of the houses, or even their extension to a little more than four of our acres, has always appeared to me so extraordinary as to be scarcely credible. The fact, nevertheless, as far as I have seen, has been neither disproved nor denied. Dickson, in his elaborate work on ancient husbandry, cites the usual authorities, without calling them in question. And Wallace, another author distinguished for his learned researches, in his treatise on the numbers of mankind, makes these subdivisions of the Roman soil one of his arguments for the superiority of the ancient populousness of the earth over the modern. Nor do I recollect that the sagacious and sceptical Hume, who maintains an opposite opinion, has



criticised the alleged size of the Roman farms. Still, however, it is difficult, more perhaps for Americans than for a more compact people, to conceive in what manner a family, averaged at six only, (and the number was probably greater in the early rate of increase,) could be fed and otherwise provided for by the product of such specks of ground. The puzzle is the greater if it be understood that half of the farm only was annually in cultivation, the other half being fallow. And the fact would be altogether incredible if, according to Columella, the increase of the seed was not more than four-fold. This, however, must refer to a later period of the Republic, or rather to his own time, when the soil had been deprived of its primitive fertility, or its productiveness impaired by a degenerated husbandry. For so small a space as even four acres could not possibly, at that rate of increase, suffice for a family, without supposing the quantity of seed given to the earth to have been beyond all measure, when it was more probably reduced in its proportion by peculiar care in sowing and harvesting the crop. In the dibbling mode sometimes practised in England, which produces the greatest of crops, the quantity of seed, if I rightly remember, is somewhere about a peck to the acre.

If we are not at liberty to contest the fact as to the diminutive size of the early Roman farms, the attempt to account for the phenomenon must take for granted, and make the most of the circumstance, that none of the usual quadrupeds were kept on the farms; that the ground was tilled by the hand alone of the farmer himself, and with more than a garden attention to every inch; and that all the clothing was wrought within the family. Even on this last supposition, the question arises, whence the materials for the fabrics? The wool and the lint, if produced on the farm, must have subtracted so much from the crop of food; if purchased, they must have been paid for out of the crop; and purchased from whom? It could not be by such farmers from one another. Questions of a like cast are presented by the materials necessary for household utensils, for farming implements, &c., which the farm itself could not supply.



Do we know of any population where less than an acre supports individuals? The agrarian regulations of earliest date among the Romans must have reduced the quantity to one-fifth of an acre.

We seem to be driven to the necessity of some subsidiary resources for the support of a family confined to such scanty portions of soil. The military policy may have been a partial one. As the nation was almost constantly at war at small distances from Rome, and the farmers were all soldiers, they may have drawn their subsistence whilst in the fields from the farms of their neighbours; and have carried home, among the spoils of successful expeditions, an additional stock of provisions for the use of their families.

The entire subject is curious. It involves three questions: 1. Whether the fact be rightly stated, that the Roman farms were of no greater size? 2. If rightly stated, and there were no resources beyond the farms, in what way did the families subsist on them? 3. If there were extraneous resources, what were they?

I hope you will not understand that in raising these questions I wish to impose on you the task of searching for answers, and that you will be assured of my sincere esteem and friendly respects.

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TO TENCH COXE.

MARCH 1, 1823.

D<sup>R</sup> SIR,—Mr. Jefferson has just returned your two letters and papers. Supposing that I had yet to acknowledge them, he annexes a line requesting me to do it for him also; observing that it would hurt him much to leave unnoticed an old friend, and that the difficulty of using his pen with his crippled hand had compelled him to abandon writing but from the most urgent necessities. I find he thinks it best to abstain strictly from the

Presidential election, not even expressing a sentiment on the subject of the Candidates. Having thus made the communication desired, I have only to repeat assurances of my continued esteem and friendly wishes.

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TO REV<sup>D</sup> DR. MORSE.

J. Madison presents his respects to the Rev<sup>d</sup> Dr. Morse, and to his son, with acknowledgments for the copies of "the new system of Modern Geography," and "The new system of Geography, Ancient and Modern," with which he has been favored.

He has not been able to give them a particular examination. A very cursory one has left no doubt that each will bear a very advantageous comparison with any similar compilations, whether its merits be tested by the materials and plan of the work, or by its literary execution. "The General Views," particularly of the United States, and as amplified in the larger work, must make it extensively interesting; and the sketch of "Ancient Geography" forms a useful supplement to the smaller one. The several maps in the Atlas have the appearance of more than ordinary neatness.

He has only to add that, since the arrival of the two books, he has received the letter of Doctor Morse of Feb<sup>r</sup> 20, to whom he offers a return of his friendly respects.

MONTPELLIER, March 8, 1823.

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TO EDWARD EVERETT.

MONTPELLIER, March 19th, 1823.

DEAR SIR,—I received, on the 15th, your favour of the 2d instant, with the little pamphlet of remarks on your brother's "Europe."

The pamphlet would have been much improved by softer words and harder arguments. To support its construction of Art. 18, of the Treaty of 1794, the writer ought to have shewn

that there are cases in which provisions become contraband according to the law of Nations; and that the cases are of such recurrence and importance as to make them a probable object of such an article. He does not point at a single one.

If he be not right in contending that the United States always resisted the rule of 1756, he is still more astray in saying that Great Britain relinquished it. The indemnities for violations of the rule allowed by the joint Commissioners can be no evidence of the fact. This award might be the result of the casting vote on the American side; or the concurrence of the British side, the result of the individual opinions of honest umpires. That the British Government made no such relinquishment is demonstrated by the reasonings and adjudications of Sir W<sup>m</sup> Scott, whether he be regarded as the organ or as the oracle of his Government. There is no question of public law on which he exerts his talents with more pertinacity than he does in giving effect to the rule of '56, in all its ductile applications to emerging cases. His testimony on this point admits no reply. The payment of the awards of the Board of Commissioners by the British Government is an evidence merely of its good faith; the more to its credit, the more they disappointed its calculations and wishes.

Our University has lately received a further loan from the Legislature, which will prepare the buildings for ten professors and about 200 students. Should all the loans be converted into donations at the next session, as is generally expected, but for which no pledge has been given, the visitors, with an annuity of \$15,000 settled on the Institution, will turn their thoughts towards opening it, and to the preliminary engagement of professors.

I am not surprised at the dilemma produced at your University by making theological professorships an integral part of the system. The anticipation of such an one led to the omission in ours; the visitors being merely authorized to open a public hall for religious occasions, under *impartial* regulations; with the opportunity to the different sects to establish theological schools so near that the students of the University may respec-

tively attend the religious exercises in them. The village of Charlottesville, also, where different religious worships will be held, is also so near, that resort may conveniently be had to them.

A University with sectarian professorships becomes, of course, a sectarian monopoly: with professorships of rival sects, it would be an arena of Theological Gladiators. Without any such professorships, it may incur, for a time at least, the imputation of irreligious tendencies, if not designs. The last difficulty was thought more manageable than either of the others.

On this view of the subject, there seems to be no alternative but between a public University without a theological professorship, and sectarian seminaries without a University.

I recollect to have seen, many years ago, a project of a prayer, by Gov. Livingston, father of the present Judge, intended to comprehend and conciliate college students of every Christian denomination, by a form composed wholly of texts and phrases of Scripture. If a trial of the expedient was ever made, it must have failed, notwithstanding its winning aspect, from the single cause that many sects reject all set forms of worship.

The difficulty of reconciling the Christian mind to the absence of a religious tuition from a University established by law, and at the common expense, is probably less with us than with you. The settled opinion here is, that religion is essentially distinct from civil Government, and exempt from its cognizance; that a connexion between them is injurious to both; that there are causes in the human breast which ensure the perpetuity of religion without the aid of the law; that rival sects, with equal rights, exercise mutual censorships in favor of good morals; that if new sects arise with absurd opinions or over-heated imaginations, the proper remedies lie in time, forbearance, and example; that a legal establishment of religion without a toleration could not be thought of, and with a toleration, is no security for public quiet and harmony, but rather a source itself of discord and animosity; and, finally, that these opinions are supported by experience, which has shewn that every relaxation of the alliance between law and religion, from the partial example of

Holland to its consummation in Pennsylvania, Delaware, New Jersey, &c., has been found as safe in practice as it is sound in theory. Prior to the Revolution, the Episcopal Church was established by law in this State. On the Declaration of Independence it was left, with all other sects, to a self-support. And no doubt exists that there is much more of religion among us now than there ever was before the change, and particularly in the sect which enjoyed the legal patronage. This proves rather more than that the law is not necessary to the support of religion.

With such a public opinion, it may be expected that a University, with the feature peculiar to ours, will succeed here if any where. Some of the clergy did not fail to arraign the peculiarity; but it is not improbable that they had an eye to the chance of introducing their own creed into the professor's chair. A late resolution for establishing an Episcopal school within the College of William and Mary, though in a very guarded manner, drew immediate animadversions from the press, which, if they have not put an end to the project, are a proof of what would follow such an experiment in the University of the State, endowed and supported, as this will be, altogether by the public authority and at the common expense.

I know not whence the rumour sprang of my being engaged in a political History of our Country. Such a task, could I presume on a capacity for it, belongs to those who have more time before them than the remnant to which mine is limited.

On reviewing my political papers and correspondence, I find much that may deserve to be put into a proper state for preservation; and some things that may not, in equal amplitude, be found elsewhere. The case is doubtless the same with other individuals, whose public lives have extended through the same long and pregnant period. It has been the misfortune of history, that a personal knowledge and an impartial judgment of things rarely meet in the historian. The best history of our Country, therefore, must be the fruit of contributions bequeathed by contemporary actors and witnesses to successors who will make an unbiassed use of them. And if the abundance and authen-



tiçity of the materials which still exist in the private as well as public repositories among us should descend to hands capable of doing justice to them, the American History may be expected to contain more truth, and lessons certainly not less valuable, than those of any Country or age.

I have been so unlucky as not yet to have received the Numbers of the North American Review, written for the . I expect them every moment, but the delay has deprived me as yet of the criticism in that work on your brother's book.

The difference to which you allude between the profits of authorship in England and in the United States is very striking. It proceeds, mainly, no doubt, from the difference of the area over which the population is spread, and of the manner in which the aggregate wealth is distributed in the two Countries. The number of people in this is perhaps equal to that in England, and the number of readers of popular works, at least, probably not less, if not greater. But in their scattered situation here, they are with more difficulty supplied with new publications than when they are condensed within an easy reach of them; and where, indeed, a vast proportion, being in the Metropolis, are on the same spot with the printing offices. But the unequal divisions of wealth in England enters much into the advantage given there to authors and editors. With us there are more readers than buyers of books. In England, there are more buyers than readers. Hence those gorgeous editions which are destined to sleep in the private libraries of the rich, whose vanity aspires to that species of furniture; or who give that turn to their public spirit and patronage of letters.

Whatever may be the present obstacles to the diffusion of literature in our Country, it is a consolation that its growing improvements are daily diminishing them; and that, in the mean time, individuals are seen making generous efforts to overcome them.

TO J. MAURY.

MONTPELLIER, March 24, 1823.

D<sup>R</sup> SIR,—The speech of the French King breathing war against Spain has just made its appearance. Your own bosom will inform you of the sensation produced here by such a crusade, on the avowed principle that nations have no title to their liberty, but from the free gift of an individual with a crown on his head; no matter how he came by it, nor what sort of a head it may cover. There is not a little impatience to learn the course of the British Government at such a crisis. Its weight must be great into whatever scale it may be put; and the effect even great, should it be withheld from both scales. If the public sympathies should give the impulse to the Cabinet, it is presumed that conspiring against the Independence of Spain would be the road to its object, strewed with difficulties not counted on. There have been British statesmen who would place the glory of their Country in promoting free Government every where. There have [been] some, also, whom we have seen calous to so exalted a policy. From which of the two examples the present leaders will take counsel, will probably, by this time, be known on your side of the Atlantic.

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TO DR. MORSE.

MARCH 28, 1823.

*Queries.*

1. Do the planters generally live on their own estates?
2. Does a planter with ten or fifteen slaves employ an overlooker, or does he overlook his slaves himself?
3. Obtain estimates of the culture of Sugar and Cotton, to show what difference it makes where the planter resides on his estate, or where he employs attorneys, overlookers, &c.
4. Is it a common or general practice to mortgage slave estates?

5. Are sales of slave estates very frequent under execution for debt, and what proportion of the whole may be thus sold annually?

6. Does the Planter possess the power of selling the different branches of a family separate?

7. When the prices of produce, Cotton, Sugar, &c., are high, do the Planters purchase, instead of raising, their corn and other provisions?

8. When the prices of produce are low, do they then raise their own corn and other provisions?

9. Do the negroes fare better when the Corn, &c., is raised upon their master's estate, or when he buys it?

10. Do the tobacco planters in America ever buy their own Corn or other food, or do they always raise it?

11. If they always, or mostly, raise it, can any other reason be given for the difference of the system pursued by them and that pursued by the Sugar and Cotton planters than that the cultivation of tobacco is less profitable than that of Cotton or Sugar?

12. Do any of the Planters manufacture the packages for their produce, or the clothing for their negroes? and if they do, are their negroes better clothed than when clothing is purchased?

13. Where, and by whom, is the Cotton bagging of the Brazils made? is it principally made by free men or slaves?

14. Is it the general system to employ the negroes in task work, or by the day?

15. How many hours are they generally at work in the former case? how many in the latter? Which system is generally preferred by the master? which by the slaves?

16. Is it common to allow them a certain portion of time instead of their allowance of provisions? In this case, how much is allowed? Where the slaves have the option, which do they generally choose? On which system do the slaves look the best, and acquire the most comforts?

17. Are there many small plantations where the owners possess only a few slaves? What proportion of the whole may be supposed to be held in this way?

18. In such cases, are the slaves treated or almost considered a part of the family?

19. Do the slaves fare the best when their situations and that of the master are brought nearest together?

20. In what state are the slaves as to religion or religious instruction?

21. Is it common for the slaves to be regularly married?

22. If a man forms an attachment to a woman on a different or distant plantation, is it the general practice for some accommodation to take place between the owners of the man and woman, so that they may live together?

23. In the United States of America, the slaves are found to increase at about the rate of 3  $\frac{1}{2}$  cent.  $\frac{1}{2}$  annum. Does the same take place in other places? Give a census, if such is taken. Show what cause contributes to this increase, or what prevents it where it does not take place.

24. Obtain a variety of estimates from the Planters of the cost of bringing up a child, and at what age it becomes a clear gain to its owner.

25. Obtain information respecting the comparative cheapness of cultivation by slaves or by free men.

26. Is it common for the free blacks to labour in the field?

27. Where the labourers consist of free blacks and of white men, what are the relative prices of their labour when employed about the same work?

28. What is the proportion of free blacks and slaves?

29. Is it considered that the increase in the proportion of free blacks to slaves increases or diminishes the danger of insurrection?

30. Are the free blacks employed in the defence of the Country, and do they and the Creoles preclude the necessity of European troops?

31. Do the free blacks appear to consider themselves as more closely connected with the slaves or with the white population? and in cases of insurrection, with which have they generally taken part?

32. What is their general character with respect to industry and order, as compared with that of the slaves?

33. Are there any instances of emancipation in particular estates, and what is the result?

34. Is there any general plan of emancipation in progress, and what?

35. What was the mode and progress of emancipation in those States in America where slavery has ceased to exist?

Hon. JAMES MADISON, ESQ<sup>R</sup>.

NEW HAVEN, Mar. 14, 1823.

SIR,—The foregoing was transmitted to me from a respectable correspondent in Liverpool, deeply engaged in the abolition of the slave trade, and the amelioration of the condition of slaves. If, sir, your leisure will allow you, and it is agreeable to you to furnish brief answers to these questions, you will, I conceive, essentially serve the cause of humanity, and gratify and oblige the Society above named, and, Sir, with high consideration and esteem, your most ob<sup>t</sup> serv<sup>t</sup>,

JED'H MORSE.

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*Answers.*

1. Yes.
2. Employs an overseer for that number of slaves, with few exceptions.
3. ———
4. Not uncommonly the land; sometimes the slaves; very rarely both together.
5. The common law, as in England, governs the relation between land and debts; slaves are often sold under execution for debt; the proportion to the whole cannot be great within a year, and varies, of course, with the amount of debts and the urgency of creditors.
6. Yes.
- 7—10. Instances are rare where the tobacco planters do not raise their own provisions.



11. The proper comparison, not between the culture of tobacco and that of sugar and cotton, but between each of these cultures and that of provisions. The tobacco planter finds it cheaper to make them a part of his crop than to buy them. The cotton and sugar planters to buy them, where this is the case, than to raise them. The term, cheaper, embraces the comparative facility and certainty of procuring the supplies.

12. Generally best clothed when from the household manufactures, which are increasing.

14, 15. Slaves seldom employed in regular task work. They prefer it only when rewarded with the surplus time gained by their industry.

16. Not the practice to substitute an allowance of time for the allowance of provisions.

17. Very many, and increasing with the progressive subdivisions of property; the proportion cannot be stated.

18, 19. The fewer the slaves, and the fewer the holders of slaves, the greater the indulgence and familiarity. In districts composing [comprising?] large masses of slaves there is no difference in their condition, whether held in small or large numbers, beyond the difference in the dispositions of the owners, and the greater strictness of attention where the number is greater.

20. There is no general system of religious instruction. There are few spots where religious worship is not within reach, and to which they do not resort. Many are regular members of Congregations, chiefly Baptist; and some Preachers also, though rarely able to read.

21. Not common; but the instances are increasing.

22. The accommodation not unfrequent where the plantations are very distant. The slaves prefer wives on a different plantation, as affording occasions and pretexts for going abroad, and exempting them on holidays from a share of the little calls to which those at home are liable.

23. The remarkable increase of slaves, as shewn by the census, results from the comparative defect of moral and prudential restraint on the sexual connexion; and from the absence, at the same time, of that counteracting licentiousness of inter-

course, of which the worst examples are to be traced where the African trade, as in the West Indies, kept the number of females less than of the males.

24. The annual expense of food and raiment in rearing a child may be stated at about 8, 9, or 10 dollars; and the age at which it begins to be gainful to its owner about 9 or 10 years.

25. The practice here does not furnish data for a comparison of cheapness between these two modes of cultivation.

26. They are sometimes hired for field labour in time of harvest, and on other particular occasions.

27. The examples are too few to have established any such relative prices.

28. See the census.

29. Rather increases.

30. ———

31. More closely with the slaves, and more likely to side with them in a case of insurrection.

32. Generally idle and depraved; appearing to retain the bad qualities of the slaves, with whom they continue to associate, without acquiring any of the good ones of the whites, from whom [they] continue separated by prejudices against their colour, and other peculiarities.

33. There are occasional instances in the present legal condition of leaving the State.

34. None.

35. ———

J. Madison presents his respects to Dr. Morse, with the annexed answers to the queries accompanying his letter of the 14th instant, so far as they were applicable to this State. The answers could not conveniently be extended as much as might, perhaps, be desired. Their brevity and inadequacy will be an apology for requesting that, if any use be made of them, it may be done without a reference to the source furnishing them.

MONTPELLIER, Mar. 28, 1823.

TO ROBERT MAYO AND WM. R. BARLOW.

MONTPELLIER, March 31, 1823.

GENTLEMEN,—I have received the copy of an address in behalf of the Juvenile Library Company of Richmond, which you have been pleased to forward to me.

Knowledge of the useful kinds is so conducive to individual and social happiness, and so essential to the form of Government most friendly to both, that all the means of diffusing it have their merit. Among these means, libraries adapted to the early period of life, and placed every where within the reach of those most needing the instruction and rational entertainment they offer, are well entitled to the persuasive recommendation which the address bestows on them. I wish for the Institution in Richmond all the success promised by the laudable activity of its founders, and that it may be followed by others wherever local circumstances will admit. The obstacles presented by these are more or less to be encountered as places may be more or less thinly peopled, and they must often be greatest where the benefit in view is most desirable. Much, however, may be hoped from the light of judicious examples, and from the animated efforts they may inspire. And it is a further consolation that the facilities resulting from a concentrated population must daily increase with the growth and improvement of the Country.

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TO CALEB ATWATER.

APRIL, 1823.

DR SIR,—I have received your letter of March 18, with the copy of a bill providing for common schools in Ohio.

It affords much gratification to see the emulating attention which is paid to this vital object throughout our Country, particularly in a young State which is rising to such national importance; and I should most cheerfully contribute any suggestions which might be of use on such an occasion. But no course

occurs to me so judicious as that pursued by the reporters of the bill, who have availed themselves of the experience of other States, by adopting a model sanctioned in its outlines by more than one, and adapting it to the local and other circumstances peculiar to their own. Of these peculiarities, and the proper adaptations to them, no stranger can so well judge as those with whom the decision lies. With the confidence, therefore, which is due to their superior competency, and the general principles on which the bill is planned, I have only to express my wishes that it may result in a system the best calculated to fulfil the laudable views of the State. As it would be very unfortunate that the valuable fund set apart by the National Legislature in aid of public instruction in Ohio should be in any manner frustrated, it is to be hoped that remedies will be found for the dangers referred to on that subject.

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TO WILLIAM EUSTIS, GOVERNOR ELECT.

MONTPELLIER, May 22, 1823.

DEAR SIR,—I received, by the last mail, your welcome favor of the 10th instant. The newspapers had prepared me for the triumphant vote which restores a prodigal sister to the bosom of the Republican family, and evinces a return of grateful feelings for a revolutionary worthy. I congratulate you very sincerely on this event, with every wish that your administration may be as happy to yourself as I am confident it will be propitious to the welfare of those who have called you into it; and I may add, of those who resisted the call. The people are now able every where to compare the principles and policy of those who have borne the name of Republicans or Democrats with the career of the adverse party; and to see and feel that the former are as much in harmony with the spirit of the Nation and the genius of the Government as the latter was at variance with both.

A great effort has been made by the fallen party to proclaim and eulogize an amalgamation of political sentiments and views.

Who could be duped by it, when unmasked by the electioneering violence of the party where strong, and intrigues where weak?

The effort has been carried even farther. It has been asserted that the Republicans have abandoned their cause, and gone over to the policy of their opponents. Here the effort equally fails. It is true, that under a great change of foreign circumstances, and with a doubled population, and more than doubled resources, the Republican party has been reconciled to certain measures and arrangements, which may be as proper now as they were premature and suspicious when urged by the champions of Federalism. But they overlook the overbearing and vindictive spirit, the Apocryphal doctrines and rash projects, which stamped on Federalism its distinctive character; and which are so much in contrast with the unassuming and unavenging spirit which has marked the Republican ascendancy.

There has been, in fact, a deep distinction between the two parties, or, rather, between the mass of the Nation and the part of it which, for a time, got possession of the Government. The distinction has its origin in the confidence of the former in the capacity of mankind for self-government, and in a distrust of it by the other, or by its leaders; and is the key to many of the phenomena presented by our political history. In all free countries, somewhat of this distinction must be looked for; but it can never be dangerous in a well-informed community and a well-constructed Government; both of which, I trust, will be found to be the happy lot of the United States. The wrong paths into which the fathers may stray will warn the sons into the right one; according to the example under your own eye, which has touched your heart with such appropriate feelings.

As you say nothing of the state of your health, I flatter myself it has undergone no unfavorable change, and that it will more than suffice for the labor thrown on your hands. Mrs. M., who shares largely in the gratification afforded by your letter, joins in this, and in every other wish that can express an affectionate esteem for yourself and Mrs. Eustis.



TO EDWARD COLES.

MONTPELLIER, May 23d, 1823.

MY DEAR SIR,—I have received yours of April 25, and lose no time in acknowledging it.

If the Constitution does not authorise, or practical objections forbid, a call of the Senate by the Governor, it would seem proper, in the case stated, that he should give effect to the law by appointing the necessary officer, and laying the proceeding, with the grounds of it, before the Legislature, in confidence that if any validating act be deemed necessary, it will not be withheld.

I am no friend to forced or strained constructions of a Constitution for enlarging power, whether in one or another Department of the Government. But where the object is *indisputably* the public good, and *certainly* within the policy of the constitutional provision, a less strict rule of interpretation must be admitted. It cannot be doubted that the framers of the Constitution, in authorising the Governor alone to fill vacancies during the recess of the Senate, meant to guard against delays and failures in the execution of the laws. It is highly reasonable, therefore, that in expounding the phraseology used, this acknowledged and necessary end should be kept in view. Under the Federal Government, vacancies, not strictly arising or happening, but *existing* only, have been filled during the recess of the Senate; as where a person not known to be dead had been appointed by the President and Senate, &c., &c. It is probable that the practice in other States may furnish cases analogous to yours. It might be worth your while to procure from some of your friends at Washington, before your Legislature meets, a list of the cases of Executive appointments to vacancies not literally *arising* during the recess of the Senate; and, as far as you can, like information from the other States whose Constitutions are such as to render applicable examples probable.

## TO FRANCIS PRESTON.

MONTPELLIER, June 2d, 1823.

DEAR SIR,—I received, by the last mail, yours of May 15; and I cannot but express my regret that any controversy should have arisen as to the distribution of the laurels gained in the memorable battle of King's Mountain, where enough were gained for all the heroes of the achievement.

I was not what you suppose I was, a member of the Council of State, either at the date of the battle, or when the vote of the Legislature passed in honor of Col. Campbell. I had been, a considerable time before, appointed a Delegate to Congress, in which I was then attending at Philadelphia. I had, of course, no opportunity of knowing more on the subject than was publicly known: and I recollect only the universal impression, that the victory was as critical for the public affairs as it was brilliant for those concerned in it; the officer commanding being, as usual, spoken of with the distinction appertaining to his rank.

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## TO PRESIDENT MONROE.

MONTPELLIER, June 9, 1823.

DEAR SIR,—Mr. Morris, who was employed for several years on a confidential mission to Spain, observes to me that in executing the trust he incurred expenses, particularly in being transferred from Cadiz to Madrid, during his residence at the latter place, which, in the then circumstances of Spain, were great beyond foresight; and, moreover, in providing a clerk, for whose services he had occasion; and he wishes me, as he received his appointment and performed its duties whilst I was in the Administration, to express an opinion on the reasonableness of these items in his account with the public. But, as I possess no information derived from my situation when it was official, nor any means of forming an equitable estimate of special allowances in the case not possessed by those in office, I cannot be unaware that my opinion would not be entitled to the consider-

ation Mr. Morris supposes. What I may say without impropriety is, that in every thing depending on personal confidence, I cheerfully bear my testimony to the claim given to him by the intelligence, the integrity, and the respectability belonging to his character.

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TO GOVERNOR EUSTIS.

MONTPELLIER, June 14, 1823.

DEAR SIR,—I have duly received your letter of the 6th instant. I had previously received, under your blank cover, a printed copy of your address to the Legislature, in which your pen has done justice to the elevated devotion to the public interest which it had to express.

The *coup de grace* which the address gives to the factious ascendancy, so long forming a cloud over the State of Massachusetts, could not fail to pierce the consciences of the guilty, and inflame their angry passions. It was to be looked for, also, that among the innocent some sympathy might be indulged toward the sufferers, however just the punishment inflicted on them. The guilty, however, are, probably, forever disarmed, and the feelings of the misguided may be expected soon to take a turn, which will be promoted by the frank and generous course of which a presage is given in the merited tributes to your immediate predecessor. It is not for those at a distance to decide on the precise form and tone which may best adapt wholesome lessons to the state of things on the spot. But there can be no risk of error in saying, that the criminal conduct which you have portrayed and denounced is reviewed with such indignant disgust throughout the nation, that the predominant feeling will ratify the monitory stigma fixed on deserters, above all, impenitent deserters, of their Country's cause. This disgust could not be less than it is when the insurrectional spirit and unconstitutional extension of State powers displayed by the party on their latter career is contrasted with their doctrines of passive obedience, and their over-strained interpretation of the Consti-

tutional text in favor of the General Government, when that Government was regarded as in their own hands.

I learn with much pleasure that your general health is good, and cannot but hope, that in spite of the enigmatical symptoms you occasionally experience, you may live to enjoy and to nourish the resuscitated patriotism which has placed you in a situation to do both. It is right, nevertheless, in every situation, and especially at our ages, to look to the event which awaits us all; and if ready for it, its suddenness cannot be an evil. The excision of life is a painful operation, and the more quickly it is performed the better for the patient.

The kind sentiments which your letter breathes are truly grateful to me, because I am sure of their sincerity, and because they are from a source that gives real value to them. With equal sincerity, I pray you to be assured of my best wishes for every thing that can contribute to your happiness. In these wishes Mrs. M. joins me; as I do in all hers in behalf of Mrs. Eustis.

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TO W. H. SUMNER.

JUNE 20, 1823.

J. Madison presents his respects to Mr. Sumner, with thanks for the copy of his letter to Mr. Adams on the "importance of militia."

The views of the subject which are taken in the letter are very interesting, and, as illustrated by the experience of Massachusetts, particularly worthy of attention. As auxiliary to a regular force in time of war, and a substitute for a large one in a state of peace, a disciplined militia forms an essential part of a Republican system; it being certain that liberty cannot be safe with powerful standing armies; and that without an effective militia the danger of such armies cannot be precluded.



TO THOMAS JEFFERSON.

MONTPELLIER, June 27, 1823.

DEAR SIR,—I return the copy of your letter to Judge Johnson inclosed in your favor of the ——— instant. Your statement relating to the farewell address of General Washington is substantially correct. If there be any circumstantial inaccuracy, it is in imputing to him more agency in composing the document than he probably had. Taking for granted that it was drawn up by Hamilton, the best conjecture is, that the General put into his hands his own letter to me suggesting his general ideas, with the paper prepared by me in conformity with them; and if he varied the draught of Hamilton at all, it was by a few verbal or qualifying amendments only.\* It is very inconsiderate in the friends of General Washington to make the merit of the Address a question between him and Col. Hamilton, and somewhat extraordinary, if countenanced by those who possess the files of the General, where it is presumed the truth might be traced. They ought to claim for him the merit only of cherishing the principles and views addressed to his Country, and, for the Address itself, the weight given to it by his sanction; leaving the literary merit, whatever it be, to the friendly pen employed on the occasion; the rather, as it was never understood that Washington valued himself on his writing talent, and no secret to some that he occasionally availed himself of the friendship of others whom he supposed more practised than himself in studied composition. In a general view, it is to be regretted that the Address is likely to be presented to the public, not as the pure legacy of the Father of his Country, as has been all along believed, but as the performance of another, held in different estimation. It will not only lose the charm of the name subscribed to it, but it will not be surprising if particular passages be understood in new senses, and with

\* These speculations of Mr. Madison, it should be borne in mind, were in ignorance of the second draught prepared by Gen. Washington in 1796, and without any knowledge of the additional facts brought to light by Mr. Sparks in his edition of the Washington papers.



applications derived from the political doctrines and party feelings of the discovered author.

At some future day it may be an object with the curious to compare the two draughts, made at different epochs, with each other, and the letter of General Washington with both. The comparison will shew a greater conformity in the first with the tenor and tone of the letter than in the other; and the difference will be more remarkable, perhaps, in what is omitted, than in what is added in the Address as it stands.

If the solicitude of General Washington's connexions be such as is represented, I foresee that I shall share their displeasure, if public use be made of what passed between him and me at the approaching expiration of his first term. Although it be impossible to question the facts, I may be charged with indelicacy, if not breach of confidence, in making them known; and the irritation will be the greater if the authorship of the Address continue to be claimed for the signer of it, since the call on me on one occasion will favor the allegation of a call on another on another occasion. I hope, therefore, that the Judge will not understand your communication as intended for the new work he has in hand. I do not know that your statement would justify all the complaint its public appearance might bring on me; but there certainly was a species of confidence at the time in what passed forbidding publicity, at least till the lapse of time should wear out the seal on it, and the truth of history should put in a fair claim to such disclosures.

I wish the rather that the Judge may be put on his guard, because, with all his good qualities, he has been betrayed into errors which shew that his discretion is not always awake. A remarkable instance is his ascribing to Gouverneur Morris the Newburg letters written by Armstrong, which has drawn from the latter a corrosive attack, which must pain his feelings, if it should not affect his standing with the public. Another appears in a stroke at Judge Cooper, in a letter to the Education Committee in Kentucky, which has plunged him into an envenomed dispute with an antagonist, the force of whose mind and pen you well know. And what is worse than all, I perceive from

one of Cooper's publications, casually falling within my notice, that, among the effects of Judge Johnson's excitement, he has stooped to invoke the religious prejudices circulated against Cooper.

Johnson is much indebted to you for your remarks on the definition of parties. The radical distinction between them has always been a confidence of one and distrust of the other as to the capacity of mankind for self-government. He expected far too much in requesting a precise demarkation of the boundary between the Federal and the State authorities. The answer would have required a critical commentary on the whole text of the Constitution. The two general canons you lay down would be of much use in such a task, particularly that which refers to the sense of the State Conventions, whose ratifications alone made the Constitution what it is. In exemplifying the other canon, there are more exceptions than occurred to you of cases in which the Federal jurisdiction is extended to controversies between citizens of the same State. To mention one only: in cases arising under a bankrupt law, there is no distinction between those to which citizens of the same and of different States are parties.

But after surmounting the difficulty in tracing the boundary between the General and State Governments, the problem remains for maintaining it in practice, particularly in cases of Judicial cognisance. To refer every new point of disagreement to the people in Conventions would be a process too tardy, too troublesome, and too expensive; besides its tendency to lessen a salutary veneration for an Instrument so often calling for such explanatory interpositions. A paramount, or even a definitive, authority in the individual States would soon make the Constitution and laws different in different States, and thus destroy that equality and uniformity of rights and duties which form the essence of the compact; to say nothing of the opportunity given to the States individually of involving by their decisions the whole Union in foreign contests. To leave conflicting decisions to be settled between the Judicial parties could not promise a happy result. The end must be a trial of strength

between the posse headed by the marshal and the posse headed by the sheriff. Nor would the issue be safe if left to a compromise between the two Governments; the case of a disagreement between different Governments being essentially different from a disagreement between branches of the same Government. In the latter case, neither party being able to consummate its will without the concurrence of the other, there is a necessity on both to consult and to accommodate. Not so with different Governments, each possessing every branch of power necessary to carry its purpose into compleat effect. It here becomes a question between Independent Nations, with no other *dernier* resort than physical force. Negotiation might, indeed, in some instances, avoid this extremity; but how often would it happen, among so many States, that an unaccommodating spirit in some would render that resource unavailing?

We arrive at the agitated question, whether the Judicial authority of the United States be the Constitutional resort for determining the line between the federal and State jurisdictions. Believing, as I do, that the General Convention regarded a provision within the Constitution for deciding in a peaceable and regular mode all cases arising in the course of its operation as essential to an adequate system of Government; that it intended the authority vested in the Judicial Department as a final resort, in relation to the States, for cases resulting to it in the exercise of its functions, (the concurrence of the Senate, chosen by the State Legislatures, in appointing the Judges, and the oaths and official tenures of these, with the surveillance of public opinion, being relied on as guarantying their impartiality;) and that this intention is expressed by the articles declaring that the federal Constitution and laws shall be the supreme law of the land, and that the Judicial power of the United States shall extend to all cases arising under them: Believing, moreover, that this was the prevailing view of the subject when the Constitution was adopted and put into execution; that it has so continued through the long period which has elapsed; and that even at this time an appeal to a national decision would prove that no general change has taken place: Thus be-

lieving, I have never yielded my original opinion, indicated in the "Federalist," N<sup>o</sup> 39, to the ingenious reasonings of Col. Taylor against this construction of the Constitution.

I am not unaware that the Judiciary career has not corresponded with what was anticipated. At one period, the Judges perverted the Bench of Justice into a rostrum for partisan harangues. And latterly, the Court, by some of its decisions, still more by extra-judicial reasonings and *dicta*, has manifested a propensity to enlarge the general in derogation of the local, and to amplify its own jurisdiction, which has justly incurred the public censure. But the abuse of a trust does not disprove its existence. And if no remedy of the abuse be practicable under the forms of the Constitution, I should prefer a resort to the nation for an amendment of the tribunal itself to continual appeals from its controverted decisions to that ultimate arbiter.

In the year 1821, I was engaged in a correspondence with Judge Roane, which grew out of the proceedings of the Supreme Court of the United States. Having said so much here, I will send you a copy of my letters to him as soon as I can have a legible one made, that a fuller view of my ideas with respect to them may be before you.

I agree entirely with you on the subject of *seriatim* opinions by the Judges, which you have placed in so strong a light in your letter to Judge Johnson, whose example, it seems, is in favor of the practice. An argument addressed to others, all of whose dislikes to it are not known, may be a delicate experiment. My particular connexion with Judge Todd, whom I expect to see, may tempt me to touch on the subject; and, if encouraged, to present views of it which, through him, may find the way to his intimates.

In turning over some bundles of pamphlets, I met with several copies of a very small one, which, at the desire of my political associates, I threw out in 1795. As it relates to the state of parties, I inclose a copy. It had the advantage of being written with the subject full and fresh in my mind, and the disadvantage of [being] hurried, at the close of a fatiguing session of Congress, by an impatience to return home, from which I



was detained by that job only. The temper of the pamphlet is explained, if not excused, by the excitements of the period.

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TO CAPTAINS PANNILL, M<sup>C</sup>RAE, AND POLLARD.

MONTPELLIER, June 28, 1823.

GENTLEMEN,—I received last evening your letter of the 17, inviting my participation with the Volunteers of Petersburg in celebrating the National anniversary approaching.

Several causes unite in putting it out of my power to comply with the invitation. But I beg the volunteers to be assured that I feel all the value given to it by the motives and the quarter from which it proceeds. The conduct of the gallant band under that name in the late war has a marked place in the records of patriotism; and I should gladly join in a libation to them on a day with which every thing inspired by love of country is congenial. At this distance, I can only express the grateful respect I retain for them, and offer the good wishes to which they are so well entitled.

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TO JOHN BRANNAN.

JULY 19, 1823.

I have received your letter of the 4th, with the volume containing the official letters of the military and naval officers during the late war; in payment for which a note of \$5 is inclosed.

I take for granted that the collection is sufficiently full to give to such a publication its proper value. It is due to the men who have given such noble examples for future emulation, to the Country boasting them, and to all to whom such documents may be objects of patriotic curiosity, or materials for historical or other use, that they should be put into the best forms for preservation, and into situations diffusively accessible. I wish, therefore, that the fruit of your labours may be in such demand for public and private libraries, that you may be rewarded with profit as well as gratification. It some times hap-



pens that works of the greatest labor and intrinsic value have but little attraction for the generality of readers, or may not be intended to be generally read. Of this class is, in some degree, the work on which you have bestowed your time and pains. In such cases, the appeal is fairly made for encouragement to those who may be most sensible that it is necessary, and most able to afford it.

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TO RICHARD RUSH.

MONTPELLIER, July 22d, 1823.

D<sup>R</sup> SIR,—I have received the copy of the papers communicated to the British Parliament, which you were so good as to forward.

The enterprize of France against the Spanish Constitution, with the grounds avowed for it, has afforded G. Britain a fine opportunity for retrieving the character lost by her abandonment of the people of the Continent after the downfall of Napoleon, and by the apparent sympathy of her Government with the schemes of the Allied Sovereigns for extinguishing the lights of the age, and fixing barriers against every improvement in the condition of the human race. What final use will be made of the opportunity is yet to be seen. The documents exhibited by the Cabinet, notwithstanding the colourings given to its policy, are not very promising. Unless its neutrality should ensure the forbearance of Austria, Russia, and Prussia, and thence give an indirect support to the Spanish patriots, it will, in effect, be a latent co-operation against them. And what has G. Britain done on that side equivalent to the part openly taken by those great powers on the other? An American mind naturally retains the impressions made by the orders given to the British squadron at Naples, to interpose for the protection of the Royal family in case the slightest violence should be offered to it by the people; whilst no outrages on the people from the Royal quarter, though backed by the unlawful intrusion of other powers, was thought

to justify an interference in their behalf. The same exclusive patronage of the Royal personages has shewn itself at Madrid; so that neutrality, which means impartiality between contending nations, admits, between despots and the nations oppressed by them, a guarantee of the inviolability of the former against the latter.

The principles proclaimed by France ought to excite universal execration, and the alarm of every free people not beyond the reach of her power and that of her associates. She not only revives the obsolete and impious doctrine of the divine right of Kings, but asserts the right in every Government to overthrow a neighbouring one which reproaches its corruptions by the precedent of reformation. But if the departure of the Spanish Government from the French model be a pretext for the interposition of French bayonets, is not the pretext stronger for Prussia, &c., to put down by like means the Government of France, which is a far greater departure from their models, and more obviously formidable to them? And would not the plea be still stronger for a united attack on the British Government, the mother and model of the Representative element in the monarchies of Europe? Finally, if the measure of their powers were co-extensive with the scope of their principles, the Government of the United States, as the great departure from Monarchy and Legitimacy, and the example the most formidable, would attract a crusade as bigoted and bloody as the original one against the Saracens. Happily, the example of liberty can be felt through a space impassable to the armaments of its enemies; and the latest accounts from the revolutionary experiments on foot in Europe seem to indicate that a further influence of the example offered in this Hemisphere is necessary to ripen the nations of the other for successful struggles against their own prejudices and the strength of the oppressors.

It is not forgotten that the British Government thought a war of more than 20 years called for against France by an edict, afterwards disavowed, which assumed the policy of propagating changes of Government in other Countries; whilst she

is now passive under an avowal by France of a right to interpose for such purposes, and even under the actual employment of her arms to carry the right into effect.

But enough, and more than enough, of other Countries. Of our own, speaking in general terms, the tranquility and prosperity form a grateful contrast to the state of Europe. There is an animated contest for the coming vacancy in the Presidency; but it sheds no blood; it shakes no establishments; and among the competitors, no choice can be made that would not shine with transcendent lustre among the intellects that wear the Crowns and sway the destinies of the nations divided from us by the Atlantic. There appears, also, a very ardent struggle in Pennsylvania among the friends of the two rivals for the Chief Magistracy of that State. On this point you probably have from others more information than I could give you.

What most nearly concerns the mass of the people is the state of the crops and the prospect of prices. The former, in the wheat country, is not flattering. The crop, I believe, will prove short of an average one. In many places it is a very scanty one, owing principally to the Hessian fly, but in part to an insect called from its smell the chinch-bug, the name here given to the bed-bug. It attacks the Indian Corn as well as Wheat and the other small grains, hiding itself under the folds of the plants, and feeding on the stems. In its first appearance it is very minute, and does not grow to a size beyond that of a common ant. It has wings, but uses its legs generally. It comes to us from the South, and is proceeding Northward. I do not know what technical character has been given to it in the school of natural history; and the present being the first visit, I have not seen enough of it to give more of a description than the above rude outline. Of the other great staples of agriculture, Indian Corn, Cotton, and Tobacco, the season is not sufficiently advanced to decide the result. With respect to prices, they will be regulated by the demands from Europe, which can be better estimated with you than here. Without good prices and good crops the people in some quarters of the Union cannot well be relieved from their pecuniary distresses,

which have been prolonged by the failures in both respects several years past.

It is with pleasure I can say that a general ardor and emulation prevails in promoting the several great objects of improvement on the face of our Country, and in establishing schools and seminaries of every grade for the diffusion of knowledge. These, with the order and industry which characterize our situation, are fruits of our free and confederal system, which proclaim its merits, and must silence long triumphant argument for hereditary power drawn from an anarchical tendency imputed to Governments founded on popular suffrage.

I send you a ground plot of the academic village bearing the name of the University of Virginia; this being the only graphical view of it yet taken. The buildings are finished for ten professors and about 200 students. The Rotunda, on the plan of the Pantheon, which will contain the Library and rooms for public occasions, is but just commenced; but will not delay the opening of the Institution, as soon as the Legislature turns its loans into gifts, for which we look with hope to its next session, and eligible professors can be procured, which we shall spare no pains to hasten.

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TO GEORGE HAY.

MONTPELLIER, August 23, 1823.

DEAR SIR,—I have received your letter of the 11th, with the newspapers containing your remarks on the present mode of electing a President, and your proposed remedy for its defects. I am glad to find you have not abandoned your attention to great constitutional topics.

The difficulty of finding an unexceptionable process for appointing the Executive organ of a Government such as that of the United States was deeply felt by the Convention; and as the final arrangement of it took place in the latter stage of the session, it was not exempt from a degree of the hurrying influence produced by fatigue and impatience in all such bodies,



though the degree was much less than usually prevails in them.

The part of the arrangement which casts the eventual appointment on the House of Representatives voting by States was, as you presume, an accommodation to the anxiety of the smaller States for their sovereign equality, and to the jealousy of the larger towards the cumulative functions of the Senate. The agency of the House of Representatives was thought safer, also, than that of the Senate, on account of the greater number of its members. It might, indeed, happen that the event would turn on one or two States having one or two representatives only; but even in that case the representations of most of the States being numerous, the House would present greater obstacles to corruption than the Senate, with its paucity of members. It may be observed, also, that, although for a certain period the evil of State votes given by one or two individuals would be extended by the introduction of new States, it would be rapidly diminished by growing populations within extensive territories. At the present period the evil is at its maximum. Another census will leave none of the States, existing or in embryo, in the numerical rank of Rhode Island and Delaware; nor is it impossible that the progressive assimilation of local institutions, laws, and manners, may overcome the prejudices of those particular States against an incorporation with their neighbours.

But with all possible abatements, the present rule of voting for President by the House of Representatives is so great a departure from the Republican principle of numerical equality, and even from the Federal rule, which qualifies the numerical by a State equality, and is so pregnant, also, with a mischievous tendency in practice, that an amendment of the Constitution on this point is justly called for by all its considerate and best friends.

I agree entirely with you in thinking that the election of presidential electors by districts is an amendment very proper to be brought forward at the same time with that relating to the eventual choice of President by the House of Representatives. The district mode was mostly, if not exclusively, in view when



the Constitution was framed and adopted; and was exchanged for the general ticket and the legislative election as the only expedient for baffling the policy of the particular States which had set the example. A constitutional establishment of that mode will doubtless aid in reconciling the smaller States to the other change, which they will regard as a concession on their part. And it may not be without a value in another important respect. The States, when voting for President by general tickets or by their Legislatures, are a string of beads; when they make their elections by districts, some of these differing in sentiment from others, and sympathizing with that of districts in other States, they are so knit together as to break the force of those geographical and other noxious parties which might render the repulsive too strong for the cohesive tendencies within the political system.

It may be worthy of consideration whether, in requiring elections by districts, a discretion might not be conveniently left with the States to allot two members to a single district. It would manifestly be an important proviso that no new arrangement of districts should be made within a certain period previous to an ensuing election of President.

Of the different remedies you propose for the failure of a majority of electoral votes for any one candidate, I like best that which refers the final choice to a joint vote of the two Houses of Congress, restricted to the two highest names on the electoral lists. It might be a question whether the *three* instead of the *two* highest names might not be put within the choice of Congress, inasmuch as it not unfrequently happens that the candidate third on the list of votes would, in a question with either of the two first, out-vote him, and, consequently, be the real preference of the voters. But this advantage of opening a wider door and a better chance to merit may be outweighed by an increased difficulty in obtaining a prompt and quiet decision by Congress with three candidates before them, supported by three parties, no one of them making a majority of the whole.

The mode which you seem to approve, of making a *plurality* of electoral votes a definitive appointment, would have the merit

of avoiding the legislative agency in appointing the Executive; but might it not, by multiplying hopes and chances, stimulate intrigue and exertion, as well as incur too great a risk of success to a very inferior candidate? Next to the propriety of having a President the real choice of a majority of his constituents, it is desirable that he should inspire respect and acquiescence by qualifications not suffering too much by comparison.

I cannot but think, also, that there is a strong objection to undistinguishing votes for President and Vice President, the highest number appointing the former, the next the latter. To say nothing of the different services (except in a rare contingency) which are to be performed by them, occasional *transpositions* would take place, violating equally the mutual consciousness of the individuals and the public estimate of their comparative fitness.

Having thus made the remarks to which your communication led with a frankness which I am sure you will not disapprove, whatever errors you may find in them, I will sketch for your consideration a substitute which has occurred to myself for the faulty part of the Constitution in question:

“The electors to be chosen in districts, not more than two in any one district, and the arrangement of the districts not to be alterable within the period of ——— previous to the election of President. Each elector to give two votes, one naming his first choice, the other his next choice. If there be a majority of all the votes on the first list for the same person, he of course to be President; if not, and there be a majority (which may well happen) on the other list for the same person, he then to be the final choice; if there be no such majority on either list, then a choice to be made by joint ballot of the two Houses of Congress from the two names having the greatest number of votes on the two lists taken together.” Such a process would avoid the inconvenience of a second resort to the electors, and furnish a double chance of avoiding an eventual resort to Congress. The same process might be observed in electing the Vice President.

Your letter found me under some engagements which have retarded a compliance with its request, and may have also ren-

dered my view of the subject presented in it more superficial than I have been aware. This consideration alone would justify my wish not to be brought into the public discussion. But there is another, in the propensity of the moment to view everything, however abstract from the presidential election in prospect, through a medium connecting it with that question; a propensity the less to be excused, as no previous change of the Constitution can be contemplated, and the more to be regretted, as opinions and commitments formed under its influence may become settled obstacles at a practicable season.

Be pleased to accept the expression of my esteem and my friendly respects.

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TO THOMAS JEFFERSON.

MONTPELLIER, Sept 6, 1823.

DEAR SIR,—I return the two communications from the President, inclosed in your letter of August 30.

I am afraid the people of Spain as well as of Portugal need still further light, and heat, too, from the American example, before they will be a match for the crimes, the intrigues, and the bribes of their enemies, the treachery of their leaders, and, what is most of all to be dreaded, their Priests and their prejudices. Still, their cause is so just, that whilst there is life in it hope ought not to be abandoned.

I am glad you have put on paper a correction of the apocryphal tradition, furnished by Pickering, of the Draught of the Declaration of Independence. If he derived it from the misrecollections of Mr. Adams, it is well that the alterations of the original paper proposed by the latter, in his own handwriting, attest the fallibility of his aged memory. Nothing can be more absurd than the cavil that the Declaration contains known and not new truths. The object was to assert, not to discover truths, and to make them the basis of the Revolutionary act. The merit of the Draught, therefore, could only consist in a lucid

communication of human rights, in a condensed enumeration of the reasons for such an exercise of them, and in a style and tone appropriate to the great occasion, and to the spirit of the American people.

The friends of R. H. Lee have shewn not only injustice in underrating the Draught, but much weakness in overrating the motion in Congress preceding it; all the merit of which belongs to the Convention of Virginia, which gave a positive instruction to her Deputies to make the motion. It was made by him as next in the list to P. Randolph, then deceased. Had Mr. Lee been absent, the task would have devolved on you. As this measure of Virginia makes a link in the history of our national birth, it is but right that every circumstance attending it should be ascertained and preserved. You probably can best tell where the instruction had its origin, and by whose pen it was prepared. The impression at the time was, that it was communicated in a letter from yourself to [Mr. Wythe,] a member of the Convention.

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TO TENCH COXE.

OCTOBER 12, 1823.

D<sup>R</sup> SIR,—I have received your favor inclosing the printed extracts from the late pamphlet of Cunningham, and have made the communication of it where you intended. It is impossible not to feel indignation at the outrage committed by the publication on private confidence. From the specimen given of its contents, it will nevertheless have much effect in inflaming animosities in certain quarters, and probably bringing fully to light political and personal matters hitherto unknown, or little known. Should there be mingled with them statements unjust to individuals, to parties, or to principles, it is well that there are existing sources of detection and correction; and I am well aware of the peculiar value of those within your well-stored memory and copious files. I had, before the receipt of your letter, seen in the Gazettes glances at the subject of it, but was

unapprized of the extensive range of the published correspondence, and of its prolific tendencies.

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TO H. WHEATON.

MONTPELLIER, Oct<sup>r</sup> 15, 1823.

D<sup>R</sup> SIR,—I have received your letter of Sep<sup>r</sup> 29, touching on your proposed Biography of the late William Pinkney. You have chosen a subject furnishing an opportunity of at once doing justice to your own pen, and to a memory with which a rich assemblage of rare gifts is associated.

I should take pleasure in contributing any private recollections that might aid in finishing the portrait; but my intercourse with Mr. Pinkney was almost entirely by written correspondence on public subjects. I never even had the gratification of hearing any of those splendid displays of eloquence so much admired for the diversified merits united in them.

On looking into the letters from him preserved on my files, I find that, during his diplomatic service in G. Britain, he was in the practice of adding to his official dispatches private communications and comments, which give a continued and interesting view of the subjects then in controversy between that Country and the U. States, and of the latent as well as overt policy of the former in its unwise and unworthy career. The letters do equal honor to his penetration and his patriotism, and are in the lucid and graceful style so familiar to him. I take for granted that this source of information is among the papers left by him, to which you will have recourse. Should it be inferred, in any instances, that copies of letters to me have not been preserved, be so good as to note the dates of those found; and if chasms appear, which I can supply, I shall readily do it, confiding as I do in the care and early return of memorials particularly valued by me.



## TO PRESIDENT MONROE.

Oct. 30, 1823.

D<sup>R</sup> SIR,—I have just received from Mr. Jefferson your letter to him, with the correspondence between Mr. Canning and Mr. Rush, sent for his and my perusal, and our opinions on the subject of it.

From the disclosures of Mr. Canning it appears, as was otherwise to be inferred, that the success of France against Spain would be followed by an attempt of the Holy allies to reduce the revolutionized colonies of the latter to their former dependence.

The professions we have made to these neighbours, our sympathies with their liberties and independence, the deep interest we have in the most friendly relations with them, and the consequences threatened by a command of their resources by the Great Powers, confederated against the rights and reforms of which we have given so conspicuous and persuasive an example, all unite in calling for our efforts to defeat the meditated crusade. It is particularly fortunate that the policy of Great Britain, though guided by calculations different from ours, has presented a co-operation for an object the same with ours. With that co-operation we have nothing to fear from the rest of Europe, and with it the best assurance of success to our laudable views. There ought not, therefore, to be any backwardness, I think, in meeting her in the way she has proposed; keeping in view, of course, the spirit and forms of the Constitution in every step taken in the road to war, which must be the last step if those short of war should be without avail.

It cannot be doubted that Mr. Canning's proposal, though made with the air of *consultation* as well as concert, was founded on a predetermination to take the course marked out, whatever might be the reception given here to his invitation. But this consideration ought not to divert us from what is just and proper in itself. Our co-operation is due to ourselves and to the world; and whilst it must ensure success in the event of an appeal to force, it doubles the chance of success without that

appeal. It is not improbable that Great Britain would like best to have the merit of being the sole champion of her new friends, notwithstanding the greater difficulty to be encountered, but for the dilemma in which she would be placed. She must, in that case, either leave us, as neutrals, to extend our commerce and navigation at the expense of hers, or make us enemies, by renewing her paper blockades and other arbitrary proceedings on the Ocean. It may be hoped that such a dilemma will not be without a permanent tendency to check her proneness to unnecessary wars.

Why the British Cabinet should have scrupled to arrest the calamity it now apprehends, by applying to the threats of France against Spain the small effort which it scruples not to employ in behalf of Spanish America, is best known to itself. It is difficult to find any other explanation than that interest in the one case has more weight in its casuistry than principle had in the other.

Will it not be honorable to our Country, and possibly not altogether in vain, to invite the British Government to extend the "avowed disapprobation" of the project against the Spanish Colonies to the enterprise of France against Spain herself, and even to join in some declaratory act in behalf of the Greeks? On the supposition that no form could be given to the act clearing it of a pledge to follow it up by war, we ought to compare the good to be done with the little injury to be apprehended to the U. S., shielded as their interests would be by the power and the fleets of Great Britain united with their own. These are questions, however, which may require more information than I possess, and more reflection than I can now give them.

What is the extent of Mr. Canning's disclaimer as to "the remaining possessions of Spain in America?" Does it exclude future views of acquiring Porto Rico, &c., as well as Cuba? It leaves Great Britain free, as I understand it, in relation to other quarters of the Globe.

I return the correspondence of Mr. Rush and Mr. Canning, with assurances, &c.

J. M.

TO THOMAS JEFFERSON.

MONTPELLIER, Nov<sup>r</sup> 1st, 1823.

D<sup>r</sup> SIR,—I return the letter of the President. The correspondence from abroad has gone back to him, as you desired. I have expressed to him my concurrence in the policy of meeting the advances of the British Government, having an eye to the forms of our Constitution in every step in the road to war. With the British power and navy combined with our own, we have nothing to fear from the rest of the world; and in the great struggle of the epoch between liberty and despotism, we owe it to ourselves to sustain the former, in this hemisphere at least. I have even suggested an invitation to the British Government to join in applying the “small effort for so much good” to the French invasion of Spain, and to make Greece an object of some such favorable attention. Why Mr. Canning and his colleagues did not sooner interpose against the calamity, which could not have escaped foresight, cannot be otherwise explained but by the different aspect of the question when it related to liberty in Spain, and to the extension of British commerce to her former Colonies.

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TO TENCH COXE.

MONTPELLIER, Nov<sup>r</sup> 3d, 1823.

D<sup>r</sup> SIR,—I have received yours without date, postmarked Oct. 27. I thank you for your kindness in dispensing with answers to your favors. Occupations and attentions belonging to my situation will probably oblige me to avail myself much of the privilege. I am very sensible, also, of your great kindness in what you say of a malignant attack on me. Why I should be made a target for poisoned arrows now, I cannot well see. Withdrawn as I am from the public Theatre, and holding life itself by a short thread, it would not be an unreasonable expectation that hostilities of every sort and from every quarter should cease. It has been my practice, through a long ca-

reer, to leave the various calumnies which I did not escape to die their natural death, and the successful examples of others have given a sanction to this policy. You tell me more than I knew of the masses of materials which have been hoarded by the curious or malicious for good or bad uses. It is to be hoped that the friends of truth will have provided adequate corrections for errors of the former and libels of the latter, as time may bring them to light. Your solicitude for the memory of Franklin, to whom his Country and the human race owe so much, is highly praiseworthy. I cannot say what particular knowledge Mr. Jefferson's files or recollections may possess that could aid in securing posthumous justice. A future day may unlock the former; but his great age, and his devotion of what remains of time and strength to the establishment of a University, forbid, I believe, any present expectations from him. You have enough of both funds of information to draw upon, probably, for that as well as other important and benevolent purposes. The papers which I happen to have preserved are considerable, and some of them doubtless very valuable; but they are, for the most part, suited rather for general and future use than for occurrences of the day.

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TO G. F. H. CROCKETT.

NOVEMBER 6th, 1823.

SIR,—I received your letter of September 24 some days ago. The printed address it refers to has but just come to hand. The subject which has employed your thoughts is one on which enlightened opinions are as yet much at variance. Nothing will probably reconcile them but actual and fair experiments; and no where can such be made with less prejudice or less inconvenience than in the United States, where the Legislative power held by each confederated member can bring innovations to that test, with partial evil only if they fail, and a ready extension of them to the whole if found to be improvements. In this view I should not regret a fair and full trial of the entire abolition



of capital punishments by any State willing to make it, though I do not see the injustice of such punishments, in one case at least. But it is not my purpose to enter into the important discussion; nor do I know that I could furnish you with any new ideas or hints, such as you ask, if there were time for the task. You seem to have consulted some of the sources where they were most likely to be found.

I must ask the favor of you to make no public use of this letter, for which it is in no respect calculated. It is meant only as a mark of the friendly respect and good wishes which I pray you to accept.

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TO THOMAS JEFFERSON.

MONTPELLIER, NOV<sup>r</sup> 11, 1823.

DEAR SIR,—I have received yours of the 6th. My preference for F. Gilmer for the law professorship, to any other name brought into view, has not changed; and I know of no one better suited for the mission now declined by Mr. Cabell. It will be well, I think, to hold out, in the first instance at least, not more than \$1,500 for the salary, as the reduction of the number of professors from 10 to 7 may not be finally settled; and if settled in the negative, the annuity would fall short. It is true that a professor of law, if taken from the Bar, may be expected to make a greater pecuniary sacrifice than might be made by the others; but, on the other hand, his class and his fees will probably be more numerous. I should prefer a fixed sum for the service abroad to defraying actual expenses. You can better estimate these than I can. Supposing that he will be absent not more than 6, 7, or 8 months, I suggest \$1,500 for the allowance; but shall acquiesce in any sum you may prefer, not exceeding \$2,000. The gratification of such a trip to Europe will doubtless be felt as an item in the compensation. I incline to making the allowance a special provision for the service, rather than a salary for professional services not performed. The distinction, however, is more nominal than material.



I return Mr. Cabell's letter, with the copy of your answer to the President. You will see by mine inclosed that they substantially agree; and you will see by Mr. Rush's letter, which I also inclose, and which is of later date than his correspondence sent us by the President, how skittish the British Cabinet is on the very business into which it has invited us. It is not impossible that Canning, looking more ahead than his Colleagues, and more to the *vox populi* at the moment, may be drawn back occasionally from his own advances.

Mr. Crawford proceeded hence on his way to Washington this afternoon. He came from Governor Barbour's on Sunday, and was detained here yesterday and part of to-day by the state of the weather. He seems equal to the journey; but his constitution seems a good deal shaken, and will require care as well as time for a thorough repair.

With Mr. Rush's letter you will be kind enough to return my answer to the President.

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TO RICHARD RUSH.

MONTPELLIER, Nov<sup>r</sup> 13, 1823.

D<sup>r</sup> SIR,—I have received your favor of September 10, with a copy of the printed documents on the subject of the slave trade. The mask of humane professions covering an indifference in some and a repugnance in others to its effectual abolition, is as obvious as it is disgusting. G. Britain alone, whatever may be her motives, seems to have the object really at heart. It is curious, at the same time, to observe her experiment for bringing about a change in the law of Nations by denominating the trade piracy without the *universal* consent, which she held essential to the code of the armed neutrality dissented from solely by herself. Her Cabinet is chargeable with a like inconsistency in its readiness to interpose between the allied Powers and Spanish America, and its scruples to do so against the invasion of Spain herself. Nor is it easy to reconcile the advances made to you in behalf of our Southern neighbours with a disrelish of

your proposition that their Independence be immediately acknowledged, a right to do which appears to have been publicly asserted. In point of mere policy, it excites surprise, that if the British Government dreads the foreseen extension of the views of the Holy Alliance to Spanish America in the event of success in the invasion of Spain, it did not arrest the invasion, as it might have done by a like interposition with that which is to stifle the projected resubjugation of her former Colonies. It can excite no surprise, indeed, that our co-operation should be courted in measures that may lead to war; it being manifest that in such an issue G. Britain would be under the dilemma of seeing our neutral commerce and navigation aggrandized at the expense of hers, or of adding us to her enemies by renewing her paper blockades and other maritime provocations. May it not be hoped that a foresight of this dilemma will be a permanent check to her warlike propensity?

But whatever may be the motives or the management of the British Government, I cannot pause on the question whether we ought to join her in defeating the efforts of the Holy Alliance to restore our Independent neighbours to the condition of Spanish Provinces. Our principles and our sympathies; the stand we have taken in their behalf; the deep interest we have in friendly relations with them; and even our security against the Great Powers, who, having conspired against national rights and reforms, must point their most envenomed wrath against the United States, who have given the most formidable example of them; all concur in enjoining on us a prompt acceptance of the invitation to a communion of counsels, and, if necessary, of arms, in so righteous and glorious a cause. Instead of holding back, I should be disposed rather to invite, in turn, the British Government to apply, at least, "the small effort" of Mr. Canning to the case of the French invasion of Spain, and even to extend it to that of the Greeks. The good that would result to the world from such an invitation, if accepted, and the honor to our Country, even if declined, outweigh the sacrifices that would be required, or the risks that would be incurred. With the British fleets and fiscal resources associated with our own, we

should be safe against the rest of the world, and at liberty to pursue whatever course might be prescribed by a just estimate of our moral and political obligations.

You ask my view of the claim of the United States to the navigation of the S<sup>t</sup> Lawrence through the British Territory, and my recollection of the grounds on which they claimed that of the Mississippi through Spanish Territory. On the latter point I may refer to a Report of a Committee of the Revolutionary Congress in 1780,\* in which, among other things, the right of the U. States is argumentatively touched on; and to the extract now enclosed from a letter I wrote to Mr. Jefferson, then at Paris, in the year 1784, in which there is a glance at the cases having more or less of analogy to that of the Mississippi. It being more easy to obtain by another hand the extract as it stands than to separate the irrelevant matter by my own, I must trust to that apology for obtruding a perusal of the latter. At the dates referred to, the navigation of the Mississippi was a cardinal object of National policy; and Virginia feeling a particular interest in it, through Kentucky, then a part of the State, the claim was warmly espoused by her public councils, of which I was a member at the last date, and one of her Delegates to Congress at the first.

As a question turning on natural right and public law, I think the navigation of the S<sup>t</sup> Lawrence a fair claim for the United States.

Rivers were given for the use of those inhabiting the country of which they make a part; and a primary use of the navigable ones is that of external commerce. Again: the public good of Nations is the object of the law of Nations, as that of individuals composing the same Nation is of municipal law. This principle limits the rights of ownership in the one case as well as in the other; and all that can be required in either is, that compensation be made for individual sacrifices for the general benefit. This is what is done in the case of roads, and the right of way under a municipal jurisdiction; and is admitted to be reasonable,

\* See Vol. 2, p. 326, of the Secret Journals now in print, which I presume you have.

in the form of tolls, where a foreign passage takes place through a channel protected and kept in repair by those holding its shores. Vattel allows a right even in armies marching for the destructive purposes of war to pass through a neutral country with due precautions. How much stronger the claim for the beneficial privileges of commerce?

In applying these principles it is doubtless proper to compare the general advantage with the particular inconvenience, and to require a sufficient preponderance of the former. But was there ever a case in which the preponderance was greater than that of the Mississippi? and the view of it might be strengthened by supposing an occupancy of its mouth limited to a few acres only, and by adding to the former territory of the U. States the vast acquisition lately made on the waters of that River. The case of the S<sup>t</sup> Lawrence is not equally striking; but it is only in comparison with the most striking of all cases that its magnitude is diminished to the eye. The portion of the United States connected with the River and the inland seas through which it communicates with the ocean forms a world of itself; and after every deduction suggested by the *artificial* channels which may be substituted for the natural, they will have a sufficient interest in the *natural* to justify their claim and merit their attention. It will be a question with some, perhaps, whether the use of the river by citizens of the U. States will not be attended with facilities for smuggling, and a danger of collisions with a friendly power, which render its attainment little desirable. But if any considerable body of citizens feel a material interest in trading through that channel, and there be a public right to it, the Government will feel much delicacy in forbearing to contend for it.

How far it may be expedient to appeal from the transitory calculations to the permanent policy of G. Britain in relation to Canada, as was done with respect to Spain and Louisiana, you can best judge. I have noticed allusions in Parliament to the considerations recommending an alienation of the Province; and it is very possible that they may be felt by the Government. But it may well be expected that the solid interest of the nation



will be overruled by the respect for popular prejudices, and by the colonial pasturage for hungry favorites. It is very certain that Canada is not desirable to the United States as an enlargement of domain. It could be useful to them only as shutting a wide door to smuggling; as cutting off a pernicious influence on our savage neighbours; and as removing a serious danger of collisions with a friendly power.

Having made these observations as due to your request, I must not decline saying, that whatever just bearing any of them may have on the point of right in the case of the S<sup>t</sup> Lawrence, I consider the moment for asserting it not the most propitious, if a harmony of views be attainable with the British Government on the great subject of Spanish America, to say nothing of other subjects in principle akin to it. I doubt not, however, that enough will be left to your discretion; and that there will be more than enough of that so to manage the discussion as to prevent an interference of one object with another.

Just as the above was closed, the fall of Cadiz and the Cortes are confirmed to us. What next? is the question. Every great event in the present state of the world may be pregnant with a greater. As the Holy Alliance will premise negotiation and terror to force against the new States south of us, it is to be hoped they will not be left in the dark as to the ultimate views of G. Britain in their favor. To conceal these would be to betray them as Spain has been betrayed.

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TO EDWARD EVERETT.

MONTPELLIER, NOV<sup>r</sup> 26th, 1823.

D<sup>R</sup> SIR,—I received several weeks ago your favor of October 30th, accompanied by the little treatise on population, analysing and combating the Theory of Malthus, which, till within a few days, I have been deprived of the pleasure of reading. Its reasoning is well entitled to the commendation you bestow on its ingenuity, which must at least contribute to a more accurate



view of the subject; and on its style, which is characterised by the artless neatness always pleasing to the purest tastes. Be so obliging as to convey my debt of thanks to the author, and to accept the share of them due to yourself.

Notwithstanding the adverse aspects under which the two authors present the question discussed, the one probably with an eye altogether to the case of Europe, the other chiefly to that of America, I should suppose that a thorough understanding of each other ought to narrow not a little the space which divides them.

The American admits the capacity of the prolific principle in the human race to exceed the sources of attainable food, as is exemplified by the occasions for colonization. And the European could not deny that, as long as an increase of the hands and skill in procuring food should keep pace with the increase of mouths, the evils proceeding from a disproportion could not happen.

It may be presumed, also, that Mr. Malthus would not deny that political institutions and social habits, as good or bad, would have a degree of influence on the exertion and success of labor in procuring food; whilst his opponent seems not unaware of the tendency of a scanty or precarious supply of it to check the prolific principle by discouraging marriages, with a consequent increase of the moral evils of licentious intercourse among the unmarried, and to produce the physical evils of want and disease, with the moral evils engendered by the first.

An essential distinction between the United States and the more crowded parts of Europe lies in the greater number of early marriages here than there, proceeding from the greater facility of providing subsistence; this facility excluding a certain portion of the physical society, as the marriages do a certain portion of the moral one. But that the rate of increase in the population of the United States is influenced, at the same time, by their political and social condition, is proved by the slower increase under the vitious institutions of Spanish America, where nature was not less bountiful. Nor can it be doubted that the actual population of Europe would be augmented by

such reforms in the systems as would enlighten and animate the efforts to render the funds of subsistence more productive. We see every where in that quarter of the Globe the people increasing in number as the ancient burdens and abuses have yielded to the progress of light and civilization.

The theory of Mr. Godwin, if it deserves the name, is answered by the barefaced errors, both of fact and of inference, which meet the eye on every page.

Mr. Malthus has certainly shewn much ability in his illustrations and applications of the principle he assumes, however much he may have erred in some of his positions. But he has not all the merit of originality which has been allowed him. The principle was adverted to and reasoned upon long before him, though with views and applications not the same with his. The principle is, indeed, inherent in all the organized beings on the Globe, as well of the animal as the vegetable classes; all and each of which, when left to themselves, multiply till checked by the limited fund of their pabulum, or by the mortality generated by an excess of their numbers. A productive power beyond a mere continuance of the existing stock was in all cases necessary to guard against the extinction which successive casualties would otherwise effect; and the checks to an indefinite multiplication in any case were equally necessary to guard against too great a disturbance of the general symmetry and economy of nature. This is a speculation, however, diverging too much from the object of a letter chiefly intended to offer the acknowledgments and thanks, which I beg leave to repeat, with assurances of my continued esteem and respect.

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TO JAMES BARBOUR, SENATOR.

MONTPELLIER, December 5, 1823.

DEAR SIR,—Your favor of the 2d was duly received the evening before the last. I thank you for it, and return, as desired, the pamphlet of Cunningham, your remarks on which appear very just.

You ask my views of a resolution to be proposed to the Senate, advising a treaty of co-operation with Great Britain against an interference of the allied powers for resubjugating South America. You will take them for what they are worth, which can be but little, with my imperfect knowledge of the facts and circumstances that may be known to yourself.

The message of the President, which arrived by an earlier mail than usual, has, I observe, distinctly indicated the sentiments of the United States with respect to such an interference. But, in a case of such peculiarity and magnitude, a fuller manifestation of the national will may be expedient, as well to bear out the Executive in measures within his Department as to make the desirable impressions abroad. The mode you have thought of would certainly be of great avail for the first purpose, and if promulged, for the second also. But would not declaratory resolutions by the two Houses of Congress be of still greater avail for both? They would be felt by the Executive as the highest sanction to his views; would inspire Great Britain with the fullest confidence in the policy and determination of the United States; and would have all the preventive effect on the allied powers of which they are susceptible from a monitory measure from this quarter.

It can hardly be doubted that Great Britain will readily co-operate with this Country, or, rather, that she wishes our co-operation with her, against a foreign interference for subverting the independence of Spanish America. If the attempt can be prevented by remonstrance, she will probably unite with us in a proper one. If she begins with that, she will not hesitate to proceed, if necessary, to the last resort, with us fighting by her side. If any consideration were to restrain her from that resort, even without our co-operation, it would be the dilemma of seeing our *neutral* commerce and navigation flourishing at the expense of hers; or of throwing us into a war against her by renewing her maritime provocations.

On the whole, I think we ought to move hand in hand with Great Britain in the experiment of awing the confederated powers into forbearance; and, if that fail, in following it by

means which cannot fail; and that we cannot be too prompt or too decisive in coming to an understanding and concert with her on the subject. This hemisphere must be protected against the doctrines and despotisms which degrade the other. No part of it can be as secure as it ought to be if the whole be not so. And if the whole be sound and safe, the example of its principles will triumph gradually every where.

How much is it to be regretted that the British Government shrunk from even remonstrance against the invasion of old Spain, and that it has not the magnanimity to interpose, late as it is, in behalf of the Greeks! No nation ever held in its hand in the same degree the destiny of so great a part of the civilized world, and I cannot but believe that a glorious use would be made of the opportunity if the head of the nation was worthy of its heart.

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TO MR. MONROE.

MONTPELLIER, December 6, 1823.

DEAR SIR,—I received, by yesterday's mail, your favor of the 4th, covering a copy of the message, and another copy under a blank cover. It presents a most interesting view of the topics selected for it. The observations on the foreign ones are well moulded for the occasion, which is rendered the more delicate and serious by the equivocal indications from the British Cabinet. The reserve of Canning, after his frank and earnest conversations with Mr. Rush, is mysterious and ominous. Could he have stepped in advance of his superiors? or have they deserted their first objects? or have the allies shrunk from theirs? or is any thing taking place in Spain which the adroitness of the British Government can turn against the allies, and in favor of South America? Whatever may be the explanation, Canning ought, in candour, after what had passed with Mr. Rush, not to have withheld it; and his doing so enjoins a circumspect reliance on our own councils and energies. One thing is certain:



that the contents of the message will receive a very close attention every where, and that it can do nothing but good any where.

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TO THOMAS JEFFERSON.

MONTPELLIER, Dec<sup>r</sup> 18, 1823.

DEAR SIR,—I return the letter from Mr. Gilmer. It would have been more agreeable if he had not suspended his decision as to the ulterior object offered him; but he cannot be blamed for yielding to the reasons he gives for it. There is weight in what he suggests as to an extension of his research into Germany; and there may be some advantage in the attraction which a professor from that quarter might have for students from the German regions of the United States. But there will be time for consideration before a final instruction on the subject will be given. If the Continent of Europe, however, be opened at all, it may be well not to shut out some other parts of it. I hope, if the Assembly fulfils our wishes at an early period of the session, that the Envoy will be able to embark before the end of it, if it be a long one.

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TO PRESIDENT MONROE.

MONTPELLIER, December 26, 1823.

DEAR SIR,—Yours of the 20th was duly received. The external affairs of our country are, I perceive, assuming a character more and more delicate and important. The ground on which the Russian communications were met was certainly well chosen. It is evident that an alienation is going on between Great Britain and the ruling powers of the Continent, and that the former is turning her views to such a connexion with this side of the Atlantic as may replace her loss of political weight and commercial prospects on the other. This revolution was indicated by the coaxing speech of Mr. Canning at the Liver-



pool dinner; and is fully displayed by his project for introducing the United States to a Congress on the Continent. Whilst the English Government very naturally endeavors to make us useful to her national objects, it is incumbent on us to turn, as far as we fairly can, the friendly consultations with her to ours; which, besides being national, embrace the good of mankind every where. It seems particularly our duty not to let that nation usurp a meritorious lead in measures due to our South American neighbors; one obstacle to which was aptly furnished [by] Mr. Rush in his proposal to Mr. Canning, that their Independence should be forthwith acknowledged. Nor ought we to be less careful in guarding against an appearance in the eyes of Europe, at which the self-love of Great Britain may aim, of our being a satellite of her primary greatness.

This last consideration will, of course, be felt in the management of the invitation which Mr. Canning is inviting for us to the expected Congress. A participation in it would not be likely to make converts to our principles; whilst our admission under the wing of England would take from our consequence what it would add to hers. Such an invitation, nevertheless, will be a mark of respect not without a value, and this will be more enhanced by a polite refusal than by an acceptance; not to mention that the acceptance would be a step leading us into a wilderness of politics and a den of conspirators.

Whether any of these hasty ideas ought to be changed by a fuller acquaintance with existing circumstances, or under the influence of others now in embryo only, you can better judge than myself.

If there be no error in the account of the French reception given to the notification of the British Ambassador at Paris, it would almost justify suspicion of some original understanding that, if the British Government would not interfere against the French invasion of Spain, the French would not thwart the policy of Great Britain with regard to South America. Or must we suppose that France, with the great powers at her back, is ready to defy the united strength of G. Britain and America? She could not surely flatter herself with the hope of reconciling

them to the scheme for fixing anew the Spanish yoke on those who have shaken it off.

Events may soon unravel these and other mysteries.

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TO JOHN CARTWRIGHT.\*

1824.

It is so long since I received your volume on the English Constitution, with the letter accompanying it, that I must add to my thanks for the favours an apology for the delay in returning them. I perceived at once, that, to do justice to such a work, it ought to be read with a continued attention, which happened to be impossible till within a short time past.

I am now able to say that I have found in your pages not a little to admire, very much to approve, but some things in which I cannot concur. Were I to name instances of the last, I should not omit your preference of a single to a double legislature.

The infirmities most besetting popular governments, even in the representative form, are found to be defective laws, which do mischief before they can be mended, and laws passed under transient impulses, of which time and reflection call for a change. These causes render the statute-book complex and voluminous, multiply disputed cases between individuals, increase the expense of legislation, and impair that certainty and stability which are among the greatest beauties as well as most solid advantages of a well-digested code.

A second branch of the legislature, consisting of fewer and riper members, deliberating separately and independently of the other, may be expected to correct many errors and inaccuracies in the proceedings of the other, and to control whatever of passion or precipitancy may be found in them; and being, in like manner with the other, elective and responsible, the probability is strengthened that the will and interest of their common constituents will be duly pursued.

In support of this view of the subject it may be remarked,

\* Notice of his death arrived before this was sent.

that there is no instance among us of a change of a double for a single legislature, while there is more than one of a contrary change; and it is believed, that if all the States were now to form their governments over again, with lights derived from experience, they would be unanimous in preferring two legislative chambers to a single one.

I hope you will have no occasion to regret your early patronage of the independence of this country, or your approbation of the principles on which its governments have been established. Thus far, the trees can be safely tested by their fruits.

It affords sincere pleasure to find your government and nation relaxing their prejudices against us. Experience has proved what a few on your side as well as on this foresaw, that the separation of the colonies, though a gain to them, would be no loss of *retainable* commerce to the parent State, while it would be a gain to its treasury in the diminished demands on it.

It remains for the two countries now but to cultivate mutual good-will, to enrich and improve each other by all the interchanges having these tendencies, and to promote by their examples the improvement and happiness of all other countries.

I beg you to accept my acknowledgments for the friendly sentiments you have addressed to me, and to be assured of my great respect and good wishes.

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TO GEORGE M'DUFFIE.

MONTPELLIER, January 3, 1824.

SIR,—I have received your letter of December 26, enclosing a copy of "A joint Resolution" for amending the Constitution in the case of choosing a President and Vice President, accompanied by an able "Report" thereon, and on the expediency of introducing a fixed uniformity in the modes of choosing members of the House of Representatives and electors of President and Vice President.

You ask my opinions and my suggestions on these points. I

should give them with more cheerfulness if I were less aware how much you appear disposed to overvalue them.

I agree entirely with the committee in thinking an election of representatives and of electors by districts preferable to that by general ticket; and, in the case of electors, preferable to that also by the State Legislatures. I agree equally with them in preferring an eventual choice of President and Vice President by a joint ballot of the two houses of Congress, to the existing provision for such a choice by the House of Representatives voting by States. The committee appear to me to be very right, also, in linking the amendments together, as a compromise between the States, who may mutually regard them as concessions.

In the amendment relating to district elections of representatives, it is provided that the districts shall not be alterable previous to another census. And the "Joint Resolution" extends the prohibition to the electoral districts. As the return of a census may not be within less than ten years, the regulation may become very inconvenient and dissatisfactory, especially in the new States, within different parts of which the population will increase at such unequal rates. It would be a better provision that no change of districts should take place within a period of ——— preceding elections next in view; and to apply the rule to cases where Congress may have a right to interpose, as well as in the ordinary exercise of the power by the States.

The power given by the joint resolution to the electors of President and Vice President to fill up their own vacancies, and to appoint the two additional electors, is liable to the remark that, where there may be but a single elector, casualties to him might deprive his State of its two additional electors; and that a single elector, with a right to appoint two others, would have in effect three votes, a situation exposing him in a particular manner to temptations of which the Constitution is jealous. The objection to such an augmented power applies generally with a force proportioned to the fewness of electors allotted to a State. There may be some difficulty in finding a satisfactory



cure for the inconvenience. In States entitled to but one representative, the single district might choose three electors. In States having two representatives, each of its two districts, by choosing two electors, would furnish its quota of four. In all other States the difficulty would occur. And as uniformity is so justly an object, it would seem best to let the State Legislatures appoint or provide for the appointment of the two additional electors, and for filling electoral vacancies, limiting the time within which the appointment must be made.

Would it not be better to retain the word "immediately," in requiring the two houses to proceed to the choice of President and Vice President, than to change it into "without separating?" If the change could quicken and ensure a final ballot, it would certainly be a good one. But as it might give rise to disputes as to the validity of an election after an adjournment and separation forced by a repetition of abortive ballotings, the existing term might, perhaps, as well remain, and take its chance of answering the purpose. The distinction between a regulation which is directory only, and one a departure from which would have a vitiatory effect, is not always obvious; and in the delicate affair of electing a Chief Magistrate, it will be best to hazard as little as possible a discussion of it.

In the appeal to the second meeting of electors, their choice is limited to the *two* names having the highest number of votes given at the first meeting. As there may be an equality of votes among several highest on the list, the option ought to be enlarged accordingly, as well with a view to obviate uncertainty as to deal equally with equal pretensions.

The expedient of resorting to a second meeting of the Presidential electors, in order to diminish the risk of a final resort to Congress, has certainly much to recommend it. But the evil to be guarded against would lose not a little of its formidable aspect by the substitution of a joint ballot of the members of Congress for a vote by States in the Representative branch; while the prolonged period during which the electors must be in appointment before the final votes would be given, relinquishes the contemplated advantages of functions to be so

quickly commenced and closed as to preclude extraneous management and intrigue. The increased trouble and expense are of minor consideration, though not to be entirely disregarded. It may be a more important remark that in cases where, from an equality of votes on the electoral list, more than two names might be sent back to the electors, very serious embarrassments and delays might happen from miscalculations or perverse dispositions in some of so many distinct meetings; and that, after all, no perfect security would exist against an ultimate devolution of the choice on Congress. Still, it may be a fair question whether a second meeting of electors, with its prospect of preventing an election by the members of the Legislature, would not be preferable to a single meeting with the greater probability of a resort to them.

As your request extends to *suggestions* as well as opinions, I shall more fully comply with it by sketching for consideration a process which omits a second meeting of electors, and aims at an improved chance of a decisive vote in the first.

“Each elector to give two votes; one naming his first choice, the other his next choice. If there be a majority for the first name, the choice is made. If there be not a majority for the first, and one for the next name, the next to be President. If there be not a majority for either, then a final choice to be made by joint ballot of the House of Representatives and Senate, out of the two or more names having the two highest number of votes on the two lists taken together. A Vice President to be chosen in a similar manner.”

If there be no objections to such a process, not yet occurring to me, it may be entitled to comparative examination by its avoiding the inconveniences of a second meeting of electors, and its doubling the chance of a decisive ballot at a single one. In contested elections, especially where there may be a number of candidates, the name second in preference might well unite a majority of votes, those for the first being so scattered as to fail of it.

Should a provision for a second meeting of electors be deemed indispensable, and any value be attached to the suggested mode

of voting at the first, there is no incompatibility between the two arrangements.

It may be proper for me to observe, that in a late answer to a letter from a gentleman of distinguished ability, who has turned his thoughts to an improvement of the elective provisions for President and Vice President, I was led to a sketch similar to the above, with an intimation that it would be agreeable to me *not to be brought into any public discussion of the subject.*

Your letter reached me on Monday evening, but I was for several days under an indisposition which prevented a due attention to it; nor am I sure that, with the present remains of it, I have even done justice to my own ideas. I am very sure that I have been far from doing it to the subject itself.

With great respect,

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TO THOMAS JEFFERSON.

MONTPELLIER, Jan<sup>y</sup> 14, 1824.

D<sup>R</sup> SIR,—I return the letters from Doctor Cooper inclosed in yours of the 7th. It is truly to be lamented that at his stage of life, and in the midst of his valuable labours, he should experience the persecutions which torment and depress him. Should he finally wish to exchange his present berth for one in our University, and make the proposition without any advances on our part, there could be no indelicacy in our receiving him. What I should dread would be, that notwithstanding his pre-eminent qualifications, there might be difficulties to overcome among ourselves in the first instance; and what is worse, that the spirit which persecutes him where he is would find a copartner here not less active in poisoning his happiness and impairing the popularity of the Institution. We must await the contingency, and act for the best.

You have, probably, noticed that the manner in which the Constitution, as it stands, may operate in the approaching elec-

tion of President, is multiplying projects for amending it. If electoral districts, and an eventual decision by joint ballot of both Houses of Congress, could be established, it would, I think, be a real improvement; and as the smaller States would approve the one, and the larger the other, a spirit of compromise might adopt both.

An appeal from an abortive ballot in the first meeting of the Electors to a reassembling of them, a part of the several plans, has something plausible, and, in comparison with the existing arrangement, might not be inadmissible. But it is not free from material objections. It relinquishes, particularly, the policy of the Constitution in allowing as little time as possible for the Electors to be known and tampered with. And beside the opportunities for intrigue furnished by the interval between the first and second meeting, the danger of having one electoral body played off against another, by artful misrepresentations rapidly transmitted, a danger not to be avoided, would be at least doubled. It is a fact within my own knowledge, that the equality of votes which threatened such mischief in 1801 was the result of false assurances despatched at the critical moment to the Electors of one State, that the votes of another would be different from what they proved to be.

Having received letters from certain quarters on the subject of the proposed amendments which I could not decline answering, I have suggested for consideration, "that each Elector should give two votes; one naming his first choice, the other naming his next choice. If there be a majority for the first, he to be elected; if not, and a majority for the next, he to be elected: if there be not a majority for either, then the names having the two highest number of votes on the two lists taken together to be referred to a joint ballot of the Legislature." It is not probable that this modification will be relished by either of those to whom it has been suggested, both of them having in hand projects of their own. Nor am I sure there may not be objections to it which have been overlooked. It was recommended to my reflections by its avoiding the inconveniences of a second meeting of Electors, and at the same time doubling the



chance of avoiding a final resort to Congress. I have intimated to my correspondents my disinclination to be brought in any way into the public discussion of the subject; the rather, as every thing having a future relation only to a Presidential election may be misconstrued into some bearing on that now depending.

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TO JOHN M<sup>C</sup>LEAN.

MONTPELLIER, Feby 2, 1824.

D<sup>R</sup> SIR,—I have received your letter of January 28, inclosing the memorandum from Mr. Wagner relating to a publication of the Archives of the Confederation.

It seems very proper, that whatever is valuable in the unpublished Archives of the Revolution, and may no longer be under a seal of secrecy, should be secured against the waste and casualties of time by a multiplication of printed copies; and the writer of the memorandum may be deemed well qualified for the task. In some respects he would, as he suggests, enjoy particular facilities; and I cannot suppose him deficient in the requisite fairness and faithfulness, for which there would, moreover, be a pledge in his regard as well to profit as to reputation.

I have implied that the Archives may contain confidential matter, the seal of which is not even yet worn out. From my partial knowledge and recollection of them, I infer that there may be personalities and delicate transactions in the correspondence of some of our public Ministers, which might awaken feelings, foreign or domestic, original or derivative, to which it would be best to allow at least a prolonged repose. In the discrimination of such from other parts of the documents, I take for granted that the judgment of any editor would be aided by a superintending one.

If the requested permission be granted, would it not be well to stipulate for a certain number of copies, to be so distributed into fixed situations, as would contribute not only to their useful acceptability, but to their more certain descent to posterity?

It occurs that a resolution passed Congress several years ago

authorizing a publication of the foreign correspondence during the Revolutionary period. I do not remember its precise tenor or its result. It will, of course, be adverted to in any new arrangement involving the same subject.

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TO MR. MONROE.

MONTPELLIER, February 4, 1824.

DEAR SIR,—I received a few days ago a letter from Mr. M'Lean, Postmaster General, enclosing an application from Mr. Wagner for permission to publish the archives of the Revolutionary Congress, and conveying "your request of my advice" on the subject; it being supposed that "my acquaintance with Mr. W. would enable me to judge of his ability and integrity." As I felt much respect for Mr. M'Lean, and as he spoke directly from yourself, I gave him the prompt answer, which I do not enclose, because it will of course be communicated to you. Not wishing to attach to it an importance which might be implied by making it confidential, I did not mark it as such. It has since occurred that it may be best not to leave it open to be viewed in a different light; and I will thank you to make the remark to Mr. M., which can be done with truth, I presume, as an inference from yourself, and without manifesting any doubt on my part of his delicacy, a doubt which I do not in the least entertain. Misapprehension alone could, I am sure, mislead him in such a case.

The second thought I have expressed was suggested by my ignorance of the footing on which Mr. W. may be with the Secretary of State, to whom, as keeper of the archives, an immediate application, if not made to yourself, was most obvious, especially if there be no particular intimacy between Mr. W. and the intermediary chosen; and by my ignorance, also, of his course, as it may have related to yourself, and, indeed, of his general course for a period of years past. For myself, I should not under any circumstances refuse to do him the justice of saying, that during his service in the Department of State, whilst it

was contemporary with mine at the head of it, I had full evidence of his ability, without any whatever of his want of integrity or fidelity. After the resignation of his post I had no personal communication with him, nor any particular knowledge of his career. From the manner in which he withdrew I had a right to suppose he was dissatisfied, though the cause was never explained; and his manner of attending [adverting?] to his official period in his memorandum has the aspect of studiously avoiding a reference to his then superior, either from an unfriendly feeling in himself, or a belief of an unfriendly one towards him. Whatever may be the reality of the former, there is so little of the latter, that if the publication in question be decided on, and he be viewed as the proper hand for the task, I should never wish him to be deprived of its advantage. This is sufficiently shewn by my letter to Mr. M'Lean, however I may incline that its purport should not be exposed to the risk of misconstructions by those whose knowledge of circumstances may be either greater or less than mine.

Health and every other happiness.

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TO PRESIDENT MONROE.

FEBRUARY 5, 1824.\*

DEAR SIR,—Your favor of January 26 came duly to hand.

The information I wish to be obtained from General Jackson is—1<sup>st</sup>. What were the *form* and *dates* of the appointments of Brigadier and of Brevet Major General, accepted by him in his letter of June 8, 1814, to the Secretary of War, and what the *date* of the Secretary's letter enclosing the appointments? The term "form," refers to the distinction between *commissions* signed by the President and *appointments* signed by the Secretary alone. 2<sup>ndly</sup>. What were the *form* and *date* of the appointment of Major General, accepted by him in his letter of June 20, 1814, to the Secretary of War, and what the date of the Secretary's letter enclosing it? and particularly whether the ap-

\* [See "Review," &c., Post, p. 373.]

pointment was to take effect from its date, or at a subsequent day?

I am sorry that, in addition to the trouble to yourself, any should be given to General Jackson; especially as I do not foresee any very material light in the expected information beyond what is now possessed. I had no reason, judging by my own feelings, to doubt the friendly ones of the General. I could not mistake his character so far as to suppose him capable of being influenced by the perverted statement in print, unless in contempt for its author, whose object could not escape him.

It affords Mrs. Madison and myself great pleasure to learn that the tedious instability of Mrs. Monroe's health is terminating so happily. She must not give her physicians too much credit at the expense of what is due to the climate, which proved so beneficial during her last visit, nor forget that its conservative virtues are not inferior to its restorative. We offer her and yourself our cordial respects and best wishes.

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TO R. H. LEE.

MONTPELLIER, Feb 9, 1824.

D<sup>R</sup> SIR,—Your letter of January 24 came to hand by the mail of Friday last. The letter from President Monroe, which it enclosed, would have been received with pleasure from your own hand.

Your Grandfather, Richard Henry Lee, of whom you are preparing a biographical Memoir, having borne a conspicuous part in our Revolution, I should very cheerfully make any contribution in my power towards the portrait of his character which is destined for posterity. But, although we were always on a footing of mutual cordiality, my intercourse with him furnished fewer opportunities of witnessing his private life and his public career than were enjoyed by others of his friends, and by some of his fellow-labourers on the political theatre. The distance of our abodes from each other did not admit of social commu-



nication, and my first acquaintance with him was subsequent to the close of the Revolutionary struggles; the period during which his powers and public virtues were drawn into their greatest display. At later periods we were, in several instances, associated in public life; and I was thence a witness of his patriotic zeal and of his captivating eloquence. Occasions occurred, also, on which I shared in the private gratifications afforded by the charms of his colloquial gifts and polished manners. Beyond these remarks, I could speak of him as one of the distinguished worthies of the distinguished times in which his lot was cast, in the general terms only which expressed the rank he held in the estimation of his country.

I am somewhat at a loss what to say on the subject of the letters from me which you wish to print among the selections from the correspondence of your Grandfather. I find that the haste in which they were probably written, in the midst of public duties, has left no trace of their contents among my papers by which I could judge of their fitness for such a use. I do not question the judgment or delicacy of intention which decides them to be unexceptionable in that respect. But it is quite possible that, written, as they may have been, at times of political excitement, they may have bearings not agreeable to the feelings of cotemporaries yet living, of their surviving connexions, though not particularly striking the attention of others. In this view, I may not improperly feel some hesitation at giving a positive sanction to the proposed publicity, unless I could have a previous opportunity of looking over the letters themselves. As this may be effected without any material delay, may I ask the favor of you to put the letters into a channel by which they may speedily reach me? The surest, perhaps, will be the mail from Washington to *Orange Court-House, Virginia*, that route being less liable to mistakes and casualties than those less public across the Country. The *marked* attention to the address is suggested by the many places of the same name, from which I often experience delays, and sometimes failures, of letters intended for me.

My files, I perceive, contain a few letters from your Grand-

father; the first of them to the Virginia Delegation in Congress, the others to me. They are of the following dates: June 12, 1781; Nov. 20 and Dec. 26, 1784; May 30, 1785. If copies should not be among his papers, and a sight of them be desired, they will be forwarded.

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TO ROBERT S. GARNETT.

MONTPELLIER, Feb. 11, 1824.

DEAR SIR,—The mail brought me, the evening before the last, your favor of the 5th, with the copy of the "New Views," &c., for which I tender my acknowledgments. I must put off the reading of such a work till it may be subject to less interruption than would at this time be unavoidable. From a glance at a few passages in the outset, I do not doubt that more competent lights as to the proceedings of the Convention would have saved the distinguished author from much error, into which he may have been led by the faint or refracted rays to which he trusted. The general terms or phrases used in the introductory propositions, and now a source of so much constructive ingenuity, were never meant to be inserted in their loose form in the text of the Constitution. Like resolutions preliminary to legal enactments, it was understood by all that they were to be reduced, by proper limitations and specifications, into the form in which they were to be final and operative; as was actually done in the progress of the session.

Whether the Constitution, in any of its stages, or as it now stands, be a national or a federal one, is a question which ought to be premised by a definition of the terms; and then the answer must be, that it is neither the one nor the other, but possessing attributes of both. It is a system of Government emphatically *sui generis*, for designating which there consequently was no appropriate term or denomination pre-existing.

If there be any thing in these hasty remarks which is rendered inapplicable by parts of the volume into which I have not

yet looked, you will be as ready to excuse as sure to detect the misconception.

With friendly respects and good wishes.

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TO REV<sup>D</sup> TIMOTHY ALDEN, SECRETARY TO BOARD TRUSTEES ALLEGHANY COLLEGE, ETC.

FEB<sup>R</sup> 18, 1824.

SIR,—I have received the Resolution of the Trustees of Alleghany College, with the printed copy of its Library, as forwarded by you.

The Trustees were not mistaken in the belief that it would give me pleasure to know that a learned institution had been so promptly reared in so favorable a position, and under such happy auspices. No one who regards public liberty as essential to public happiness can fail to rejoice at every new source of that intellectual and moral instruction without which liberty can neither last long, nor be fruitful of its proper blessings whilst it does last.

The College may be very justly congratulated on the number and value of the Books so munificently contributed to its infant Library. I cannot, as yet, say as much of an Institution which was commenced with us a few years ago, under the name of the Central College, on the basis of private subscriptions, and which has since been adopted and endowed by the Legislature as a State University. Its present funds do but compleat the buildings and provide for the introductions of professors and students. The indispensable furniture of a Library, with that of an exemplifying apparatus, exist only in our hopes, which rest on the wise policy and patriotic liberality which has thus far patronised the Institution.

I pray you, Sir, to present my thanks to the Trustees for their polite attention, and my best wishes that their future exertions in the cause of useful science may be distinguished by all the

success which is promised by the smiles from above on their past.

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TO RICHARD RUSH.

FEB<sup>r</sup> 27, 1824.

D<sup>r</sup> SIR,—Almost at the moment of receiving yours of December 28, my hand casually fell on the inclosed scrap, which I must have extracted from the Author,\* [borrowed for the purpose,] on some occasion when the right of navigating the Mississippi engaged my attention. I add it to my former enclosures on that subject, merely as pointing to one source of information which may lead to others fuller and better.

\* Linquet: [Linguet?] "Observations sur l'ouverture de l'Escant."





**REVIEW OF A STATEMENT**

**ATTRIBUTED TO**

**GEN. JOHN ARMSTRONG,**

**WITH AN**

**APPENDIX OF ILLUSTRATIVE DOCUMENTS.**



REVIEW  
OF A  
STATEMENT ATTRIBUTED TO GEN. JOHN ARMSTRONG,  
WITH AN  
APPENDIX OF ILLUSTRATIVE DOCUMENTS.\*

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*Introductory note by Mr. Madison.*

It was several years after the publication before it came to the knowledge of J. M., who prepared the review of it, with an intention of sending it to the editor. He was dissuaded from this course by the President, who observed that no credit was given to what came from the writer. It appeared, also, that the Repository had been some time discontinued.

In the "Literary and Scientific Repository," No. VI, page 502-'3, published at New York, October, 1821, the following statement is made as "from documents of the highest character:"

"Early in the month of May, 1814, the then Secretary of War proposed to confer on General Jackson the appointment of Brigadier in the army of the United States, with the Brevet of Major General, until a vacancy, by resignation or otherwise, should permit his appointment to a similar grade in the line. He was, at the same time, named to the command of Military District No. 7, of which New Orleans made a part. This proposition, in both its branches, the promissory as well as the appointing, was approved by the President, and a communication to General Jackson made accordingly. On the twenty-second of May General Harrison's resignation was received at the War Office, and on the day following was reported to the President, as furnishing means for giving immediate execution to the promise already stated. The President's answer was indecisive."

\* See letter to President Monroe, *ante* p. 364.

‘The better way,’ says he, ‘will be to send on a Major General’s commission at once; but on this I suspend a final decision till I see you.’ The Secretary, on the other hand, not believing that a right to tamper with engagements solemnly made and communicated existed anywhere, or for any length of time, hastened to act on what appeared to be the first impression of the President; immediately forwarded the commission; and took on himself the responsibility of doing so.”

From this statement an appeal is made to the following extracts and letters; it being kept in mind that the correspondence of the President and Secretary of War took place while the former was at his residence in Virginia; that during the period no other than written communications passed between them; and that the extracts contain every thing relative to the matter of them:

*Extract of a letter from the Secretary of War to the President, dated May 14, 1814.*

“Something ought to be done for General Jackson. The vacant Major General’s place [produced by General Hampton’s resignation] cannot be filled during the recess of the Senate. But we can make him a Brigadier and give him the Brevet of Major General; and send him to relieve General Flournoy, who is very impatient in his present position.”

*Extract of a letter from the President to the Secretary of War, dated May 17, 1814.*

“Send, also, [to the President,] a commission of Brigadier and a Brevet of Major General for General Jackson.”

*Extract of a letter from the President to the Secretary of War, dated May 20, 1814.*

“I have the day for setting out for Washington still to fix. It was my original purpose to be back before the *first of next month*, and I shall endeavour to effect it.”



*Extract of a letter from the Secretary of War to the President,  
dated May 20, 1814.*

“General Harrison resigned his military appointment on the eleventh instant, and expects to be relieved on the thirty-first in the command of the 8th District. M<sup>c</sup>Arthur is next to him in rank; but being destined to the command of the brigade composed of Paul’s and Miller’s regiments, he will not be long in the District, and in his absence the command devolves on General Howard. Of this officer I have heard nothing lately. The presumption is that he has gone on to S<sup>t</sup> Louis.”

Here is no allusion to the resignation as creating a vacancy for General Jackson, nor to any commission enclosed in the letter. The difficulty of supplying a commander of the District would intimate rather the expediency of retaining General Harrison longer in the service.

*Extract of a letter from the President to the Secretary of War,  
dated May 24, with a postscript of May 25.*

“I have received yours of the twentieth instant. The commission by Brevet for General Jackson is not accompanied by the preliminary one of Brigadier. As the resignation of General Harrison renders that circuit unnecessary, the better way will be to send at once a Major General’s commission. I suspend a final decision, however, till I see you; *which will be in two or three days after the arrival of this.*”

From this it appears that a commission was enclosed in the Secretary’s letter of the twentieth, and received as the Brevet for General Jackson called for by the President; no suggestion of a change of purpose being made by the Secretary.

COPIES OF LETTERS BETWEEN THE SECRETARY OF WAR AND  
GENERAL JACKSON, FROM THE FILES OF THE WAR DEPART-  
MENT.

*From the Secretary to the General.*

“MAY 22d. 1814.

“SIR,—The vacancy produced by General Hampton’s resignation not having been filled during the late session of the Senate, cannot be supplied constitutionally during the recess of that body. *All*, therefore, that can be done *at present*, in reward for your able and gallant conduct during the campaign, and in testimony of the public respect these have obtained, is, to make you a Brigadier in the line, with the Brevet of Major General, and to invest you with command of the 7<sup>th</sup> Military District. Commissions of this character will be *immediately prepared and forwarded*; and I cannot but hope but that they will be acceptable and accepted, and that it will not be inconvenient for you to assume the new command without loss of time. I avail myself of the occasion to offer you my great respect and best wishes.”

This letter is dated *two days* after the letter to the President communicating *the resignation of General Harrison*. The two commissions promised, it appears, were never forwarded. One of them only was sent to the President for his sanction; namely, the one enclosed in the letter of the *twentieth*, mentioning the resignation of General Harrison, without mentioning the commission.

*Extract of a letter from the Secretary to the General.*

“MAY 24, 1814.

“In the event of your acceptance of the appointment announced by my letter of the 22d instant, I have to suggest the wish of the President that you should proceed without delay to Fort Jackson, and consummate the arrangements committed to General Pinckney in relation to the hostile Creeks. A copy of the instructions given to General Pinckney is enclosed. I en-

close, also, a copy of his General Orders of the 28th of April, shewing the distribution made of the troops."

*Copy of a letter from General Jackson to the Secretary of War.*

"NASHVILLE, June 8th, 1814.

"SIR,—Yours of the *twenty-second and twenty-fourth*, with enclosures, have been received, and are now before me. The former alone shall be the subject of this communication. The appointment of Brigadier and Brevet Major General are accepted under the circumstances tendered; believing that the Senate on its meeting will honor me with the rank in the line which I have held in the Militia of the Republic for many years. Your other communications shall be the subject of a separate letter. I shall avail myself of the earliest opportunity to assume the command of the 7<sup>th</sup> Military District, pursuant to your wishes."

*Copy of a letter from the Secretary of War to General Jackson.*

"MAY 28th, 1814.

"SIR,—*Since* the date of my letter of the *twenty-fourth*, Major General Harrison has resigned his commission in the army; and thus is created a vacancy of that grade, which *I hasten* to fill with your name. This circumstance *does away the necessity of sending* the commissions formerly contemplated."

*Copy of a letter from General Jackson to the Secretary of War.*

"NASHVILLE, June 20th, 1814.

"SIR,—I have the pleasure to acknowledge the receipt of your note of the twenty-eighth ultimo, accompanied with the appointment of Major General, *made by the President* of the United States. You will please to receive this as my acceptance.

"I assumed the command of this District on the 15th instant, and shall proceed to Fort Jackson, as per advice, on the 13th."

*Extract of a letter from Major General Harrison to the Secretary of War.*

“CINCINNATI, 11 May, 1814.

“I have the honor, through you, to request the President to accept my resignation of the appointment of Major General in the Army, with which he has honored me.

“Lest the public service should suffer before a successor can be nominated, I shall continue to act until the 31st instant, by which time I hope to be relieved.”

*Extract of a letter from the Secretary of War to General Harrison.*

“MAY 24, 1814.

“Your letters of the 10 and 11 instant have been received.

“Your resignation has been communicated to the President, who is now on a visit to Virginia.”

*Copy of a letter from the Secretary of War to General Harrison.*

“MAY 28, 1814.

“SIR,—Your resignation is accepted, to take place the 31 instant, as you requested; and General M<sup>c</sup>Arthur is accordingly ordered to take command of the District.

“I beg you, Sir, to accept the assurance of my great respect.”

*Extracts from the National Intelligencer of April 28 and May 31, 1814.*

“The President of the United States and family left this place yesterday, [April 27,] on a short visit to Montpelier, his seat in Orange County, Virginia.”

“The President of the United States yesterday [May 30] returned to this city, with his family, from his visit to Montpelier, his seat in Virginia.”

With these lights, a fair estimate can be made of the statement in the Repository.

“*Early* in the month of May, 1814,” says the statement, “the then Secretary of War proposed to confer on General Jackson the appointment of Brigadier in the army of the United States, with the Brevet rank of Major General, until a vacancy, by resignation or otherwise, should permit his appointment to a similar grade in the line.”

The proposition, as is seen, was made on the *fourteenth* of May, and referred expressly to the existing vacancy produced by the resignation of Major General Hampton.

“The proposition in both its branches, the *promissory* as well as the appointing, was approved by the President, and a communication to General Jackson made accordingly.”

The answer of the President to the proposition simply was, “send a commission of Brigadier, and a Brevet of Major General, for General Jackson;” for the purpose, of course, that they might be sanctioned for transmission.

The only promise which appears to have been communicated to the General, by the Secretary, is that contained in his letter of *May* twenty-second, answered by the General June the eighth, on which it may be remarked—1. That the letter, though written two days after the notice given by the Secretary to the President of the resignation of Major General Harrison, makes no allusion to that event; but, on the contrary, expressly informs General Jackson that a commission of Brigadier and a Brevet of Major General, with a view to the existing vacancy produced by Major General Hampton’s resignation, was *all* that could, *at the time*, be done for him. 2. At the date of the letter, one only of the two commissions promised to be *immediately* prepared and forwarded had been sent to the President, the other not being sent at all. 3. By the letter of *May* twenty-eighth, from the Secretary to the General, it appears that neither of the promised commissions had been forwarded. 4. The *promising* letter of *May* twenty-second was never made known to the President, either before or after it was forwarded to General Jackson. 5. If it had been made known to the President before it was forwarded, his letter of *May* twenty-fourth—fifth to the Secretary—shews that with his knowledge of the resignation



of Major General Harrison, and that the commission of Brigadier and Brevet of Major General was *not all* that could be done for General Jackson, he could not have failed to cause the letter to be suspended, at least, till he should see the Secretary.

“On the *twenty-second of May*,” continues the statement, “General Harrison’s resignation was received at the War office.”

On the *twentieth of May*, as has been seen, the Secretary informed the President “that General Harrison had resigned his military appointment.”

Here, in the Repository, it is stated that the receipt of the resignation was on the *twenty-second of May*.

Again: On the *twenty-second*, he writes to General Jackson as if no such resignation had taken place; holding up the vacancy produced by Major General Hampton’s resignation as the *only one*, at that time, in prospect.

On the *twenty-fourth of May*, even, another letter to General Jackson has the same aspect.

Yet the letter of the Secretary to General Harrison, of the twenty-fourth, states that his resignation had been received and communicated to the President.

Finally, the letter of the *twenty-eighth of May*, to General Jackson, says, “*since* the date of my letter of the *twenty-fourth*, General Harrison has resigned his commission in the army.”

An attempt to cover these incongruities by pleading a distinction between a resignation sent in and a resignation finally accepted raises the question—1. Why, if the distinction was intended, the ambiguity should be permitted to run through the reiterated language employed? 2. Why General Jackson should have been promised the immediate transmission of the two commissions looking to the existing vacancy produced by Major General Hampton’s resignation, and been expressly told that nothing more could then be done for him; when, two days before, the Secretary had informed the President of the resignation of General Harrison, which furnished the means of doing *more* for him; and when he had a right to expect the President’s answer within three or four days at furthest?

Must the ambiguity and precipitancy in the case be explained by the eagerness of the Secretary to gain additional credit with the General by disclosing what was intended for him, if the resignation of General Harrison had not occurred; a disclosure for which the opportunity was to be superseded by the expected answer from the President, "doing away the necessity of sending on the two promised commissions?" The eagerness of the Secretary to call the attention of the General to himself as the source to which he owed his appointment is strikingly displayed by the letter of May *twenty-eighth*, in which, alluding to the new vacancy, he takes upon himself to say, "which *I hasten* to fill with your name." The answer of the General, distinguishing between the arrogated and the real authority, acknowledged the receipt of the letter as "accompanied by the appointment of Major General, *made by the President* of the United States."

To proceed with the statement: "and on the day following [*May twenty-third*] was reported to the President, as *furnishing the means* for giving immediate effect to the *promise* already stated."

The proper comment on this statement is in the following facts: 1. The report was made *not* on the *twenty-third*, but on the *twentieth* of May. 2. On the *twentieth* no *promise* whatever had been communicated to General Jackson; the date of the communication being the *twenty-second* of May. 3. The report was not only silent as to an immediate appointment to the vacancy produced by the resignation of General Harrison, but enclosed a Brevet of Major General, having reference to the original vacancy produced by that of General Hampton. 4. Two days after the report had been made, viz: on the *twenty-second* of May, the only promise ever made was accompanied with the remark that all that could be done was by the way of a Brigadier and Brevet appointment. 5. It is proper to remark here, that the letter itself from General Harrison resigning his commission was never sent to the President; and that the only sanction for its acceptance was the letter of the *twenty-fourth* of May from the President, which ought to have *suspended the an-*

swer to *General Harrison*, as well as the appointment to *General Jackson*, till he should see the Secretary.

“The President’s answer was indecisive; the ‘better way,’ says he, ‘will be to send on a Major General’s commission at once; but on this I will suspend a final decision *till I see you.*’”

If the statement had not dropped the words, “*which will be in two or three days after the arrival of this,*” which, in the answer of the President, followed the words “till I see you,” the charge would have vanished as it fell from the pen. The *object* of the suppression is shewn by the use made of it. What might not be proved or disproved by such mutilations, and who could be safe against them?

Had, indeed, the suppressed words not been contained in the answer of the President, a notice to the same effect had been given but *four days before*, in his letter to the Secretary of May 20, saying, “that it was his original purpose to be back *before the first* of next month, and that he should endeavour to effect it.”

But the charge, as the statement proceeds to its close, takes a more serious complexion.

“The Secretary, *on the other hand*, not believing that a right to *tamper* with *engagements* solemnly made and communicated existed anywhere, or *for any length of time*, hastened to act on what appeared to be the President’s first impression; immediately forwarded the commission; and took on himself the responsibility of doing so.”

There are certainly not many minds that would regard the undertaking of a subordinate officer to judge between the first and last impression of his chief, and to act on the first, as a mitigation of disobedience.

But what was the *engagement* made and communicated, on which this charge of tampering is founded. None has appeared but that implied in the Secretary’s letter of May *twenty-second*, of which letter the President had no knowledge when he *suspended* his final decision, (nor was it, indeed, ever communicated by the Secretary,) which held out a Brevet of Major General

as all that could be done for him; and which the President, as is shewn by the tenor of his letter of May *twenty-fourth*, would for that very reason have arrested, at least, till he should see the Secretary.

What, again, was *the length of time* to which such a tampering would have extended? Three days at most, with the chance that it might be but two days. It turned out, in fact, that the President was, as witnessed by the National Intelligencer, back at Washington the *thirtieth* of May, a day short of the time he had named to the Secretary for his return; and *two days* only after the Secretary had hurried off a commission to General Jackson.

Whatever clue may be applied to the labyrinth presented by the conduct of the Secretary, the course pursued by the President requires none. That was open and direct. When it was proposed to him to confer on General Jackson the appointment of Brigadier and a Brevet of Major General, with a view to his being nominated for the existing vacancy produced by the resignation of Major General Hampton, his immediate answer was, "send me the two commissions." When the unforeseen resignation of Major General Harrison was notified to him, his instant suggestion was, "the better way, then, would be to send to General Jackson a Major General's commission at once;" suspending only a final decision for *three* or *four* days, till he could have a personal communication with the Secretary. The short delay could be attended with no possible inconvenience; the services of General Jackson, as Major General, being provided for by the brevet rank giving him the command of the district for which he was allotted; whilst it was not a little called for by the obscurity and reserve of the Secretary on the occasion, and by the possibility that reasons, honorable to General Harrison, *whose letter* containing his resignation had *not been transmitted to the President*, might render it expedient not to part immediately with his services. The difficulty of providing an immediate successor in the command of the district, noticed by the Secretary as arising from the situation of General M<sup>c</sup>Arthur and General Howard, without hinting, as might have been ex-



pected, what was most advisable in the case, very naturally suggested the propriety of keeping the final arrangement suspended till the President could make it the subject of a personal consultation with the Secretary.

Out of such materials has been wrought a statement for the public, representing the President as backward in bestowing on General Jackson an appointment which was so splendidly justified, and imputing to him a *tampering* with *solemn engagements*, which it became the duty of a *subordinate* functionary to take on himself the responsibility of *frustrating*.

Should it be asked why the individual in question was placed, and, after such developments in his career, continued, at the head of the War Department, the answer will readily occur to those best acquainted with the circumstances of the period. Others may be referred for an explanation to the difficulty, which had been felt in its fullest pressure, of obtaining services which would have been preferred; several eminent citizens to whom the station had been offered having successively declined it. It was not unknown at the time that objections existed to the person finally appointed, as appeared when his nomination went to the Senate, where it received the reluctant sanction of a scanty majority. Nor was the President unaware or unwarned of the temper and turn of mind ascribed to him, which might be uncongenial with the official relations in which he was to stand. But these considerations were sacrificed to recommendations from esteemed friends; a belief that he possessed, with known talents, a degree of military information which might be useful; and a hope that a proper mixture of conciliating confidence and interposing controul would render objectionable peculiarities less in practice than in prospect. And as far as disappointments were experienced, it was thought better to bear with them than to incur anew the difficulty of finding a successor, with the inconveniences of an internal and a forced change in the head of the Department of War in the midst of war. This view of the subject continued to prevail till the departure of the Secretary took place.

It might with truth be added, that the particular case which



has called forth this review did not receive at the time the full investigation now given to it. The aggravation of it by such a statement as has been reviewed was assuredly not to have been anticipated.

In the periodical work referred to in the preceding pages there are other gross misstatements\* from the same pen. That above exposed will suffice to put every one on his guard, and justify a general protest against the credibility of a writer capable of such perverted and deceptive views of facts.

\* Particularly in the account given of what passed on the 24th of August, 1814, the day of the battle of Bladensburg, and of the Instructions of the President to the Secretary of War on the 13th of August, 1814. See a true account of what passed, as noted by J. M., and a copy of the Instructions, which speak for themselves; both of which are among my papers.—J. M.

# APPENDIX I.

## DOCUMENTS ILLUSTRATIVE OF THE FOREGOING REVIEW.

[These documents appear to have been collected and arranged according to the subjoined memorandum of Mr. MADISON; the words within brackets being inserted by the person collecting them. On a leaf next preceding the collection, the following words are written by Mr. MADISON: "Letters and notes instructing the Secretary of War, 1813; ready to be copied. All correctly copied by J. C. Payne; which see.—J. M."]

1. Date of assignment of General Jackson to District No. 7.

[May 22, 1814, as per letter in answer to question below numbered 3; and accepted as per letter No. 6, dated June 8, 1814.]

2. Date of General Harrison's resignation, and of *its receipt* at the War Department.

[Letter acknowledging receipt of resignation dated May 24, 1814; date of the General's letter, 11th same month. By letter of 28th May, 1814, the General is informed that his resignation is accepted, to take place on the 31st instant, as requested.]

3. Copy of a letter from War Department to General Jackson, conveying his appointment of Brigadier and Brevet rank of Major General, till vacancy of that rank should occur in the line.

[See copy of letter dated May 22, 1814, and numbered 3.]

4. A letter from War Department to General Jackson conveying his commission as Major General.

[DEPARTMENT OF WAR, May 21, 1814.]

SIR,—Since the date of my letter of the 24th instant Major General Harrison has resigned his commission in the army; and thus is created a vacancy of that grade, which I hasten to fill with your name. This circumstance does away the necessity of sending the commission formerly contemplated.

I have, &c.,

J. A.

Maj. Gen. A. JACKSON.]

5. Any letters from War Department to General Jackson connected with those subjects.
6. Several letters from General Jackson answering those to him.

[None, except the one numbered 6.]

7. Any others from him to War Department connected with those subjects.

[Same answer as above.]

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## DOCUMENTS.

TO GENERAL ARMSTRONG.

WASHINGTON, January 14th, 1813.

DEAR SIR,—The enclosed commission will inform you of your appointment to the direction of the Department of War. I hope it will not be incompatible with your views to avail the public of your services in that important trust; and that you will be able, without delay, to relieve the Secretary of State, who has been charged, *ad interim*, with that addition to his other duties.

Accept assurances of my great esteem and friendly respects.

JAMES MADISON.

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TO GENERAL ARMSTRONG, SACKETT'S HARBOUR.

MONTPELLIER, September 8, 1813.

DEAR SIR,—I have received yours from Albany of the 28th ultimo. So much depends on the ultimate character of the present campaign, that whilst I have the fullest confidence that the best exertions will be made, I cannot suppress my anxieties; and the less so, as one of the elements on which we are to act is of so inconsistent a nature. The loss of our command of Lake Champlain, at so critical a moment, is deeply to be regretted. I cannot but hope, from the measures taken, and the character of McDonough, that it will be regained in time for the co-operation of Hampton; or that the latter will be able to get forward by land the essential means of wresting from the enemy the ports at their end of the Lake. Chauncey, I see, has gone once more in search of the British squadron. I trust in his good sense and firmness as a security against his being hurried by an impatience to fix the public opinion in his favor. In the N. Western quarter it would seem that Harrison has not been able to keep time with Perry. If no augmentation of the British squadron should deprive ours of its superiority, the delay may have little effect.

I received lately from Mr. Parker a letter from Governor Shelby, of August 1st, with your acknowledgment of it, intimating that a final answer would result from a transmission of the letter to me. From a note of Mr. Parker's to me, it appeared that you had not taken the meaning of one to you on the subject. I returned the letter to the War office, with a few notes, rendered of little moment by the lapse of time, but which might have a bearing on the

answer which it may be still proper for you to give to the Governor, as it was promised.

The British fleet under Warren has returned to the south end of the Chesapeake; whether to renew operations in that quarter, to seek shelter against the approaching equinox, or to proceed to New London or elsewhere, is uncertain. N. London would occur as a probable object, if the particular season were not unfavorable to it. The two frigates there are the next in importance to the objects presented in the Chesapeake. Whatever the immediate destination may be, it will be well to keep in mind, that as soon as the progress of the season renders a northern position unmanageable, the ulterior destination, according to their apparent plan of warfare, will be a Southern one; that is to say, the coasts and ports of South Carolina and Georgia. Nor is it beyond the range of calculation that New Orleans will be an object, more especially if our success in Canada should suggest such a set-off.

You will have learnt from the War office the difficulties which adhered to the expedition against the hostile Indians. In order to remove them, I had adopted the idea of putting Pinckney at the head of it. The objections to the expedient acquired such force from reflection that it was abandoned, and the command left with Governor Mitchell.

You will see by a letter from Governor Mitchell, of August 24th, the measures taken by him, and those not taken by Governor Blount, relative to the Indian expedition; and Mr. Parker will have informed you of his remittances for the use of it. I cannot reconcile what is stated by Governor Mitchell as to the purpose of Governor Blount with the letter from Governor B. of July 30, to you, as noted to me by Mr. Parker. The augmented force called out by Governor Mitchell will, it is to be hoped, ensure success, should any failure happen on the part of the Governor of Tennessee; and if there should be no failure, we must console ourselves for the augmented expense by the success being made doubly sure, and by the more lasting awe which will be impressed on the savages.

You will receive a letter of August 23d from Col. Hawkins, with a correspondence between him and Governor Mitchell. It is not a moment for discussing the question on which it turns. The doctrine of Governor Mitchell, who is regarded as a man of strong understanding, must have been hastily formed.

If General Dearborn wishes the command of a district, it is fortunate that so important a one as that of New York can be assigned to him. I find that he feels severely his temporary exile from command, especially the mode of it; and that he thinks a court-martial, or of enquiry, due to him, previous to a recall into service. He will doubtless, also, compare the importance of the operations against Canada with the probable inactivity of the scene at New York.

I have received a letter from Andrew Ellicott, by which it appears that he

infers from a letter from you that it was in contemplation to appoint him a professor in the Military Academy. He is a man of talents and science; but if great injustice has not been done him in different respects, and his standing in Pennsylvania be what report makes it, the tendency of such a selection would merit consideration.

The Secretary of State was with me yesterday morning, on his way to his family. No information from abroad has been received by him.

J. MADISON.

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MONTPELLIER, September 16th, 1813.

DEAR SIR,—I have just received a letter of the 6th inst. from the Secretary of War, in which he states that an addition of half a million to the monthly allotment of one and an half millions for war expenditure is indispensable to the completion of the campaign; and that he has written to the paymaster to furnish a sum amounting to about \$400,000, called for by the estimate of Paymaster Lee, as will be seen in the inclosed copy of his letter. I had previously learned from the Paymaster General that, without an enlargement of his funds, he could not make the remittances due from his department. As so much depends on the success of the armies on the Canada frontier, I hope the Treasury will be able, in this last stage of the campaign, to prevent any disappointment, which might endanger or embarrass its critical operations. No other expenditure not essential to the life, or, what is next to it, the credit of the Government, can be equally urgent.

Accept my cordial and best respects.

J. MADISON.

The ACTING SECRETARY OF THE TREASURY.

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MONTPELLIER, September 18th, 1813.

DEAR SIR,—I have received yours of the 1st instant from Utica, and of the 5th from Sackett's Harbour. I have written to Mr. Jones with a view to an extra half million per month, for war purposes, during the sequel of the campaign; but am not without apprehensions that the state of the Treasury may produce difficulties, unless reinforced by loans not yet ascertained. He will, however, feel all the importance of cherishing the operations in Canada, on which, the eyes and hopes of the nation are so intensely fixed. The latest information which has reached me from Harrison and Perry is, from the former of the 8th, and the latter of the 2nd instant. Harrison was in readiness himself for offensive movements, waiting only for the arrival of Shelby with his volunteers. Perry had just returned from another reconnoissance of Malden, where, it appears, the new ship was rigged, and anchored at the mouth



of the harbour with the other ships, under cover of a Battery. Perry's men were sickly, as well as himself. These circumstances are not favorable; I trust they will be overbalanced by those that are so. I just learn, through a private channel, that on the 9th Chauncey had just got back to Niagara, Yeo having once more eluded his pursuit. The lake, therefore, is still open to us, and will, of course, be used for the proper purposes. It is well that Hampton is secured for the present campaign. The course of it may furnish new holds on him, if his services be as valuable on trial as in anticipation.

The loss of Williams, at such a moment, and in such a deficiency of General officers, is truly to be regretted.

Accept my great esteem and best wishes.

JAMES MADISON.

General ARMSTRONG.

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TO GENERAL ARMSTRONG.

MONTPELLIER, Sep. 24, 1813.

DEAR SIR,—Since my letter of the 13th, the state of the Treasury has been transmitted to me. It is more favorable than I had anticipated, and will be able, at least for a short period, to keep the army in an efficient state. I have just received a confirmation of the fine blow struck by Perry. Harrison's movements, in consequence of it, will, I hope, be not only effectual against Proctor, but be felt in our other operations. The last account of Chauncey left him blockading his antagonist in a harbour near Kingston. If the weather should not disturb that posture, it will be the next best to a successful encounter. I sent you, a day or two ago, a letter from a person in New York, lately from Halifax. Knowing nothing of him, I cannot judge of the credit due to what he states. It is improbable in no point but that of the great force in Canada. It is strange that whilst they were stripping Halifax so bare, they should have so long idled away the force under Warren. I see that his squadron has lately been spoken, on its way, apparently, to Halifax; but it may be that finding his movements without effect in diverting our force from its destination to Canada, and the danger threatening that possession, he may be pushing the experiment of conveying a succour not too late. Inclosed is an address from the Oneida Chiefs. The employment of the Indians on our side has come about in a manner which accounts for the inquiry they make. The fairness of making use of such services cannot be questioned; but the value of them must determine the question of expediency. Of this you can judge better in your position than I can in mine. I leave it with you, therefore, to shape the answer to the address as may appear most proper.

Accept my great esteem and best wishes.

J. MADISON.

*Extract from a letter of James Madison, October 8, 1813, [in answer?] to General Armstrong's letter of September 26, 1813, from Sackett's Harbour.*

"It cannot be doubted that y<sup>e</sup> destruction of the block-houses, &c., on our side of the Perdido, without a reparation, not to be expected, is a cause of war. The doubt is, whether it be a case in which the Executive authority can resort to it without the sanction of the Legislature, especially as the hostile step by the Spanish officer may not have been authorized by his superiors. The probability that it has been authorized, or will not be disavowed, though a ground of proceeding for Congress, who are under no controul but that of justice and policy, must be otherwise regarded by the Department, which is controuled by the *legal* state of things. On this distinction, and on that between resistance to an invasion and reprisals for one, it will be the most unexceptionable course to await the decision of the Legislative Department with respect to Pensacola, and other questions arising from Spanish proceedings. There is the greater reason for this as the next session is not very distant, and it is not certain that in the present state of Indian affairs in that quarter a sufficient force could be spared for another object.

"J. MADISON."

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TO GENERAL ARMSTRONG.

MONTPELLIER, October 11, 1813.

DEAR SIR,—The communications which you will receive from and through the War Office present the state of things produced on our Southern frontier by the Creek war, and by the start it had of the movements for meeting it. It is of so much importance that it should receive a decisive blow before the success of the Creeks shall have operated on the other tribes, and on the views of the English and Spaniards, as well as that our settlements should be saved from the desolation threatening them, that I have thought it would be best, under all the circumstances brought to our view, to encourage the exertions of Tennessee by adopting the force added by the Legislature to that heretofore called for.

It would be fortunate if we had an eligible Major General in that quarter, at once to effect a general concert, and to secure the command in regular hands; but such an arrangement appearing to be impracticable, Governor Mitchell, who was put at the head of the operations against the Indians, will continue so, if re-elected at the approaching session of the Legislature. In a contrary event, a General Floyd, who is highly spoken of, will command the Georgia detachment; subordinate, of course, to General Flournoy, who will

be so to the commander of the Tennessee forces, if a Major General, as probably will be the case.

The late success of Perry and progress of Harrison will have a favorable influence on the Southern Indians; but should they not be known in time to arrest the confidence and activity with which the war is pursued [some omission.]

Yesterday's mail brought the account from Harrison, dated at Amherstburgh. I trust that in his pursuit he will not forget the traps and tricks of an artful enemy. The danger of these may be the greater if he is on foot and Proctor on horseback, and as some ruse or other may be essential to a successful retreat of the latter. Your letter last acknowledged brought the latest information relative to the quarter where you are, and to Hampton's movements. The issue of the engagement on Lake Ontario is still unknown. The universal anxiety on the occasion corresponds with the extreme importance of it. Your letter of the 21st of September had not been seen at the date of my last. The circumstances which it states make it proper that Ellicott should not be set aside.

We have nothing from diplomatic sources throwing much light on the field of foreign politics, nor a line from our Envoys to Russia.

Accept my best regards.

JAMES MADISON.

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TO GENERAL ARMSTRONG.

WASHINGTON, October 30, 1813.

DEAR SIR,—Before my return hither I received yours of the 8th instant, and have since received those of the 11, 13, 19, and 20. The order relative to the discharge of militia from Norfolk, referred to in the first, was not inclosed in it, and has not come otherwise to hand. There can be no question, under existing circumstances, but as to the degree in which the force at that place may be prudently reduced.

The turn which things had taken in the S. W. quarter created much difficulty in employing the services of General Williams in the way rendered desirable by the confidence we all have in his capacity and activity. Both Governor Mitchell, who has not absolutely declined the command allotted to him, and General Pinckney, have been apprized of General Williams' solicitude to be employed in the expedition against the Creeks, and in terms indicating our opinion of his fitness to be as much in the front of it as might be practicable. The expedient of a brevet commission which you suggest would answer the purpose against militia pretensions. But if it be within the scope of the law, which you seem not to doubt, it would leave on hand the claims of General Flournoy, within whose command the theatre of expected operations lies, and

who has, it appears, repaired to it. Should New Orleans be seriously threatened by movements of the enemy, a separation of commands might prevent collision without umbrage to General Flournoy. It is probable, however, that before any new arrangement can be carried into effect at such a distance the crisis will be over.

The expense threatened on the part of Tennessee is much to be regretted. It was submitted to in consideration of the delays and uncertainties which had accrued, and in the hope that the augmented force from that quarter would ensure success before British or Spanish measures could co-operate with the hostile Indians, particularly in drawing other tribes into the war; and that the period of service would be very short. Governor Blount has been already reminded of the expediency of avoiding every waste of force and expense, and of the reported disappearance of our ground for augmenting them; namely, a threatened invasion of the State by a large Indian force.

It is unfortunate that the weather has conspired so much with the manœuvres of the enemy to contract the period for the remaining operations. In the worst event, I hope an intermediate establishment between Kingston and Montreal can be secured; which, adding to the advantages already gained in the present campaign one having so favorable a bearing on the next, will preserve the tone of the nation, and inculcate on the enemy a disposition to peace.

I was surprised to see by your letter of the 20th that the victory of Harrison on the 5th had been so imperfectly conveyed to you. That of Perry on the 10th of September, I recollect, was alluded to on the 25th by Chauncey at Niagara as a *report only*, believed to be true.

J. MADISON.

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TO GENERAL ARMSTRONG.

WASHINGTON, November 15th, 1813.

DEAR SIR,—I have received yours of the 8th from Albany, and shall look, in a few days, for some result of the critical posture of our military affairs on the St. Lawrence. The weather here has become suddenly very cold, but without snow or rain; and seems to be getting back to a milder state. If it has not been more than proportionably worse at the scene of operations, the prosecution of them will not have been obstructed by that cause, and hopes may be indulged that they will be successful. I have had some apprehensions, from the dates of reinforcements from England, that they might arrive in time to strengthen the hands of Prevost; but if they be not greater than are stated, and his previous force be as limited as it is understood to be, the prospect would still be hopeful.

In chusing the place for Hull's trial, which should be delayed as little longer

as may be, the primary consideration certainly is the conveniency to the army; and I do not know that the secondary one, which regards the witnesses, affords material objections to Albany. The time and place at which they are to attend cannot be too soon made known; some of the important witnesses being now in the Atlantic States, who may soon return to the Western.

The vindictive order from Montreal threatens a serious retaliatory contest. Although the enemy have so great an excess of prisoners in their hands that scarcely any success at Montreal will balance it, we must meet them with determination.

The late communications from Harrison and Cass, the latter just appointed Governor of Michigan, call our attention to several points:

1. The Government of the conquered territory. On this point the answer is, that the military authority of the conqueror, to be exercised with as much lenity and as little needless innovation as possible, must prevail until the legislative authority may interpose.

2. As to the Indians. The temporary arrangements made on the spot for taking advantage of their depression, without infusing despair, will suffice till the case be more systematically provided for.

3. The supplies of food to the inhabitants of Michigan. On this point Cass has been told that they are to be continued as far as may be imperiously required by humanity; which must justify to Congress such an application of money not contemplated by the law.

4. It is asked whether, and how, the injuries suffered by individuals in violation of the capitulation are to be indemnified. As indemnity is not to be looked for from the National Treasury, no mode presents itself for consideration but that of sending an estimate and demand to the British Commander. But this step would be ineligible without a previous decision that, in case of its presumed failure, the amount should be taken by military distress from the most able and obnoxious inhabitants of Canada under our power. This would be a course most approaching to justice; but being a novel one, and difficult also, it ought to be weighed before it be adopted. It will be proper, however, without special reference to such a purpose, to have an estimate of the damages in question made out, as within the resolution of Congress which requires a report of all acts of the enemy violating the laws and usages of war.

You will learn from the War Office what has been done and is going on in the Southwest quarter.

Not a line yet from our Envoys to Russia.

J. MADISON.



*Copy of a note on General McClure's letters of the 10th, 11th, and 13th of December, 1813, returned to the Department of War.*

Besides the answer to General McClure, it may be proper to instruct General Wilkinson to say frankly to Prevost, that the burning of Newark was the effect of a misapprehension of the officer, and not an order from the Government. This may be done without authorizing an inference that such a measure exceeds a just retaliation, or precluding a reflection on the facility with which a perseverance of the enemy in a system of conflagration can be made reciprocal. A desire to put an end to such an aggravation of the evils of war is a sufficient explanation of the disavowal.

J. MADISON.

DECEMBER 29, 1813.

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TO THE SECRETARY OF WAR.

MONTPELLIER, May 4, 1814.

DEAR SIR,—I have duly received your letter of the 1st instant, suggesting a recall of the vessels allotted for Lake Huron, &c., with a view to another destination of them.

The force which can be assembled at the east end of Lake Erie by the 10 of June is greater than I had relied on; and if employed towards Burlington Heights and York, cannot fail to have a saluary effect in different directions. Whether it would have that of sufficiently controuling the savages, and preventing the distresses and expenses of another frontier campaign, whilst Michilimackinac should remain a source of British influence and intrigue, and, above all, in case the enemy should be able to make some naval show on Lakes Huron and Michigan, is the most serious question. I have communicated your views of the subject to the Secretary of the Navy, who will make the proposed change, if not too late to recall the vessels, and if he is satisfied that the enemy's project of a naval show on the waters of Lake Huron is abandoned, or cannot be pursued with any injurious effect.

Perhaps it may be practicable to find sufficient naval means for the occasion without interfering with the Huron expedition, which will employ but a part of the vessels on Lake Erie. The land force must, I presume, be too inconsiderable to interfere with the other object; besides that, its appearance in the upper quarter may not be without effect in lessening the descent of savages to the theatre below.

In a case so much to be influenced by intelligence and occurrences, and now so little admitting delays, I cannot do better than leave it to yourself and the Secretary of the Navy, whose interchange of information and ideas promises the safest result. [See annexed letter to the Secretary of the Navy.]

After all, the issue of offensive operations in the neighbourhood of Lake Ontario must have some dependence on the naval command there. Should this be in the hands of the enemy, sudden concentrations at any point chosen may thwart measures otherwise the best planned. With that advantage, particularly, unless his force at Kingston be and remain inadequate, the scheme of forming a naval force on Lake Huron, through the medium of York and Lake Simcoe, might, for the season at least, be pushed with mischievous effect.

JAMES MADISON.

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TO THE SECRETARY OF THE NAVY.

MONTPELLIER, May 4, 1814.

DEAR SIR,—The Secretary of War, in a letter of the 1st inst., states that the last advices make it evident that the enemy, instead of now meditating a re-establishment of himself on the Thames, and a renewal of his intercourse with the Indians, means to strengthen himself on the Peninsula, making Fort Erie the western extremity of his line of operations; that including the garrisons of Detroit and Malden, it will be practicable, by the means already taken, to assemble on Lake Erie and its waters, by the 10th day of June next, 5,000 regular troops and 3,000 volunteers and militia; but that this force will be dispersed and comparatively inoperative without the aid of the flotilla on that Lake; whilst with that aid, such a force, or even less, landed at a favorable point, and directed against the enemy's posts at Burlington Bay and York, could not be resisted without weakening and exposing himself to our forces at Sackett's Harbour and Plattsburg; the interposition of such a force being in the mean time a barrier to Detroit and Malden, obstructing the intercourse with the Indians, and leading, also, to the evacuation of Niagara, and rendering less important to him a continuance of the naval contest on Lake Ontario. With these prospects, he suggests that the expedition into the western lakes be relinquished, and that the naval means allotted to it be turned in aid of that above proposed.

The probable effect, above as well as below, of so large a force, if it can be assembled at the eastern extremity of Lake Erie, entitles the suggestion to fair consideration; and if you find it not too late, and are satisfied that the project of creating a naval force on the waters of Huron is abandoned by the enemy, or cannot be effectually pursued so as to threaten a reanimation of savage hostilities, it will be best, under all circumstances, to change your orders to Captain Sinclair. I give the Secretary of War so to understand.

Perhaps it may be practicable to find a sufficiency of naval aid for the War Department without interfering with the expedition to the Western lakes. The land force withdrawn for it must, I presume, be too inconsiderable to inter-

ferre with the other object; besides that, its appearance may prevent some of the savages from descending to the main theatre of operations.

In a case depending on intelligence which must daily be improving, and on circumstances liable to continual change, it would be unsafe to be more positive than I have been. I cannot do better than to leave it in the hands of yourself and the Secretary of War, whose interchange of information and sentiments promises the soundest result.

JAMES MADISON.

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TO THE SECRETARY OF WAR.

MONTPELLIER, May 17th, 1814.

DEAR SIR,—Obstructions to the mail retarded for several days your letter of the 9th instant, accompanied by a correspondence between Generals Wilkinson and Izard, on the subject of the court-martial. The letter from the former to the Department of War, referred to in the correspondence, was omitted.

The objection made to the validity of the order for a court-martial cannot be sustained. Although orders derive their authority from the President and not from the Department of War, where an authority is not specially vested in it by law, the authority of the President in orders requiring it is to be presumed when passing through a legitimate and known channel. I have not the means of ascertaining whether the terms of the order sent by Col. Walbach corresponded with the current of precedents. Should there have been any deviation in that respect it would not vitiate the order itself, and may be avoided in future.

The other objection, viz: to the member of the court and the deficiency of rank in one of the members, is also without legal foundation. The extract from the articles of war cited by you import that the Executive must necessarily judge, on its responsibility, whether in any particular case a restriction of the members of a court-martial to the smallest number that is required in ordinary cases, or a resort to officers of inferior rank, can or cannot be avoided without manifest injury to the service.

But although there be no legal right on the side of General Wilkinson, it merits consideration whether there may not be expectations which will be deemed reasonable. Being of the highest grade in the army, having been charged with the most important operations of the campaign, and so much time having elapsed after the question of a military court came into view, during which time he was continued in command, the grounds on which the smallest allowable number, with an inferiority of rank in any of the members, can be properly enforced, ought to be equally certain and imperious. The law evidently favors, in behalf of the party to be tried, the highest number and an equality of rank.

As General Wilkinson will be content with a court composed of five members only, provided they be General officers, it is proper that such an one should be instituted, and assembled at as early a day as will avoid manifest injury to the public service. Of this determination you may inform him. The selection of the officers most eligible for the court, with the other necessary steps, may await my return to Washington. The suggestions in the letter of General Pinckney of April 22d, now returned, appear to be judicious. It would have been well if he could have participated in the final arrangements with the subdued Indians. The task of making them is now, however, so easy, that Col. Hawkins alone might suffice for it. But it may be more satisfactory to associate Col. Milton or some one else with him. It may be more satisfactory, also, to give associates to General Harrison for a treaty with the N. W. Indians, and Mr. Morrow and Col. Johnson will be a fit selection. Send me a commission, and let it be joint and several, as well to guard against casualties as to leave General Harrison free for the other service allotted to him, in case of an interference between the two.

Send, also, a commission of Brigadier and a brevet of Major General for General Jackson.

I have not yet fixed the day of my setting out for Washington. Until you receive notice of it your communications may be continued hither.

Accept my respects and good wishes.

JAMES MADISON.

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TO THE SECRETARY OF WAR.

MONTPELLIER, May 20, 1814.

DEAR SIR,—I have received your letter of the 17th instant, covering further communications from General Pinckney; which are now returned.

The supplies necessary to save the Indians from starving cannot but be approved, notwithstanding the failure of legal provision for the purpose. It is a case of humanity and necessity which carries its own justification with it.

I mentioned in my last Col. Milton as a fit Commissioner to succeed General Pinckney, and as apparently within reach of the time and place for treating with the Indians. If Governor Holmes be so, he will be a very unexceptionable associate. McKee, also, may be well qualified, and is probably not too distant. But I think there will be a propriety in giving a preference to the Agent residing with the Cherokees, who is senior to him in several respects, who is very intelligent as well as experienced, and who will represent that meritorious tribe of Indians as well as the United States. I know not how far his age and other circumstances may admit of his attendance. You can better decide with the information you possess, or may obtain on the spot. There would be some advantage in associating both of them with Col. Hawkins, &c.; but, besides the expense of a numerous commission, there may



be more danger of the want of concord. Make the selection you find best out of all that have been named; Col. Hawkins being of course retained.

Whether the friendly Indians ought to be a party to the arrangement with the hostile ones is a question-it may be best to leave to the Commissioners, who can best appreciate the considerations on which it depends. It seems most suitable that, although the terms of the peace will be dictated to the hostile Indians, their pride should not be irritated by excluding even the form of consent on their part; especially as it is possible that a foreign enemy of the United States may still make experiments on their character, if the future circumstances of the war should suggest them. Even this question, however, may be left with the Commissioners, if they see in the other course the surest precaution against revolt. The most critical part of the task will be the demarcation of lands to be given up by the offenders, and of lands to be secured to the friendly Creeks. It may be proper, also, to reward the Cherokees, if not the Choctaws, by some accommodations to them; and to consult the views of the States of Georgia and Tennessee as far as justice and policy will permit.

These are points on which the information and discretion of the Commissioners must decide; subject, of course, to the constitutional ratification.

Nothing better can be done with the leading offenders who may be surrendered than to have them effectually secured, with a report of the circumstances, which ought to influence the disposal to be respectively made of them. The treatment of the aged Telassia King may be safely trusted to the humanity of Col. Hawkins.

I have much confidence in the judgment of General Pinckney in relation to the number of posts and men requisite for the conquered territory. But in the prostrate condition of the savages, and with the force which will be South of them, whilst the terror of Georgia and Tennessee will be on the other side of them, reductions in those respects will, I hope, be admissible very soon, if not at present. They are much to be desired, as well on account of the difficulty of keeping up regular supplies, as of the occasion there may be for increased exertions in other quarters.

I am just possessed of the intelligence last from France and Great Britain, and the proclamation of Cochrane addressed to the blacks; they admonish us to be prepared for the worst the enemy may be able to effect against us. The date concurs, with the measure proclaimed, to indicate the most inveterate spirit against the Southern States, and which may be expected to shew itself against every object within the reach of vindictive enterprise. Among these, the seat of Government cannot fail to be a favorite one.

I have the day for setting out for Washington still to fix. It was my original purpose to be back before the first of next month, and I shall endeavour to effect it.

Accept my respects and best wishes.

JAMES MADISON.



DEPARTMENT OF WAR, May 21, 1814.

SIR,—Since the date of my letter of the 24th instant, Major General Harrison has resigned his commission in the army, and thus is created a vacancy of that grade, which I hasten to fill with your name. This circumstance does away the necessity of sending the commission formerly contemplated.

I have, &c.,

J. A.

Major General A. JACKSON.

[No. 3.]

DEPARTMENT OF WAR, May 22, 1814

SIR,—The vacancy produced by General Hampton's resignation, not having been filled during the late session of the Senate, cannot be supplied constitutionally during the recess of that body. All, therefore, that can be done at present, in reward for your able and gallant conduct during the campaign, and in testimony of the public respect these have obtained, is to make you a Brigadier of the line, with the Brevet of Major General, and to invest you with the command of the 7th Military District. Commissions of this character will be immediately prepared and forwarded; and I cannot but hope that they will be acceptable and accepted, and that it will not be inconvenient for you to assume this new command without loss of time.

I avail myself of this occasion to offer to you my great respect and best wishes.

J. A.

Major General ANDREW JACKSON,  
Nashville, Tennessee.

TO THE SECRETARY OF WAR.

MONTPELLIER, May 24, 1814.

DEAR SIR,—I have received yours of the 20th instant. The sufferings of the troops for want of clothing and pay are the more to be lamented as they cannot fail to damp the recruiting service, and particularly the re-enlistment of the men who are soon to be discharged. It seems strange that arrears of pay should run back for more than a year, and that supplies of clothing should have been so deficient that the troops at one station should have got none, and those at another not enough. It is always fair, however, that explanation should precede censure. That is necessary in this case; at least for a just distribution of the censure among the responsible agents.

It would be a circumstance of regret if either the State of Tennessee or

General Jackson should be dissatisfied at the course taken in the peace with the Indians. I am not sure that I understand your remarks on what took place previous to the departure of General Pinckney. It is to be considered now that the appointment of Commissioners to treat will not refer to a military capitulation, but to a regular treaty to be submitted to the Senate.

The commission by Brevet for General Jackson is not accompanied by the preliminary one of Brigadier. As the resignation of General Harrison renders that circuit unnecessary, the better way will be to send at once a Major General's commission. I suspend a final decision, however, till I see you, which will be in two or three days after the arrival of this. The decision as to General Howard may also be delayed.

If the power of France be broken down, which is more than probable, for a time at least, and the allies of England can be prevailed on to acquiesce in her measures against us, which is possible, we may calculate on the utmost extension she can give them, both on our Atlantic and inland frontier. I observe that her exertions for Lake Ontario correspond with our anticipations. Among them appears the project of sending ships from England in frames. If these arrive, and the conveyance of them up the St. Lawrence cannot be prevented, there will be little hope of our obtaining and keeping the command on that water.

The complaints against Burbeck have been so multiplied and pointed that his longer continuance where he is is highly inexpedient. Transfer him to some other theatre which you think less unsuitable for him; and be so good as to hand the letter from Mr. Chauncey, after perusal, to the Secretary of the Treasury, who will communicate it to the Postmaster General. It contains matter which the Paymaster General, also, may properly see.

If the case of Lieut. Gore, inclosed, calls for the interposition represented, let a pardon be provided in the customary form.

Accept my respects and best wishes.

JAMES MADISON.

P. S. *May 25.*—I observe in the National Intelligencer, just received, that a consolidation of 4 regiments into 2 has been finally carried into effect and made public. You must have inferred more from my conversations than I could have meant to convey by any thing in them on the subject. The question of exercising such a power, made discretionary by law, the designation of the regiments to be consolidated, and the discrimination between the officers to be retained and disbanded, involved so many considerations of importance, of justice, and of delicacy, that I should not have considered myself as satisfying my responsibility without weighing well the whole proceeding. It may be doubted, also, whether, as the exercise of the power was limited to the event of a failure to fill the rank and file of the regiments, the condition has yet occurred; the period between the passage of the law and the act of con-

solidation having admitted so scanty an opportunity for an adequate trial of the means of recruiting.

JAMES MADISON.

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TO THE SECRETARY OF WAR.

JUNE 3, 1814.

J. Madison requests a consultation with the Heads of Departments on Tuesday next, at 11 o'clock.

The object is to decide on the plan of campaign which our means, military and naval, render most eligible.

In the mean time, the Secretary will cause to be made out and send over—

1. A statement of the numbers and kinds of regular force, respectively, at the several military posts and stations throughout the United States.
2. The numbers on the way thereto, respectively.
3. The remaining numbers enlisted, and in what States, according to the last returns.
4. The amount and kind of the enemy's land forces in Canada, or on the frontier of the United States, and at what places, according to the best information in the War Department.
5. Ditto, ditto, ditto, expected there, and when, according to ditto, ditto.
6. Ditto, ditto, of enemy's land forces near, and destined for, our Atlantic frontier, according to the best information in the Department of War.

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TO THE SECRETARY OF THE NAVY.

JUNE 3, 1814.

J. Madison requests a consultation, &c., on Tuesday next.

The object is to decide on the plan of campaign which our means, military and naval, render most eligible.

Meantime, the Secretary of the Navy will cause to be made out and send over—

1. A statement of the naval force on the Lakes Erie, Ontario, and Champlain, respectively, now ready for service, and the portion of that on Lake Erie destined for Lake Huron.
2. State and prospects of additional naval force in preparation for Lakes Ontario and Champlain, respectively.
3. State and stations of vessels of war, (including the steam vessel,) gunboats, and barges, for the defence of the Atlantic frontier.
4. Naval force of the enemy, (including marines,) according to the best in-

formation in the Navy Department, near and in the Atlantic waters of the United States.

5. Ditto, understood to be destined for our coast.

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TO THE SECRETARY OF STATE.

JUNE 3rd, 1814.

J. Madison requests a consultation with, &c., on Tuesday next.

The object is, &c.

Meantime, the Secretary of State will cause to be made out and send over a statement of any information received in his Department relative to the military or naval force of the enemy destined to Canada or the United States and to the military or naval operations contemplated by the enemy during the present campaign.

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TO THE SECRETARY OF THE TREASURY.

J. Madison requests, &c.

The object is, &c.

JUNE 3, 1814.

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TO THE ATTORNEY GENERAL.

J. Madison requests, &c.

The object is, &c.

JUNE 3, 1814.

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*In Cabinet, June 7, 1814—Present: J. Monroe, G. W. Campbell, General Armstrong, W. Jones, R. Rush.*

The subject, the opening of the campaign.

1. Determined, *nem. con.*, on an expedition into Lake Huron, of 4 or 5 vessels, and 800 or 1,000 troops; the first object to occupy Machadash and St. Joseph's, leaving about 500 to hold, at least, the former.

2. Do., *nem. con.*, (except Mr. Monroe, who did not positively oppose, but thought the measure hazardous,) on an expedition, with the forces under General Brown, from Lake Erie, near Long Point, to Burlington Heights, preparatory to further operations for reducing the Peninsula, and proceeding towards York, &c.; the expedition to depend on Commodore Chauncey's getting the

command of the lake, without which supplies could not be secured, and with which they might be conveyed safely by water from depôts on the south side of Lake Ontario.

3. Do., *nem. con.*, 14 or 15 armed boats to be built at Sackett's Harbour, to command the St. Lawrence, under protection of posts to be supplied by detachments from Izard's command, so as to intercept the water communication between Montreal and Kingston.

4. Do., *nem. con.*, the main force under Izard to make demonstrations towards Montreal, as a diversion of the enemy from operations Westward, and affording a chance of compelling Prevost to fight disadvantageously, or break up his connection with Lake Champlain.

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[No. 6.]

NASHVILLE, June 8, 1814.

SIR,—Yours of the 22d and 24th ultimo, with enclosures, have been received, and are now before me. The former alone shall be the subject of this communication. The appointments of Brigadier and Brevet Major General in the line are accepted under the circumstances tendered; believing, from the tenor of your letter, that the Senate, on its meeting, will honor me with the rank in the line which I have held in the militia service of the Republic for many years. Your other communication shall be the subject of a separate letter.

I shall avail myself of the earliest opportunity to assume the command of the 7th Military District, pursuant to your wishes.

Very respectfully, sir, your most obedient,

(Signed)

ANDREW JACKSON.

Honorable JOHN ARMSTRONG,

Secretary of War.

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JUNE 15, 1814.

The Secretary of War will send—

1. All the correspondence with General Harrison, subsequent to his return to the Western Country.

2. The correspondence with General Wilkinson from the date (inclusive) of his first request of a military investigation.

3. The correspondence with General Jackson, subsequent to his leaving the Indian Country.

4. The General orders which have been issued from the office of the Adjutant and Inspector General, subsequent to the 1st of May last.

5. The correspondence subsequent to that date with the several officers com-



manding military districts; including the separate correspondence with Generals Izard, Brown, and Gaines, in the 9th district.

6. The instructions to the Commissioners for treaties with the Creeks, and with N. Western Indians.

7. The number of small-arms manufactured within the last year by and for the United States.

8. The number of small-arms fit for use at the several depots, respectively.

To save time and copying, the letters, instructions, and orders from the War Department may be sent in the record, or the retained draughts.

J. MADISON.

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TO THE SECRETARY OF WAR.

JUNE 18, 1814.

Besides the tendency of the proposed attempt for removing the Indians north of the State of Ohio to disquiet them, there are other objections to the measure. It may have a like tendency in its bearing on other Indians connected with the district given in exchange. And what merits particular attention, the territories contiguous to this district, whose peace and security might be affected, will probably be dissatisfied. A pointed remonstrance against such a measure was given in by the delegate from Missouri. Its policy, at this time, was not supported, if not opposed, by some of the most weighty characters of the State of Ohio.

Instead of a treaty of alliance and subsidy, specifying the pay, subsistence, &c., &c., which, requiring the sanction of the Legislative branches, could not have effect during this campaign without an Executive assumption of the whole treaty power, an article will be better, simply obliging the Indians, if required by the United States, to enter into the war, and put themselves under their direction in the prosecution of it. This will lay us under no treaty obligations, and leave the way open for the employment of the Indians as heretofore under military arrangements, for which explanation at the treaty on the several necessary points might sufficiently prepare them.

A change in the instructions to the above effect will probably reach the Commissioners in time; but it will not avoid the incongruity of the proceeding.

JAMES MADISON.

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*Col. Croghan's letter, with the following note thereon by General Armstrong, referred to the President.*

"This letter of Lieut. Col. Croghan's is highly improper: 1st, because he made no complaint of what he calls a departure from military etiquette to

the War Department: 2d, because the first notice he takes of it is in a letter to a navy officer, and then without any object of business, as he says his conduct will not be the result of any *chagrin* produced by it: 3d, because, by a letter to General Harrison of the 15th of May, it appears that he would not permit Major Holmes to go until an order to that effect was sent directly to himself: and, 4th, his doctrine of etiquette is unfounded, either in the practice of the land or sea service. The order was sent to General *Harrison*. Are orders from the War Department to be sent to every Colonel in the army before he will consent to aid in an expedition directed by the Government?

“For the orders to General Harrison and to Major Holmes, see page 172 of the letter book.”

Received June 18, 1814.

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*Note on the note of the Secretary of War covering letter of Col. Croghan to Captain Sinclair, of May 26.*

As the order to Major Holmes required a resort to his superior officer, Col. Croghan, and as Capt. Sinclair was ordered to communicate with the latter, it might have been better to have conveyed the orders to Major Holmes through Col. Croghan than *vice versa*, as well as to have apprised Col. Croghan directly of the orders to Captain Sinclair. But there being no room to question the orders to Major Holmes, or those to Captain S., and the case forbidding delay, the proper course for Croghan was to have conformed to the authenticated intentions of the Government, and to have then made his communications on the subject, both to the War Department, and to the officer commanding the district. The superseding arrangement transmitted directly to him on the 2nd of June admits of no misconstruction, unless, indeed, Holmes should set up his direct and unrevoked orders from the War Department against those proceeding immediately from Col. Croghan.

A Canada newspaper, in the hands of the Secretary of the Navy, speaks of the weakness of Michilimackinac, and of a reinforcement on the way, under a Lieut. Colonel.

A decision on the acceptance of General McArthur's resignation is suspended, with a view to the questions whether he may not be employed as he wishes and to a proper successor.

J. MADISON.

JUNE 18, 1814.

*Note on a note\* of the Secretary of War, on letters from Governor Clarke and General Howard, proposing the establishment of a post at Prairie du Chien.*

The apparent objections to the proposed establishment of a post so distant are very strong. Much weight, however, is due to the concurring opinions of Governor Clarke and General Howard, both men of judgment, and possessed of many advantages for a correct exercise of it in such a case.

J. MADISON.

JUNE 19, 1814.

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TO THE SECRETARY OF WAR.

JUNE 20, 1814.

General Wilkinson, it appears, addressed an application to the President on the 6th ult. for an opportunity of securing testimony which may be lost by the casualties of the campaign. This is reasonable; and be effected by depositions taken in the usual mode, a Judge Advocate attending on the part of the public. Give the proper instructions for the purpose, and let the General be informed that his request is complied with. It will be proper, also, to liberate him from his restriction to particular places of residence.

I wish a list of all the Major and Brigadier Generals not prisoners of war, as at present respectively distributed for service.

J. MADISON.

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TO THE SECRETARY OF WAR.

JUNE 21, 1814.

The taking of soldiers for manning the navy is certainly a disagreeable circumstance in several respects; but the efficient state of the navy, even for land operations on the Canada frontier, is so essential, that it seems unavoidable occasionally, until a sufficiency of seamen can be obtained, for which every exertion is doubtless made.

The expedient of volunteers, adopted by General Izard as a diminution of the inconvenience, seems a good one, and he will, of course, repress improper attempts to prevent its success.

J. MADISON.

\* "I cannot believe in the wisdom of establishing a post 600 miles in the enemy's country; once established, it must be supported, and at an enormous expense.

"J. ARMSTRONG."

*Submitted to the Cabinet, June 23 and 24, 1814.*

1. Shall the surrender by Great Britain of the practice of impressment, in a treaty limited to a certain period, be an ultimatum? Monroe, Campbell, Armstrong, Jones—No: Rush inclining, but not insisting otherwise.

2. Shall a treaty of peace, silent on the subject of impressment, be authorized? All no, but Armstrong and Jones, who were aye.

3. Shall a treaty be authorized comprising an article referring the subject of impressment, along with that of commerce, to a separate negotiation? Monroe, Campbell, Armstrong, and Jones—Aye: Rush for awaiting further information from Europe.

JUNE 27, 1814.

In consequence of the letters from Messrs. Bayard and Gallatin of May 6—7, and of other accounts from Europe, as to the ascendancy and views of Great Britain and the dispositions of the great Continental Powers, the preceding question No. 2 was put to the Cabinet, and agreed to by Monroe, Campbell, Armstrong, and Jones; Rush being absent. Our Minister to be instructed, besides trying the other conditions, to make a previous trial to insert or annex some declaration or protest against any inference, from the silence of the Treaty on the subject of impressment, that the British claim was admitted, or that of the United States abandoned.

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HEADQUARTERS 7TH MILITARY DISTRICT,

Murfreesborough, June 27th, 1814.

SIR,—Mine of the 25th instant advised of the rumours of the day, and that on the 26th I would set out for Fort Jackson. At this place I met a corroboration of the account that 300 British had landed, and are fortifying at the mouth of the Apalachicola, and are arming and exciting the Indians to acts of hostility against the United States. Whether the rumours are founded on fact or not, we ought at least to be prepared for the worst.

Query: *If the hostile Creeks have taken refuge in East Florida, fed and armed there by the Spaniards and British, the latter having landed troops within it, and fortifying, with a large supply of munitions of war and provisions, and exciting the Indians to hostilities, will the Government say to me, require a few hundred militia, (which can be had for the campaign at one day's notice,) and, with such of my disposable force, proceed to and reduce? If so, I promise the war in the South has a speedy termination, and British influence forever cut off from the Indians in that quarter.*

(Signed)

ANDREW JACKSON.

The SECRETARY OF WAR.

*Estimate of force and preparation for defence of the City, made up in Cabinet meeting, July 1st, 1814.*

Cavalry, City of Washington	-	-	-	-	-	120
Ditto, from Carlisle, say	-	-	-	-	-	200
Regular infantry	-	-	-	-	-	1,000
District ditto	-	-	-	-	-	1,000
Marines	-	-	-	-	-	120
District artillery	-	-	-	-	-	200
						<hr/> 2,640
Of Barney's corps	-	-	-	-	-	500
						<hr/> 3,140

10,000 militia to be designated and held in readiness.

10,000 arms and camp equipage to be brought forward for use.

Survey of the grounds, &c.

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TO THE SECRETARY OF WAR.

JULY 2, 1814.

In analogy to the arrangement yesterday decided on in reference to this City and Baltimore, and with a view to a systematic provision against invading armaments, the Secretary of War will digest and report to the President corresponding precautionary means of defence in reference to the other more important and exposed places along the Atlantic frontier; particularly Boston, New York, Wilmington, Norfolk, Charleston, Savannah, and New Orleans. In addition to the distribution at suitable depots of arms and other necessaries, the Secretary will report a circular communication to the Governors of the several States, calculated to obtain from them convenient designations of adequate portions of their militia, with every other arrangement depending on the State Executives for having them in the best readiness for actual service in cases of emergency.

JAMES MADISON.

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*Noted on the return of papers, accompanied by a letter from the Secretary of War of June 29, 1814.*

JULY 6, 1814.

On the question whether warrants for payment ought to be drawn by the Secretary of War, immediately on settlements made by the Accountant of the Department of War, or not without a previous inspection and revision of such



settlements by the accounting officers of the Treasury, the considerations in favor of the latter course are:

1st. That the term "revision" used in the law seems to import that the settlement of the Accountant at the War Department, not being definitive, ought not to be operative.

2d. That the policy of requiring a report to and revision of the settlements of the War Accountant, implies that the accounting officers in the Treasury Department were to be a check on the War Accountant, which check cannot be effectual without a suspension of payment.

3d. That this was the sense of a Committee of each House of Congress, of the Senate, and of the Attorney General.

4. That reasons personal to the Accountant to the War Department opposed an issue of warrant on his settlements.

On the other side, the considerations are:

1st. That as the reports of settlements by the War Accountant were required to be made "from time to time" only, and not forthwith, the law could not have meant that debts actually due should be exposed to the delays of payment incident to reports so to be made. In the case of settlements by the Auditor, his reports to the Comptroller are required, but not "from time to time," and consequently forthwith.

2. In pursuance of the authority given to the Treasury Department to prescribe the forms of rendering accounts, it was prescribed to the War Accountant in 1792, and the rule referred to as in force as late as April last by the Comptroller, that the Accountant should render his accounts *quarterly*; thus fixing the vague rule of "from time to time," and indicating that the Treasury Department understood that balances liquidated by the War Accountant were not to remain unpaid until the revision of the accounts should be had.

3. That the practice for so long a period, and down to so late a day, has settled the meaning of the law beyond the controul of a new construction, which would introduce uncertainty in place of that certainty in which the law delights.

4. That the accounting establishment in the Navy Department is on the same footing with that in the War Department, and that the practice has been and continues the same there as it has heretofore been in the War Department; that an innovation in one Department would, in relation to the other, introduce a diversity where uniformity was contemplated by law, and is in itself desirable.

5. That opinions of Committees of Congress, however made known, and inferences as to the opinions of the Senate, however strong, cannot overrule the long and uniform construction and practice of the proper and responsible officers charged with the execution of the law. The opinion of the Attorney General has probably been misconceived.

6. That reasons personal to the Accountant cannot affect the legal relation

or official course of business between the Secretary of War and him, such reasons belonging to the cognisance of the authority to which the Accountant is responsible by the tenure of his office.

The latter considerations appear to preponderate against the former.

The question whether the Accountant can withhold his counter-signature to warrants for monies on account, turns on the question: 1st. Whether warrants on account be, or be not, contrary to law? 2. Whether the Accountant, with respect to warrants drawn by the Secretary of War, possesses a discretionary authority, or his counter-signature be merely a form of verification?

On the first point, it is understood that warrants on account, though not expressly authorized by statute, have been in constant use by all the Heads of Departments from the commencement of the present Government; that the expediency of them amounts nearly to a necessity; and that they are constructively recognized in the act of Congress relating to the Treasury, War, and Navy Departments, passed July 16, 1798.

On the 2d point, nothing is perceived in laws or usage favoring the idea that the counter-signature of the Accountant is more than a form of verifying the authenticity of the warrants. The abstract case of a warrant illegal on the face of it does not enter into the question.

JAMES MADISON.

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*Noted to the Secretary of War, July 6, 1814, on the reported plan for ninety-odd thousand Militia.*

The reference to the Military Districts as places of service is liable to two remarks: the one, that the reference is in some respects too vague; the other, that in other respects it is too restrictive.

District No. 1 illustrates both remarks: the first, by its great extent and numerous objects; the second, by the vicinity of Newport and Providence in another district, which can receive support more readily from Massachusetts than from Connecticut, which makes part of the same district with Rhode Island.

It will be better to intimate to the State Executives the expediency of having regard, in the designations of the Militia, and the places of rendezvous, to the points within, or in the neighbourhood of, their respective States, the importance or exposure of which will be most likely to attract the views of the enemy.

Will it not be useful, also, to make the places of rendezvous, and the portions of Militia respectively allotted to them, changeable on applications to that effect from the officers commanding in the Military Districts, to whom this arrangement will of course be communicated?

J. MADISON.

WAR DEPARTMENT, July 18, 1814.

SIR,—I have the honour to acknowledge the receipt of your letter of the 27th June last. The case you put is a very strong one; and if all the circumstances stated by you unite, the conclusion is inevitable. It becomes our duty to carry our arms where we find our enemies. It is believed, and I am so directed by the President to say, that there is a disposition on the part of the Spanish Government not to break with the United States, nor to encourage any conduct on the part of her subordinate agents having a tendency to such a rupture. We must, therefore, in this case, be careful to ascertain facts; and even to distinguish between what, on the part of the Spanish authorities, may be the effect of menace and compulsion, or of choice and policy.

The result of this enquiry must govern. If they admit, feed, arm, and cooperate with the British and hostile Indians, we must strike on the broad principle of self-preservation. Under other and different circumstances, we must forbear.

I have the honor, &c.,  
(Signed)

J. ARMSTRONG.

Major General ANDREW JACKSON.

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TO THE SECRETARY OF WAR.

JULY 18, 1814.

Wanted: Copies of the instructions to General Brown for carrying into effect the plan of operations agreed on in the Cabinet on the 7th of June. Copies of the instructions to General Winder on his taking command of his military district, and since.

The Secretary will let me see the requisitions of Militia to be placed between this place and Baltimore before they go forward.

JAMES MADISON.

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*Note on the correspondence of War Department with Generals Izard and Gaines.*

JULY 27, 1814.

It does not appear that Izard, though the senior officer of the district, has been made acquainted with the plan of operations under Brown, or that any correspondence exists between those officers. It would certainly be advantageous that each should be apprized of the instructions of the other, as well as of the forces and movements of the enemy, and of all material occurrences within their respective spheres. Information of this sort would aid each commander in interpreting the movements and purposes of his immediate ad-

versary, and produce a tacit concert and co-operation with the other commanders; the more necessary, as the separate corps of the enemy are kept in a harmony of operations by an acting commander superintending the whole. A mutual understanding between commanders on Lake Champlain and at the head of Lake Ontario, through Washington alone, would lose its effect from delay. These remarks are more or less applicable to all separated commands having relation to, or influence on, each other.

A cypher in the hands of distant commanders would be useful on certain occasions, as giving security to confidential communications, as well among themselves as with the Government. In that case, also, copies might be safely sent with a view to miscarriages.

J. MADISON.

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*Note on the above from the Secretary of War.*

Generals Izard and Gaines were both fully apprized of General Brown's movements; the former by my letter of the 10th of June.\*

J. ARMSTRONG.

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*Memorandum on the letter [returned to the War Department] from General Harrison and Governor Cass of July 17, 1814, relative to a Treaty with the Indians to be entered into at Greenville.*

The treaty of Greenville in 1795 may be the basis of the new treaty, with any improvements which may be eligible under existing circumstances.

The former allowances to the Indians may be continued, and, if deemed necessary by the Commissioners, enlarged. Those suspended by the war should not be made up, unless indispensable to keep the Indians quiet; as present supplies will suffice for actual wants, and retrospective allowances might encourage perfidy.

The treatment of the Indians refusing to join in the war must be left very much to the judgment of the Commissioners, who ought to manage their interests and their fears so as best to guard against their joining the enemy. Where co-operation cannot be obtained, neutrality should be aimed at.

If reserves of land for a chain of posts, as a barrier against hostilities of the British, and of the Indians seduced by them, can be obtained without impairing the friendly dispositions of the tribes, an article to that effect is desirable.

\* The letter giving this information to Izard and Gaines not communicated to J. Madison in one instance, and not sent in another. It remains that no instruction to correspond *among themselves* appears to have been given or presumed.

J. MADISON.

These dispositions, however, ought not at the present crisis to be endangered. The reserves, if stipulated, should contemplate spots of 6 miles square, at suitable distances, and extending from Lake Michigan to the Mississippi on the one side, and to the western boundary of the Michigan Territory on the other.

The idea conveyed in the memorandum sent to the Secretary of War June the 18th, will be found to meet the question of the Commissioners relative to a remuneration of Indians for their services. They were to be prepared, by explanations at the treaty, (verbal, of course, which the Commissioners make an alternative,) for being employed under military arrangements, as in other cases; and these arrangements can be immediately made, if immediately necessary. The extent and the immediate object of them belong regularly to the commanding officer of the district. In his distant situation, the duty must devolve on the next in command, who may be instructed to avail himself of the counsel and influence of the Commissioners. The expedition recommended by them may be critically important in the event of a failure of that under Croghan and Sinclair. The number of Militia suggested, to be joined by the Warriors at Greenville, and the Rangers in the Indiana Territory, will doubtless be readily obtained from the Governor of Kentucky, or more conveniently, perhaps, from the State of Ohio.

It was not intended to preclude a road, as pointed out by General Worthington, which it was supposed would willingly be yielded by the Indians holding the country through which it would pass. The Commissioners should be at liberty, however, to waive the subject, if in the least unacceptable to the Indians.

The appointment of an influential Superintendent of Indian Affairs, as recommended, merits consideration. A superintendency was heretofore vested in the Governor of Michigan. The range of it is not precisely recollected.

JAMES MADISON.

JULY 28, 1814.

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*Note to the Secretary of War on Izard's letter of July 19, asking if he ought not to move to the St. Lawrence if necessary.*

JULY 30, 1814.

It ought certainly to be at the discretion of Izard to accommodate his movements to those of the enemy, and to his information from the other commanders.

The question as to Colonel Drayton appears to be precluded by the list of original vacancies, which includes none of his former rank.

JAMES MADISON.



*Note on General Lewis' letter to the Secretary of War, July 28th, 1814, asking whether he is to judge of the menace of invasion requiring calls for Militia.*

General Lewis, as other Commanders of Districts, should be authorized to call for Militia according to the danger threatened. When the cases are not too urgent, they ought to be reported for previous sanction here. When the urgency will not permit this delay, information should be immediately transmitted of the call made, or about to be made.

If New York be in danger at all, the danger is probably not very distant, and preparations for its safety therefore urgent, especially as they cannot be brought into effect at once.

JAMES MADISON.

AUGUST 2, 1814.

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*On a letter from General Stuart, requesting 200 rounds of Grape, Canister, &c.; also a few 9's or 12's Cannon.*

AUGUST 2, 1814.

The Secretary of War will cause the supply of ammunition requested to be furnished. If the arrangements of General Winder should not have anticipated the other want, and the cannon can be furnished, orders to that effect will also be given.

JAMES MADISON.

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*Note accompanying a return of sundry Brevets sent, filled up, and sealed, from the Office.*

The Secretary of War will not in future permit commissions to be filled up in the office, until it be ascertained that the appointments are approved. In the Brevets to General Scott and the other officers, who so well merited them, the irregularity could not but be without effect. But when appointments are proposed and not approved, the circumstance ought not unnecessarily to appear.

JAMES MADISON.

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AUGUST 4, 1814.

TO THE SECRETARY OF WAR.

Wanted—

The instructions to General Brown, or officer commanding on the Niagara, subsequent to July 5.

Ditto to the officer commanding at Sackett's Harbour.

Ditto to General McArthur, and the officer commanding at Detroit.

Ditto to General Izard, subsequent to July 27.

Ditto to General Lewis, subsequent to the mission of General Mapes and his associate.

JAMES MADISON.

AUGUST 10, 1814.

AUGUST 12, 1814.

Note to the Secretary of War, on letters from him to Brown of July 19, and to Izard of July 27 and August 2, with a memorandum of the Secretary on the two last, "that in case the attack on Kingston be rendered impracticable, and that the moment of ascendancy on the Lake Ontario may not be lost, 2,000 of Izard's men may be carried to the west end of the lake to join Gaines; being landed on the east side of Niagara and marched rapidly to Lewistown and Buffalo. When united, to reduce Forts Gaines and Niagara. Izard to command. Of the remainder of Izard's army, 2,000 to begin to fortify on the St. Lawrence; the balance, 500, to relieve militia at Sackett's Harbour, and assist in manning the armed barges. J. A."

It becomes more and more evident that without a *direct* and constant correspondence and understanding, of which no proof is seen, between Izard, Brown, and the commanding officer at Sackett's Harbour, (as well as between them and the naval commander,) no system of operations can take place. Communications from Buffalo, to Plattsburg, on the St. Lawrence, and *vice versa*, through Washington, with *particular* instructions founded thereon, must be inadequate; the more so, as the plans and movements on the lines must depend on the varying strength and movements of the enemy, which will be known there before they reach Washington; and as the instructions may become inapplicable before they arrive.

Will not Izard be too late on the St. Lawrence to prevent the transportation of troops and stores from Montreal, and consequently the 2,000 men be now misapplied in establishing a post for that purpose?

If he is to proceed with 2,000 to the head of Lake Ontario, ought not communications thereon to be immediately had with the Navy Department, and the measure to be conditioned on the safety of Sackett's Harbour?

What arrangements exist for Militia aid from Vermont or New York for the security of the posts on Lake Champlain, in case reinforcements should enable the enemy to direct attacks there as well as elsewhere in the absence of the force with Izard?

JAMES MADISON.

*Note to the Secretary of War on Governor Cass' letter of July 25, 1814, and John Johnson's of July 26.*

AUGUST 13, 1814.

If not more than 200 warriors have gone to Detroit with Governor Cass, the residue, with the militia called for, will suffice for the expedition recommended by him and General Harrison. The pledges given by them to the Indians employed must be fulfilled of course, and the case, with similar ones, submitted to Congress.

Governor Cass may receive the superintending and discretionary power as to Indians, &c., which were possessed by Governor Hull. If these be not adequate to the existing emergencies explained by Governor Cass, the Secretary of War will state the proper enlargement of them.

JAMES MADISON.

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*For the Department of War.*

AUGUST 13, 1814.

On viewing the course which the proceedings of the War Department have not unfrequently taken, I find that I owe it to my own responsibility, as well as to other considerations, to make some remarks on the relations in which the Head of the Department stands to the President, and to lay down some rules for conducting the business of the Department which are dictated by the nature of those relations.

In general, the Secretary of War, like the Heads of the other Departments, as well by express statute as by the structure of the Constitution, acts under the authority and subject to the decisions and instructions of the President, with the exception of cases where the law may vest special and independent powers in the Head of the Department.

From the great number and variety of subjects, however, embraced by that Department, and the subordinate and routine character of a great portion of them, it cannot be either necessary or convenient that proceedings relative to every subject should receive a previous and positive sanction of the Executive. In cases of that minor sort, it is requisite only that they be subsequently communicated, as far and as soon as a knowledge of them can be useful or satisfactory.

In cases of a higher character and importance, involving necessarily, and in the public understanding, a just responsibility of the President, the acts of the Department ought to be either prescribed by him or preceded by his sanction.

It is not easy to define in theory the cases falling within these different classes, or, in practice, to discriminate them with uniform exactness. But a

substantial observance of the distinction is not difficult, and will be facilitated by the confidence between the Executive and the Head of the Department.

The distinction has not been sufficiently kept in view.

I need not repeat the notice heretofore taken of the measure consolidating certain regiments; a measure highly important under more than one aspect, and which was adopted and executed without the knowledge or sanction of the President; nor was it subsequently made known to him otherwise than through the publication of the act in the newspapers.

The like may be said of certain rules and regulations, particularly a body of them for the Hospital and Medical Departments, of which the law expressly required the approbation of the President, and which comprise a rule to be observed by the President himself in future appointments. The first knowledge of these latter regulations was derived from the newspapers.

A very remarkable instance is a late general order prohibiting duels and challenges on pain of dismissal from the army. However proper such an order may be in itself, it would never be supposed to have been issued without the deliberate sanction of the President; the more particularly, as it pledges an exercise of one of the most responsible of the Executive functions, that of summarily dismissing from military offices without the intervention of the Military Tribunal provided by law. This order was adopted and promulgated without the previous knowledge of the President, nor was it ever made known to him otherwise than by its promulgation.

Instructions to military commanders relating to important plans and operations have been issued without any previous, or even any subsequent, communication thereof to the Executive; and letters expressly intended and proper for the knowledge and decision of the Executive have been received and acted on without being previously communicated, or the measures taken being made known to him.

Other illustrations might be drawn from instances of other sorts leading to the result of these remarks. The above may suffice, with the addition of one, which, with the circumstances attending it, will be explained by a reference to the letter of resignation from General Harrison; to the letter of the President to the Secretary of War of May 24; to the issuing of the commission of Major General to General Jackson, and the letter of the Secretary of War accompanying it.

The following course will be observed in future:

To be previously communicated to the President—

1. Orders from the Department of War establishing general or permanent regulations.
2. Orders for courts of enquiry or courts-martial on General officers; or designating the numbers or members of the courts.
3. Commissions or notifications of appointment to officers, other than regular promotions in uncontested cases.

4. Dismissions of officers from the service.
5. Consolidations of corps or parts of corps, and translations of field officers from one regiment to another.
6. Acceptances and refusals of resignations from officers above the rank of captains.
7. Requisitions and receptions of militia into the service and pay of the United States.
8. Instructions relating to Treaties with Indians.
9. Instructions to officers commanding Military Districts, or corps, or stations, relative to military movements or operations.
10. Changes in the boundaries of Military Districts or the establishment of separate commands therein; or the transfer of General officers from one District or command to another District or command.

In the absence of the President from the seat of Government previous communications to him may be waived in urgent cases, but to be subsequently made without delay.

All letters giving military intelligence, or containing other matters intended or proper for the knowledge of the President, will of course be immediately communicated to him.

These rules may omit cases falling within, and embrace cases not entirely within, the reason of them. Experience, therefore, may improve the rules. In the mean time, they will give a more suitable order and course to the business of the Department; will conduce to a more certain harmony and co-operation in the proceedings of the several Departments; and will furnish the proper opportunities for the advantage of Cabinet consultations on cases of a nature to render them expedient.

J. MADISON.

AUGUST 13, 1814.

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*Note to the Secretary of War on a letter of Jennings Deputy Commissary of purchases, and an endorsement by the Secretary of War; and on a letter, &c., from General Cushing, relating to attack on Stonington.*

AUGUST 15th, 1814.

As a little time will probably decide as to the force allotted by the enemy to the Chesapeake, it may be as well not to reject the additional 500 called out by Governor Barbour for the security of Richmond and that quarter.

The step taken by General Winder (receiving 2,000 under General Parker into service of the United States) is to be supported, of course. There may be a difficulty as to Parker, who is a Major General, but otherwise a desirable officer, as well on account of his military experience as his local knowledge, and of the popular confidence in him.



The attack on Stonington enforces the policy of preparations for hot shot wherever practicable.

JAMES MADISON.

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*Note to the Secretary of War on Gaines's letter of August 7th.*

AUGUST 16, 1814.

It ought certainly to be at the discretion of Gaines to cross the Niagara. This may be made prudent by large reinforcements to the enemy, even after receiving 2,000 from Izard's army. Buffalo and Black Rock must also claim his attention, whilst the enemy are placed so conveniently for enterprises against them.

If Izard should be unable, by leaving a force on the St. Lawrence, to obstruct the reinforcements destined to Kingston and upwards, it would seem that he ought to move all that can be spared from Champlain to Sackett's Harbour; the residue, after sending 2,000 to Gaines, may make the place secure, and be ready for any offensive operation concerted with Chauncey. Sackett's Harbour being the rendezvous of the naval force and the starting point for joint operations, a disposable land force there must be always advantageous when we have the command of the lake, or the prospect of it.

Let Cunningham be disposed of as suggested by Col. Brady.

JAMES MADISON.

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*Note to the Secretary of War on Cushing's letter and enclosures of August 12, 1814.*

Cushing seems to view the extraordinary threat of Hardy in its proper light. It was determined, before the Secretary of State left the city, that Mrs. Stewart, on whom the misbehaviour of her husband ought not to be visited, might be\* removed to him, whenever General Cushing thought no injury could result from intelligence she might convey with her. Instruct him to this effect, with the further condition of her removal, that it do not take place under any appearance of being extorted by threats.

If a Major General's command be not received by Cushing into [in?] the service of the United States, he will be secure against a claim to command him. In all the Military Districts commanded by Brigadiers only, these inconveniences may arise. Where brevet rank can be properly given, the rem-

\* The removal of property other than what belongs to her person is a distinct consideration. It is a *legal* as well as an equitable question.

edy is easy. Cushing has the title to it of long service at least. The proximity of Dearborn is another resource in the present instance.

JAMES MADISON.

AUGUST 17th, 1814.

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TO THE SECRETARY OF WAR.

AUGUST 17, 1814.

Where, on what service, and under what commission, is General Swartwout to be employed? If out of service, as the last Army Register imports, he cannot be employed without a new appointment.

Wanted—

The number of men enlisted into the rifle corps, and not yet furnished with rifles.

The number of rifles on hand according to the last returns, and the date of those returns.

JAMES MADISON.

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*Note to the Secretary of War on General Brown's letter of August 7.*

AUGUST 19, 1814.

If there be no opposing considerations unknown to me, Col. Miller is entitled to Brevet promotion. Majors Wood and McRae, at least, seem to merit attention also.

What is best as to Ripley?

JAMES MADISON.

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*Note to the Secretary of War on the proposed consolidation of 8 Regiments, 30, 31, &c.*

AUGUST 20, 1814.

The consolidations proposed are approved. The information for assisting the selection of officers to be retained is extremely scanty, whilst the task is both important and difficult. The Secretary of War will suggest the names which appear on the whole most fit to remain in service.

JAMES MADISON.

*Note to the Secretary of War on Governor Shelby's letter of August 4, put into the hands of J. Madison August 19.*

AUGUST 20, 1814.

The Secretary of War will state his opinion on the case presented by Governor Shelby.

Have not analogous cases of a disproportion of officers, and of mounted volunteers serving as militia, been heretofore acted on?

JAMES MADISON.

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*Memorandum—Aug. 24, 1814.*

In the morning, a note, by an express from General Winder, was handed me. It was addressed to the Secretary of War. Not doubting the urgency of the occasion, I opened and read it, and it went on immediately by the express to General Armstrong, who lodged in the Seven Buildings. Finding by the note that the General requested the speediest counsel, I proceeded to his headquarters on the Eastern Branch, trusting, for notice to the Secretary of War to follow, to the note from Winder. On my reaching his quarters, we were successively joined by the Secretary of State, [who soon, with our approbation, repaired to Bladensburg,] the Secretary of the Navy, and Mr. Rush, the Attorney General. After an hour or so the Secretary of the Treasury arrived, and quickly after the Secretary of War. The latter had been impatiently expected, and surprise at his delay manifested. General Winder was, at the moment, setting off to hurry on the troops to Bladensburg, in consequence of certain intelligence that the enemy had taken that direction. Barney's corps was also ordered thither, leaving the bridge to be blown up if necessary. On General Armstrong's coming into the room, he was informed of the certain march of the enemy for Bladensburg, and of what had passed before his arrival; and he was asked whether he had any arrangement or advice to offer in the emergency. He said he had not; adding, that as the battle would be between militia and regular troops, the former would be beaten.

On coming out of the house, and mounting on horses, the Secretary of the Treasury, who, though in a very languid state of health, had turned out to join us, observed to me privately, that he was grieved to see the great reserve of the Secretary of War, [he lodged in the same house with him,] who was taking no part on so critical an occasion; that he found him under the impression, that as the means of defending the District had been committed to General Winder, it might not be delicate to intrude his opinions without the approbation of the President; though, with that approbation, he was ready to give any aid he could. Mr. Campbell said that, notwithstanding his just confidence in General Winder, he thought, in the present state of things, which called for all

the military skill possible, the military knowledge and experience of the Secretary of War ought to be availed of, and that no considerations of delicacy ought to jeopard the public safety. With these impressions, he said he had thought it his duty to make this communication, and was very anxious that I should take some proper steps in the case; I told him I could scarcely conceive it possible that General Armstrong could have so misconstrued his functions and duty as Secretary of War; that he could not but know that any proper directions from him would receive any sanction that might be necessary from the Executive; nor doubt that any suggestions or advice from him to General Winder would be duly attended to; [in this case it had been requested in writing.] I told Mr. C. that I would speak to the Secretary of War explicitly on the subject; and accordingly, turning my horse to him, expressed to him my concern and surprise at the reserve he shewed at the present crisis, and at the scruples I understood he had at offering his advice or opinions; that I hoped he had not construed the paper of instructions given him some time before, [see the paper of Aug. 13, 1814,] so as to restrain him in any respect from the exercise of functions belonging to his office; that at such a juncture it was to be expected that he should omit nothing within the proper agency of Secretary of War towards the public defence; and that I thought it proper particularly that he should proceed to Bladensburg, and give any aid to General Winder that he could; observing that if any difficulty on the score of authority should arise, which was not likely, I should be near at hand to remove it; [it was my purpose, in case there should be time, to have the members of the Cabinet together in Bladensburg, where it was expected General Winder would be, and, in consultation with him, to decide on the arrangements suited to the posture of things.] He said, in reply, that he had put no such construction on the paper of instructions as was alluded to; and that, as I thought it proper, he would proceed to Bladensburg, and be of any service to General Winder he could. The purport of this conversation I communicated to Mr. Campbell, who remained near us. The Secretary of War set off without delay to Bladensburg.

After a short turn to the Marine barracks, whither the Secretary of the Navy had gone, I mentioned to Mr. Rush, who was with me, my purpose of going to Bladensburg, and my object in so doing. He readily accompanied me. On approaching the town, we learned from William Simmons that Winder was not there, and that the enemy were entering it. We rode up to him [?] instantly. The Secretaries of State and War were with him. I asked the latter whether he had spoken with General Winder on the subject of his arrangements and views. He said he had not. I remarked that, though there was so little time for it, it was possible he might offer some advice or suggestion that might not be too late to be turned to account; on which he rode up to the General, as I did myself. The unruliness of my horse prevented me from joining in the short conversation that took place. When it was over, I

asked General Armstrong whether he had seen occasion to suggest any improvement in any part of the arrangements. He said that he had not; that from his view of them they appeared to be as good as circumstances admitted.

When the battle had decidedly commenced, I observed to the Secretary of War and Secretary of State that it would be proper to withdraw to a position in the rear, where we could act according to circumstances; leaving military movements now to the military functionaries who were responsible for them. This we did, Mr. Rush soon joining us. When it became manifest that the battle was lost, Mr. Rush accompanying me, I fell down into the road leading to the city, and returned to it.

It had been previously settled that, in the event of the enemy's taking possession of the city, and the necessity of Executive consultations elsewhere, Fredericktown would be the proper place for the assembling of the Cabinet.

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*Memorandum.*

In the evening of the 29th of August, 1814, being on horseback, I stopped at General Armstrong's lodgings for the purpose of communicating with him on the state of things in the District, then under apprehensions of an immediate visit from the force of the enemy at Alexandria.

I observed to him that he could not be unaware of the great excitement in the District produced by the unfortunate event which had taken place in the city; that violent prejudices were known to exist against the Administration, as having failed in its duty to protect it, particularly against me, and himself, as head of the War Department; that threats of personal violence had, it was said, been thrown out against us both, but more especially against him; that it had been sufficiently known for several days, and before his return\* to the city, (which was about one o'clock P. M. of the 29th;) that the temper of the troops was such as made it expedient, if possible, that he should have nothing to do with them; that I had within a few hours received a message from the commanding general of the Militia informing me that every officer would tear off his epaulettes if General Armstrong was to have any thing to do with them; that before his arrival there was less difficulty, as Mr. Monroe, who was very acceptable to them, had, as on preceding occasions of his absence, though very reluctantly on this, been the medium for the functions of Secretary of War; but that since his return and presence the expedient could not be continued, and the question was, what was best to be done. Any convulsion at so critical a moment could not but have the worst consequences.

\* He had repaired to Fredericktown, the place appointed for the rendezvous of the Executive in the event of their being driven from the city. The turn which things took after his departure prevented the other members from joining him.



He said he had been aware of the excitement against him; that it was altogether artificial, and that he knew the sources of it, and the intrigues by which it had been effected, which this was not the proper time for examining; that the excitement was founded on the most palpable falsehoods, and was limited to this spot; that it was evident he could not remain here, and the functions belonging to him divided or exercised by any one else, without forgetting what he owed to his station and to himself; that he had come into his office with the sole view of serving the public, and was willing to resign it when he could no longer do so with honor and effect; that if it was thought best, therefore, that he should adopt this course, he was ready to give up his appointment; or he could, with my permission, retire from the scene, by setting out immediately on a visit to his family in the State of New York.

I observed that a resignation was an extent which had not been contemplated; that if made under such circumstances, it might receive constructions which could not be desirable, either in a public or a personal view; that a temporary retirement, as he suggested, though also subject to be viewed in some lights not agreeable, was, on the whole, less objectionable, and would avoid the existing embarrassment, without precluding any future course which might be deemed most fit.

He dwelt on the groundless nature of the charges which had produced the excitement, and on the limits within which they had and would operate; affirming that his conduct in relation to the defence of the city, &c., had proved that there had been no deficiency on his part.

I told him that I well knew that some of the particular charges brought against him were destitute of foundation, and that as far as they produced the discontents, these would be limited both as to time and space; but that I suspected the discontents to be in a great measure rooted in the belief that he had not taken a sufficient interest in the defence of the city, nor promoted the measures for it; and, considering the heavy calamity which had fallen on the place, and on its inhabitants, it was natural that strong feelings would be excited on the spot; and, as the place was the Capital of the nation, every where else also. I added that it would not be easy to satisfy the nation that the event was without blame somewhere, and I could not in candour say that all that ought to have been done had been done, and in proper time.

He returned to an exculpation of himself, and remarked that he had omitted no preparations or steps whatever for the safety of the place which had been enjoined on him.

I replied, that as the conversation was a frank one, I could not admit this justification; that it was the duty of the Secretary of War not only to execute plans or orders committed to him, but to devise and propose such as would, in his opinion, be necessary and proper; that it was an obvious and essential part of his charge, and that, in what related to military plans and proceedings elsewhere, he had never been scrupulous or backward in taking this course;

that, on the contrary, he well knew, from what on another occasion\* had passed between us, he had taken a latitude in this respect which I was not satisfied with; that it was due to truth and to myself to say, that he had never appeared to enter into a just view either of the danger to the city which was to be apprehended, or of the consequences of its falling into the hands of the enemy; that he had never himself proposed or suggested a single precaution or arrangement for its safety, everything done on that subject having been brought forward by myself; and that the apparent difference of his views on that subject from mine had naturally induced a reduction of my arrangements to the minimum, in order to obtrude the less on a reluctant execution. I reminded him, also, that he had fallen short of the preparations even decided on in the Cabinet, in some respects, particularly in not having arms and equipments brought to convenient depots from distant ones, some of the militia, when called on for the defence of the City, being obliged to get arms first at Harper's Ferry.

I remarked that it was not agreeable thus to speak, nor on an occasion less urgent would it be done; that I had selected him for the office he filled from a respect to his talents, and a confidence that he would exert them for the public good; that I had always treated him with friendship and confidence; and that as there was but a short distance before me to the end of my public career, my great wish, next to leaving my country in a state of peace and prosperity, was to have preserved harmony and avoid changes; and that I had, accordingly, as he well knew, acquiesced in many things to which no other consideration would have reconciled me.

He said he was very sensible of my friendly conduct towards him, and always had, and always should respect me for it.

The conversation was closed by my referring to the idea of his setting out in the morning on a visit to his family, and observing that he would of course revolve it further, and if he continued to think of it as he then did, he would consider me as opposing no restraint. We parted, as usual, in a friendly manner. On the next morning he sent me word by Mr. Parker that he should proceed immediately to visit his family; and, on his arrival at Baltimore, transmitted his resignation. [See his letter.]

\* See the instructions to him on the 13th day of August, 1814.

## LETTERS, ETC.

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TO MATHEW CAREY.

MARCH 10th, 1824.

D<sup>R</sup> SIR,—Yours of Feb<sup>r</sup> 28 was duly received, with the pamphlet referred to, and I add to my thanks for it those due for the several previous communications with which you favored me. They afford continued proofs of the ability and public spirit which you have exerted on the subject of them, and I cannot be insensible of the friendly and the flattering terms in which you invite a public exposition of my views of it. Waiving, however, the remark that the press and the debates are not likely to omit any thing that I could offer, candor obliges me to say that I should probably dissent too much from both sides of the depending question, ardent and determined as they now are, to be listened to by either.

I cannot but view the friends of the Tariff, in its proposed extent, with some of the reasonings on which it rests, as losing sight too much of the *general* principle which leaves to the sagacity and interest of individuals the free choice of their industrious pursuits. Whilst the opponents of the measure, some of them at least, appear to pass into the opposite extreme, of rejecting exceptions to the general rule which are called for by a practical estimate of the public safety and prosperity. To illustrate the generality of the rule, and, at the same time, specify and explain the just exceptions to it, is a task not yet, perhaps, adequately performed by political economists. But it is one which must be looked for from others who have more time before them, as well as better qualifications than I have. Whoever may undertake it will certainly find in the able and extensive discussions in this country a valuable addition to the lights derived from others.

TO R. H. LEE.

J. M. presents his respects to Mr. Lee, and returns the letters sent for his inspection. They contain nothing which would seem to require his dissent to their publication, if deemed worthy of a place in the correspondence selected for that purpose. If there be any doubtful passage, it is the allusion to a culpable love of power in the General Assembly; which may touch the personal feelings of surviving or the political sympathies of the succeeding members of the Body.

MONTPELLIER, March 11, 1824.

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TO DOCTOR THOMAS COOPER.

MONTPELLIER, March 22, 1824.

DEAR SIR,—I have received the little pamphlet on the Tariff before Congress, which you were so good as to send me. I had previously read its contents in the newspapers, but they are well worth perusing in the other form you have given them.

I have always concurred in the general principle that the industrious pursuits of individuals ought to be left to individuals, as most capable of chusing and managing them. And this policy is certainly most congenial with the spirit of a free people, and is particularly due to the intelligent and enterprising citizens of the United States.

The true question to be decided, therefore, is, what are the exceptions to the rule, not incompatible with its generality, and what the reasons justifying them? That there are such cases seems to be not sufficiently impressed on some of the opponents of the Tariff. Its votaries, on the other hand, some at least, convert the exceptions into the rule, and would make the Government a general supervisor of individual concerns. The length to which they push their system is involving it in complexities and inconsistencies, which can hardly fail to end in great modifications, if not total miscarriage. What can be more incongruous than to tax raw materials in an act for encouraging



manufactures? or than to represent a temporary protection of them as ensuring an early competition and reduction of prices, and at the same time to require for their safety a progressive augmentation of the protecting impost?

I know not a better service that could be rendered to the science of political economy than a judicious explanation of the cases constituting exceptions to the principle of free industry, which, as a general principle, has been so unanswerably established. You have glanced at some of them. Among others that might be added, I would admit cases in which there could be scarce a doubt that a manufacture once brought into activity would support itself and be profitable to the nation. An example is furnished by [the?] cotton branch among ourselves, which, if it had not been stimulated by the effect of the late war, might not for a considerable time have sprung up; and which, with that impulse, has already reached a maturity which not only supplies the home market, but faces its rivals in foreign ones. To guard the example, however, against fallacious inferences, it has been well observed that the manufactories in this case owe their great success to the advantage they have in the raw material, and to the extraordinary proportion of the work which is performed by mechanical agency.

Is it not fair, also, in estimating the comparative cost of domestic and foreign products, to take into view the effect of wars, even foreign wars, on the latter? Were there a certainty of perpetual peace, and, still more, a universal freedom of commerce, the theory might hold good without exception, that government should never bias individuals in the choice of their occupations. But such a millenium has not yet arrived; and experience shews that if peace furnishes supplies from abroad cheaper than they can be made at home, the cost in war may exceed that at which they could be afforded at home; whilst it cannot be expected that a home provision will be undertaken in war, if the return of peace is to break down the undertakers. It would seem reasonable, therefore, that the war price should be compared with the peace price, and the war periods with the peace periods, which in the last century have been nearly



equal; and that from these data should be deducted the tax that could be afforded in peace in order to avoid the tax imposed by war.

In yielding thus much to the patrons of domestic manufactures, they ought to be reminded that in every doubtful case the Government should forbear to intermeddle, and that particular caution should be observed where one part of the community would be materially favoured at the expense of another. In Governments independent of the people, the danger of oppression is from the will of the former. In Governments where the will of the people prevails, the danger of injustice arises from the interest, real or supposed, which a majority may have in trespassing on that of a minority. This danger in small Republics has been conspicuous. The extent and peculiar structure of ours are the safeguards on which we must rely; and although they may occasionally somewhat disappoint us, we have a consolation always in the greater abuses inseparable from Governments less free, and in the hope, also, that the progress of political science and the lessons of experience will not be lost on the National Councils.

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TO HENRY CLAY.

MONTPELLIER, April , 1824.

DEAR SIR,—I have received the copy of your speech on “American Industry,” for which I pray you to accept my thanks. I find in it a full measure of the ability and eloquence so often witnessed on preceding occasions. But whilst doing this justice to the task you have performed, which I do with pleasure as well as sincerity, candor obliges me to add that I cannot concur in the extent to which the pending bill carries the tariff, nor in some of the reasonings by which it is advocated.

The bill, I think, loses sight too much of the general principle which leaves to the judgment of individuals the choice of profitable employments for their labor and capital; and the arguments in favor of it, from the aptitudes of one situation for

manufacturing establishments, tend to shew that these would take place without a legislative interference. The law would not say to the cotton planter, you overstock the market, and ought to plant tobacco; nor to the planter of tobacco, you would do better by substituting wheat. It presumes that profit being the object of each, as the profit of each is the wealth of the whole, each will make whatever change the state of the markets and prices may require. We see, in fact, changes of this sort frequently produced in agricultural pursuits, by individual sagacity watching over individual interest. And why not trust to the same guidance in favor of manufacturing industry, whenever it promises more profit than any of the agricultural branches, or more than mercantile pursuits, from which we see capital readily transferred to manufacturing establishments likely to yield a greater income?

With views of the subject such as these, I am a friend to the *general* principle of "free industry," as the basis of a sound system of political economy. On the other hand, I am not less a friend to the legal patronage of domestic manufactures, as far as they come within particular reasons for exceptions to the general rule, not derogating from its generality. If the friends of the tariff, some of them at least, maintain opinions subversive of the rule, there are among its opponents views taken of the subject which exclude the fair exceptions to it.

For examples of these exceptions, I take—1. The case of articles necessary for national defence. 2. Articles of a use too indispensable to be subjected to foreign contingencies. 3. Cases where there may be sufficient certainty that a *temporary* encouragement will introduce a particular manufacture, which, once introduced, will flourish without that encouragement. That there are such cases is proved by the cotton manufacture introduced by the impulse of the war and the patronage of the law, without which it might not, for a considerable time, have effectually sprung up. It must not be forgotten, however, that the great success in this case was owing to the advantage in the raw material, and to the extraordinary degree in which manual labor is abridged by mechanical agency. 4. A very important

exception results from the frequency of wars among the manufacturing nations; the effect of a state of war on the price of their manufactures; and the improbability that domestic substitutes will be provided by establishments which could not outlast occasions of such uncertain duration. I have not noticed any particular reference to this consideration in the printed discussions, the greater cheapness of imported fabrics being assumed from their cost in time of peace. Yet it is clear, that if a yard of imported cloth, which costs six dollars in peace, costs eight in war, and the two periods should be, as for the last two centuries taken together, nearly equal, a tax of nearly one dollar a yard in time of peace could be afforded by the consumer, in order to avoid the tax imposed by the event of war.

Without looking for other exceptions to the principle restraining legislative interference with the industrious pursuits of individuals, those specified give sufficient scope for a moderate tariff, that would at once answer the purpose of revenue and foster domestic manufactures.

With respect to the operation of the projected tariff, I am led to believe that it will disappoint the calculations both of its friends and of its adversaries. The latter will probably find that the increase of duty on articles which will be but partially manufactured at home, with the annual increment of consumers, will balance, at least, the loss of the Treasury from the diminution of tariffed imposts: whilst the sanguine hopes of the former will be not less frustrated by the increase of smuggling, particularly through our eastern and northern frontiers, and by the attraction of the labouring classes to the vacant territory. This is the great obstacle to the spontaneous establishment of manufactories, and will be overcome with the most difficulty wherever land is cheapest, and the ownership of it most attainable.

The tariff, I apprehend, will disappoint those, also, who expect it to put an end to an unfavorable balance of trade. Our imports, as is justly observed, will not be short of our exports. They will probably exceed them. We are accustomed to buy not only as much as we can pay for, but as much more as can

be obtained on credit. Until we change our habits, therefore, or manufacture the articles of luxury, as well as the useful articles, we shall be apt to be in arrears in our foreign dealing, and have the exchange bearing against us. As long as our exports consist chiefly of food and raw materials, we shall have the advantage in a contest of privations with a nation supplying us with superfluities. But in the ordinary freedom of intercourse, the advantage will be on the other side; the wants on that being limited by the nature of them, and ours as boundless as fancy and fashion.

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TO PRESIDENT MONROE.

MONTPELLIER, April 13, 1824.

DEAR SIR,—Your favors of March 27 and April — came duly to hand. You know already that I submit the recommendations, which I cannot sometimes decline, in entire subordination to your view of the comparative merits and pretensions before you. I think you perfectly right in not allowing *locality* to give exclusive claims to offices of *general* concern.

I did not forget the name of Dr. Torrey when in consultation on the subject of a professor of chemistry for our University. But the solicitude for qualifications of the highest order will turn the attention to Europe, as well as to the United States.

Mr. Cabell communicated to us the friendly disposition of yourself, and others near you, with respect to the claim of the State assigned to the University for pecuniary advances during the late war, and the chance of success on a resort to Congress. The claim seems to be rigidly just; and if not formidable as a precedent, or if backed by concurrent claims from a number of other States, may work its passage through the Legislature. It will be a seasonable and precious succour to the scanty resources of the Institution.

I never had a doubt that your message, proclaiming the just and lofty sentiments of ten millions, soon to become twenty, enjoying in tranquil freedom the rich fruits of successful revo-

lution, would be received in the present crisis of Europe with exulting sympathies by all such men as Lafayette, and with envenomed alarm by the partisans of despotism. The example of the United States is the true antidote to the doctrines and devices of the Holy Allies; and if continued, as we trust it will be, must regenerate the old world, if its regeneration be possible.

Your message on the compact with Georgia places the subject in a very fair view. The letter from her representatives has not yet reached us. The character given of it exceeds all that could have been imagined from men not equally blind to every thing becoming themselves and required by public duty. The result can scarcely fail to make them sensible of their egregious miscalculation.

If honesty be the best policy, a magnanimous policy is the truest wisdom. The Southern members gave an example of this wisdom in joining the Eastern in contending for reciprocity in the West India trade, after the latter had deserted their own cause when espoused by the former. It is to be hoped that your patronage of the Massachusetts claim will lead to another display of like merit.

Mr. Livingston may be assured that I never considered our personal relations to be other than friendly, and that I am more disposed to cherish them by future manifestations than to impair them by recollections of any sort.

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TO W. H. CRAWFORD.

MONTPELLIER, April 13, 1824.

DEAR SIR,—I received by the last mail yours of the 8th, and I enclose the requested copy of the letter shewing your reasons for declining the charge of the War Department on the resignation of Mr. Eustis; to which justice requires me to add, that the mission to France, which you afterwards accepted, was unsolicited on your part.



I thank you for the volume of the *Diplom: Françoise*, which I retain till I can conveniently look over the article touched on in our conversation.

I am very sorry for the prolonged weakness of your sight. As it is probably a sympathetic effect of the cause which has impaired your general health, it may be expected to yield to its re-establishment. In sincere wishes that this may speedily take place, Mrs. M. unites with me, as I do with her, in cordial regards to Mrs. Crawford and your amiable amanuensis.

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TO EDWARD LIVINGSTON.

MONTPELLIER, April 17, 1824.

DEAR SIR,—I have been retarded in thanking you for the copy of your speech on the subject of internal improvement, by a necessary absence from home, and by successive occurrences since my return. I now beg you to accept that debt due to your kindness.

I have read your observations with a due perception of the ability which pervades and the eloquence which adorns them; and, I must add, not without the pleasure of noticing that you have pruned from the doctrine of some of your fellow-labourers its most luxuriant branches. I cannot but think, at the same time, that you have left the root in too much vigour. This appears particularly in the question of canals. My impression with respect to the authority to make them may be the stronger, perhaps, (as I had occasion to remark as to the bank, on its original discussion,) from my recollection that the authority had been repeatedly proposed in the convention, and negatived, either as improper to be vested in Congress, or as a power not likely to be yielded by the States. My impression is also very decided, that if the construction which brings canals within the scope of commercial regulations had been advanced or admitted by the advocates of the Constitution in the State conventions, it would have been impossible to overcome the opposition to it.

It is remarkable that Mr. Hamilton himself, the strenuous patron of an expansive meaning in the text of the Constitution, with the views of the convention fresh in his memory, and in a report contending for the most liberal rules of interpretation, was obliged, by his candour, to admit that they could not embrace the case of canals.

In forbearing to exercise doubtful powers, especially when not immediately and manifestly necessary, I entirely agree with you. I view our political system, also, as you do, as a combination and modification of powers without a model, as emphatically *sui generis*, of which one remarkable feature is its *annihilation* of a power inherent in some branch of all other governments, that of taxing exports. I wish, moreover, that you might be followed in the example of defining the terms used in argument, the only effectual precaution against fruitless and endless discussion. This logical precept is peculiarly essential in debating constitutional questions, to which, for want of more appropriate words, such are often applied as lead to error and confusion. Known words express known ideas; and new ideas, such as are presented by our novel and unique political system, must be expressed either by new words, or by old words with new definitions. Without attention to this circumstance, volumes may be written, which can only be answered by a call for definitions, and which answer themselves as soon as the call is complied with.

It cannot be denied, without forgetting what belongs to human nature, that, in consulting the contemporary writings which vindicated and recommended the Constitution, it is fair to keep in mind that the authors might be sometimes influenced by the zeal of advocates. But, in expounding it now, is the danger of bias less from the influence of local interests, of popular currents, and even from an estimate of national utility?

Having rambled thus far, I venture on another devious step, by alluding to your inference from a passage in one of my messages, that in a subsequent one my objection was not to the power, but to the details of the bill in which it was exercised. If the language was not more carefully guarded against such an

inference, it must have been because I relied on a presumed notoriety of my opinion on the subject; and probably considered the terms, "existing powers," as essentially satisfied by the uncontested authority of Congress over the Territories.

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TO MAJOR H. LEE.

APRIL 22d, 1824.

J. Madison acknowledges with thanks the receipt of the volume\* which Major Lee has been so good as to send him. He delays the perusal of it till he can precede it by that of the work which it reviews. If injustice, however occasioned, has been done to the memory of General Lee, a vindication of it cannot but be acceptable to one whose friendship, contracted with him at the earliest date, was particularly gratified by the brilliant career which ranked him among the most distinguished of our Revolutionary Heroes.

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TO ROBERT S. GARNETT.

J. Madison presents his respects to Mr. Garnett, who obligingly forwarded the Volume from Major Lee, and requests the favor of him to add the *place* to the address of the inclosed letter; the proper one being unknown to J. M.

APRIL 22d, 1824.

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TO RICHARD RUSH.

MONTPELLIER, Ap<sup>l</sup> 26, 1824.

DEAR SIR,—This will be handed to you by Francis W. Gilmer, Esq<sup>r</sup>.

The buildings for our University being now adequately prepared, and the Legislature of the State having given to its funds an extent authorizing the commencement of its operations, the

\* His critique on Judge Johnson.

duty of the Visitors is turned to the appointment of Professors. It would certainly be desirable to make the selection altogether at home. But the preoccupancies by other Institutions, and the inferiority of qualifications here for some departments of science to those which may be found abroad, have induced us, in our anxiety to make the University as attractive and useful as possible, to seek there also for the means of filling particular chairs. This task has been committed to Mr. Gilmer, to be executed within the British Isles, to which a preference was obviously suggested by a sameness of language, and by the fewer dissimilarities in other respects there than elsewhere.

As Mr. Gilmer will be entirely a stranger, and with a trust equally delicate and important, he will of course wish for information and counsel from those most able to give them; and I have assured him of yours, not only in pointing to any characters known to yourself to be worthy of consideration, but in bringing him into communication with others having better opportunities than you may have of rendering that assistance. Among the individuals of this description he anticipates Sir James Mackintosh, whom he understands, as we all do, to be not more distinguished for his genius and learning than for his liberal principles and his enlarged philanthropy. Mr. Gilmer will accordingly be gratified by an occasion, which I have encouraged him to expect from your kindness, of paying his respects to one of such conspicuous merit, and of conferring with him on the object of his mission. I should have felt a pleasure myself in contributing a line of introduction, but there seemed to be too great an absence of the circumstances requisite for such a liberty; and the omission will be more than supplied by the advantage of your interposition, favored, as is presumed, by a personal as well as public acquaintance.

It would be superfluous to offer any special recommendation of Mr. Gilmer to your friendly reception. A sufficient one is, the choice made of him for such a service; and he will, moreover, quickly recommend himself by his enlightened and accomplished mind, and by dispositions and manners with which you cannot fail to be pleased.

## TO MAJOR H. LEE.

J. Madison has received Major Lee's note of the 4th, in which reference is made to a contemplated new edition of his Father's Memoirs.

The events embraced by the Memoirs will occupy so large and so important a space in the history of our Independence, that an exhibition of them from such a source cannot be made too full or too free from error. J. M. would, accordingly, not only feel a pleasure, but perform a duty, in contributing useful lights on the subject, were such in his possession. He believes, however, that neither his papers nor his recollections can avail him on the occasion. Throughout the period of the Southern war his abode was at the distance of Philadelphia, where he served as one of the Virginia Delegation to Congress; and being in no private correspondence with any of the actors or spectators, he had no knowledge of what passed but from official documents now open to the public; among which, the correspondence of the Executives of the Southern States with the General Government (and, perhaps, with each other) may merit attention. Should any thing of a nature to supply omissions or correct errors unexpectedly occur to J. M., he will not fail to comply with the request of Major Lee, to whom he tenders his good wishes.

MONTPELLIER, May 12, 1824.

## TO THOMAS JEFFERSON.

MONTPELLIER, May 20, 1824.

DEAR SIR,—I return the letter from Mr. Cabell with your answer to it, inclosed in yours of the 16th, just come to hand.

It is not probable that a removal of the College from Williamsburg will be espoused by a majority of the Visitors, controuled as they will be by the popular voice in that quarter. If it should, Richmond will not be without competitors. The pretensions of Petersburg have already been brought forward.



And if, in its new position, it is to be co-ordinate with the present University, there will be a bold claim by the ultramontane country. After all, is the climate of Richmond so different in the public eye from that of Williamsburg as to make it a satisfactory substitute? Is not Richmond, also, becoming too much of a city to be an eligible site for such an Institution? The most extensive and flourishing of our learned institutions are not in the most populous towns. That in Philadelphia is eclipsed by rising seminaries in other parts of the State. In New York the case is not dissimilar. Be all this as it may, I concur entirely in your opinion, that the best counsel for us is to be passive during the experiment, and turn the result to the best account we can for the interest of science and of the State.

I wish Mr. Cabell may comply with your invitation to a conversational interview on his way to Warminster; with an understanding that mine is included, and that we should be much gratified in welcoming him and his lady over our threshold.

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TO LITTLETON DENNIS TEACKLE.

MONTPELLIER, June —, 1824.

D<sup>R</sup> SIR,—I have received yours of the 8th, inclosing the plan of a work under the title of "Political Economist."

The science of political economy has received much elucidation from modern discussions. But it is so important to the prosperity of States, that it merits every further light that can be thrown on it. The application of its true principles to our Country, which is not in some respects similar to the old ones of Europe, is well worthy the attention of an enlightened society, such as that referred to in Baltimore. And it is an encouragement to their efforts, that if we are behind the old world in some respects, we are less fettered by inveterate habits and prejudices, and, consequently, more docile to instruction and improvement. That these may be promoted by the lucubrations and labours of the Society, is my sincere wish. Were I more competent, under any circumstances, to aid it by mine, the

pledge would now be forbidden by the wear and tear of life of which I am becoming sensible. Perhaps I ought, in candour, to add, that although I am not unfriendly to public interpositions with private pursuits. in certain cases forming clear exceptions to the general rule of "free industry," I am so much attached to the general rule, that it is quite possible my views with respect to the exceptions would too little harmonize with those of the Society for a beneficial co-operation.

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TO JOHN FINCH.

JUNE—, 1824.

DEAR SIR,—I have received your favor of May 20, with the two printed papers, one on the "Tertiary Formations," the other on the "Celtic Antiquities of America," for which I return my thanks.

Without venturing to decide on the validity of these ingenious speculations, I may express my respect for the philosophic and literary character of which they bear the stamp. They merit, each of them, the further researches requisite in such cases. The second involves the question, how far similar monuments of the simplest forms and the most obvious materials, among different communities in the rudest stages, may be derived by either from the other, or be a spontaneous result of propensities and situations common to both.

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TO H. LEE.

MONTPELLIER, June 25, 1824.

I have received, sir, your letter of the 18th, enclosing the proposal of a new publication, under the title of "American Gazette and Literary Journal." Of the prospectus, I cannot say less than that it is an interesting specimen of cultivated talents.

I must say, at the same time, that I think it concedes too much to a remedial power in the press over the spirit of party.

Besides the occasional and transient subjects on which par-

ties are formed, they seem to have a permanent foundation in the variance of political opinions in free States, and of occupations and interests in all civilized States. The Constitution itself, whether written or prescriptive, influenced as its exposition and administration will be by those causes, must be an unfailing source of party distinctions. And the very peculiarity which gives pre-eminent value to that of the United States, the partition of power between different governments, as well as between different departments of government, opens a new door for controversies and parties. There is, nevertheless, sufficient scope for combating the spirit of party, as far as it may not be necessary to fan the flame of liberty, in efforts to divert it from the more noxious channels; to moderate its violence, especially in the ascendant party; to elucidate the policy which harmonizes jealous interests; and particularly to give to the Constitution that just construction which, with the aid of time and habit, may put an end to the more dangerous schisms otherwise growing out of it.

With a view to this last object, I entirely concur in the propriety of resorting to the sense in which the Constitution was accepted and ratified by the nation. In that sense alone it is the legitimate Constitution. And if that be not the guide in expounding it, there can be no security for a consistent and stable, more than for a faithful, exercise of its powers. If the meaning of the text be sought in the changeable meaning of the words composing it, it is evident that the shape and attributes of the government must partake of the changes to which the words and phrases of all living languages are constantly subject. What a metamorphosis would be produced in the code of law if all its ancient phraseology were to be taken in its modern sense! And that the language of our Constitution is already undergoing interpretations unknown to its founders will, I believe, appear to all unbiased inquirers into the history of its origin and adoption. Not to look farther for an example, take the word "consolidate," in the Address of the convention prefixed to the Constitution. It there and then meant to give strength and solidity to the union of the States. In its current

and controversial application, it means a destruction of the States by transfusing their powers into the government of the Union.

On the other point touched in your letter, I fear I shall not very soon be able to say anything. Notwithstanding the importance of such a work as that of Judge Johnson, and the public standing of the author, I have never given it a reading. I have put it off, as in several other voluminous cases, till I could go through the task with a less broken attention. While I find that the span of life is contracting much faster than the demands on it can be discharged, I do not, however, abandon the proposed perusal of both the "Life of Greene," and "the Campaign of 1781."

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TO HENRY WHEATON.

MONTPELLIER, July 11, 1824.

D<sup>R</sup> SIR,—I have received your letter of the 3d instant, referring to a penciled note of mine on a letter from Mr. Pinkney.

It is a fact, as there noted, that when the Embargo was recommended to Congress, Dec<sup>r</sup> 18, 1807, a copy of the British Orders in Council of Nov<sup>r</sup> 11, 1807, as printed in an English newspaper, stating them to be ready in that form to be signed and issued, lay on the President's table. From what quarter the newspaper came, or whether known, I do not recollect. But the measure it threatened could not be doubted; and manifestly required, if there had been no other ground for apprehending the danger, that American property and seamen should not be exposed to it. Besides the precise warning contained in the newspaper, it was generally understood that some such outrage was contemplated by the British Cabinet. I do not pretend to recollect the several grounds for the belief. The files of the Department of State may contain some of them. In a private letter of October 5th, 1707, from an intelligent and close observer in London of the indicated views of the Cabinet towards the United States, I find the following passage: "The Gazette

of Saturday has gone by without announcing the injurious blockade of all French ports and all ports under the influence of France, which was threatened all the week and very generally expected." Another letter from the same, of Oct<sup>r</sup> 11, adds: "Two more Gazettes have been published without announcing the rigorous blockade, one of them as late as last night. I hope they have thought better of it."

Although it is true, therefore, that no official evidence existed of the Orders in Council when the Embargo was recommended, there was a moral certainty in the evidence described by Mr. Pinkney,\* which included "the newspapers of this country [G. Britain] received in the United States some days before the Message of the President."

To this view of the case the language of the Message was accommodated. And the subsequent Message of Feb<sup>y</sup> 2, 1808, founded on the official receipt of the Orders in Council, squares with the idea that they had been unofficially known when the provident measures of the Embargo was recommended. If the files of Congress of that period are in preservation, the papers communicated with the Message may throw light on the subject. I cannot, I think, be mistaken in saying that the information in the English newspapers was republished in the National Intelligencer; and if so, that alone must settle the question.

I am glad to find you turning a critical attention to this subject. No part of the public proceedings during the two last administrations is less understood, or more in danger of historical misrepresentations, than the Embargo and the other restrictions of our external commerce. It has become a fashion to decry the whole as inefficacious and unworthy substitutes for war. That immediate war, under existing circumstances, was inexpedient, and that experimental measures short of war were preferable to naked submission, cannot well be doubted. It is equally clear that the Embargo, as a precaution against the surprise and devastation of our trade, was proper, even if war had been intended; and the presumption is strengthened by late ex-

\* Vol. 6, p. 190, of State Papers.



perience, that, if faithfully executed, it would have produced a crisis in the British West Indies that might have extorted justice without a resort to war. If it failed, it was because the Government did not sufficiently distrust those in a certain quarter whose successful violation of the law led to the general discontent which called for its repeal. Could the bold and combined perfidies have been anticipated, an expense, which would have proved economical, might have been prevented or quickly subdued them. The patriotic fishermen of Marblehead at one time offered their services; and if they could, at an early day, have been employed in armed vessels, with a right to their prizes, and an authority to carry them into ports where the Tribunals would have enforced the law, the smuggling would have been crushed.

With respect to the restrictive laws generally, it is a known fact that, under all the disadvantages which they encountered, their pressure on the manufacturers of G. Britain, as reported to the Parliament and painted by Mr. Brougham, ultimately brought about a revocation of the predatory orders. It is remarkable that this revocation, bearing date June 23d, followed at no very long interval the letter of Castlereagh to Foster, communicated *in extenso* to the American Government, in which it was haughtily declared that the Orders in Council would not be repealed, and, consistently with other engagements, could not be repealed; a declaration which, leaving no alternative to the United States but submission or war, was met, of course, by the latter. Had the repeal of the orders taken place a few weeks sooner, it is to be presumed that the declaration of war, which preceded the repeal five days only, would at least have been suspended by that event, with an experiment, under its auspices, of further negotiations for a discontinuance of impressments, the other great obstacle to pacific relations; and that the success of the restrictive laws in obtaining the repeal, without a resort to war, would have been followed by songs of praise, instead of the criticisms to which an oblivion of their efficacy has given rise.

JULY 21, 1824.

P. S. After writing the above, it occurred that it might be well to consult the recollections and memoranda of Mr. Jefferson. His answer, just received, says, "there is no fact in the course of my life which I recollect more strongly than that of my being, at the date of the Message, in possession of an English newspaper containing a copy of the orders, &c., which I think came to me through a private channel." The answer extracts from his notes on the occasion circumstances in full accordance with his memory, and he does not doubt that the general fact is remembered by all the members of the Cabinet, and probably attested by the papers communicated to Congress with the message. Mr. Jefferson thinks, also, as I do myself, that the turn of the arguments of the opposition party will be found not to deny the fact, but the propriety of acting on newspaper authority.

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TO PRESIDENT MONROE.

MONTPELLIER, August 5, 1824.

DEAR SIR,—I have just had the pleasure of receiving yours of the 2nd. We had looked for the greater pleasure of giving a welcome about this time to you and Mrs. Monroe, being informed from Albemarle that you were to be there in a few days. We are very sorry for the uncertainty you intimate, but still hope that Mrs. Monroe's health will not only permit you to make the journey, but her to join you in it. It could not fail to be beneficial to both; and you owe it to yourself as well as to your friends to take some repose with them after the vexations which have beset you. Come, I pray you, and be not in your usual hurry.

The Convention with Russia is a propitious event, as substituting amicable adjustment for the risks of hostile collision. But I give the Emperor, however, little credit for his assent to

the principle of "*Mare Liberater*" in the North Pacific. His pretensions were so absurd, and so disgusting to the maritime world, that he could not do better than retreat from them through the forms of negotiation. It is well that the cautious, if not courteous, policy of England towards Russia has had the effect of making us, in the public eye, the leading Power in arresting her expansive ambition. It is, as you note, an important circumstance in the case, that the principles and views unfolded in your message were not unknown at St. Petersburg at the date of the Convention. It favors the hope that, bold as the allies, with Russia at their head, have shewn themselves in their enmity to free government everywhere, the maritime capacities of the United States, with the naval and pecuniary resources of Great Britain, have a benumbing influence on all their wicked enterprises.

The advances of France towards a compromise with Columbia, if sincere, is a further indication of the dread of the united strength and councils of this country and Great Britain. The determination of the latter not to permit foreign interference in the contest between Spain and South America, and if confided in, with the language of your message on the subject, ought, I think, to quiet the apprehensions of Colombia, and to parry the question of Mr. Salazar, at least till the meeting of Congress; knowing, as he must do, the incompetency of the Executive to give a precise answer.

Repeating my exhortations, in all which Mrs. Madison joins me, we offer Mrs. Monroe and yourself our affectionate respects and best wishes.

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TO THOMAS JEFFERSON.

MONTPELLIER, Aug. 16, 1824.

D<sup>R</sup> SIR,—I acknowledged in my last yours of the 8th, and now return the letters of Mr. Gilmer and Mr. Rush inclosed in it. It would be a matter of much regret if insanity should be-

fall such a man as Ivory; but it is to be hoped his condition will be fixed before he leaves England, or, rather, before any engagement of him. I hope Mr. Gilmer will be able to avoid, also, men much advanced in life. After a certain age they will be less flexible to our manners, and the sooner lost by death or debility. A limitation to a suitable age furnishes a convenient reply to domestic applicants beyond it.

The cheapness of the Polyglot in Boston is very tempting. But considering the ticklish footing on which we are with the Assembly, and the chance that the article may remain unsold, it may be best to suspend the purchase till we can decide more understandingly. I observe in the London Catalogue of Longman & Co., in 1816, there are several copies of Walton's Polyglot, one of which, in 6 volumes, is at £42 sterling, noted as the "Republican" copy, because patronised by Cromwell and his Council. You have, I presume, this catalogue. If not, I will send it.

I will endeavour to make out a list of theological works, but am less qualified for the task than you seem to think; and fear, also, that my catalogues are less copious than might be wished. There is a difficulty in marking the proper limit to so inexhaustible a chapter, whether with a view to the Library in its infant or more mature state.

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TO HENRY LEE.

AUGUST—, 1824.

I have received, Sir, your letter of August 5th, with a copy of the address reported by the Committee of a late meeting at Fred———, for which you will please to accept my thanks.

I am not surprised at your purpose of adopting literature as your favorite object. It will always be found a source not only of rich enjoyment, but of public distinction and usefulness also, where there is a union of talents with a taste for the pursuit. The biographical branch which you have selected, though not allowed the same grade with history, may embrace enough of

the latter to become of general importance, where the individual subjects have been so far connected with public transactions as to bring these within the purview of the author. And I infer from the names to which you have pointed, and the period assigned for the task, that this has been a ruling consideration with you. It is certainly the only one that could have given attraction to my career of life.

The friendly inducements to your request of such materials in relation to it as I might be able to furnish could not but have their due weight. But [overlooking the approach of such a step to an autobiography, a privilege to which few can pretend] it is strictly true, that, with respect to those of a private stamp merely, I have preserved none, nor could my memory supply any, meriting a place in a biographical record.

With respect to my participation in public transactions, whether those within my native State or those of a national character, it will best be traced in documents which the press, with little exception, has laid before the public. There are, indeed, on my files, private correspondences and other papers which may throw a valuable light on subjects of public interest. But I have regarded these, if ever to be drawn from their confidential abode, as belonging to a posthumous period; posthumous to others as well as myself.

I ought not, perhaps, to leave unnoticed an object, sometimes the principal, if not the sole object of biography; I mean that of literary authorship. If any thing from my pen can fall under that title, it does not extend beyond a pamphlet or two, the source of which was not unknown, and a few anonymous minor articles which have probably passed into oblivion.

I must ask your excuse for the tardiness of this acknowledgment of your favor, which has happened not to be avoidable.



## TO GENERAL LA FAYETTE

AUGUST 21, 1824.

I this instant learn, my dear friend, that you have safely reached the shores where you will be hailed by every voice of a free people. That of no one, as you will believe, springs more from the heart than mine. May I not hope that the course of your movements will give me an opportunity of proving it by the warmth of my embrace on my own threshold? Make me happy by a line to that effect, when you can snatch a moment for a single one from the eager gratulations pouring in upon you.

## TO THOMAS JEFFERSON.

MONTPELLIER, Sept<sup>r</sup> 20, 1824.

DEAR SIR,—On the receipt of yours of Aug. 8, I turned my thoughts to its request on the subject of a theological catalogue for the library of the University; and not being aware that so early an answer was wished, as I now find was the case, I had proceeded very leisurely in noting such authors as seemed proper for the collection. Supposing, also, that although theology was not to be taught in the University, its Library ought to contain pretty full information for such as might voluntarily seek it in that branch of learning, I had contemplated as much of a comprehensive and systematic selection as my scanty materials admitted, and had gone through the five first centuries of Christianity when yours of the 3d instant came to hand, which was the evening before the last. This conveyed to me more distinctly the limited object your letter had in view, and relieved me from a task which I found extremely tedious; especially considering the intermixture of the doctrinal and controversial part of Divinity with the moral and metaphysical part, and the immense extent of the whole. I send you the list I had made out, with an addition on the same paper of such books as a hasty glance of a few catalogues and my recollection suggested. Per-

haps some of them may not have occurred to you, and may suit the blank you have not filled. I am sorry I could not make a fair copy without failing to comply with the time pointed out.

I find by a letter from Fayette, in answer to a few lines I wrote him on his arrival at New York, that he means to see us before the 19th of October, as you have probably learned from himself. His visit to the United States will make an  
in the history of liberty.

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TO A. B. WOODWARD.

MONTPELLIER, Sept<sup>r</sup> 11, 1824.

D<sup>R</sup> SIR,—I have received, and return my thanks for, the printed communications accompanying your note of the 4th instant.

To appreciate your proposed expedient for a standard of measures and weights would require more time than I can apply, and more mathematical science than I retain. Justice will doubtless be done to it by competent judges.

I have given a hasty perusal to the observations "addressed to the Individual Citizen." Although I cannot concur in some of them, I may say of all that they merit every praise for the perspicuity, the precision, and the force, with which they are presented to the public attention.

You have fallen into a mistake in ascribing the Constitution of Virginia to Mr. Jefferson, as will be inferred from the animadversions on it in his "Notes on Virginia." Its origin was with George Mason, who laid before the committee appointed to prepare a plan a very broad outline,\* which was printed by the committee for consideration, and, after being varied on some points and filled up, was reported to the Convention, where a few further alterations gave it the form in which it now stands. The declaration of rights was subsequently from the same hand. The preamble to the Constitution was probably derived in great

\* July, 1826. For a more recollected view of this matter, see an account of the origin and progress of the "Constitution of Virginia," by J. M.

measure, if not wholly, from the funds of Mr. Jefferson, the richness of which in such materials is seen in the Declaration of Independence, as well as elsewhere. The plan of Mr. Jefferson, annexed to one of the editions of his "Notes on Virginia," was drawn up after the Revolutionary war, with a view to correct the faults of the existing Constitution, as well as to obtain the authentic sanction of the people.

Your love of truth will excuse this little tribute to it, or rather would not excuse its omission.

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TO W. H. CRAWFORD.

MONTPELLIER, October 1, 1824.

DEAR SIR,—I return by Mrs. Cutts the volume of the *Hist. Gen. de la Diplo: Franç.*, having waited for such a conveyance on the supposition that the delay would produce no inconvenience. The account given in the work of the mission of Rayneval to England accords with his explanations of it to Mr. Monroe, as I recollect them. The view taken of it by Mr. Jay, if the true one, is certainly not in itself the most probable. That the British Cabinet should seek to divide France and the United States is more readily to be conceived than that the French Cabinet should furnish the means for it, by a confidence so likely to be turned against it. To have a full understanding of the matter, an authentic disclosure from the British quarter is wanted. The result, whatever may have been the object of the other parties, was fortunate for the United States.

We learn with great pleasure that your tedious indisposition has terminated in a decided recovery of your health. To that happiness we wish every other may be added.

P. S. On turning to your letter which accompanied the French volume, and my answer, I observe that the latter, in bearing testimony to the fact that your mission to France was not of your seeking, did not express that it was not under the

seal of confidence. I hope it was rightly understood as not meant to be withheld from any use that truth and justice might be thought to require.

Offering at the same time our united respects and regards to Mrs. C., without forgetting what is due to Miss Caroline,

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[The following is the letter of M. Rayneval to Mr. Monroe, found among Mr. Madison's papers, which is referred to in the preceding letter to Mr. Crawford:]

PARIS, le 14 Novembre, 1795.

MONSIEUR,—J'ai reçu la lettre que vous m'avez fait l'honneur de m'écrire le 30 du mois dernier. Je suis, on ne peut pas plus, flatté de la marque de confiance que vous voulez bien me donner; et je crois ne pouvoir y mieux répondre qu'en vous transmettant, avec la plus scrupuleuse exactitude, les explications que vous me demandez. Je suis d'autant plus en mesure de vous satisfaire, que les faits, dont il est question, me sont en quelque sorte personnels; et je le dois, puisque le ministère avec qui je les ai partagés, n'existe plus. D'ailleurs c'est une dette que je m'empresse d'acquitter envers ma patrie, qu'on a cherché à calomnier, avec une intention qu'il n'est pas difficile de pénétrer.

Votre lettre, Monsieur, renferme le passage suivant: "Vous savez que les ministres Américains ont signé avec ceux de l'Angleterre un traité provisoire, à l'insçu du cabinet Français et contre les instructions qu'ils avaient du congrès, lequel traité ne devait pas avoir son effet, jusqu'à ce qu'il fût conclu un traité entre la France et l'Angleterre. Comme on cherchait à s'informer des motifs de cette démarche, il était dit, d'après ce que j'ai souvent entendu, que la France, témoignant de l'indifférence sur plusieurs points de nos réclamations, vis-à-vis l'Angleterre, débattus pour lors par nos ministres, avait même pris le parti de cette puissance contre nous, en cherchant à écarter nos réclamations relatives à la pêche, aux limites, et au Mississippi; et qu'elle vous avait envoyé en Angleterre expressément pour décider le Marquis de Lansdowne dans son opposition à nos demandes sur ces points, de laquelle mission vous vous êtes acquitté dans les conférences personnelles que vous avez eu avec ce ministre; et qu'enfin, si nos négociateurs ont réussi sur les points que je viens de nommer, ils devaient leur succès à la politique libérale de l'Angleterre, qui, en rejetant les conseils de la France, a préféré nous accorder nos demandes, tandis qu'instruite qu'elle était des vœux de la France à cet égard, elle aurait pu s'y refuser, et à leur propre adresse à découvrir et à déjouer les intrigues du Gouvernement Français, en terminant le traité de la manière et aux conditions déjà citées," &c. Voilà, Monsieur,

les faits sur lesquels vous me demandez des éclaircissements, et voici ma réponse.

Vous vous rappelez sûrement, Monsieur, qu'au combat naval qui eut lieu en Avril, 1782, dans les Antilles à la hauteur de la Dominique, M. de Grasse, fait prisonnier, fut conduit en Angleterre. Cet Amiral eut des entretiens avec Milord Shelburne, et à son retour en France en Septembre, 1782, il fit entendre que ce Ministre lui avait fait des ouvertures de paix; il remit même une note des conditions qu'il disait lui avoir été proposées. Cet annonce causa beaucoup d'étonnement, et l'on n'était pas sans défiance sur l'exactitude du rapport. Toutefois on jugea devoir éclaircir les faits, et on se détermina à m'envoyer pour cet effet secrètement en Angleterre. Mes instructions étaient aussi simples que laconiques; elles portaient que je devais demander l'aveu ou le désaveu de la note remise par M. de Grasse.

No. 1. Le premier article de cette note concernait l'indépendance de l'Amérique; je joins ici un extrait du rapport que je fis lors de mon retour. Il renferme textuellement ce que c'est dit à l'égard des affaires Américaines; il est de la fin du mois de Septembre, 1782. Vous y trouverez: 1°. Que l'article fondamental de mes instructions était l'indépendance des Etats-Unis, et qu'il ne m'a rien été prescrit relativement aux autres conditions à convenir avec les commissaires Américains. 2°. Que je n'ai provoqué aucune conversation, aucune discussion sur cet objet, et que lorsque le Ministre Anglais en a parlé de lui-même, je me suis renfermé dans mon ignorance et dans mon défaut d'autorisation. 3°. Que dans les opinions que j'ai énoncées, *j'ai plutôt appuyé qu'affaibli les demandes des commissaires Américains*. Je crois devoir observer que le langage que j'ai tenu à l'égard des affaires Américaines, je l'ai tenu également à l'égard de celles de l'Espagne, parce que j'étais de même sans autorisation de la part de cette puissance.

Après mon retour en France les négociations reprirent toute leur activité pour ce qui concernait la France. Je joins ici, sous les Nos. 2, 3, et 4, l'extrait des pièces concernant la pêche de Terre Neuve. Vous n'y verrez, Monsieur, pas un mot qui ait le moindre rapport aux intérêts des Etats-Unis. Pour la parfaite intelligence de ces pièces, je crois devoir vous donner l'explication suivante.

Par le traité d'Utrecht, (1713,) la France céda l'Isle de Terre-Neuve à l'Angleterre; mais elle se reserva la pêche; et cette disposition fut confirmée par les traités d'Aix-la-Chapelle, (1748,) et de Paris, (1763.) Nous avons constamment regardé notre droit de pêche comme exclusif dans les parages qui nous étaient assignés; et nous avons porté des plaintes chaque fois que les pêcheurs Anglais venaient en concurrence avec les nôtres; de là naissaient sans cesse des discussions, des démêlés, et des querelles entre les deux nations; nos réclamations étaient fréquentes, et elles étaient toujours infructueuses. Nous avons cru devoir profiter des circonstances de la guerre de 1778, pour trancher la difficulté; nous avons, dès le commencement des négocia-



tions, articulé d'une manière précise notre droit exclusif, et la volonté péremptoire de la maintenir.

Mais sentant la difficulté d'éloigner les Anglais de la partie la plus poissonneuse, savoir, celle située entre le cap St. Jean et le cap Buenavista, et prévoyant que ce seul article rendrait les négociations infructueuses, nous consentîmes à un nouveau partage, nous demandâmes la pêche exclusive depuis le cap St. Jean jusqu'au cap Raye; et c'est ainsi que les choses furent arrangées. Je dois observer ici, que les côtes qui nous ont été assignées sont les moins poissonneuses de toute l'Amérique, et que si nous nous en sommes contentés, c'a été uniquement par amour pour la paix et dans la vue de la rendre solide et durable, en prévenant le mélange, et par là les querelles des pêcheurs des deux nations. Je reviens à mon sujet.

Tandis que notre négociation cheminait, celle de l'Espagne présentait les plus grandes difficultés; et le Roi ne voulant point faire la paix séparément, il pensa qu'il était instant de concilier les intérêts de son allié; c'est dans cette vue que j'ai été envoyé une seconde fois en Angleterre à la demande du Comte d'Aranda. Mes instructions portaient, entre autres, le passage suivant. *Comme il est possible que les ministres Anglais entretiennent le Sr. de Rayneval des affaires de l'Amérique, et de celles des Provinces-Unis, il annoncera qu'il n'a aucune autorisation pour les traiter.....* Au reste il n'importe ici de suivre les dates. Mes instructions portent celle du 15 Novembre, 1782. J'arrivai à Londres le 20 au soir. J'avais rencontré à Calais un sous secrétaire d'état Anglais, chargé d'instructions pour Mr. Oswald; le traité provisoire entre ce plénipotentiaire et ceux des États-Unis fut signé le trente du même mois de Novembre, je n'appris cet événement inopiné que par le Ministère Anglais; et je joins ici, sur No. 5, le compte que j'en rendis le 4 Xbre. Tandis que je transmettais cette information à Monsieur de Vergennes, ce Ministre m'écrivait de son côté sur le même objet une lettre particulière, et ensuite une lettre officielle, dont je joins également ici l'extrait, sur les numéros 6 et 7. Vous remarquerez dans la première ces mots: "Vous ne vous doutiez pas, lorsque vous êtes parti, que la négociation des Américains fut à son terme: je ne fus informé que le lendemain, que les articles étaient convenus, et seraient signés le même jour." Voici, Monsieur, l'explication de cette phrase. Arrivé à Londres le 20 Novembre, comme je le dit plus haut, je ne tardai pas à entrer en conférence avec les Ministres Anglais sur les affaires de l'Espagne; mais les difficultés que je rencontrai me parurent si graves, et si compliquées, que je me déterminai à revenir à Versailles, pour expliquer l'état des choses, et demander d'ultérieures instructions. J'arrivai à Versailles le 28 9bre, je passai la journée avec le Comte d'Aranda; je repartis le 29 pour Londres, où je fus de retour le 3 Xbre.

En venant, j'avais reçu à bord de mon paquebot M. Laurens qui venait à Paris; pendant toute la traversée, ce Commissaire Américain se tint sur la plus grande réserve vis-à-vis de moi. Mon retour à Londres était d'autant

plus instant qu'on attendait pour décider si le Roi d'Angleterre, à la rentrée du parlement, annoncerait des espérances de paix, ou la nécessité de continuer la guerre. C'est le lendemain de mon retour qu'arriva la nouvelle de la signature du traité Américain, et c'est le lendemain de mon départ de Versailles qu'elle a eu lieu.

Je ne dois pas omettre de vous dire, Monsieur, que Milord Lansdowne, chez qui j'étais à l'instant où il apprit cette signature, me dit, que c'était un incident qu'il ne concevait pas, et qu'il n'aurait des idées nettes à cet égard qu'après la lecture des dépêches. Je revis ce premier Ministre le lendemain, et il me dit que le traité dont il s'agit avait fait la plus vive sensation sur le conseil; qu'il avait retourné les esprits; que les dispositions actuelles étaient pour la continuation de la guerre, et *une coalition avec les Américains*; que c'était là le sentiment de tous les membres du conseil à l'exception de lui et de Milord Grantham; et que ce sentiment serait sans doute étayé par tous les ennemis du ministère; que toutefois il serait fidèle à ses principes. Il m'assura, de plus, que *la signature précipitée, faite à son insçu, et surtout les conditions exagérées, étaient l'effet d'une intrigue qui avait la continuation de la guerre pour objet; mais qu'il était forcé de dissimuler.*

Je pense, Monsieur, que tous ces détails sont plus que suffisants pour vous convaincre que le Ministère Français n'a point cherché à nuire aux intérêts des États-Unis; qu'il n'a fait ni démarches ni insinuations quelconques pour entraver les négociations des Commissaires du Congrès; que je n'ai pas été envoyé dans cette vue en Angleterre; que si, ce que nous avons ignoré, et ce que nous ne pouvions présumer, ils ont eu l'intention d'empiéter sur notre pêche, nous ne l'avons appris que par le Ministère Anglais, et que s'ils ont échoué à cet égard, comme cela devait être, c'a été uniquement par le fait de ce même Ministère.

Je borne là mes réflexions, parce qu'elles vous suffiront sûrement pour apprécier les assertions faites en Amérique, pour en sentir toutes les maladresses (pour ne rien dire de plus.) J'ajouterai seulement la remarque suivante,— nous n'avons aucun intérêt à empêcher les Américains de pêcher concurremment avec les Anglais. Donc, il n'est pas vraisemblable que nous ayons fait des efforts pour les priver de cet avantage; et quand même le Ministère Français eut eu une pareille intention, il n'aurait pas été assez gauche pour la confier aux Ministres Anglais; car il leur aurait donné par là des armes contre lui, et ils en auraient probablement abusé.

Au surplus, il est possible que les personnes qui était à la tête de l'intrigue, dont m'a parlé Milord Lansdowne, aient supposé ces mêmes insinuations pour tromper et égarer les plénipotentiaires Américains; et dans ce cas, ceux-ci auraient complètement donné dans le piège. Je vous prie de remarquer que c'est immédiatement après l'arrivée de Monsieur Laurens à Paris que la signature du traité eut lieu; combinez avec tout cela ce que dit M. de Vergennes dans sa lettre particulière du 7 Xbre, et ce que m'a dit Milord Lans-

downe. J'y ajouterai que vos commissaires auraient montré plus de sagacité, plus de pénétration, plus de prudence en se défiant des insinuations de leur ennemi, qu'en soupçonnant la droiture, la loyauté, et les bonnes intentions bien éprouvées d'un allié.

Je termine, Monsieur, cette longue lettre par un objet qui m'est exclusivement personnel. Je veux parler de la navigation du Mississippi.

Mr. Jay avait été chargé d'entamer une négociation avec M. Le Comte d'Aranda relativement aux limites des Florides et de la Louisiana; mais ces deux plénipotentiaires ne purent point s'entendre, parce que le premier voulait porter les limites des États-Unis jusqu'au Mississippi, et le second prétendait porter les limites Espagnoles jusqu'aux frontières des États-Unis. Ils me choisirent pour les rapprocher, et je leur donnai mon avis par écrit.

J'établis, d'après des preuves positives, que les pays sur lesquels portait la contestation étaient occupés par des hordes sauvages, qui n'avaient jamais reconnu la souveraineté ni de l'Espagne, ni de l'Angleterre; d'où il résultait que ces mêmes peuples étaient indépendants; que par conséquent, la dispute entre les deux négociateurs était sans objet. Je proposai cependant une ligne de démarcation éventuelle, pour le cas où les deux états feraient des conquêtes sur les sauvages.

*Les deux plénipotentiaires adoptèrent mon avis*; et je suis bien informé, le Congrès s'en est montré satisfait, malgré l'aspect insidieux sous lequel il lui avait été présenté. Je dois ajouter qu'après avoir remis mon avis à M. Le Comte d'Aranda, ainsi qu'à M. Jay, je dis à l'un et à l'autre que le moyen le plus simple, selon moi, serait que *l'Espagne ouvrit le Mississippi*, et fit un port franc à la Nouvelle Orléans. Mon idée fut goûtée, mais elle n'eut aucune suite. Je dois ajouter enfin que j'avais communiqué mon travail à M. Jay, avant de le remettre à l'ambassadeur d'Espagne, et qu'il convint avec moi de sa justice et de sa solidité.

J'ai l'honneur d'être, avec la plus parfaite considération, Monsieur, votre très humble et très obéissant serviteur,

RAYNEVAL.

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*Extrait du Rapport de Rayneval du 28 Septembre, 1782.*

No. 1. Après ce préambule nous en sommes venus aux propositions remises par M. de Grasse. Milord m'a, dit qu'il n'avait fait aucune ouverture formelle à cet officier général; qu'ils avaient causé ensemble sur la guerre et la paix; que dans la cours de la conversation milord a dit qu'il avait toujours été contraire à l'indépendance, mais qu'il sentait la nécessité de céder, et que cet objet pourrait être réglé sans condition.

Je repris à la demande de Milord Shelbourne le papier renfermant les pro-

positions remises par M. de Grasse, et nous les repassâmes et discutâmes, l'une après l'autre.

1. L'indépendance : cet article est convenu ; il sera sans restriction.

2°. La pêche de Terre-Neuve. J'ai expliqué notre système à Milord Shelburne. Je lui ai dit que jamais nous n'avions été d'accord avec l'Angleterre, ni sur la concurrence, ni sur la position de pointe riche ; qu'il convenait de trancher sur les deux difficultés en faisant un nouvel arrangement, selon lequel chaque nation pêcherait exclusivement dans la partie qui lui serait assignée. Milord a adopté mon principe ; mais la discussion approfondie de la question a été renvoyée jusqu'après l'examen de la carte. La conversation a été reprise. Elle a commencé par Terre-Neuve. Nous avons pris une carte de cette Isle : J'ai de nouveau expliqué les faits et les principes relatifs à la pêche. J'ai indiqué à Milord Shelburne ce que nous voulions sacrifier, et ce que nous demandions en échange, en portant ce dernier objet jusqu'au cap Mai. Milord Shelburne a persisté dans l'aveu de la justice et de la nécessité de notre principe ; il est convenu également qu'il fallait oublier la discussion sur pointe riche, et faire un arrangement *ex æquo et bono* : mais il m'a observé qu'il y avait des établissements à l'ouest de Cap Mai, et que sans doute nous n'en prétendions pas la cession. Le Ministre a fini par dire qu'il ne ferait pas difficulté de nous abandonner jusqu'au Cap Raye. Cet article discuté pour ce qui nous regarde, Milord m'a dit que sans doute les Américains formeraient aussi des prétentions à la pêche ; mais qu'il espérait que le Roi ne les appuyerait pas. J'ai répondu que j'ignorais les vues du Congrès sur l'objet en question, mais que je croyais pouvoir dire que le Roi ne protégerait jamais des demandes injustes : que je ne pouvais pas juger, si celles des Américains étaient dans ce cas ; que d'ailleurs j'étais sans autorisation à leur égard.

Plus bas : Est venu enfin l'article d'Amérique. Milord Shelburne a prévu qu'ils auraient beaucoup de difficulté avec les Américains, tant par rapport aux limites, que par rapport à la pêche de Terre-Neuve. Mais il espère que le Roi ne les soutiendra pas dans leurs demandes. J'ai répondu que je ne doutais pas l'empressement du Roi à faire ce qui dépendra de lui pour engager les Américains à se contenir dans les bornes de la justice et de la raison ; et Milord ayant désiré savoir ce que je pensais de leurs prétentions, j'ai répondu que j'ignorais celles relatives à la pêche, mais que telles qu'elles puissent être, il me semblait qu'il y avait un principe sûr, à suivre sur cette matière, savoir : que la pêche en haute mer est *res nullius*, et que la pêche sur les côtes appartient de droit aux propriétaires des côtes, à moins de dérogations fondées sur des conventions ou sur la possession.

Quant à l'étendue des limites, j'ai supposé que les Américains la puiseraient dans leurs chartes ; et la discussion n'a pas été plus loin, parce qu'il ne m'appartenait ni de soutenir ni de détruire la prétention Américaine, ne la connaissant pas. J'ai seulement ajouté : que le Ministère Anglais devait



trouver dans les négociations de 1754, relatives à l'Ohio, les limites que l'Angleterre, alors souveraine de l'Amérique, croyait devoir leur assigner.

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*No. 2.—Observations sur le projet d'articles préliminaires proposé à la cour de Londres, le 15 9bre, 1782.*

L'objet essentiel des deux cours dans les nouveaux arrangements qu'elles feront pour la pêche de Terre-Neuve, sera de prévenir les querelles journalières auxquelles la concurrence a donné lieu. C'est pour remplir cet objet que le Roi a proposé le sacrifice de la pêche depuis le Cap Buonavista jus qu'au Cap St. Jean, et que sa Majesté a demandé qu'en suivant l'esprit du traité d'Utrecht, les deux nations pêchassent exclusivement sur les parties de côte que le futur traité leur assignera. Le Roi regardera cette [latitude] exclusive comme suffisamment établie par l'article 3, et S. M. déclare qu'elle s'en contentera, bien entendu que S. M. le Roi de la Grande Bretagne lui donnera l'assurance positive, qu'il prendra les mesures les plus efficaces pour prévenir les entreprises de ses sujets au préjudice de [latitude] exclusive, et pour détruire les établissements sédentaires qui pourraient se trouver sur les côtes assignées aux Français. Quant à la clause que les Français jouiront de la pêche comme ils en ont joui ou de jouir en vertu du traité d'Utrecht, il en résulte qu'ils continueront d'avoir le droit de couper les bois nécessaires pour leurs échafauds, et pour la réparation de leur bâtimens; qu'ils auraient également le droit de faire échouer leurs bâtimens durant l'hiver, de motre le superflu de leur sel en sûreté, et de prolonger leur pêche aussi longtemps que la saison le permettra.

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En réponse aux articles proposés au nom de S. Majesté très chrétienne par M. Le Comte de Vergennes, de 5 8bre, 1782, pour servir de base à la future pacification entre les couronnes de la Grande Bretagne et de France, le Roi propose l'explication suivante de ses intentions sur les dits articles.

*Art. 1er.—Terre-Neuve.*

Pour prévenir les inconvénients et les disputes qui se sont souvent malheureusement élevées entre les pêcheurs Anglais et Français sur les côtes de l'Isle de Terre-Neuve, le Roi croit qu'une extension de cette partie de la côte accordée aux pêcheurs Français par les Traités d'Utrecht, d'Aix-la-Chapelle, et de Paris, préviendrait à l'avenir de mêmes disputes.

D'autant plus que Sa Majesté s'engage à empêcher, par les ordres les plus positifs, ses sujets d'interrompre, de quelque façon que ce soit, les pêcheurs Français.

Les sujets Français auront donc le droit depuis le Cap St. Jean passant par



le Nord, jusqu'au Cap St. George, situé par environ 48 degrés de latitude septentrionale, lequel Cap forme l'extrémité septentrionale de la Baye de St. George.

Les pêcheurs Français jouiront de cette pêche, comme ils ont droit d'en jouir par le Traité d'Utrecht, sans toutefois hiverner sur l'Isle de Terre-Neuve.

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*Réponse au mémoire de la Cour de Londres du 21 8bre, 1782.*

Le Roi et le Roi de la Grande Bretagne étant d'accord sur les principes qui doivent servir de base à la future pacification, S. Majesté propose les articles préliminaires suivants.

1°. S. Majesté le Roi de la Grande Bretagne conservera la propriété de l'Isle de Terre-Neuve et des Isles adjacentes, ainsi que le tout lui a été cédé par l'article 13 du Traité d'Utrecht, sauf les exceptions stipulées par l'article 4 du présent Traité.

2°. S. Majesté le Roi de France pour prévenir les querelles qui ont eu lieu jusqu'à présent entre les deux nations, Française et Anglaise, renonce au droit de pêche qui lui appartient en vertu de l'article 13, susdit, du Traité d'Utrecht, depuis le Cap de Buonavista jusqu'au Cap St. Jean, situé sur la côte orientale de Terre-Neuve, par les 50 degrés de latitude; au moyen de quoi la pêche Française commencera au dit Cap St. Jean, passera par le Nord, et descendant par la côte occidentale de l'Isle de Terre-Neuve, aura pour limites l'endroit appelé Cap Raye, situé au 47e degré 50 minutes de latitude.

3°. Les pêcheurs Français jouiront de la pêche qui leur est assignée par l'article précédent comme ils ont droit d'en jouir en vertu du Traité d'Utrecht; et S. Majesté Britannique s'engage à empêcher ses sujets par les ordres les plus positifs, d'interrompre, ni de gêner de quelque façon que ce soit les pêcheurs Français. Bien entendu qu'il ne sera pas permis à ceux-ci d'hiverner sur l'Isle de Terre-Neuve.

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[No. 5.]

LONDRES, le 4 Xbre, 1782.

MONSIEUR,—“Il est arrivé ici hier un exprès de Paris avec la nouvelle que les articles préliminaires entre les Commissaires Anglais et Américains ont été signés provisionnellement le 30 9bre. J'ai demandé à Milord Grantham de quelle manière les choses étaient arrangées, et il m'a répondu que l'affaire des limites était réglée d'une manière satisfaisante pour les Américains; que celles des Loyalistes avaient été différées, parce que les Commissaires Américains ont excipé de leur défaut de pouvoir, à l'égard de cet article; que cependant on était convenu d'une amnistie générale. Les Américains payeront les dettes qu'ils ont en Angleterre. Enfin ils auront la pêche concurrente avec les Anglais sur les côtes de Terre-Neuve, et ceux-ci l'auront sur celles de

l'Amérique. Milord Grantham m'a confié sous le sceau du secret, que l'on voulait donner aux Américains la pêche concurrente avec nous; mais qu'il s'y est opposé avec la plus grande force, ne voulant pas enlever à la France d'une main ce qu'il lui assurait de l'autre."

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[No. 6.]

VERSAILLES, le 7 Xbre, 1782.

"Vous ne vous doutiez pas, Monsieur, lorsque vous êtes parti que la négociation des Américains fût à son terme. Je ne fus informé que le lendemain que les articles étaient convenus et seraient signés le même jour. La traduction que j'en joins ici, me dispense, Monsieur, d'entrer en détail sur leur contenu,—vous y remarquerez que les Anglais achètent la paix plutôt qu'ils ne la font; leurs concessions tant pour les limites que les pêcheries et les loyalistes excèdent tout ce qu'on pouvait croire possible. Quel est le motif qui a pu dicter des facilités qu'on pourrait prendre pour un abandon? Vous êtes plus à portée que moi de le découvrir. C'est une pomme de discorde qu'on voulait jeter dans l'alliance, et entre nous, que les Américains se sont pas trop pressés de ramasser. Ce sont d'honnêtes gens, mais ils présument trop de leurs lumières, et ils n'ont pas assez d'expérience pour démêler les pièges qu'on tend à leur crédulité. Je crains la sensation que les conditions arrêtées vont faire en Amérique, si notre négociation vient à se rompre. Comment persuader à un peuple-Roi, qui ne soupire qu'après les douceurs de la paix, de s'en sevrer pour servir des intérêts étrangers; ils lui paraîtraient bien plus étrangers encore quand il saura que ce sont ceux de l'Espagne qui opèrent la continuation de la guerre; une puissance qui n'a rien voulu faire pour lui, pas même lui donner un signe de bonne volonté."

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[No. 7.]

VERSAILLES, le 13 Xbre, 1782.

"La lecture des articles préliminaires des Américains, vous aura fait connaître, Monsieur, l'importance dont il est que cette déclaration soit exempte d'ambiguïté par rapport à l'exercice exclusif de notre droit de pêche. Les Américains acquérant celui de pêcher partout concurremment avec les Anglais, il ne faut pas leur laisser occasion ni prétexte de nous troubler; car ils seraient bien portés à s'en prévaloir; il ne l'ont même pas dissimulé lorsqu'on a discuté avec eux, la rédaction de cet article. Lord Grantham m'a fait dire qu'il ne l'avait motivé ainsi, que pour mieux assurer notre droit; c'est une raison d'espérer qu'il se prêtera à l'éclaircir convenablement. Témoignez lui d'avance, je vous prie, ma sensibilité à ce bon procédé."

[*Translation.*]

PARIS, 14th November, 1795.

SIR,—I have received the letter which you have done me the honor to write to me on the 30th of last month. I am flattered beyond measure with the mark of confidence which you are pleased to place in me; and I believe that I cannot better reciprocate it than by transmitting to you, with the utmost exactness, the explanations which you ask of me. I am so much the more enabled to satisfy you that the facts in question are to me, to some extent, personal; and it is my duty to do so, since the Ministry, with which I shared them, no longer exists; moreover, it is a debt which I hasten to discharge towards my country, which men have sought to calumniate, with an intent which it is not difficult to fathom.

Your letter, sir, contains the following passage:

“You know that the American Ministers have signed a provisional treaty with those of England, without the knowledge of the French Cabinet, and contrary to the instructions which they had from the Congress, which treaty was not to have its effect until a treaty should have been concluded between France and England. As it was sought to ascertain the reasons for this step, it was said, according to what I have often understood, that France, evincing indifference upon several points relating to our claims towards England, then discussed by our Ministers, had even espoused the cause of that power against us, by endeavoring to set aside our claims in reference to fishing, to boundaries, and to the Mississippi; and that she had sent you to England for the express purpose of confirming the Marquis of Lansdowne in his opposition to our demands upon these points, which mission you fulfilled in the course of the personal conferences which you have had with that Minister: and, after all, that if our negotiators have succeeded upon the points which I have just named, they owed their success to the liberal policy of England, who, by rejecting the counsels of France, has preferred to grant us our demands, whereas, well informed as she was of the wishes of France in that respect, she might have declined doing so; and also to their own skill in discovering and counteracting the intrigues of the French Government, by concluding the treaty in the manner and under the conditions already cited,” &c.

Such, sir, are the facts respecting which you ask explanations of me, and the following is my answer:

You will surely recollect that, in the naval engagement which took place in April, 1782, in the West Indies, off Dominica, Mr. de Grasse, being made prisoner, was taken to England. This Admiral had some conversations with Lord Shelburne, and upon his return to France, in September, 1782, he caused it to be understood that that Minister had made overtures of peace to him; and he even delivered a note of the conditions which, he said, had been

proposed to him. This announcement caused much astonishment, and they were not without mistrust as to the correctness of the report. Nevertheless, it was deemed proper to ascertain the facts, and it was determined upon to send me secretly to England for that purpose. My instructions were as plain as laconic; they stated that I was to ask the avowal or disavowal of the note delivered by Mr. de Grasse.

No. 1. The first article of this note had reference to the independence of America. I add hereunto an extract from the report which I made on my return. It contains word for word what was said with respect to American affairs; it was made at the end of the month of September, 1782. In it you will find: First, that the fundamental article of my instructions related to the independence of the United States, and that nothing was prescribed me in reference to the other conditions to be agreed upon with the American Commissioners. Secondly, that I have not given rise to any conversation, any discussion, upon this subject, and that, when the English Minister spoke of it, of his own accord, I have confined myself to my ignorance of it, and to my want of authority. Thirdly, that in the opinions which I have expressed, *I have sustained rather than weakened the demands of the American Commissioners*. I deem it proper to observe that the language which I have held with regard to American affairs, I have likewise held with regard to those of Spain, because I was equally without authority from that power.

After my return to France, the negotiations resumed all their activity as to what related to France. I add hereunto, under Nos. 2, 3, and 4, extracts from the papers relating to the Newfoundland fisheries. You will not find in them, sir, a single word which relates in the least manner to the interests of the United States. For the due understanding of these papers, I think it incumbent upon me to give you the following explanation:

By the Treaty of Utrecht, (1713,) France ceded the Island of Newfoundland to England; but she reserved the fishery to herself, and this transfer was confirmed by the Treaties of Aix-la-Chapelle, (1748,) and of Paris, (1763.) We have invariably looked upon our right to the fisheries as exclusive, in such places as were assigned to us, and we have made complaints whenever the English fishermen came into competition with our own: thence arose, incessantly, discussions, contentions, and quarrels, between the two nations; our remonstrances were frequent, and they were always unavailing. We have thought it proper to avail ourselves of the circumstances of the war of 1778, to solve the difficulty; we have, from the beginning of the negotiations, set forth in a precise manner our exclusive right, and the peremptory will to maintain it.

But seeing the difficulty of excluding the English from the part abounding most in fish, to wit: that situated between Cape St. John and Cape Buonavista, and foreseeing that this single article would render the negotiations unavailing, we consented to a new partition; we asked for the exclusive fishery



from Cape St. John to Cape Raye: and thus matters were settled. I must here observe, that the shores which have been assigned us are those abounding least in fish throughout America, and that if we were satisfied with the same, it has been solely owing to a desire for peace, and with the view of making it firm and lasting, by preventing commingling, and thus the quarrels of the fishermen belonging to the two nations.

I now return to my subject: Whilst our negotiation progressed, that of *Spain* presented the greatest difficulties; and the King, being unwilling to make peace separately, thought that it was urgent to conciliate the interests of his ally; it was with this view that I was sent a second time to England, at the request of the Count of Aranda. My instructions contained, among others, the following passage: *As it is possible that the English Ministers may confer with Mr. de Rayneval respecting the affairs of America, and those of the United Provinces, he will announce that he has no authority to treat upon them. . . . .* In addition, it is unimportant here to follow dates. My instructions bear that of the 15th of November, 1782. I arrived at London on the 20th, at night. I had met at Calais an English Under-Secretary of State, bearing instructions to Mr. Oswald; the provisional treaty between that plenipotentiary and those of the United States was signed on the thirtieth of the same month of November; I only heard of this unexpected event through the English Ministry; and I here add, marked No. 5, the account which I gave of it on the 4th of December.

Whilst I was transmitting this information to M. de Vergennes, that Minister was himself writing a private letter to me upon the same subject, and subsequently an official letter, of which I add hereunto extracts, marked Nos. 6 and 7. You will note in the first one these words: "You did not suspect, when you took your departure, that the negotiation of the Americans had been concluded; it was only on the following day that I was informed that the articles had been agreed upon, and would be signed the same day." The following, sir, is the explanation of that sentence: Having arrived in London on the 20th of November, as I stated above, I was not long in entering into conference with the English Ministers touching the affairs of Spain; but the difficulties with which I met seemed to me so serious and complicated, that I determined to return to Versailles, to explain the state of things, and to ask further instructions; I arrived at Versailles on the 28th November; I spent the day with *the Count of Aranda*; I left again for London on the 29th, where I was back again on the 3d of December.

Whilst on my way, I had received on board my packet Mr. Laurens, who was coming to Paris; during the whole voyage, this American Commissioner stood upon the strictest reserve towards me. My return to London was the more urgent, that they were waiting to decide whether the King of England, at the reopening of Parliament, would announce hopes of peace, or the necessity of continuing the war. It was on the day after my return that the news of the



signing of the American Treaty arrived, and it was on the day after my departure from Versailles that it took place.

I must not omit to tell you, sir, that Lord Lansdowne, at whose house I was at the time he was informed of this signing, said to me that it was an incident which he did not understand, and that he could have no clear ideas in reference thereto until after reading the despatches. I again saw this first Minister on the next day, and he said to me that the treaty in question had created the most lively sensation upon the Council; that it had altered their minds; that the present intentions were for the prosecution of the war, and *a coalition with the Americans*; that such was the feeling of all the members of the Council, with the exception of himself and Lord Grantham; and that this feeling would without doubt be sustained by all the enemies of the Ministry; that, however, he would be faithful to his principles. He furthermore assured me *that this hasty signing, entered into without his knowledge, and especially the exaggerated conditions, were the result of an intrigue which had in view the continuation of the war; but that he was compelled to dissemble.*

I think, sir, that all these details are more than sufficient to convince you that the French Ministry has not sought to injure the interests of the United States; that it has taken neither steps nor made insinuations of any kind, in order to impede the negotiations of the Commissioners of Congress; that I was not sent to England for that purpose; that if—of which we were ignorant—and which we could not conjecture—they have intended to encroach upon our fishing, we have only learned it through the English Ministry; and that if they have failed in that respect, as this ought to have happened, it has been entirely through the act of that same Ministry.

I here limit my observations because they will certainly suffice you to appreciate the assertions made in America, to feel all their awkwardness, (to say nothing more.) I will only add the following remark: we had no interest whatever in preventing the Americans from fishing in competition with the English. Therefore, it is not probable that we have exerted ourselves to deprive them of that advantage; and even if the French Ministry should have had such an intention, it would not have been simple enough to confide it to the English Ministers, for it would thus have furnished them with arms against itself, and they probably would have taken advantage of it.

Besides, it is possible that the persons who were at the head of the intrigue of which Lord Lansdowne spoke to me may have invented these same insinuations to deceive and mislead the American Plenipotentiaries; and in that event these would have fallen completely into the snare. I beg you to observe, that it was immediately after the arrival of Mr. Laurens in Paris that the signing of the Treaty occurred; put all this together, with what M. de Vergennes tells me in his private letter of the 7th of December, and what Lord Lansdowne has told me. I will add to this that your Commissioners would have shown more sagacity, more penetration, more prudence, by mistrusting the

insinuations of their enemy, than by suspecting the uprightness, loyalty, and the well-trying good intentions of an Ally.

I conclude, sir, this long letter with a subject which is exclusively personal to me. I allude to the navigation of the Mississippi.

Mr. Jay had been instructed to open a negotiation with the Count of Aranda in reference to the boundaries of the Floridas and Louisiana; but these two Plenipotentiaries were unable to agree together, because the first desired to extend the boundaries of the United States to the Mississippi, and the second assumed to extend the Spanish boundaries to the frontiers of the United States. They selected me to reconcile them, and I gave them my advice in writing.

I established, by the most positive proofs, that the countries respecting which the controversy had been raised were occupied by bands of savages, who had never acknowledged the sovereignty of Spain, nor that of England; from which it resulted that these same peoples were independent; that, consequently, the question between the two negotiators was objectless. I proposed, however, a contingent line of demarcation, in case that the two States should make conquests over the savages.

*The two Plenipotentiaries adopted my advice;* and, I am well informed, the Congress have manifested their approbation of it, notwithstanding the insidious view in which it had been presented to them. I must add, that after having delivered my advice to the Count of Aranda as well as to Mr. Jay, I said to both, that the most simple way, in my opinion, would be that *Spain should open the Mississippi*, and make a free port at New Orleans. My idea was relished, but it had no result. I must add, finally, that I had communicated my work to Mr. Jay before transmitting it to the Ambassador of Spain, and that he concurred with me as to its justice and soundness.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

RAYNEVAL.

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*Extract from the Report of Mr. De Rayneval of the 28th September, 1782.*

No. 1. After this preamble we came to the propositions delivered by Mr. De Grasse. His lordship said to me that he had made no formal overture to that general officer; that they had conversed upon war and peace; that in the course of the conversation his lordship said that he had always been opposed to the independence, but that he felt the necessity of yielding, and that this matter could be settled unconditionally.

I again took up, at the request of Lord Shelburne, the paper containing the propositions delivered by Mr. De Grasse, and we reviewed and discussed them, one after the other.

1st. The Independence; this is agreed upon, unconditionally.

## 2nd. The Newfoundland fishery.

I explained our system to Lord Shelburne. I said to him that we had never agreed with England, either as to the equality of right or the situation of the most productive point; that it was proper to determine upon the two difficulties by making a new arrangement, according to which each nation would fish exclusively in that locality which should be assigned to it. His lordship adopted my principle; but the more deep discussion was deferred until after the examination of the chart. The conversation was renewed. It commenced with respect to Newfoundland. We took up a chart of that island; I again explained the facts and the principles in relation to the fishery. I indicated to Lord Shelburne what we were willing to yield, and what we asked in exchange, by carrying this last object as far as Cape May. Lord Shelburne still continued to admit the justice and the necessity of our principle; it was also agreed that the discussion as to the most productive point must be laid aside, and to make an arrangement *ex æquo et bono*; but he observed to me that there were establishments to the westward of Cape May, and that undoubtedly we did not pretend to their cession. The Minister finally said that he would make no difficulty in yielding to us up to Cape May. This article having been discussed so far as we were concerned, his lordship said to me that without doubt the Americans would also lay claims to the fishery; but that he hoped that the King would not encourage them. I replied that I was ignorant of the views of Congress upon the matter in question, but that I thought I could say the King would never protect unjust demands; that I could not form an opinion as to whether those of the Americans were such, and, besides that, I had no authority respecting them.

Subsequently, the article upon America was taken up. Lord Shelburne foresaw that they would have great difficulty with the Americans, both with respect to the limits and to the Newfoundland fishery. But he hopes that the King will not support them in their demands. I replied that I did not doubt of the readiness of the King to do all in his power to induce the Americans to restrain themselves within the bounds of justice and reason; and his lordship having desired to know what I thought of their pretensions, I replied that I did not know anything as to those relating to the fishery, but that whatever they might be, it seemed to me that there was a sure principle to follow upon this matter, namely: that fishing upon the high seas is *res nullius*, and that fishing upon the coasts belongs of right to the proprietors of the coasts, *unless there be derogations founded upon conventions or upon the possession*.

As to the extent of the limits, I presumed the Americans would seek it from their charts; and the discussion went no further, inasmuch as it was no business of mine either to sustain or to defeat the American pretension, having no knowledge of it. I merely added, that the English Ministry ought to find from the negotiations of 1754, relative to the Ohio, the limits which England, then the sovereign of America, thought she ought to assign them.

*No. 2.—Remarks upon the project of the preliminary articles proposed to the Court of London, on the 15th of November, 1782.*

The main object of the two Courts, in the new arrangements which they will make respecting the Newfoundland fishery, shall be to prevent the daily quarrels to which competition has given rise. It is with a view to accomplish this end that the King has proposed the sacrifice of the fishery from Cape Buonavista to Cape St. John, and that His Majesty has asked that, following the spirit of the Treaty of Utrecht, the two nations should fish exclusively upon such parts of the coast as the future treaty shall assign to them. The King will consider this exclusive [latitude] as sufficiently established by article 3; and His Majesty declares that he will be satisfied therewith, it being fully understood that His Majesty, the King of Great Britain, will give him the positive assurance that he will take the most efficacious measures to prevent the enterprises of his subjects to the detriment of exclusive latitude, and to destroy the permanent establishments which might be found upon the coasts assigned to the French. With respect to the clause that the French shall enjoy the fishery as they have enjoyed it, or may enjoy it, by virtue of the treaty of Utrecht, there results therefrom that they shall continue to have the right to cut the timber necessary for their scaffoldings and for the refitting of their vessels; that they should also have the right to haul their vessels ashore during the winter, to secure the salt remaining on hand, and to continue their fishery as long as the season shall permit.

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In reply to the articles proposed, in the name of His Most Christian Majesty, by the Count de Vergennes, on the 5th of October, 1782, to serve as the basis of the future pacification between the crowns of Great Britain and France, the King proposes the following explanation of his views respecting the said articles:

*Article First.—Newfoundland.*

In order to prevent the inconveniences and disputes which have often unhappily arisen between the English and French fishermen upon the coasts of the Island of Newfoundland, the King thinks that an extension of that part of the coast allowed to French fishermen by the Treaties of Utrecht, Aix-la-Chapelle, and Paris, would hereafter prevent like disputes.

In so much the more that His Majesty binds himself to prevent, by the most positive orders, his subjects from interrupting, in any manner, the French fishermen.

The French subjects will therefore have this right from Cape St. John, passing northward, to Cape St. George, situated in about 48 degrees of north latitude, which Cape forms the northern extremity of the Bay of St. George.



The French fishermen shall enjoy that fishery, as they have the right to enjoy it under the Treaty of Utrecht, without, however, wintering upon the Island of Newfoundland.

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*Reply to the memorial of the Court of London, of the 21st of October, 1782.*

The King, and the King of Great Britain, having agreed upon the principles which are to serve as a basis to the future pacification, His Majesty proposes the following preliminary articles:

*First:* His Majesty, the King of Great Britain, will retain the ownership of the Island of Newfoundland, and of the islands adjacent, in the same manner as the whole has been ceded to him by article 13th of the Treaty of Utrecht, saving the exceptions stipulated by article 4 of the present Treaty.

*Second:* His Majesty, the King of France, in order to prevent the quarrels which have occurred up to the present between the French and English nations, renounces the right to the fishery, which belongs to him by virtue of article 13th, aforesaid, of the Treaty of Utrecht, from Cape Buonavista to Cape St. John, situated upon the eastern coast of Newfoundland, in latitude about 50 degrees; by means of which the French fishery will begin at the said Cape St. John, shall pass northward, and, descending by the western coast of the Island of Newfoundland, will have for its boundary the place called Cape Raye, situated in latitude 47 degrees 50 minutes.

*Third:* The French fishermen shall enjoy the fishery which is assigned them by the preceding article in like manner as they have the right to enjoy it by virtue of the Treaty of Utrecht; and His Britannic Majesty binds himself to prevent his subjects, by the most positive orders, from interrupting and embarrassing, in any manner whatsoever, the French fishermen—it being well understood that the latter will not be permitted to winter upon the Island of Newfoundland.

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[No. 5.]

LONDON, 4th December, 1782.

SIR,—“An express arrived here yesterday from Paris, with the news that the preliminary articles between the English and American Commissioners were signed, provisionally, on the 30th of November. I have asked Lord Grantham in what manner matters had been settled; he replied to me that the matter of the boundaries was settled in a satisfactory manner to the Americans; that those of the Loyalists had been put off, because the American Commissioners pleaded exception to their want of power with respect to that article; that, however, a general amnesty had been agreed upon. The Americans will pay the debts they owe in England. In short, they will be entitled to the joint fishery with the English upon the coasts of Newfoundland; and



the latter will be entitled to it upon those of America. Lord Grantham has confided to me, under injunctions of secrecy, that it was sought to give the Americans the joint fishery with us, but that he had strenuously opposed it, not being willing to take from France with one hand what he secured to her with the other."

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[No. 6.]

VERSAILLES, 7th December, 1782.

"You did not suspect, sir, when you took your departure, that the negotiation of the Americans had been concluded. I was only informed the next day that the articles were agreed upon, and would be signed the same day. The translation of it, which I annex hereunto, makes it unnecessary for me, sir, to go into details as to their contents,—you will there perceive that the English purchase rather than make peace; their concessions, both as to boundaries, as to the fisheries, and the loyalists, exceed all that could be thought possible. What is the motive which can have prompted facilities, which might be viewed as an abandonment? You are better enabled than I am to discover it. It is an apple of discord which it was desired to throw into the alliance, and between us, which the Americans did not hasten much to pick up. They are honest people, but they presume too much upon their intelligence, and they have not sufficient experience to unravel the snares which are spread to their credulity. I fear the sensation which the conditions agreed upon will create in America if our negotiation should be broken off. How can you persuade a sovereign people, who sign only for the blessings of peace, to deprive themselves of them in order to subserve foreign interests? these will appear still more strange to them when they shall learn that the interests of Spain are those which cause the continuation of the war—a power which has been unwilling to do any thing for them, not even to give them a sign of good will."

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[No. 7.]

VERSAILLES, 13th December, 1782.

"The perusal of the preliminary articles of the Americans will have apprised you, sir, of the importance there is that that declaration should be free from ambiguity concerning the exclusive exercise of our right of fishery. The Americans, by acquiring that of fishing everywhere conjointly with the English, no occasion nor pretext must be left them to disturb us; for they would be very likely to avail themselves of it; they did not even conceal it when the drawing up of that article was discussed with them. Lord Grantham has sent me word that he had only thus arranged it the better to secure our right; this is a reason for hoping that he will be disposed to properly explain it. Express to him in advance, I pray you, my satisfaction at this handsome conduct."

TO ROBERT G. SCOTT.

MONTPELLIER, Oct. 6th, 1824.

D<sup>R</sup> SIR,—I have just received your letter of Sep<sup>r</sup> 27th, inviting me, in behalf of the volunteers of the State, to join them and other citizens at Yorktown on the 19th instant, in celebrating the event of which that is the anniversary, and in expressing the gratitude and affection due to General La Fayette, whose presence, with all the recollections awakened by it, must give to the occasion a peculiar interest.

I am very sensible of what I owe to the volunteers for their kind invitation; and should particularly regret the circumstances which disable me from complying with it, but for the opportunity in prospect of otherwise shewing how my feelings are in harmony with the gratulations every where poured out on one who has endeared himself to the American people by such distinguished services; and entitled himself to the admiration and gratitude of the friends of liberty every where, by his heroic and equal devotion to the rights of man and the order of society.

Be pleased, sir, to accept the expression of my particular respects.

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TO JOHN ADAMS, MAYOR OF RICHMOND, AND OTHERS.

MONTPELLIER, October 17, 1824.

GENTLEMEN,—I received by the last mail your letter of the 12th instant, inviting me to the reception at Richmond of General La Fayette, and I have to regret that the obstacles to a compliance with a late kindred invitation will not permit me to avail myself of that so kindly conveyed by you. I can only, therefore, express, at a distance, the sincerity with which I should mingle my affectionate gratitude with the offerings to be made to the distinguished benefactor of the United States, who has been unanimously welcomed to their bosom; and to whom no State can be more indebted, as there is none more warmly devoted, than Virginia. She will never forget the veteran skill

with which his youthful sword was wielded in her defence; nor the brilliancy of his part in an event, which, in making captive an entire army, at once relieved her soil from the weight which oppressed it, and proved the harbinger of a peace that was the herald of liberty.

Under the disappointment imposed on me, I am happily able to look to nearer opportunities of manifesting, as well what I owe to a friendship long cherished, as my admiration of a splendid example which is instructing and animating the votaries of liberty every where, whilst it consigns to deeper infamy the apostasies and perfidies which vainly oppose its triumphant march.

Be pleased, gentlemen, to accept the assurance of my great respect.

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TO ROBERT LEWIS.

MONTPELLIER, November 10, 1824.

DEAR SIR,—Mr. Myers duly delivered your letter of the 8th, conveying to me the invitation of the “Joint Committee of the Common Hall and citizens of Fredericksburg” to be with them at a dinner to be given to General La Fayette.

Uniting with the Common Hall and Citizens in all their grateful sentiments towards General La Fayette, it would afford me much pleasure to unite, also, in the proposed festive manifestation of them. Several circumstances, however, concur in putting this out of my power. I can only, therefore, return my best thanks for the mark of kind attention I have received, and enjoy the opportunities within my reach of taking part in the offerings of gratitude to a champion of Liberty and national benefactor, whom every American Citizen delights to honor.

Be pleased to accept, sir, the acknowledgments I owe for your expressions of personal regard, and be assured of my sincere esteem and my friendly wishes.

TO RICHARD PETERS.

DECEMBER 1, 1824.

DEAR SIR,—I return my thanks for the copy of the Agricultural Almanac obligingly sent me. You do not fail, I see, to dispense, through that medium, rays of instruction on a favorite subject. I hope your good constitution, good health, and good habits, may have their full effect in keeping you above the horizon for that and other enlightening services.

I should have acknowledged your favor somewhat sooner but for the attentions due to our excellent friend, La Fayette, who gave to this quarter, and to myself particularly, an opportunity of shewing that we are behind none of our fellow-citizens in doing homage to his great worth, public and private.

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TO PRESIDENT MONROE.

MONTPELLIER, Dec. 16, 1824.

DEAR SIR,—The last mail brought me your favor of the 13th, with a copy of your message and other documents. The message previously sent arrived by the preceding mail. It contains much excellent matter, and as the last of your periodical communications will be the more interesting.

The U. S. are now furnishing models and lessons to all the world. A great, soon to be the most hopeful, portion of it is receiving them with a happy docility, while the great European portion is either passively or actively gaining by them. The eyes of the world being thus on our country, it is put the more on its good behaviour, and under the greater obligation, also, to do justice to the Tree of Liberty, by an exhibition of the fine fruits we gather from it. I have not yet been able to give to the other documents the reading they doubtless merit.

The failure, if that should be the result, of the negotiations with G. B. on the subject of the slave trade is reduced in its importance, if our flag be already rescued by the efficiency of our own laws from a share in the enormity.

Although I cannot believe that any serious or lasting impression has been made any where by the calumnies to which you allude, I do not wonder at the solicitude which prompts the course you have in view: and I need not express either my assurance of its triumphant issue, or my best wishes that, on the other subject you mean to bring before Congress, the reimbursement and compensations allowed you may correspond with the fidelity and liberality of the services and sacrifices which have marked your public career. My recollections at the moment do not authorize me to promise any addition to the lights which will be furnished by the public archives and your explanations. Should it be found otherwise, you well know the pleasure with which I shall aid with my information.

The effect of the delay in your receiving your outfit, in occasioning the sale of your land near Charlottesville, is a subject of peculiar regret. It is difficult to estimate the sacrifice when the price obtained is compared with the value given to the property by the subsequent establishment of the University at the spot.

Affectionate respects.

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TO THE REV<sup>D</sup> FREDERICK BEASLEY.

MONTPELLIER, VA., Dec<sup>r</sup> 22, 1824

REV<sup>D</sup> SIR,—I have just received your letter of the 13th, on its return from Charlottesville, and wish I could gratify you with all the information it asks. In place of it, I can only observe that the system of polity for the University of Virginia being not yet finally digested and adopted, I cannot venture to say what it will be in its precise form and details. It is probable that, instead of a President or Provost as Chief Magistrate, the superintending and executive duties, so far as not left to the individual professors over their respective classes, will be exercised by the Faculty; the professors presiding in rotation. This regulation, however, as experimental, will be at all



times alterable by the Board of Visitors. The code of discipline will be prepared with the aid of all the lights that can be obtained from the most distinguished seminaries; and some of the innovations will not improbably be in the spirit of your judicious observations. As the University, being such in the full extent of the term, will not contain boys under sixteen years of age, and be chiefly filled by youths approaching to manhood, with not a few, perhaps, arrived at it, there is the better chance for self-government in the students, and for the co-operation of many in giving efficacy to a liberal and limited administration.

The peculiarity in the Institution which excited at first most attention, and some animadversion, is the omission of a theological professorship. The public opinion seems now to have sufficiently yielded to its incompatibility with a *State* Institution, which necessarily excludes sectarian preferences. The best provision which occurred was that of authorizing the Visitors to open the public rooms for Religious uses, under *impartial* regulations, (a task that may occasionally involve some difficulties,) and admitting the establishment of Theological Seminaries by the respective sects contiguous to the precincts of the University, and within the reach of a familiar intercourse distinct from the obligatory pursuits of the students. The growing village of Charlottesville, also, is not distant more than a mile, and contains already congregations and clergymen of the sects to which the students will mostly belong.

You have already noticed in the public prints the scientific scope of the University, and the resort to Europe for some of the Professors. The reasons for the latter step you may have also seen in print, as well as the reduction of the number of chairs in the first instance, by annexing plural functions to some of them. This was rendered necessary by the limited resources as yet granted by the Legislature, and will be varied as fast as an augmentation of these will permit, by dividing and subdividing the branches of science now in the same group. Several of the Professors remain to be appointed; among them, one for mental philosophy, including the branches to which you refer.

This has always been regarded by us as claiming an important place in so comprehensive a school of science. The gentleman in prospect for the station is not yet actually engaged.

You seem to have allotted me a greater share in this undertaking than belongs to me. I am but one of seven managers, and one of many pecuniary benefactors. Mr. Jefferson has been the great projector and the mainspring of it.

I am sorry that I have never been able to give the volume you kindly favored me with the reading it doubtless deserves; and I fear that, however congenial the task would be with studies relished at former periods, I shall find it difficult to reconcile it with demands on my time, the decrease of which does not keep pace with the contraction of its remaining span. From several dips into the Treatise, I think myself authorized to infer that it embraces a scrutinizing and systematic view of the subject, interesting to the best informed, and particularly valuable to those who wish to be informed.

I thank you, sir, for the friendly sentiments you have expressed, and beg [you] to accept, with my great respect, a cordial return of them.

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TO THOMAS JEFFERSON.

MONTPELLIER, Dec<sup>r</sup> 31, 1824.

DEAR SIR,—I have received yours, without date, inclosing the letter of Mr. Cabell and your answer. I approve entirely the course you recommend to the friends of the University at Richmond, on the proposed removal of the College at Williamsburg. It would be fortunate if the occasion could be improved for the purpose of filling up the general plan of education, by the introduction of the grade of Seminaries between the primary schools and the University. I have little hope, however, that the College will accede to any arrangement which is to take from it a part of its funds, and subject it to the Legislative authority. And in resisting this latter innovation it will probably be supported by all the sectarian Seminaries, though to be

adopted as legal establishments of the intermediate grade. It is questionable, also, whether the sectarian Seminaries would not take side with William and Mary in combating the right of the public to interfere in any manner with the property it holds. The perpetual inviolability of charters, and of donations, both public and private, for pious and charitable uses, seems to have been too deeply imprinted on the public mind to be readily given up. But the time surely cannot be distant when it must be seen by all that what is granted by the public authority for the public good, not for that of individuals, may be withdrawn and otherwise applied when the public good so requires; with an equitable saving or indemnity only in behalf of the individuals actually enjoying vested emoluments. Nor can it long be believed that, although the owner of property cannot secure its descent but for a short period, even to those who inherit his blood, he may entail it irrevocably and forever on those succeeding to his creed, however absurd or contrary to that of a more enlightened age. According to such doctrines, the Great Reformation of Ecclesiastical abuses in the 16<sup>th</sup> century was itself the greatest of abuses; and entails or other fetters attached to the descent of property by legal acts of its owners, must be as lasting as the society suffering from them.

It may well be supposed, should William and Mary be transplanted to Richmond, that those interested in the city will unite with those partial to the College, and both be reinforced by the enemies of the University, in efforts to aggrandize the former into a rival of the latter; and that their hopes of success will rest a good deal on the advantage presented at Richmond to medical students in the better chance of anatomic subjects, and in the opportunity of Clinical lectures; and to law students in the presence of the Upper Courts. It will not surprise [me] if some of the most distinguished of the Bar and Bench should take the lecturing chair, either for profit, or to give an attractive eclât to the regenerated Institution. As the Medical and Law Departments may invite the greatest number of pupils, and of course be the most profitable to professors, the obligation on us is the greater to engage for the University conspicuous quali-

fications for those chairs. I trust this has been done in the medical appointment actually made, and hope we shall not be unsuccessful in making the other. In opening the door a little wider for the admission of students of the Ancient Languages, it will be found, I think, that we did well, considering the competition for students that may be encountered, and the importance of filling our Dormitories at an early period.

I return the letter of Mr. Cabell; and, as your answer may be a fair copy for your files, I return that also.

I write a few lines to Governor Barbour on the Virginia claim, in which the University is interested; though it is, I believe, only applying the spur to a willing steed.

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TO H. LEE.

MONTPELLIER, January 14, 1825.

I have received, sir, yours of the 6th instant, and have looked over the printed sheet enclosed in it. Of the literary character of the paper I may express a laudatory opinion, without risk of contravening that of others. As a political disquisition, it embraces questions both of magnitude and of nicety, on which opinions may be various, and of which a critical review does not lie within the compass of a letter, were it permitted by leisure and favoured by the circumstances of the moment.\*

The nature and extent of the obligation on a representative to be guided by the known will of his constituents, though an old question, seems yet to be in a controvertible state. In general, it may be said to be often a verbal controversy. That the obligation is not, in strictness, constitutional or legal, is manifest, since the vote of the representative is equally valid and operative whether obeying or violating the instruction of his constituents. It can only be a moral obligation, to be weighed by

\* The questions referred to in this letter grew evidently out of the Presidential election then to be decided by the House of Representatives, in which General Jackson, Mr. Adams, and Mr. Crawford were the three candidates among whom the choice was to be made.



the conscience of the representative, or a prudential one, to be enforced by the penal displeasure of his constituents.

In what degree a plurality of votes is evidence of the will of the majority of voters, must depend on circumstances more easily estimated in a given case than susceptible of general definition. The greater the number of candidates among whom the votes are divided, the more uncertain must, of course, be the inference from the plurality with respect to the majority.

In our complex system of polity, the public will, as a source of authority, may be the will of the people as composing one nation; or the will of the States in their distinct and independent capacities; or the federal will, as viewed, for example, through the Presidential electors, representing, in a certain proportion, both the nation and the States. If, in the eventual choice of a President, the same proportional rule had been preferred, a joint ballot by the two houses of Congress would have been substituted for the mode which gives an equal vote to every State, however unequal in size. As the Constitution stands, and is regarded as the result of a compromise between the larger and smaller States, giving to the latter the advantage in selecting a President from the candidates, in consideration of the advantage possessed by the former in selecting the candidates from the people, it cannot be denied, whatever may be thought of the constitutional provision, that there is, in making the eventual choice, no other control on the votes to be given, whether by the representatives of the smaller or larger States, but their attention to the views of their respective constituents and their regard for the public good.

You will not forget that the above remarks, being thrown out merely in consequence of your application, are for yourself, not for others. Though penned without the most remote allusion to the particular case before the public, or even a knowledge of its actual posture and aspects, they might be misconstrued by the propensity of the conjuncture to view things through that medium.

I return the two letters inclosed in yours, which I ought not to do without expressing the high respect I entertain for both



the writers; offering to yourself my wishes for your useful success in whatever line of literature you may finally determine to exercise your talents.

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TO THOMAS JEFFERSON.

MONTPELLIER, Jan<sup>y</sup> 15, 1825.

DEAR SIR,—Mr. Cabell's letter makes it probable that the projected removal of William and Mary will be stifled by the covering put by its friends on the arcana of its affairs. I hope the occasion will bring into view the sound principles on which the claims of Corporations ought to be decided. It would be well, also, if it should lead to a standing law limiting all incorporating acts to a certain period; and to the practice of specifying in every case the amount of property tenable by those artificial beings.

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TO HENRY LEE.

MONTPELLIER, Jan<sup>y</sup> 31, 1825.

SIR,—The urgency indicated in your last letter as to the request in a former one having quickened my attention to the subject, I have at length looked enough into the evidence that the movement of the Southern army from Deep River to the Santee, in the campaign of 1781, was suggested by your father, to be satisfied of the fact; the more readily admitted from the acknowledged traits of his military character. It may well be presumed, at the same time, from the comprehensive and energetic policy of the Southern commander, that, in turning to the plans of operation within his choice, such an one did not escape him; though not practically adopted till duly weighed by his responsibility, and known to accord with recommendatory opinions in which he particularly confided. The measures of wisdom are not seldom unlike its fabled Goddess; being neither matured at their birth, nor the offsprings of a single brain.

TO THOMAS JEFFERSON.

MONTPELLIER, Feb<sup>y</sup> 8, 1825.

DEAR SIR,—I have looked with attention over your intended proposal of a text-book for the Law school. It is certainly very material that the true doctrines of liberty, as exemplified in our political system, should be inculcated on those who are to sustain and may administer it. It is, at the same time, not easy to find standard books that will be both guides and guards for the purpose. Sidney and Locke are admirably calculated to impress on young minds the right of nations to establish their own Governments, and to inspire a love of free ones, but afford no aid in guarding our Republican charters against constructive violations. The Declaration of Independence, though rich in fundamental principles, and saying every thing that could be said in the same number of words, falls nearly under a like observation. The "Federalist" may fairly enough be regarded as the most authentic exposition of the text of the Federal Constitution, as understood by the Body which prepared and the authority which accepted it. Yet it did not foresee all the misconstructions which have occurred, nor prevent some that it did foresee. And what equally deserves remark, neither of the great rival parties have acquiesced in all its comments. It may, nevertheless, be admissible as a school book, if any will be that goes so much into detail. It has been actually admitted into two Universities, if not more—those of Harvard and Rhode Island; but probably at the choice of the Professors, without any injunction from the superior authority. With respect to the Virginia Document of 1799, there may be more room for hesitation. Though corresponding with the predominant sense of the nation, being of local origin, and having reference to a state of parties not yet extinct, an absolute prescription of it might excite prejudices against the University as under party banners, and induce the more bigoted to withhold from it their sons, even when destined for other than the studies of the Law School. It may be added, that the Document is not on every point satisfactory to all who belong to the same party.

Are we sure that to our brethren of the Board it is so? In framing a political creed, a like difficulty occurs as in the case of religion, though the public right be very different in the two cases. If the articles be in very general terms, they do not answer the purpose; if in very particular terms, they divide and exclude where meant to unite and fortify. The best that can be done in our case seems to be to avoid the two extremes, by referring to selected standards, without requiring an unqualified conformity to them, which, indeed, might not in every instance be possible. The selection would give them authority with the students, and might controul or counteract deviations of the Professor. I have, for your consideration, sketched a modification of the operative passage in your draught, with a view to relax the absoluteness of its injunction, and added to your list of documents the Inaugural Speech and the Farewell Address of President Washington. They may help down what might be less readily swallowed, and contain nothing which is not good; unless it be the laudatory reference in the Address to the Treaty of 1795 with G. Britain, which ought not to weigh against the sound sentiments characterizing it.

After all, the most effectual safeguard against heretical intrusions into the school of politics will be an able and orthodox Professor, whose course of instruction will be an example to his successors, and may carry with it a sanction from the Visitors.

*Sketch.*

And on the distinctive principles of the Government of our own State, and of that of the United States, the best guides are to be found in—1. The Declaration of Independence, as the fundamental act of Union of these States. 2. The book known by the title of the “Federalist,” being an authority to which appeal is habitually made by all, and rarely declined or denied by any, as evidence of the general opinion of those who framed and those who accepted the Constitution of the United States on questions as to its genuine meaning. 3. The Resolutions of the General Assembly of Virginia in 1799, on the subject of the Alien and Sedition laws, which appeared to accord with the

predominant sense of the people of the United States. 4. The Inaugural Speech and Farewell Address of President Washington, as conveying political lessons of peculiar value; and that in the branch of the school of law, which is to treat on the subject of Government, these shall be used as the text and documents of the school.

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TO THOMAS JEFFERSON.

MONTPELLIER, Feb'y 17, 1825.

DEAR SIR,—I received yesterday your letters of the 12th and 15th. It seems strange, but it is a certain fact, that there are several instances of distinguished politicians who reject the general heresies of Federalism, most decidedly the amalgamating magic of the terms "General welfare," who yet admit the authority of Congress as to roads and canals, which they squeeze out of the enumerated articles. In truth, the great temptation of "utility," brought home to local feelings, is the most dangerous snare for Constitutional orthodoxy; and I am not sure that the Judiciary branch of the Government is not a safer expositor of the power of Congress than Congress will be when backed, and even pushed on, by their constituents, as in the canal and the Missouri cases. Were the unauthorized schemes of internal improvement as disagreeable to [a] majority of the people and of the States as they are deemed advantageous, who can doubt the different reasonings and result that would be observed within the walls of Congress? The will of the nation being omnipotent for right, is so for wrong also; and the will of the nation being in the majority, the minority must submit to that danger of oppression as an evil infinitely less than the danger to the whole nation from a will independent of it. I consider the question as to canals, &c., as decided, therefore, because sanctioned by the nation under the permanent influence of benefit to the major part of it; and if not carried into practice, will owe its failure to other than Constitutional obstacles.

TO DANIEL WEBSTER.

FEB<sup>R</sup> 25, 1825.

D<sup>R</sup> SIR,—I must not let the session of Congress close without returning my thanks for the printed documents, for which I was indebted, as appeared, to your friendly politeness. Though they find their way to me through the daily vehicles, there is an advantage in possessing them in a more compleat as well as less perishable form. Among the characteristic attributes of our Government is its frankness in giving publicity to proceedings elsewhere locked up as arcana of State. And it will always be happy when they will so well bear the light; or, rather, so much contribute to the reputation of our country and the edification of others.

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TO MR. MONROE.

MONTPELLIER, March 20, 1825.

DEAR SIR,—Yours of February 23 was not received before the last mail, though having the Aldie post-mark on the day of its date. Whether it was not duly forwarded, or was so long overlooked at the office here, is not known. The latter was probably the case.

We hope the agreeable information you gave of Mrs. Monroe's convalescence has been justified by her entire recovery.

I need not now say that I received at the same time with you the notification given of my electoral nomination. It appears, as we foresaw, that the delay is a theme for party animadversions.

You will, no doubt, have received the circular notice of our reappointment as Visitors of the University, and that the Executive has named the first Monday in April for a meeting of the Board. But it was understood, as I suppose you are aware, that this was a formal compliance with the law only; and that we are not in fact to meet till the stated time in July.

Nothing has been definitively done toward filling the chair of Natural Philosophy. The turn which the negotiation with



Dr. Jones took was thought to leave the choice unfettered; and it remains to be ascertained whether Mr. Renwick can be obtained. There is an enquiry on foot, also, in England, instituted by Mr. Gallatin, and bequeathed to Mr. Lawrence, for a fit Professor for that chair, with an understanding that there is to be no commitment interfering with an intermediate appointment here. In the mean time, Mr. Bonnycastle's patience has worn out; and a discontinuance of two lectures on Natural Philosophy, alleged to be unavoidable, has produced a state of things at the University not a little unpleasant. Some of the students in that school are going off, and puzzling the Proctor in settling their expenses under the enactment on that subject. The occurrence is unfortunate, as it seems to admit of no instant remedy.

No final answer is yet received to our attempt to obtain from the London University its consent to the prolonged stay of Professor Long with us.

Health and every other happiness.

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TO H. WHEATON.

MONTPELLIER, April 1, 1825.

DEAR SIR,—I received lately, through President Monroe, a return of the letters of Mr. Pinkney, accompanied by yours of Feb<sup>y</sup> 27.

I find that copies of a part only of my letters to Mr. Pinkney were retained, and parts of these scarcely, if at all, legible. Such as they are, I commit them to your discretion, for which you may find some exercise in separating what may throw light on Mr. Pinkney's side of the correspondence, or on the real scope of the American policy during a critical period, from what it might be at least unseasonable to hand to the public. You will consider how far this restriction be applicable to the foreign names and domestic designations harshly referred to in some of the letters.

Being unwilling to risk the packet by the mail, I shall not

send it off till I can avail myself of a private conveyance to Mr. R. Cutts, who will probably be able to obtain a like one from Washington to N. York. Perhaps you can refer him to some passing friend who will take charge of it.

I need not say that a return of the letters, as soon as you have done with them, will be agreeable; your past punctuality being a sufficient pledge to that effect.

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TO GEORGE TICKNOR.

MONTPELLIER, Ap<sup>l</sup> 6th, 1825.

DEAR SIR,—Your letter of March 29, with a copy of the engraving of General La Fayette, have just come safe to hand. The memoir of him you were so good as to add was purloined on the way, the empty cover alone appearing.

Mrs. M. is greatly obliged by the excellent portrait of the Hero of Liberty and humanity, so dear to us all. It cannot be permitted, however, to enter into the account where you have made it an item, that being self-balanced, at least, by the pleasure experienced on our side from your visit. The valuable favor creates, therefore, a debt, very imperfectly discharged by the many thanks which are returned for it.

Our University has been opened with six or seven professors, and a limited but daily-increasing number of students. I shall take a pleasure in complying with your request of such information as may explain its progress. In compiling a code of regulations the University has had the benefit of that of Harvard, which was kindly transmitted. Of all exchanges, that of useful lights ought to be the freest, as doubling the stock on both sides without cost on either. Our University is, as you observe, somewhat of an experimental institution. Such, however, is the nature of our federative system, itself not a little experimental, that it not only excites emulation, without enmity, but admits local experiments of every sort, which, if failing, are but a partial and temporary evil; if successful, may become a common and lasting improvement.

TO R. B. LEE.

MONTPELLIER, Ap<sup>l</sup> 20, 1825.

DEAR SIR,—I have received your letter of the 15th. Having ever entertained for you the respect and friendly wishes to which it recurs, I shall not fail to drop a few lines to Judges Duvall and Todd on the subject of it; though, in so doing, I make an exception to the rule I am anxious to maintain, of retiring altogether from such interpositions, and can probably add little to their knowledge of the grounds on which a favorable estimate of your views is hoped for. Mrs. Madison desires to be remembered to Mrs. Lee, with an assurance of her continued affection, and of the lively interest she feels in whatever may relate to the happiness of her early and highly-valued friend. Be pleased to offer, at the same time, my particular respects, and to accept for yourself my esteem and cordial regards.

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TO EDWARD EVERETT.

MONTPELLIER, Ap<sup>l</sup> 22, 1825.

DEAR SIR,—I have received your letter informing me that I have been elected an honorary member of the Bunker-Hill Monument Association. The event which is to receive the monumental commemoration holds so distinguished a place in our Revolutionary History, itself so distinguished in the annals of liberty, that the object of the Association cannot be too highly commended, nor the honorary relation to it offered me be otherwise regarded than as a claim to my particular acknowledgments.

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TO T. L. M<sup>c</sup>KENNEY.

MONTPELLIER, May 2d, 1825.

D<sup>r</sup> SIR,—I have received your favor enclosing the printed animadversions on an article in the English "Quarterly Review."

Whatever may be the difficulty or the result of efforts to impart to the Indians the blessings of civilized life, as it is due to humanity to make them, it is due, also, to our Government to repel the unfounded charges brought against it. For this purpose your publication is well adapted, its statements being uncontrovertible, and the tone of them such as to invite a candid attention every where.

In few instances has the American and British conduct towards the Indians exhibited a contrast more honorable to the American than that repeatedly pursued by the two Governments during the late war. With us, every persuasive endeavour was tried to keep the Indians from joining either party, and at peace among themselves. Compare with this example the policy and practice of the other belligerent.

The perusal of your remarks brought to my recollection the language held at the commencement of the war to deputations from a number of tribes to the seat of Government. As the "Talk" was not, I believe, ever deposited in the War Department, and it may be proper that the document should be officially preserved as one proof of the spirit and policy of the Administration in relation to the Indians, I avail myself of the occasion to forward a copy, with a request that you will have it put on the proper files.

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TO PROFESSOR TICKNOR.

MONTPELLIER, May 2, 1825.

DEAR SIR,—I have duly received the copy of the "Life of General Lafayette," kindly supplying the miscarriage of that first sent, of which nothing has been heard. I return my thanks, sir, for this valuable and seasonable tribute to illustrious merit. I have read it with great pleasure, and with a wish that it could be universally read by our fellow-citizens. It could not but strengthen, by enlightening, their opinions of their beloved guest, and elevate as well as animate their feelings towards him.

I inclose a copy of the incipient code of regulations for our University, of which I pray your acceptance, with that of my cordial esteem and respect.

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TO WILLIAM JOHNSON.

MONTPELLIER, May 6th, 1825.

D<sup>R</sup> SIR,—I received a few days ago from Richmond, through Mr. Stevenson, the copy of your "Life of Major Gen. Greene, &c.," for which I perceive that I am indebted to your friendly politeness.

I had previously availed myself of an opportunity of glancing over the work, and hope, late in the day as it is with me, that I may be able to do it more justice by a more adequate perusal.

The mass of information which it has brought into view, more especially with respect to the great Southern section of the Revolutionary war, must be acceptable to all who justly appreciate the signal importance of its operations, and the splendid career of the patriotic Hero who conducted them; whilst a rich contribution is made by the work to the funds of the general historian of the Revolutionary period.

If errors of any sort have found their way into its pages, and be made to appear, your preface, which anticipates the possibility of them, pledges only, what would be ensured by your love of truth, that they will be turned to the proper account of improving the text of a future edition.

I pray you, sir, to accept, with the thanks I owe you, assurances of my high respect and friendly wishes.

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TO MATHEW CAREY.

MONTPELLIER, May 12th, 1825.

D<sup>R</sup> SIR,—I have received your favor of April 22d, with the several printed sheets sent with it.

It is very gratifying to observe the prospect of internal im-



provements expanding, as it is, under the emulating auspices of the several States, and the co-operating patriotism of enlightened citizens. No Country more than ours admits of improvement by artificial roads and canals; nor can it be doubted, either, that the cost of them, in their fullest extent, is within the compass of the public resources, or that it will be incalculably overbalanced in the account of profit and loss; not to speak of the happy tendency of such works to strengthen the bond of our Union, or of the lustre reflected on our free institutions by such specimens of the fruits they produce.

Your monitory remarks on the cotton trade were very opportune, and could not fail to be useful.

Should any examples worthy of a place in the "Annals of beneficence" come to my knowledge, or occur to my recollection, I shall feel a pleasure in complying with your request on that head.

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TO T. L. M<sup>C</sup>KENNEY.

MONTPELLIER, May 14, 1825.

D<sup>R</sup> SIR,—I have duly received yours of the 10th instant. Although the Talk to the Indians was sent with a view only to its being officially filed, not to its publication, the tone of it in relation to a foreign power being better suited to the then state of war than to the present state of amity, no sufficient objection can lie against the use made of it in vindicating our Government from charges as unprovoked as they are unfounded. The only criticism to be made on the remarks from yourself is, that they do more than justice to the paper which led to them.

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TO GEORGE THOMSON.

JUNE 30, 1825.

I have received, my dear sir, your very friendly letter of the 3d instant. It has afforded me much pleasure, both as an expression of your continued regard for your old friends in your

native State, and as a proof of the blessings you enjoy in your adopted one. You are particularly happy in combining with the ample gifts of fortune, what is so rare, a grateful acquiescence in their sufficiency; and in having in an estimable son, with a fine family, a prospect so precious to the evening of your life. A trip to Virginia would have found in your old friends a full reciprocity of the feelings with which you would meet them; and I express, I am sure, their, as well as my regret, that time has put an end to the chance of such a gratification.

You give a sad picture of the condition of Kentucky. It might be rash, at such a distance, and without a more thorough knowledge of circumstances, to arraign the policy which seems to have had the sanction of names heretofore so much respected; and I ought, perhaps, to feel some additional restraint from the consideration, that having been myself injuriously affected by it, my judgment might be thought not unbiassed in the case. I cannot carry my scruples so far, however, as to hesitate in saying that no doctrine can be sound that releases a Legislature from the controul of a Constitution. The latter is as much a law to the former as the acts of the former are to individuals; and although always liable to be altered by the people who formed it, is not alterable by any other authority; certainly not by those chosen by the people to carry it into effect. This is so vital a principle, and has been so justly the pride of our popular Governments, that a denial of it cannot possibly last long, or spread far. If there be any, therefore, of the Republican faith who have been surprised into such an error, time and reflection cannot fail to rescue them from it. I can express myself thus frankly to you, without being willing to be brought before the public on the occasion.

Virginia, like Kentucky, fell into the snares spread by numerous Banks giving diffusive credits. The people have been greatly distressed by debts, and the incident difficulties, aggravated, as these have been, by short crops and low prices. Time and patience, with occasional sacrifices, are, however, bringing relief, without the irregularities to which Kentucky has resorted.

I can readily imagine the joy with which you met your old

acquaintance, La Fayette, under circumstances so gratifying to all who admire his extraordinary worth and witness the unexampled manner in which it is rewarded. The spectacle is as honorable to the U. States as it is just to him; and will be among the powerful impulses to the progress of political truths and national reforms every where. We are very glad to learn from you, as from other sources, that Judge Todd is recovering from his tedious illness. It is impossible to know his character without esteeming it; or to know him personally without loving him. Your old friend, Mr. Jefferson, still lives, and will close his illustrious career by bequeathing to his Country a magnificent Institute for the advancement and diffusion of knowledge; which is the only Guardian of true liberty, the great cause to which his life has been devoted.

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TO BENJAMIN WATERHOUSE.

MONTPELLIER, July 13, 1825.

D<sup>R</sup> SIR,—I have received your friendly letter of June 30, and congratulate you on your safe return from so long a journey. The fact you confirm with respect to General Hull furnishes the best apology for the imbecility which occasioned his downfall; and his friends would shew more discretion in availing themselves of it, than in attempts to decorate him with artificial laurels. I am truly sorry for the injury sustained by our friend, General Dearborn, whose character forms such a contrast to that of the Mock Hero of Detroit. I hope, as I am sure you wish, that your ominous inferences may be followed by a proof that his case is an exception to the general rule which suggested them.

You ask whether you are too old or too deficient in political information for public service abroad. To the latter question, none, I presume, would say no; and, judging from what I have seen, I could not give a different answer to the former. If there be precedents of an adverse sort, there are so many on the favorable side, that every individual case ought, at least, to be de-

cided on its own merits. In such an appeal, you will doubtless find better testimony than mine, in those more free from a suspicion of chronological sympathies with three score and ten.

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TO EDWARD EVERETT.

JULY 19th, 1825.

DEAR SIR,—I have duly received the copy of your Oration at Concord on the 19th of April last; and have derived much pleasure from the excellent ideas with which it abounds, and the elegant language in which they are conveyed. You have given it particular value by making it a record of interesting details, which might otherwise have passed into oblivion.

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TO CHARLES CALDWELL.

MONTPELLIER, July 22d, 1825.

DEAR SIR,—Your letter from Charlottesville came duly to hand, and an earlier answer would have been given to it, but for hope, which has not been fulfilled, that a little delay might enlarge the compliance with its request.

The instances of longevity which you wish me to repeat on paper as within the limits of my farm, on which there are about 70 persons of every age and description, and among my neighbors, are: 1. Of my mother, now in her 94th year, and enjoying comfortable health. 2. A negro woman of the same age, and with the same advantage. 3. Another negro woman of the age of ninety, with a probability of reaching a greater age than either. 4. Two other negroes, a man and woman, whose ages are not precisely known, but certainly of not less than eighty, and with constitutions having no appearance of early failure. 5. Within the last four or five years have died on the farm: 1. One negro man whose age could be ascertained to be within a few years of a hundred. 2. Another at the age of ninety. 3. A negro man and woman, each aged eighty at least; and the life

of the former evidently shortened by the excessive use of ardent spirits. Among my present neighbors, one of the two nearest is in his ninetieth year, and the other beyond his eightieth; both enjoying good health. Within a few years past died an adjoining neighbor at the age of eighty-four; and another very near, though not adjoining, whose death at eighty-two was promoted by an increased use of ardent spirits. And within the present year died, in his ninetieth year, the father of the present Secretary of War, who, till very lately, was one of my near neighbours. All the individuals I have referred to were natives of Virginia.

Among the instances of superior height with well-proportioned frames, I could name three in neighbouring families of at least six feet four inches. Examples of six feet are not so rare as to have been particularly noticed.

The case of the survivors of the Revolutionary army, most of them doubtless natives, is very striking. Perhaps one not less so would be the average height and weight of the members of our legislative bodies, general and local. The height would be the better criterion of the popular average of size; the weight being more influenced by habits of living, distinguishing the former from the labouring classes.

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TO HENRY COLMAN.

MONTPELLIER, August 25th, 1825.

D<sup>R</sup> SIR,—I have read with pleasure the copy of your oration on the 4th of July, obligingly sent me, and for which I beg you to accept my thanks.

With the merits which I have found in the oration, may I be permitted to notice a passage, which, though according with a language often held on the subject, I cannot but regard as at variance with reality?

In doing justice to the virtue and valour of the Revolutionary army, you add, as a signal proof of the former, their readiness in laying down their arms at the triumphant close of the



war, "when they had the liberties of their country within their grasp."

Is it a fact that they had the liberties of their country within their grasp? that the troops then in command, even if led on by their illustrious chief, and backed by the apostates from the revolutionary cause, could have brought under the yoke the great body of their fellow-citizens, most of them with arms in their hands, no inconsiderable part fresh from the use of them, all inspired with rage at the fratricidal attempt, and not only guided by the federal head, but organized and animated by their local Governments, possessing the means of appealing to their interests as well as other motives, should such an appeal be required?

I have always believed that if General Washington had yielded to a usurping ambition, he would have found an insuperable obstacle in the incorruptibility of a sufficient portion of those under his command, and that the exalted praise due to him and them was derived, not from a forbearance to effect a revolution within their power, but from a love of liberty and of country, which there was abundant reason to believe no facility of success could have seduced. I am not less sure that General Washington would have spurned a sceptre, if within his grasp, than I am that it was out of his reach if he had secretly sighed for it. It must be recollected, also, that the practicability of a successful usurpation by the army cannot well be admitted, without implying a folly or pusillanimity reproachful to the American character, and without casting some shade on the vital principle of popular Government itself.

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TO MISS FRANCES WRIGHT.

MONTPELLIER, Sep<sup>r</sup> 1, 1825.

DEAR MADAM,—Your letter to Mrs. Madison, containing observations addressed to my attention also, came duly to hand, as you will learn from her, with a printed copy of your plan for the gradual abolition of slavery in the United States.

The magnitude of this evil among us is so deeply felt, and so

universally acknowledged, that no merit could be greater than that of devising a satisfactory remedy for it. Unfortunately, the task, not easy under other circumstances, is vastly augmented by the physical peculiarities\* of those held in bondage, which preclude their incorporation with the white population; and by the blank in the general field of labour to be occasioned by their exile; a blank into which there would not be an influx of white labourers, successively taking the place of the exiles, and which, without such an influx, would have an effect distressing in prospect to the proprietors of the soil.

The remedy for the evil which you have planned is certainly recommended to favorable attention by the two characteristics: 1. That it requires the voluntary concurrence of the holders of the slaves, with or without pecuniary compensation. 2. That it contemplates the removal of those emancipated, either to a foreign or distant region. And it will still further obviate objections, if the experimental establishments should avoid the neighbourhood of settlements where there are slaves.

Supposing these conditions to be duly provided for, particularly the removal of the emancipated blacks, the remaining questions relate to the aptitude and adequacy of the process by which the slaves are at the same time to earn the funds, entire or supplemental, required for their emancipation and removal; and to be sufficiently educated for a life of freedom and of social order.

With respect to a proper course of education, no serious difficulties present themselves. And as they are to continue in a state of bondage during the preparatory period, and to be within the jurisdiction of States recognizing ample authority over them, a competent discipline cannot be impracticable. The degree in which this discipline will enforce the needed labour, and in which a voluntary industry will supply the defect

\* These peculiarities, it would seem, are not of equal force in the South American States, owing, in part, perhaps, to a former degradation, produced by colonial vassalage; but principally to the lesser contrast of colours. The difference is not striking between that of many of the Spanish and Portuguese Creoles and that of many of the mixed breed.—J. M.

of compulsory labour, are vital points, on which it may not be safe to be very positive without some light from actual experiment.

Considering the probable composition of the labourers, and the known fact that, where the labour is compulsory, the greater the number of labourers brought together (unless, indeed, where co-operation of many hands is rendered essential by a particular kind of work, or of machinery) the less are the proportional profits, it may be doubted whether the surplus from that source merely, beyond the support of the establishment, would sufficiently accumulate in five, or even more years, for the objects in view. And candor obliges me to say that I am not satisfied either that the prospect of emancipation at a future day will sufficiently overcome the natural and habitual repugnance to labour, or that there is such an advantage of united over individual labour as is taken for granted.

In cases where portions of time have been allotted to slaves, as among the Spaniards, with a view to their working out their freedom, it is believed that but few have availed themselves of the opportunity by a voluntary industry; and such a result could be less relied on in a case where each individual would feel that the fruit of his exertions would be shared by others, whether equally or unequally making them, and that the exertions of others would equally avail him, notwithstanding a deficiency in his own. Skilful arrangements might palliate this tendency, but it would be difficult to counteract it effectually.

The examples of the Moravians, the Harmonites, and the Shakers, in which the united labours of many for a common object have been successful, have, no doubt, an imposing character. But it must be recollected that in all these establishments there is a religious impulse in the members, and a religious authority in the head, for which there will be no substitutes of equivalent efficacy in the emancipating establishment. The code of rules by which Mr. Rapp manages his conscientious and devoted flock, and enriches a common treasury, must be little applicable to the dissimilar assemblage in question. His experience may afford valuable aid in its general organization, and

in the distribution and details of the work to be performed. But an efficient administration must, as is judiciously proposed, be in hands practically acquainted with the propensities and habits of the members of the new community.

With a reference to this dissimilarity, and to the doubt as to the advantages of associated labour, it may deserve consideration whether the experiment would not be better commenced on a scale smaller than that assumed in the prospectus. A less expensive outfit would suffice; labourers in the proper proportions of sex and age would be more attainable; the necessary discipline and the direction of their labour would be more simple and manageable; and but little time would be lost; or, perhaps, time gained; as success, for which the chance would, according to my calculation, be increased, would give an encouraging aspect to the plan, and probably suggest improvements better qualifying it for the larger scale proposed.

Such, Madam, are the general ideas suggested by your interesting communication. If they do not coincide with yours, and imply less of confidence than may be due to the plan you have formed, I hope you will not question either my admiration of the generous philanthropy which dictated it, or my sense of the special regard it evinces for the honor and welfare of our expanding, and, I trust, rising Republic.

As it is not certain what construction would be put on the view I have taken of the subject, I leave it with your discretion to withhold it altogether, or to disclose it within the limits you allude to; intimating only that it will be most agreeable to me, on all occasions, not to be brought before the public where there is no obvious call for it.

General Lafayette took his final leave of us a few days ago, expecting to embark about this time in the new frigate, with an appropriate name. He carries with him the unanimous blessings of the free nation which has adopted him. If equal honours have not been his portion in that in which he had his birth, it is not because he did not deserve them. This Hemisphere, at least, and posterity in the other, will award what is due to the nobleness of his mind and the grandeur of his career.



## TO JOHN BRANNAN.

MONTPELLIER, Sept 7, 1825.

I have received, sir, your letter of August 31, communicating your intention to publish a translation of the travels of the Marquis de Chastellux in the United States during several years of the Revolutionary war. You are welcome to my name on the list of your subscribers, which I wish may become sufficient for your object. I cannot venture to promise much addition to it in this particular quarter.

My recollections of the work, as it appeared in the original language, do not authorize me to speak particularly of its value. From the known talents of the author, the period of his tour, and the advantages under which it was made, he cannot have failed to record many facts and observations which will have an interest with different classes of readers. Before he came to this Country, he had published a work on [Public Happiness,] denoting learned research, and a cast of mind at once philosophic and philanthropic.

I suspect that you have confounded my name with that of the late President of William and Mary, who was much more intimately known to the Marquis than myself. You have fallen in one error, at least, in regarding him as my father. We were closely connected by friendship and affection, but were not nearer in blood than the degree of second cousins; our grandfathers being brothers.

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TO TIMOTHY PICKERING.

MONTPELLIER, Sept 17, 1825.

I have received, sir, your letter of the 7th instant, inclosing the V and VI Nos. of the New England Farmer.

I have not now the title which you supposed to this mark of attention. Finding that I could not attend the meetings of the Agricultural Society of Albemarle, held at a considerable distance from me, I made way, by resignation, for a successor to



the presiding office, who might do more justice to it. I have not, however, ceased to feel a due interest in the success of such Institutions, nor lost my relish for instructive publications on subjects embraced by them. But I am compelled by other demands on my time, among them other reading tasks in which I am in arrears, to abridge very much the portion allotted for works on husbandry. Hence, my slight acquaintance with what has latterly appeared in that of Mr. Skinner, notwithstanding the merit of its author, and the value of its contents. The papers to which you refer as from yourself and Mr. Powell I had not looked into, and cannot, therefore, say more on the question between you, than that, from the tenor of your letter and the pieces inclosed in it, Mr. Powell has been defective in his extracts, as well as hasty in some of his conclusions. Regarding you both as able and strenuous patrons of a valuable object in our husbandry, I cannot but partake of the regret which must be felt at the collision which has taken place, and the wish that it may be terminated by satisfactory explanations.

I congratulate you, sir, on the vigorous health you enjoy at so advanced an age, and in which you give your country an interest, by a persevering application of it to the improvement of our rural economy.

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TO JOHN BRANNAN.

SEPT<sup>R</sup> 26, 1825.

D<sup>R</sup> SIR,—I have received your letter of the 16th instant, from which I find that I have but imperfectly corrected the errors relating to the late Bishop Madison, into which [you] have been led by the author of the work you are preparing for the press. The Bishop had no son who was ever a member either of Congress or of the Legislature of Virginia. He had not, indeed, at the period referred to, been married more than 8 or 9 years, nor reached himself the age of more than 35, 6, or 7. It is true, that an act was passed by the Virginia Legislature, such as you

quote, on the subject of slaves, being one of many composing a "Revised Code," digested and reported by Mr. Jefferson, Mr. Wythe, and Mr. Pendleton, and that I bore a part in the discussion of it. But I have no recollection that a proposition was made by any member for a general emancipation of slaves.\*

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TO DOCTOR CALDWELL.

MONTPELLIER, September 28th, 1825.

DEAR SIR,—I have been long in debt to your politeness for the copy of your "Elements of Phrenology," put into the hands of Mr. Slaughter, from whom I have but just learned that he was the channel through which it came. My acknowledgments would not have been thus delayed, but from my ignorance, till very lately, that your movements had terminated in your return to Lexington.

Phrenology is a subject which has engaged little of my attention. Your pamphlet has certainly obviated some of the most popular prejudices against the science, and enabled the uninformed like myself to take an instructive view of it.

It being conceded on all sides, that mind and matter constitute the human being, and that the brain is the part of matter through which, in the state of union, the mind exerts itself, the question to be decided is, whether this exertion takes place through the entire brain, or any particular portion of it as a simple organ; or through specific compartments of the brain corresponding with specific functions of the mind.

There can be nothing repulsive in this last supposition, if it be not in itself the more probable one. But turning, as it does, on facts and comparisons, these must be sufficiently verified and multiplied before the doctrine can claim a decided assent. From the talents and industry which appear to be employed in the investigation, and the progress already made in it, a solution of the problem may not be very distant. And your little

\* See letter to General Washington, Nov. 11, 1785.—Ed.

volume is a proof of your adequacy to a liberal participation in the task.

I thank you for the information it has afforded me, with a tender of my esteem, and my friendly wishes.

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TO JACOB ENGELBRECHT.

MONTPELLIER, October 20, 1825.

DEAR SIR,—Your letter of September 5th was received several weeks ago; but particular engagements have prevented an earlier attention to it. Though the request it makes is a little singular, a compliance with it seems due to the motives which prompted it.

As your object is to preserve for public view, at a posthumous day, the letter you wish me to write, it ought to contain something worthy of such a purpose. To give it more of this character than it might otherwise have, I transcribe a page in the handwriting of Doctor Franklin, prefixed to a copy of John Bartram's *Travels to the Lakes*, published in 1751, which was purchased many years ago in a bundle of pamphlets sold at auction. This little poetic effusion does not probably exist elsewhere; and it merits preservation, as well on account of its author, as of its moral improvement on the original ode.

GIVEN BY THE AUTHOR TO HIS FRIEND, B. FRANKLIN.

*Horace, Ode 22, Lib. 1.—Integer vitæ, &c.*

IMITATED.

Whose life is upright, innocent, and harmless,  
Needs not a Bartram arm himself with weapons;  
Useless to him, the sword, the venom'd shaft, or  
Murderous musket.

Thus, when thou'rt journeying towards wild Onondago  
O'er pathless mountains, Nature's works exploring,  
Or thro' vast plains where rolls his mighty waters,  
Famed Mississippi,

Should the fierce she Bear, or the famished Wildcat,  
 Or yet more fierce and wild, the savage Indian,  
 Meet thee, God praising, and his works adoring,  
 Instant they'd fly thee.

Tho' now to piercing frosts, now scorching sunbeams,  
 Now to unwholsome fogs, tho' thou'rt exposed,  
 Thy Guardian Angel, Innocence, shall keep thee  
 Safe from danger. \*

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TO C. J. INGERSOLL.

Nov<sup>r</sup> 12, 1825.

DEAR SIR,—I have received the copy, kindly sent me, of your  
 "Discourse" before the Penn Society.

It is to be wished that all the concurring occasions may be  
 equally fruitful of interesting topics and views. Should the  
 other States take the like course of instituting periodical com-  
 memorations of their origin and founders, and the models you  
 have furnished on this and other occasions receive the attention  
 due to it, the progress of our Country will be accompanied by  
 accumulating materials for enriching its History, and improv-  
 ing the Text-Book of Political Philosophy.

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TO THE REV<sup>D</sup> F. BEASLEY.

MONTPELLIER, NOV<sup>r</sup> 20, 1825.

DEAR SIR,—I have duly received the copy of your little tract  
 on the proofs of the Being and attributes of God. To do full  
 justice to it would require not only a more critical attention  
 than I have been able to bestow on it, but a resort to the cele-  
 brated work of Dr. Clarke, which I read fifty years ago only,  
 and to that of Doctor Waterland also, which I never read.

The reasoning that could satisfy such a mind as that of  
 Clarke ought certainly not to be slighted in the discussion.  
 And the belief in a God, all powerful, wise, and good, is so es-  
 sential to the moral order of the world, and to the happiness of  
 man, that arguments which enforce it cannot be drawn from

\* See Post, p. 585.

too many sources, nor adapted with too much solicitude to the different characters and capacities to be impressed with it.

But whatever effect may be produced on some minds by the more abstract train of ideas which you so strongly support, it will probably always be found that the course of reasoning, from the effect to the cause, "from nature to nature's God," will be the more universal and more persuasive application.

The finiteness of the human understanding betrays itself on all subjects, but more especially when it contemplates such as involve infinity. What may safely be said seems to be, that the infinity of time and space forces itself on our conception, a limitation of either being inconceivable; that the mind prefers at once the idea of a self-existing cause to that of an infinite series of cause and effect, which augments, instead of avoiding the difficulty; and that it finds more facility in assenting to the self-existence of an invisible cause, possessing infinite power, wisdom, and goodness, than to the self-existence of the universe, visibly destitute of those attributes, and which may be the effect of them. In this comparative facility of conception and belief, all philosophical reasoning on the subject must, perhaps, terminate. But that I may not get farther beyond my depth, and without the resources which bear you up in fathoming efforts, I hasten to thank you for the favor which has made me your debtor, and to assure you of my esteem and my respectful regards.

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TO DOCTOR C. CALDWELL.

MONTPELLIER, NOV<sup>r</sup> d, 1825.

DEAR SIR,—Your favor of October 11th came duly to hand, and at a later day a memoir referred to in it. You speak of two memoirs. If more than N<sup>o</sup> 1 was sent, there has been a miscarriage.

I am scrry that the claims on my decreasing remnant of time do not permit me to enlarge on the profound subjects embraced in the memoir. I must not omit saying, however, that they are



profoundly treated, and that I concur with you at once in rejecting the idea maintained by some divines, of more zeal than discretion, that there is no road from nature up to nature's God, and that all the knowledge of his existence and attributes which preceded the written revelation of them was derived from oral tradition. The doctrine is the more extraordinary, as it so directly contradicts the declarations you have cited from the written authority itself. To my thanks for the memoir, I must add those due for your kind references to the best sources of information on the subject of phrenology. At an earlier stage of life, I might be tempted to avail myself of them. In that which it has reached, I must narrow, instead of widening, the scope of my researches. Wishing that the longer period before you may be successfully employed in such as will be at the same time gratifying to yourself, and useful to science and humanity, &c., &c.

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## TO HENRY LEE.

MONTPELLIER, Nov<sup>r</sup> 29, 1825.

I have received, sir, yours of the 19th instant. I need not repeat my commendation of your purpose to devote your talents to literary pursuits. And the tasks you now mark out for your pen will doubtless inspire your efforts. The campaign of Niagara in 1814, and the naval achievements in the Mediterranean, are both of them distinguished by their patriotic and historic attractions; and you are very justly solicitous to procure from authentic sources all the information that can give lasting value to your undertaking.

You are very fortunate in those already opened to you, and in prospect, with respect to proceedings in the Cabinet and correspondences between the President and its subordinate members, not in the public archives, and remaining in his and their hands; a part, though a small one, may involve particularities more proper for oblivion than worthy of the pages of history; and there may be other parts less proper for present than future

publications. A knowledge of the contributions received from others would enable me to understand how far my files could make them, in any instances, more compleat and satisfactory; and without a superfluous labour, much to be avoided, in transcribing selections and extracts.

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TO PROFESSOR TICKNOR.

MONTPELLIER, Dec<sup>r</sup> 1, 1825.

D<sup>R</sup> SIR,—I have received your favor of Nov<sup>r</sup> 21, inclosing a copy of your “Remarks concerning Harvard University.” I have found in them much edifying to other Institutions, as well as a triumphant vindication of reforms and improvements in that one. With my thanks for your polite attention, I pray you to be assured of my great esteem and my friendly respects.

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TO THOMAS RITCHIE.

MONTPELLIER, Dec. 18, 1825.

DEAR SIR,—Yours of the 10th instant was received a few days ago, and I give it the earliest answer which circumstances have permitted.

It has been impossible not to observe the license of construction applied to the Constitution of the United States, and that the premises from which powers are inferred often cover more ground than inferences themselves.

In seeking a remedy for these aberrations, we must not lose sight of the essential distinction, too little heeded, between assumptions of power by the General Government, in opposition to the will of the constituent body, and assumptions by the constituent body through the Government as the organ of its will. In the first case, nothing is necessary but to rouse the attention of the people, and a remedy ensues through the forms of the Constitution. This was seen when the Constitution was violated by the alien and sedition acts. In the second case, the

appeal can only be made to the recollections, the reason, and the conciliatory spirit of the majority of the people against their own errors, with a persevering hope of success, and an eventual acquiescence in disappointment, unless, indeed, oppression should reach an extremity overruling all other considerations. This second case is illustrated by the apparent call of a majority of the States and of the people for national roads and canals; with respect to the latter of which, it is remarkable that Mr. Hamilton himself, on an occasion when he was giving to the text of the Constitution its utmost ductility, [see his report on the Bank,] was constrained to admit that they exceeded the authority of Congress.

All power in human hands is liable to be abused. In Governments independent of the people, the rights and interests of the whole may be sacrificed to the views of the Government. In Republics, where the people govern themselves, and where, of course, the majority govern, a danger to the minority arises from opportunities tempting a sacrifice of their rights to the interests, real or supposed, of the majority. No form of government, therefore, can be a perfect guard against the abuse of power. The recommendation of the republican form is, that the danger of abuse is less than in any other; and the superior recommendation of the federative-republican system is, that while it provides more effectually against external danger, it involves a greater security to the minority against the hasty formation of oppressive majorities.

These general observations lead to the several questions you ask as to the course which, in the present state of things, it becomes Virginia to pursue.

1. "Ought an amendment of the Constitution, giving to Congress a power as to roads and canals, to be proposed on her part; and what part taken by her if proposed from any other quarter?"

Those who think the power a proper one, and that it does not exist, must espouse such an amendment; and those who think the power neither existing nor proper, may prefer a specific grant, forming a restrictive precedent, to a moral certainty

of an exercise of the power, furnishing a contrary precedent. Of the individual ways of thinking on this point, you can probably make a better estimate than I can.

2. "Ought a proposed amendment to comprise a particular guard against the sweeping misconstruction of the terms, 'common defence and general welfare?'"

The wish for such a guard is natural. But the fallacious inferences from a failure, however happening, would seem to require for the experiment a very flattering prospect of success. As yet, the unlimited power expressed by the terms, if disjoined from the explanatory specifications, seems to have been claimed for Congress rather incidentally and unimpressively, than under circumstances indicating a dangerous prevalence of the heresy. Governor Van Ness alone appears to have officially adopted it, and possibly with some unexpressed qualification. Has not the Supreme Court of the United States on some occasion disclaimed the import of the naked terms as the measure of Congressional authority? In general, the advocates of the road and canal powers have rested the claim on deductions from some one or more of the enumerated grants.

The doctrine presenting the most serious aspect is that which limits the claim to the mere "appropriation of money" for the general welfare. However untenable or artificial the distinction may be, its seducing tendencies, and the progress made in giving it a practical sanction, render it pretty certain that a constitutional prohibition is not at present attainable; while an abortive attempt would but give to the innovation a greater stability. Should a specific amendment take place on the subject of roads and canals, the zeal for this appropriating power would be cooled by the provision for the primary and popular object of it; at the same time that the implied necessity of the amendment would have a salutary influence on other points of construction.

3. "Ought Virginia to protest against the power of internal improvement by roads and canals, with an avowal of readiness to acquiesce in a decision against her by three-fourths of her sister States?"



By such a decision is understood a mere expression of concurrent opinions by three-fourths of the State Legislatures. However conciliatory the motives to such a proposition might be, it could not fail to be criticised as requiring a surrender of the constitutional rights of the majority in expounding the Constitution to an extra-constitutional project of a protesting State. May it not be added, that such a test, if acceded to, would, in the present state of public opinion, end in a riveting decision against Virginia?

Virginia has, doubtless, a right to manifest her sense of the Constitution, and of proceedings under it, either by protest or other equivalent modes. Perhaps the mode as well suited as any to the present occasion, if the occasion itself be a suitable one, would be that of instructions to her Representatives in Congress to oppose measures violating her constructions of the instrument, with a preamble appealing for the truth of her constructions to the contemporary expositions by those best acquainted with the intentions of the Convention which framed the Constitution; to the debates and proceedings of the State Conventions which ratified it; to the universal understanding that the Government of the Union was a limited, not an unlimited one; to the inevitable tendency of the latitude of construction in behalf of internal improvements to break down the barriers of unlimited power, it being obvious that the ingenuity which deduces the authority for such measures could readily find it for any others whatever; and particularly to the inconclusiveness of the reasoning from the sovereign character of the powers vested in Congress, and the great utility of particular measures, to the rightful exercise of the powers required for such measures; a reasoning which, however applicable to the case of a single Government charged with the whole powers of government, loses its force in the case of a compound Government like that of the United States, where the delegated sovereignty is divided between the General and the State Governments; where one sovereignty loses what the other gains; and where particular powers and duties may have been withheld from one, because deemed more proper to be left with the other.



I have thrown out these hasty remarks more in compliance with your request than from a belief that they offer anything new on the beaten subject. Should the topics touched on be thought worthy on any account of being publicly developed, they will be in hands very competent to the task. My views of the constitutional questions before the public are already known, as far as they can be entitled to notice, and I find myself every day more indisposed, and, as may be presumed, less fit, for re-appearance on the political arena.

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TO EDWARD LIVINGSTON.

MONTPELLIER, Dec<sup>r</sup> 27, 1825.

DEAR SIR,—Your favor of March 13 came duly to hand, with a copy of the executed part of your penal code for Louisiana. With every disposition to comply with your request in the full extent of it, the reflection could not escape me that I ought not to obtrude any suggestions affecting the essentials of your work, if any such should occur; and that a critical examination of its details and definitions was a task belonging [to] others of your friends having a greater surplus of time, and better qualified, also, by their professional studies and experience.

Of the great object of your undertaking, that of simplifying and humanizing the penal code, so much in need of both, I could not express more praise than is due; and however great the merit of the portion now brought into view, it will but fulfil the expectations authorized by the ability shewn in the "Introductory Report."

It cannot be doubted, I think, that a legal code may be digested and reduced to writing, with the great advantage of ascertaining the law when doubtful, of explaining it where obscure, of reforming it where wrong in its principles, and of rendering it at once more systematic and more concise. But I cannot overcome the doubts expressed in a former letter of the practicability, however desirable, of written enumerations and definitions so full and so precise as to supersede altogether a

resort to the explanatory aids of unwritten or traditional law; and I am still impressed, for the reasons there given, with the hazard of substituting for compound technical terms new ones, whatever be the skill in chusing and explaining them.

None of these doubts, however, can restrain me from joining not only in the tribute due to your enlightened and philanthropic labours, but in the sincere wish that the result of them may receive the sanction and the experiment for which it is prepared. As a whole, it must be an incalculable improvement of the existing system; and if any of the innovations so pleasing in theory should prove exceptionable in practice, the inconvenience must be limited in its space, and may be made so in its duration.

From the tenor of some of the above remarks, you will probably concur with me in thinking that a publication of them would not avail the purpose for which you seemed to desire it.

I sympathized very sincerely in the loss of your papers by the accident of fire. Besides the difficulty of recalling to mind their exact contents, there is a nausea in the efforts well understood by all who have ever had occasion to make them.

I must offer an apology for the long delay in making my acknowledgments for your polite and friendly communication. For a considerable time it was not known where a letter would find you. And since your arrival at Washington, particular engagements have engrossed my attention; to which I might add, that I have been at no time unaware of the little importance of what must be the purport of a letter. With this explanation, I pray you to accept assurances of my high esteem and my best wishes.

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TO THOMAS JEFFERSON.

MONTPELLIER, Dec<sup>r</sup> 28, 1825.

DEAR SIR,—I received yesterday evening yours of the 24th instant, inclosing a paper drawn up with a view to the question

of "Roads and Canals," and to the course of proceeding most expedient for the Legislature of Virginia, now in session.

In my retired position it is difficult to scan the precise tendency of measures addressed to the opinions and feelings of the States and of their Representatives; these being imperfectly understood, and continually undergoing, also, more or less of modifications. In general, I have doubted the policy of any attempt by Virginia to take the lead, or the appearance of it, in opposing the obnoxious career of Congress, or, rather, of their constituents, considering the prejudices which seem to have been excited of late against her. And the doubt is now strengthened by the diversity of opinion apparently taking place among her opponents, which, if not checked by interpositions on her part, may break the phalanx with which she has to deal. Hitherto the encroachments of Congress have not proceeded far enough to rouse the full attention of some of the States; who, though not opposing the limited expense of Surveying Engineers, or the productive subscriptions to projected improvements by particular States, will unite with Virginia in combating the exercise of powers which must not only interfere with their local jurisdictions, but expend vast sums of money, from which their share of benefit would not be proportioned to their share of the burden. To this consideration I refer the recent proposition of Mr. Bailey. It may have had, in part, the motives you allude to. But it can be explained by the local calculations under its surface. The members of Congress from New England have never been entirely united on the subject of National Canals, &c.; and, although sundry projects of that sort have lately appeared in that quarter, as elsewhere, it is probable that most of them will be found either impracticable, or threatening changes in the channels of trade, causing them to be abandoned. It is pretty certain that the progress made by New England in her internal improvements reduces her interest in the prosecution of them with the national revenue below her contributions to it, or her portion of a dividend from it. The remark is applicable to the weighty State of New York, where the power

assumed by Congress has always been viewed with a degree of jealousy, and where, I believe, a decided opposition would be made against a claim that would touch her soil or introduce a jurisdiction over it, without the express consent of the State. Her Senator, Van Buren, it appears, has already taken up the subject, and no doubt with a purpose of controuling the assumed power. The progress made by other States in like improvements, under their own authority, may be expected to enlist some of them on the same side of the question. Were Congress, indeed, possessed of the undisputed power in the case, it would be a problem whether it would not be paralysed by the difficulty of adapting a system of Roads and Canals to the diversified situations of the States, and of making a satisfactory apportionment of the benefits and burdens among them. As this is a view of the subject, however, not likely to quiet the apprehensions which prevail, and might yield to fuller information with regard to it, I should suppose Virginia would find an eligible compromise in Mr. Bailey's project; notwithstanding the bearing it may have in favor of a prolonged tariff, as the nurse of the manufacturing system. It may be well, at least, to know the weakness of the proposition, in and out of Congress, before any irrevocable decision be had at Richmond.

Should any strong interposition there be ultimately required, your paper will be a valuable resort. But I must submit to your consideration, whether the expedient with which it closes, of enacting statutes of Congress into Virginia statutes, would not be an anomaly without any operative character, besides the objection to a lumping and anticipating enactment. As the acts in question would not be executed by the ordinary functionaries of Virginia, and she could not convert the federal into State functionaries, the whole proceeding would be as exclusively under the federal authority as if the Legislative interference of Virginia had not taken place; her interference amounting to nothing more than a *recommendation* to her citizens to acquiesce in the exercise of the power assumed by Congress, for which there is no apparent necessity or obligation.

Previous to the receipt of your communication, a letter from  
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Mr. Ritchie, marked with all his warm feelings on the occasion, made a pressing call for my opinions and advice. I inclose it with my answer, in which you will see the course which occurred to me as most eligible or least questionable; Bailey's proposition being at the time unknown. I was apprehensive that encouragement to a stronger course, in the present stage of the business and temper of the Assembly, might lead to a stile and tone irritating, rather than subduing prejudices, instead of the true policy as well as dignity of mingling as much of *molliter in modo* as would be consistent with the *fortiter in re*. Whilst Congress feel themselves backed by a majority of their constituents, menace or defiance will never deter them from their purposes; particularly when such language proceeds from the section of the Union to which there is a habit of alluding as distinguished by causes of internal weakness.

You asked an early answer, and I have hurried one, at the risk of crudeness in some of its views of the subject. If there be errors, they can do no harm when under your controul.

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TO THOMAS J. ROGERS.

MONTPELLIER, JAN<sup>y</sup> 16, 1826.

D<sup>r</sup> SIR,—I have received your favor of the 5th instant, with a copy of the 3<sup>d</sup> edition of your Biographical Remembrancer. I observe that you have increased its value by lengthening the roll of deceased worthies selected for its pages. You justly regard such a task as saving from oblivion merits and memories to which posterity ought to be enabled to do justice. It is, indeed, from such materials that some of the most instructive lessons, as well as most attractive ornaments, are to be woven into the History of our Revolution.



*Remarks on an Extract from Hamilton's report, published in the Richmond Enquirer.*

In the Richmond Enquirer of the 21st is an extract from the Report of Secretary Hamilton on the constitutionality of the Bank, in which he opposes a resort, in expounding the Constitution, to the rejection of a proposition in the Convention, or to any evidence extrinsic to the text. Did he not advise, if not draw up, the message refusing to the House of Representatives the papers relating to Jay's treaty, in which President Washington combats the right of their call by appealing to his personal knowledge of the intention of the Convention, having been himself a member of it, to the authority of a rejected proposition appearing on the journals of the Convention, and to the opinions entertained in the State Conventions? (Wait's State Papers, Vol. 2, p. 102—5.) Unfortunately, the President had forgotten his sanction to the Bank, which disregarded a rejected proposition on that subject. This case, too, was far more in point than the proposition in that of the Treaty papers. Whatever may be the degree of force in some of the remarks of the Secretary, he pushes them too far. But the contradictions between the Report and the message are palpable.

JANUARY 25, 1826.

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TO THOMAS L. M<sup>c</sup>KENNEY.

MONTPELLIER, Feb<sup>y</sup> 10, 1826.

DEAR SIR,—I have received your letter of the 4th instant, and in compliance with its request inclose a few lines to Secretary Barbour. I have declined troubling the President directly on the subject.

The article in the North American Review concerning the Indians is evidently from one who, with opportunities the most favorable for his purpose, has made the best use of them; and who has given, moreover, to his publication, the advantage of a literary dress, rendering it the more attractive. I wish, as

doubtless he does, that your comments on his distrust of the means adopted for new-modelling the Indian character may be sanctioned by their success. If I am less sanguine of such a result than you are, I do not despair, and join in applauding the philanthropy and zeal that labour and hope for it. Next to the case of the black race within our bosom, that of the red on our borders is the problem most baffling to the policy of our country.

In estimating the susceptibilities of the Indian character, and devising the treatment best suited to it, it might be well to know more than we do of what relates to the red race in the regions south of us. Examples have there been furnished of gradations from the most savage state to the advanced one in Mexico and Peru. The descendants of these last, though retaining their physical features, are understood to constitute an integral part of the organized population. But we have not sufficiently extended our researches to their precise condition, political, legal, social, intellectual, and moral; and with respect to the inferior tribes adjoining a white population, or comprehended within its limits, their actual condition, and the policy influencing it, is still less known to us. More light on the subject could not but be acceptable where a single ray might not be without its use.

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TO THOMAS JEFFERSON.

MONTPELLIER, Feb<sup>r</sup> 24, 1826.

DEAR SIR,—Yours of the 17th was duly received. The awkward state of the law professorship is truly distressing, but seems to be without immediate remedy. Considering the hopeless condition of Mr. Gilmer, a temporary appointment, if an acceptable successor were at hand, whilst not indelicate towards the worthy moribund incumbent, might be regarded as equivalent to a permanent one. And if the hesitation of our colleagues at Richmond has no reference to Mr. Terril, but is merely tenderness towards Mr. Gilmer, I see no objection to a communication to Mr. T. that would bring him to Virginia at

once, and thus abridge the loss of time. The hard-heartedness of the Legislature towards what ought to be the favorite offspring of the State, is as reproachful as deplorable. Let us hope that the reflections of another year will produce a more parental sensibility.

I had noticed the disclosures at Richmond with feelings which I am sure I need not express, any more than the alleviation of them by the sequel. I had not been without fears that the causes you enumerate were undermining your estate. But they did not reach the extent of the evil. Some of these causes were, indeed, forced on my attention by my own experience. Since my return to private life, (and the case was worse during my absence in public,) such have been the unkind seasons, and the ravages of insects, that I have made but one tolerable crop of tobacco, and but one of wheat; the proceeds of both of which were greatly curtailed by mishaps in the sale of them. And having no resources but in the earth I cultivate, I have been living very much throughout on borrowed means. As a necessary consequence, my debts have swelled to an amount which, if called for at the present conjuncture, would give to my situation a degree of analogy to yours. Fortunately, I am not threatened with any rigid pressure, and have the chance of better crops and prices, with the prospect of a more leisurely disposal of the property, which must be a final resort.

You do not overrate the interest I feel in the University, as the temple through which alone lies the road to that of Liberty. But you entirely do my aptitude to be your successor in watching over its prosperity. It would be the pretension of a mere worshipper, "replacer," the Tutelary Genius of the sanctuary. The best hope is in the continuance of your cares, till they can be replaced by the stability and self-growth of the Institution. Little reliance can be put even on the fellowship of my services. The past year has given me sufficient intimation of the infirmities in wait for me. In calculating the probabilities of survivorship, the inferiority of my constitution forms an equation, at least, with the seniority of yours.

It would seem that some interposition is meditated at Rich-

mond against the assumed powers of internal improvement, and in the mode recommended by Governor Pleasants, in which my letter to Mr. Ritchie concurred, of Instructions to the Senators in Congress. No better mode can, perhaps, be taken, if an interposition be likely to do good; a point on which the opinion of the Virginia members at Washington ought to have much weight. They can best judge of the tendency of such a measure at the present moment. The public mind is certainly more divided on the subject than it lately was. And it is not improbable that the question, whether the powers exist, will more and more give way to the question, how far they ought to be granted.

You cannot look back to the long period of our private friendship and political harmony with more affecting recollections than I do. If they are a source of pleasure to you, what ought they not [to] be to me? We cannot be deprived of the happy consciousness of the pure devotion to the public good with which we discharged the trusts committed to us. And I indulge a confidence that sufficient evidence will find its way to another generation, to ensure, after we are gone, whatever of justice may be withheld whilst we are here. The political horizon is already yielding, in your case at least, the surest auguries of it. Wishing and hoping that you may yet live to increase the debt which our Country owes you, and to witness the increasing gratitude which alone can pay it, I offer you the fullest return of affectionate assurances.

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TO CONVERSE SHERMAN.

MONTPELLIER, March 10, 1826.

SIR,—I have received your letter of the 3d instant, inclosing a manuscript copy of Mr. Webster's prospectus of his Dictionary, with a printed specimen of the execution of the work; and I comply with your request of an early answer.

The plan embraces so many commendable objects beyond the ordinary scope of such works, that its successful execution must



be a substantial improvement on them. The specimen, though too scanty to authorize any definitive judgment, certainly [evinces?] learned research, elaborate discrimination, and a taste for careful definition, such as might be expected from the known ability, studies, and useful industry of the author. Confiding as I do in these qualifications, I am prepared to find in the fruit of his long and laborious application to a favorite pursuit all the value ascribed to it. Whilst few things are more difficult, few are more desirable than a standard work, explaining, and as far as possible fixing, the meaning of words and phrases. All languages, written as well as oral, though much less than oral, are liable to changes, from causes, some of them inseparable from the nature of man and the progress of society. A perfect remedy for the evil must, therefore, be unattainable. But as far as it may be attainable, the attempt is laudable; and next to complete success, is that of recording with admitted fidelity the state of a language at the epoch of the record. In the exposition of laws, and even of Constitutions, how many important errors may be produced by mere innovations in the use of words and phrases, if not controulable by a recurrence to the original and authentic meaning attached to them!

With a sincere wish that the enterprising task of Mr. Webster may obtain all the public approbation anticipated by his friends, and have every other remunerating result, I tender you the expression of my friendly respects.

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TO G. W. FEATHERSTONHAUGH.

MONTPELLIER, March 11, 1826.

D<sup>R</sup> SIR,—I have duly received your note of the 25th instant, and the volume of Agricultural Memoirs forwarded with it. You have been very kind in repeating such a favour, notwithstanding the failure on my part of any compensating returns for preceding ones. The Albemarle Society has not yet published any similar collection of papers. And as for myself, time is fast stealing from me, what I hope you will long retain, the ac-



tivity necessary for agricultural pursuits. This consideration, added to the distance of the meeting place of the Society, has obliged me to withdraw from the presiding office, with which I had been honored, that it might be filled with a more competent successor.

On casting an eye over the memoirs, enough of useful matter presents itself to excite regret that they are the last offering to be expected from the same source. I observe in them a proof that on the question so much agitated concerning the rival breeds of cattle, you continue to side with the patrons of the short-horns; and for reasons which appear very cogent. With us there are no opportunities of making the proper comparisons, owing partly to the inferiority of our climate for grazing husbandry; much, also, to a general backwardness in rural improvements. Being myself an advocate for putting the ox as much as possible in place of the horse, and even the mule, for draught service, I feel a great esteem for the breed most fitted for it.

Repeating my acknowledgments for the obligations you have laid me under, I beg leave to renew, at the same time, assurances of my cordial esteem and my best wishes.

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TO ANDREW STEVENSON.

MONTPELLIER, March 25, 1826.

DEAR SIR,—I have received the copy of your late speech, kindly forwarded by you. I cannot say that I concur in all your views of the subject it discusses. But I take pleasure in doing justice to the ability with which those are maintained in which I do not concur.

Will you pardon me for pointing out an error of fact into which you have fallen, as others have done, by supposing that the term *national*, applied to the contemplated government in the early stage of the Convention, particularly in the propositions of Mr. Randolph, was equivalent to *unlimited* or consolidated? This was not the case. The term was used, not in contradistinction to a limited, but to a *federal* government. As

the latter operated within the extent of its authority through requisitions on the confederated States, and rested on the sanction of State Legislatures, the government to take its place was to operate within the extent of its powers directly and coercively on individuals, and to receive the higher sanction of the people of the States; and there being no technical or appropriate denomination applicable to the new and unique system, the term national was used, with confidence that it would not be taken in a wrong sense, especially as a right one could be readily suggested, if not sufficiently implied, by some of the propositions themselves. Certain it is, that not more than two or three members of the body, and they rather theoretically than practically, were in favor of an unlimited government, founded on a consolidation of the States; and that neither Mr. Randolph, nor any one of his colleagues, was of the number. His propositions were the result of a meeting of the whole deputation, and concurred or acquiesced in unanimously, merely as a general introduction of the business; such as might be expected from the part Virginia had borne in bringing about the Convention, and as might be detailed and defined in the progress of the work. The journal shews that this was done.

I am not sure that I understand your allusions to the origin of the Convention of 1787. If I do, you have overlooked steps antecedent to the interposition of the old Congress. That Convention grew out of the Convention at Annapolis, in August, 1786, recommended by Virginia in the preceding winter. It had for its objects certain provisions only, relating to commerce and revenue. The Deputies who met, inferring from an interchange of information as to the state of the public mind that it had made a great advance, subsequent even to the act of Virginia, towards maturity for a thorough reform of the federal system, took the decisive step of recommending a Convention, with adequate powers for the purpose. The Legislature of Virginia, being the first that assembled, set the example of compliance, and endeavored to strengthen it by putting General Washington at the head of her Deputation.

I cannot but highly approve the industry with which you

have searched for a key to the sense of the Constitution, where alone the true one can be found, in the proceedings of the Convention, the cotemporary expositions, and, above all, in the ratifying conventions of the States. If the instrument be interpreted by criticisms which lose sight of the intention of the parties to it, in the fascinating pursuit of objects of public advantage or convenience, the purest motives can be no security against innovations materially changing the features of the government.

Mrs. M. charges me with her warmest affection for Mrs. Stevenson, with which I beg leave to mingle mine. She joins, also, in the assurances of cordial esteem and regard which are tendered to yourself.

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TO T. L. M<sup>c</sup>KENNEY.

MARCH 27, 1826.

D<sup>R</sup> SIR,—I have received your favor of the 18th, with a supplemental Document relating to the civilization of the Indians; a subject highly interesting under all its aspects. The literary “characters” devised by the Indian “Guess,” are the offspring of an ingenious mind. But if I understand them, they are rather Stenographic than “Alphabetic;” a species of writing facilitated, doubtless, by the scantiness of the language.

I had noticed the Report of the Secretary published in the newspapers much commended, as it deserved, for its moral as intellectual merit.

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TO LITTLETON DENNIS TEACKLE.

MONTPELLIER, Mar. 29, 1826.

D<sup>R</sup> SIR,—I have received your letter of the 22d instant, inclosing a copy of the law providing for primary schools throughout your State. I congratulate you on the foundation thus laid for a general system of education, and hope that it presages

a superstructure worthy of the patriotic forecast which has commenced the work. The best service that can be rendered to a country, next to that of giving it liberty, is in diffusing the mental improvement equally essential to the preservation and the enjoyment of the blessing.

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TO M. VAN BUREN.

MONTPELLIER, April 28, 1826.

DEAR SIR,—I have received your favor of the 22d, and at the same time, under another cover, the paper containing your observations on the depending modification of the Federal courts.

The judicial department is evidently not a little difficult to be accommodated to the territorial extent to which the legislative and executive may be carried on the Federal principle. To prevent the gradual departure from uniformity in the legal code, which must be the effect of sectional courts with final jurisdiction, an appellate tribunal is indispensable; and the arduousness of the task of distributing a desirable attendance of its members throughout the community, without encroaching too much on their useful leisure, or on the time essential for the discharge of their central duties, and without exacting itinerary fatigues beyond the physical activity to be looked for in a certain portion of them, is sufficiently observable in the past deliberations. Were three, at least, of the present judges assigned to the more remote parts of the Union, their ages alone would be serious, if not insuperable, obstacles to the fulfilment of their compound services; and the remote parts will, if not in the first instance, soon have their share of the aged class. The views you have taken of the subject are very interesting and instructive. But if it be understood that the expanding population will at no distant day render the circuit functions of the appellate judges impracticable, it is an important question whether a change of the system, so far as local feelings are to be encountered, will become more or less embarrassing; whether, if the necessity be

more pressing on one hand, habit and other opposing considerations will or will not keep pace with it on the other. These are questions, however, for your, not my, decision.

With esteem, &c.,

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TO R. RIKER, ——— AGNEW, JR., AND ——— BOLTON, COMMITTEE OF  
THE CORPORATION OF NEW YORK.

MONTPELLIER, May 31, 1826.

GENTLEMEN,—I have duly received your letter of April 28, and with it, a medal of gold, commemorating the completion of the Erie canal, presented in the name of the City of New York by order of the Common Council; the medal being accompanied by a box made of maple brought from the Lake in the first canal boat, the Seneca Chief.

I beg the Corporation to be assured that I feel, in its full extent, the value of this testimonial of its kind respect; and that no one can offer a more cordial tribute of congratulation than myself on the commemorated event; an event the more splendid when viewed in its contrast with occasions to which such emblems have been often dedicated.

As a monument of public spirit conducted by enlightened counsels; as an example to other States worthy of emulating enterprise; and as itself a precious contribution to the happy result to our country of facilitated communications and intermingled interests, bringing nearer, and binding faster, the multiplying parts of the expanding whole; the canal which unites the great Western Lakes with the Atlantic ocean is an achievement of which the State of New York may at all times be proud, and which well merited the homage so aptly paid to it by her great commercial metropolis.

Be pleased to accept, gentlemen, individually, the expression of my high respect and my best wishes.



TO N. P. TRIST.

MONTPELLIER, July 6th, 1826.

DEAR SIR,—I have just received yours of the 4th. A few lines from Dr. Dunglison had prepared me for such a communication; and I never doubted that the last scene of *our* illustrious friend\* would be worthy of the life which it closed. Long as this has been spared to his Country and to those who loved him, a few years more were to have been desired for the sake of both. But we are more than consoled for the loss by the gain to him; and by the assurance that he lives and will live in the memory and gratitude of the wise and good as a luminary of science, as a votary of liberty, as a model of patriotism, and as a benefactor of human kind. In these characters I have known him, and not less in the virtues and charms of social life, for a period of fifty years, during which there has not been an interruption or diminution of mutual confidence and cordial friendship for a single moment, in a single instance. What I feel, therefore, now, need not, I should say, cannot, be expressed. If there be any possible way in which I can *usefully* give evidence of it, do not fail to afford me an opportunity. I indulge a hope that the unforeseen event will not be permitted to impair *any* of the beneficial measures which were in progress or in project. It cannot be unknown that the anxieties of the deceased were for others, not for himself.

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TO GEORGE MASON.

JULY 14, 1826.

I have received, sir, your letter of the 6th instant, requesting such information as I may be able to give as to the origin of the document,† a copy of which was inclosed in it.

The motive and manner of the request would entitle it to

\* Mr. Jefferson.

† Memorial and Remonstrance against Religious Establishments.

respect, if less easily complied with than by the following statement:

During the session of the General Assembly, 1784-5, a bill was introduced into the House of Delegates providing for the legal support of the teachers of the Christian religion, and being patronized by the most popular talents in the House, seemed likely to obtain a majority of votes. In order to arrest its progress, it was insisted, with success, that the bill should be postponed till the ensuing session, and in the mean time printed for public consideration, that the sense of the people might be the better called forth. Your highly-distinguished ancestor, Col. Geo. Mason, Col. Geo. Nicholas also possessing much public weight, and some others, thought it advisable that a remonstrance against the bill should be prepared for general circulation and signature, and imposed on me the task of drawing up such a paper. This draught having received their sanction, a large number of printed copies were distributed, and so extensively signed by the people of every religious denomination, that at the ensuing session the projected measure was entirely frustrated; and under the influence of the public sentiment thus manifested, the celebrated bill "establishing religious freedom" enacted into [?] a permanent barrier against future attempts on the rights of conscience, as declared in the great charter prefixed to the Constitution of the State.

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TO GOVERNOR TYLER.

MONTPELLIER, August 4, 1826.

DEAR SIR,—I have received your favor of the 31 ult., inclosing a copy of your Oration on the death of Mr. Jefferson, in which you so eloquently express what is felt by all, as a just tribute to his exalted name, and a grateful commemoration of his invaluable services to his Country and to his fellow-men.

Be pleased to accept, sir, my thanks for your polite attention, with assurances of my high and cordial esteem.

TO R. PETERS.

SEPTEMBER 8th, 1826.

I have received, my dear friend, with great pleasure, your letter of the 1st instant, so full of kind feelings, and with it a copy of Agricultural Memoirs, for which I return my thanks. I have not lost my relish for the subject of them, but do not retain the activity that could spare from other claims on my time the portion required for that. Though not counting quite as many years as you do, I am not confident that I have as many before me as are promised by the excellent stuff of which your constitution appears to have been made. But, whatever be the span of life remaining to either, we have both had the happiness of passing through a period glorious for our country, and, more than any preceding one, likely to improve the social condition of man. The lights and lessons afforded by our Revolution, on all the subjects most interesting to that condition, are already diffusing themselves in every direction, and form a source of peculiar gratification to those who had any part in the great event. Fortunately, we are not excluded from the number. If we cannot associate our names with the two luminaries who have just sunk below the horizon, leaving inextinguishable traces behind,\* we have at least a place in the galaxy of faithful citizens who did their best for their country when it most needed their services.

Wishing you every blessing that can smooth and lengthen the path you have yet to tread, I pray you to be assured of the continued and affectionate esteem of one who laboured with you in the worst of times, and has lived to rejoice with you in the best that have fallen to the lot of any nation.

\* Jefferson and Adams.

TO M. VAN BUREN.

MONTPELLIER, September 20, 1826.

DEAR SIR,—Your letter of August 30 has been longer unanswered than I could have wished; but the delay has been unavoidable. And I am sensible now that the subject invited more of development than successive occurrences calling off my attention have permitted. The brief view taken of it will at least be a proof of my disposition to comply with your request, which I regard as a private one, as you will be pleased to regard the answer to it.

I should certainly feel both gratification and obligation in giving any aid in my power towards making the Constitution more appropriate to its objects and more satisfactory to the nation. But I feel, also, the arduousness of such a task, arising as well from the difficulty of partitioning and defining legislative powers as from the existing diversity of opinions concerning the proper arrangement of the power in question over internal improvements.

Give the power to the General Government, as possessing the means most adequate, and the objections are: 1. The danger of abuses in the application of the means to objects so distant from the eye of a government, itself so distant from the eye of the people. 2. The danger, from an increase of the patronage and peculiar transactions of the General Government, that the equilibrium between that and the State governments may not be preserved.

Leave the power exclusively with the States, and the objections are: 1. That, being deprived by the Constitution, and even by their local relations, (as was generally experienced before the present Constitution was established,) of the most convenient source of revenue, the impost on commerce, improvements might not be made even in cases wholly within their own limits. 2. That, in cases where roads and canals ought to pass through contiguous States, the necessary co-operation might fail from a difficulty in adjusting conditions and details, from a want of interest in one of them, or, possibly, from some jealousy

or rivalry in one towards the other. 3. That, where roads and canals ought to pass through a number of States, particular views of a single State might prevent improvements deeply interesting to the whole nation.

This embarrassing alternative has suggested the expedient, which you seem to have contemplated, of dividing the power between the General and State Governments, by allotting the appropriating branch to the former, and reserving the jurisdiction to the latter. The expedient has, doubtless, a captivating aspect. But to say nothing of the difficulty of defining such a division and maintaining it in practice, will the nation be at the expense of constructing roads and canals without such a jurisdiction over them as will ensure their constant subservience to national purposes? Will not the utility and popularity of these improvements lead to a constructive assumption of the jurisdiction by Congress, with the same sanction of their constituents as we see given to the exercise of the appropriating power, already stretching itself beyond the appropriating limit?

It seems, indeed, to be understood that the policy and advantage of roads and canals have taken such extensive and permanent hold of the public will, that the constructive authority of Congress to make them will not be relinquished, either by that or the constituent body. It becomes a serious question, therefore, whether the better course be not to obviate the unconstitutional precedent by an amendatory article expressly granting the power. Should it be found, as is very possible, that no effective system can be agreed on by Congress, the amendment will be a recorded precedent against constructive enlargements of power; and, in the contrary event, the exercise of the power will no longer be a precedent in favour of them.

In all these cases it need not be remarked, I am sure, that it is necessary to keep in mind the distinction between a usurpation of power by Congress against the will, and an assumption of power with the approbation, of their constituents. When the former occurs, as in the enactment of the alien and sedition laws, the appeal to their constituents sets everything to rights.



In the latter case, the appeal can only be made to argument and conciliation, with an acquiescence, when not an extreme case, in an unsuccessful result.

If the sole object be to obtain the aid of the Federal Treasury for internal improvements by roads and canals, without interfering with the jurisdiction of the States, an amendment need only say, "Congress may make appropriations of moneys for roads and canals, to be applied to such purposes by the Legislatures of the States within their respective limits, the jurisdiction of the States remaining unimpaired."

If it be thought best to make a constitutional grant of the entire power, either as proper in itself or made so by the moral certainty that it will be constructively assumed with the sanction of the national will, and operate as an injurious precedent, the amendment cannot say less than that "Congress may make roads and canals, with such jurisdiction as the cases may require."

But while the terms "common defence and general welfare" remain in the Constitution, unguarded against the construction which has been contended for, a fund of power, inexhaustible and wholly subversive of the equilibrium between the General and the State Governments, is within the reach of the former. Why, then, not precede all other amendments by one expunging the phrase, which is not required for any harmless meaning, or making it harmless by annexing to it the terms, "in the cases required by this Constitution?"

With this sketch of ideas, which I am aware may not coincide altogether with yours, I tender renewed assurances of my esteem and friendly wishes.

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TO M. VAN BUREN.

MONTPELLIER, October 15, 1826.

DEAR SIR,—Since mine of September 20, answering yours of August 30, I have received that of September 28, with a copy

of the Report of the Committee on Roads and Canals. I have not been able to read more of it than the part which you notice. The committee have transcended all preceding advocates of the doctrine they espouse in appealing to the old Articles of Confederation for its support. Whatever might have been the practice under those articles, it would be difficult to show that it was always kept within the prescribed limits. The revolutionary Congress was the offspring of the great crisis, and the exercise of its powers prior to the final ratification of the Articles governed by the law of necessity or palpable expediency. And after that event there seems to have been often more regard to the former latitude of proceeding than to the text of the instrument; assumptions of power, apparently useful, being considered little dangerous in a body so feeble and so completely dependent on the authority of the States. There is no evidence, however, that the old Congress ever assumed such a construction of the terms "common defence and general welfare" as is claimed for the new. Nor is it probable that General Washington, in the sentiments quoted from or for him, had more in view than the great importance of measures beyond the reach of individual States, and, if to be exerted at all, calling for the general authority of the Union. Such modes of deducing power may be fairly answered by the question, what is the power that may not be grasped with the aid of them?

Be pleased, sir, to accept the renewed expression of my esteem and friendly wishes.

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TO SAMUEL H. SMITH.

MONTPELLIER, NOV<sup>R</sup> 4, 1826.

DEAR SIR,—I have received your letter of October 25th, requesting from me any information which could assist you in preparing a Memoir of Mr. Jefferson for the Columbian Institute. Few things would give me more pleasure than to contribute to such a task, and the pleasure would certainly be in-

creased by that of proving my respect for your wishes. I am afraid, however, I can do little more than refer you to other sources, most of them probably already known to you.

It may be proper to remark that Mr. Thomas Jefferson Randolph, legatee of the manuscripts of Mr. Jefferson, is about to publish forthwith a Memoir left by his grandfather, in his own handwriting, and if not in every part intended by him for the press, is thought to be throughout in a state well fitted for it. The early parts are, I believe, purely, and, in some instances, minutely biographical; and the sequel, embracing a variety of matter, some of it peculiarly valuable, is continued to his acceptance of the Secretaryship of State under the present Constitution of the United States. Should this work appear in time, it would doubtless furnish your pencil with some of the best materials for your portrait.

The period between his leaving Congress in 1776, and his mission to France, was filled chiefly by his labours on the Revised Code, by the preparation of his "Notes on Virginia," an *obiter performance*, his Governorship of that State, and his services as a member of Congress, and of the Committee of the States at Annapolis.

The Revised Code, in which he had a masterly share, exacted, perhaps, the most severe of his public labours. It consisted of 126 bills, comprising and recasting the whole Statutory Code, British and Colonial, then admitted to be in force, or proper to be adopted, and some of the most important articles of the unwritten law, with original laws on particular subjects; the whole adapted to the Independent and Republican form of Government. The work, though not enacted in the mass, as was contemplated, has been a mine of Legislative wealth; and a model, also, of statutory composition, containing not a single *superfluous* word, and preferring always words and phrases of a meaning fixed as much as possible by oracular treatises or solemn adjudications. His "Notes on Virginia" speak for themselves.

For his administration of the Government of Virginia, the latter chapters of the 4<sup>th</sup> Volume of Burk's history, continued

by Girardin, may be consulted. They were written with the advantage of Mr. Jefferson's papers opened fully by himself to the author. To this may now be added the letter just published, from Mr. Jefferson to Major H. Lee, which deserves particular notice, as an exposure and correction of historical errors and rumored falsehoods, assailing his reputation.

His services at Annapolis will appear in the Journal of Congress of that date. The answer of Congress to the Resignation of the Commander-in-Chief, an important document, attracts attention by the shining traces of his pen.

His diplomatic agencies in Europe are to be found in the unpublished archives at Washington, or in his private correspondences, as yet under the seal of confidence. The memoir in the hands of his grandson will probably throw acceptable lights on this part of his history.

The University of Virginia, as a temple dedicated to science and liberty, was, after his retirement from the political sphere, the object nearest his heart, and so continued to the close of his life. His devotion to it was intense, and his exertions unceasing. It bears the stamp of his genius, and will be a noble monument of his fame. His general view was to make it a nursery of Republican patriots, as well as genuine scholars. You will be able to form some idea of the progress and scope of the Institution from the two inclosed Reports from the Rector for the Legislature of the State, (the intermediate Report is not at hand,) which, as they belong to official sets, you will be so good as to send back at your entire leisure. I may refer, also, to a very graphic and comprehensive Exposé of the present state of the University, lately published in the National Intelligencer, which will have fallen under your eye.

Your request includes "his general habits of study." With the exception of an intercourse in a session of the Virginia Legislature in 1776, rendered slight by the disparities between us, I did not become acquainted with Mr. Jefferson till 1779, when, being a member of the Executive Council, and he the Governor, an intimacy took place. From that date we were for the most part separated by different walks in public and

private life till the present Government of the U. States brought us together; first, when he was Secretary of State and I a member of the House of Representatives, and next, after an interval of some years, when we entered in another relation the service of the U. States in 1801. Of his earlier habits of study, therefore, I cannot particularly speak. It is understood that whilst at College [William and Mary] he distinguished himself in all the branches of knowledge taught there, and it is known that he never after ceased to cultivate them. The French language he had learned when very young, and became very familiar with it, as he did with the literary treasures which it contains. He read, and at one time spoke, the Italian, also, with a competent knowledge of the Spanish; adding to both the Anglo-Saxon, as a root of the English and an element in legal philology. The law itself he studied to the bottom, and in its greatest breadth, of which proofs were given at the Bar, which he attended for a number of years, and occasionally throughout his career. For all the fine arts he had a more than common taste; and in that of architecture, which he studied both in its useful and its ornamental characters, he made himself an adept; and [as?] the variety of orders and styles executed according to his plan, founded on the Grecian and Roman models, and under his superintendence, in the buildings of the University, fully exemplify. Over and above these acquirements, his miscellaneous reading was truly remarkable; for which he derived leisure from the methodical and indefatigable application of the time required for indispensable objects, and particularly from his rule of never letting the sun rise before him. His relish for books never forsook him, not even in his infirm years; and in his devoted attention to the rearing of the University, which led him often to express his regret that he was so much deprived of that luxury by the epistolary tasks which fell upon him, and which consumed his health as well as his time. He was certainly one of the most learned men of the age. It may be said of him, as has been said of others, that he was a walking library; and, what can be said but of few of such prodigies, that the genius of philosophy ever walked hand in hand with him.



I wish, sir, I could have made you a communication less imperfect. All that I can say beyond it is, that if, in the progress of your pen, any particular point should occur on which it may be supposed I could add any thing to your information from other sources, I shall cheerfully obey a call as far as may be in my power.

The subject of this letter reminds me of the "History of the Administration of Mr. Jefferson," my copy of which, with other things, disappeared from my collection during my absence from the care of them. It would be agreeable to me now to possess a copy; and if you can *conveniently* favor me with one, I shall be greatly obliged.

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TO THOMAS J. WHARTON.

MONTPELLIER, Nov. 14, 1826.

I have received, sir, under cover of the 6th, your discourse, obligingly sent me, on the "Landing of W<sup>m</sup> Penn." The occasion, interesting in itself, is made the more so by the judicious and impressive views with which you have surrounded it. Such a tribute was well due to that renowned Lawgiver, and to the State which has made so good a use of his bold and benevolent innovations. The principles and institutions of Penn have long been the admiration of philosophical politicians. They are now recommended to the world by a fair test of their value in practice; and the world is becoming more prepared to regard the lessons they offer. Your discourse, as far as its circulation may be extended, must contribute to attract the attention which these merit. I thank you, sir, for the pleasure its perusal has afforded me, with a tender of my particular respects.

TO MAJOR GENERAL GAINES.

MONTPELLIER, NOV<sup>R</sup> 15, 1826.

D<sup>R</sup> SIR,—I have received your letter of October 16, inclosing a copy of one to the Adjutant General of the United States. I have read them both with every wish for such recollections as would enable me to speak particularly to the points stated; but without being surprised at the inadequacy of them. At my advanced age, after a lapse of so many years, with so many cotemporary attentions to official duties, and with private occupations since, calculated to efface remote incidents, without any necessary recurrence to them, it may well be supposed that those to which you refer have left but imperfect traces on my memory.

What I can safely say on the subject, and which I feel a pleasure in saying, is, that I sufficiently remember your call on me in the winter of 1816; that I availed myself of the occasion to express my deep sense of the gallant and brilliant services you had rendered on the military theatre; the gratitude which your country owed for them; and that which was especially due from myself, who, in the station I held, could not but feel every obligation to those who had made the war glorious in its deeds, and in its results so happy for the nation. Of what may have passed at the interview in reference to the court-martial, my recollection is too faint to allow me to say more than that I was under the impression, which I probably expressed, that whatever regrets might be involved in the case, its issue would tend to fix you the more firmly on the high ground to which your merits had elevated you. If allusion was made to Col. Tremble, as I think there was, I infer, from the impression I had of his character, that my observation must have been, that no error into which he might have fallen ought to cast a veil over the meritorious traits it had exhibited.

As to "the application of the accuser for a Court of Enquiry, the subsequent charges, the appointment of the General Court-Martial, and the trial," I know not that I could add any thing to the information otherwise attainable. I may say, however, that no inference ought to be drawn from the course which the

proceeding took that any issue was presumed that would be a stain on your reputation. And I should be unjust not to say, that I recollect nothing that could discredit the views of any who were associated with me in the administrative trust.

Your purpose of authenticating and presenting truths that may shield your military talents and conspicuous services against the risk of traditional injustice, if any such there be, is very commendable. It may have the good effect, at the same time, of contributing materials for the annals of the war, which, with like contributions from others whose pens may record their knowledge of illustrious scenes in which they bore a part, will be of peculiar importance to that portion of the history of our country.

With respect to the allowable use to be made of any thing in this answer to your letter, I might have less of hesitation, if I had more reliance on the memory which has furnished it. With a knowledge of my bias against being brought before the public in any case not materially requiring it, your friendly discretion must be the guide.

The value I set on the friendly sentiments you have expressed will not permit me to conclude without a tender of my particular acknowledgments, with assurances of my great esteem and good wishes.

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TO ROBERT WALSH.

MONTPELLIER, Nov<sup>r</sup> 23, 1826.

DEAR SIR,—I have received your letter of the 16th, referring to the prospectus of "The American Quarterly Review." I learn, with pleasure, that our Literary resources have suggested a periodical work, which, under the conducting hand obtained for it, must extend whilst it employs them. Few things would coincide more with my inclination than to be a productive correspondent. But at my now advanced stage of life, and with claims on my time which happen not to decrease as the remnant of that does, I dare not promise more than the best wishes

that the success of the undertaking may equal its merits and its prospects. I am not even at present aware that my files contain any thing of a character and form adapted at once to the Epoch, and to the plan and objects of the Review. On a contrary supposition, the motives not to withhold it would be strengthened by that of evincing the personal confidence and great esteem of which I pray you to be always assured.

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TO GENERAL LA FAYETTE.

MONTPELLIER, NOV<sup>r</sup>, 1826.

DEAR FRIEND,—I received some days ago your letter of August 28. If I did not invite an earlier one by my example it was because I often heard of you, and was unwilling to add a feather to the oppressive weight of correspondence which I well know to be your unavoidable lot. You will never doubt that your happiness is very dear to me; and I feel the sentiment growing stronger as the loss of others dear to us both shortens the list to which we belong. That which we have lately sustained at Monticello is irreparable, but was attended with every circumstance that could soothe us under it. I wish I was not obliged to add, “with one affecting exception.” His family, so long in the lap of all the best enjoyments of life, is threatened with the contrast of pinching poverty. The expenses of his numerous household, his extensive hospitalities, and a series of short crops and low markets, to which are to be added old debts contracted in public service abroad, and new ones for which private friendship had made him responsible; all these causes together had produced a situation of which he seems not to have been fully aware, till it was brought home to his reflections by the calls of creditors, (themselves pressed by the difficulties of the times,) and by the impossibility of satisfying them without a complete sacrifice of his property, perhaps not even by that, at such a crisis. In this posture of things, he acquiesced in an appeal to the Legislature for the privilege of a lottery. This was granted, and arrangements made which promised relief,



with a residuary competence for his beloved daughter and her children. The general sensation produced by the resort to a lottery, and by the occasion for it, unfortunately led some of his most enthusiastic admirers to check the progress of the measure by attempting to substitute patriotic subscriptions, which they were so sanguine as to rely on, till the sad event on the 4th of July benumbed, as it ought not to have done, the generous experiment; with a like effect, which ought still less to have happened, on the lottery itself. And it is now found that the subscriptions do not exceed ten or twelve thousand dollars, and the tickets but a very inconsiderable number, whilst the debts are not much short of one hundred thousand dollars; an amount which a forced sale, under existing circumstances, of the whole estate, (*negroes* included,) would not perhaps reach. Faint hopes exist that renewed efforts may yet effectuate such a sale of tickets as may save something for the family; and fainter ones, that the Legislature of the State may interpose a saving hand. God grant it! But we are all aware of the difficulties to be encountered there. I well know, my dear sir, the pain which this melancholy picture will give you, by what I feel at the necessity of presenting it. I have duly adverted to the generous hint as to the East Florida location. But for any immediate purpose, it is, in any form whatever, a resource perfectly dormant, and must continue so too long for the purpose in question. Your allusion to it is, nevertheless, a proof of the goodness which dwells in your heart, and whenever known, will be so regarded. The urgency of particular demands has induced the executor, Thomas Jefferson Randolph, who is the legatee of the manuscripts, to undertake an immediate publication of a memoir, partly biographical, partly political and miscellaneous, left in the handwriting of his grandfather, the proceeds of which he hopes will be of critical use; and if prompt and extensive opportunities be given for subscriptions, there may be no disappointment. The work will recommend itself not only by personal details interwoven into it, but by *Debates in Congress* on the *question of Independence*, and other very important subjects coeval with its Declaration, as the debates



were taken down and preserved by the illustrious member. The memoir will contain, also, very interesting views of the origin of the French Revolution, and its progress and phenomena, during his diplomatic residence at Paris, with reflections on its tendencies and consequences. A trial will probably be made to secure the copyright of the publication both in England and in France. In the latter case, your friendly counsel will of course be resorted to; and I mention it that you may, in the mean time, be turning the subject in your thoughts. The manuscripts of which the memoir makes a part are great in extent, and doubtless rich in matter; and *discreet* extracts may, perhaps, prove a further pecuniary resource, from time to time; but how soon, and in what degree, I have not the means of judging. Mrs. Randolph, with her two youngest children, left Montpellier some days ago on her way to pass the winter with Mrs. Coolidge. Such a change of scene had become essential to her health, as well as to her feelings. She has made up her mind for the worst results; a merit which quickens the sympathy otherwise so intense. She was accompanied by her son, Thomas J. Randolph, who will endeavour to make arrangements with the Northern printers for the volume to be published. It will be an octavo of about three hundred pages.

Your sketch of European prospects is valuable for its facts, and especially for its authenticity. The contents of the foreign Gazettes find their way to us through our own, but do not convey every thing as ours do to you. You will have seen the mortifying scenes produced in Congress by the Panama mission. The fever of party spirit was an endemic which drew into it every ill humour, till the whole body was infected. The malady, however, was far less malignant out of doors than within; and I hope our South American friends will make allowances till a development of the real feelings here shall be seen. The Congress at Panama, after a partial execution of its business, has adjourned to Mexico. One of our envoys, Mr. Anderson, died on his way there, and Mr. Sergeant, the other, is still here. Who is to be his associate in the place of Mr. Anderson is not known; nor is it known when he or they are to set out.

Bolivar appears to have given a Constitution to the new State in Peru, of a countenance not altogether belonging to the American family. I have not yet seen its details; whether it shews him an apostate, or the people there, in his view, too benighted as yet for self-government, may possibly be a question.

Another mortifying topic is the Greek equipment at N. York. It appears the ample fund for two frigates at an early day has procured but one, which has but recently sailed. The indignation of the public is highly excited; and a regular investigation of the lamentable abuse is going on. In the mean time, Greece is bleeding in consequence of it, as is every heart that sympathizes with her noble cause. You will see by our Gazettes, also, that the community is drawn into a premature ferment by the partisans of the Presidential candidates, the actual incumbent, and General Jackson, in whose favor all the opponents of the other are at present concentrating all their efforts. The race, according to appearances, is likely to be a close one. But there is time enough for the political vicissitudes which often occur.

You possess, notwithstanding your distance, better information concerning Miss Wright, and her experiment, than we do here. We learn only that she has chosen for it a remote spot in the western part of Tennessee, and has commenced her enterprise; but with what prospects we know not. Her plan contemplated a provision for the expatriation of her Elèves, but without specifying it; from which I infer the difficulty felt in devising a satisfactory one. Could this part of the plan be ensured, the other essential part would come about of itself. Manumissions now more than keep pace with the outlets provided, and the increase of them is checked only by their remaining in the Country. This obstacle removed, and all others would yield to the emancipating disposition. To say nothing of partial modes, what would be more simple, with the requisite grant of power to Congress, than to purchase all female infants at their birth, leaving them in the service of the holder to a reasonable age, on condition of their receiving an elementary education? The annual number of female births may be stated

at twenty thousand, and the cost at less than one hundred dollars each, at the most; a sum which would not be felt by the nation, and be even within the compass of State resources. But no such effort would be listened to, whilst the impression remains, and it seems to be indelible, that the two races cannot co-exist, both being free and equal. The great *sine qua non*, therefore, is some external asylum for the coloured race. In the mean time, the taunts to which this misfortune exposes us in Europe are the more to be deplored, because it impairs the influence of our political example; though they come with an ill grace from the quarter most lavish of them, the quarter which obtruded the evil, and which has but lately become a penitent, under suspicious appearances.

I inclose a copy of the "Report" you ask for. I should have sent you one long ago, but a copy was not to be had. It has just been re-published, with some documents annexed relating to the same subject, and I lost no time in procuring one for you. As I have been charged with inconsistency, in not putting a veto on the last act of Congress establishing a Bank, a power to do which was denied in the Report, a word of explanation may not be improper. My construction of the Constitution on this point is not changed; but I regarded the reiterated sanctions given to the power by the exercise of it through a long period of time, in every variety of form, and in some form or other under every administration preceding mine, with the general concurrence of the State authorities, and acquiescence of the people at large, and without a glimpse of change in the public opinion, but evidently with a growing confirmation of it; all this I regarded as a construction put on the Constitution by the nation, which, having made it, had the supreme right to declare its meaning; and regarding, moreover, the establishment of a Bank, under the existing circumstances, as the only expedient for substituting a sound currency in place of the vitiated one then working so much mischief, I did not feel myself, as a public man, at liberty to sacrifice all these public considerations to my private opinion.

Will you accept another document, on another subject, which

happens to have been just reprinted, at the instance, it seems, of a grandson of George Mason, who sent me the copy, with a request of information as to the origin and occasion of the paper. I repeat the explanation given to him. The Anglican hierarchy existing in Virginia prior to the Revolution was abolished by an early act of the Independent Legislature. In the year 1785, a bill was introduced under the auspices of Mr. Henry, imposing a general tax for the support of "Teachers of the Christian Religion." It made a progress, threatening a majority in its favor. As an expedient to defeat it, we proposed that it should be postponed to another session, and printed in the mean time for public consideration. Such an appeal in a case so important and so unforeseen could not be resisted. With a view to arouse the people, it was thought proper that a memorial should be drawn up, the task being assigned to me, to be printed and circulated through the State for a general signature. The experiment succeeded. The memorial was so extensively signed by the various religious sects, including a considerable portion of the old hierarchy, that the projected innovation was crushed, and under the influence of the popular sentiment thus called forth, the well-known Bill prepared by Mr. Jefferson, for "Establishing Religious freedom," passed into a law, as it now stands in our code of statutes.

Return the respects and good wishes of us all to your amiable family circle; and be assured that my heart is, as it always has been, devoted to your happiness. Mrs. M. has the same feelings. My mother, now touching her ninety-sixth year, received your kind remembrance with much sensibility. She forgets many things, she says, but shall never forget General La Fayette, the great and good friend of her country.

TO JONATHAN ELLIOTT.

MONTPELLIER, Nov<sup>r</sup> 25, 1826.

DEAR SIR,—I have received yours of the 21st. The proceedings of the State Conventions, on the Constitution of the United States, in my possession, are—1<sup>st</sup>. Of Massachusetts, in a thick pamphlet. 2. New York; also a thick pamphlet. 3. Pennsylvania; a thin volume in boards, containing the speeches of Mr. Wilson and Mr. M<sup>c</sup>Kean, both in favor of the Constitution. The speeches of other members were not published at the same time and in the same form. It is possible they may have been published at a late day in some other form. 4. Virginia. There were 3 thin volumes in boards, of which the first has disappeared from my set. I believe there has been a subsequent edition in a single volume. 5. N. Carolina; a vol. in boards, containing the proceedings of the first Convention, which disagreed to the Constitution. Those of the second, which adopted it, if printed, have never come into my hands. The proceedings of the Conventions of the other States may have been printed either in books, pamphlets, or newspapers; but I do not possess them, nor recollect to have understood this to have been the case. It might be worth while, as opportunities offer, to search into the cotemporary publications of every description. Some of them may furnish lights on the subject, in letters or essays from persons concerned in public affairs.

I send you the New York pamphlet, the only one not mentioned as in the Library at Washington; and I will send any or all of the others if you desire it and give me the intimation.

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TO DOCTOR THOMAS COOPER.

MONTPELLIER, December 26, 1826.

DEAR SIR,—The two copies of your lectures on political economy, forwarded with your letter of November 15, were duly received. That for Mr. Eppes was delivered to Mr. Trist, of the Monticello family, who said he would send it on forth-



with by a safe conveyance. For the other, addressed to myself, I offer my thanks. Before I had time to look into the volume, I had an opportunity of handing it over to Professor Tucker, of our University, now charged with that branch of instruction, who wished to see it, as I did that he should, not doubting that it well merited his perusal.

Have you ever adverted to the alleged minuteness of the Roman farms, and the impossibility of accounting for their support of a family? All the ancient authors, agricultural and historical, speak of the ordinary size as not exceeding *duo jugera*, equal, according to the ascertained measure, to about one and a quarter of our acres; and none of the modern writers I have met with question the statement. Neither Hume nor Wallace, though led to a critical investigation of it in comparing the populousness of ancient and modern nations, notice the difficulty. Dickson, too, in his elaborate researches into ancient husbandry, if I do not misrecollect, starts no doubt on the subject. Now, is it possible that a family, say of six persons, could procure from such a speck of earth, by any known mode of culture, a supply of food such as then used, with the materials for clothing, or a surplus from the soil that would purchase it, to say nothing of fuel, and the wood necessary for the other wants of the farm? We hear much, also, of the plough and the oxen on the Roman farm. How were these fed? A yoke would devour more than the whole product. Cincinnatus himself is reported to have owned but eight *jugera*, if I mistake not, one-half of which he lost by a securityship. Even that aristocratic allowance is not free from the remarks here made. The subject is curious, and involves three questions: 1. Whether the size of the farm, though never called in question, has been rightly stated? 2. If rightly stated, and no extraneous resources existed, how were the families subsisted? 3. If there were extraneous resources, what were they? We read of no pastures or forests in common; and their warlike expeditions, though in the neighbourhood, as it were, and carried on by the farmers themselves, could yield no adequate supplies to solve the problem.

The mail has furnished me with a copy of your Lectures on Civil Government and on the Constitution of the United States. I find in them much in which to concur; parts on which I might say *non liquet*; and others from which I should dissent; but in none of which interesting views are not presented. What alone I mean to notice, is a passage in which you have been misled by the authorities before you, and by a misunderstanding of the term "national," used in the early proceedings of the convention of 1787. Both Mr. Yates and Mr. Martin brought to the convention predispositions against its object: the one from Maryland representing the party of Mr. Chase, opposed to Federal restraints on the State legislation; the other from New York, the party unwilling to lose the power over trade, through which the State levied a tribute on the consumption of its neighbours. Both of them left the convention long before it completed its work; and appear to have reported in angry terms what they had observed with jaundiced eyes. Mr. Martin is said to have recanted at a later day, and Mr. Yates to have changed his politics, and joined the party adverse to that which sent him to the convention.

With respect to the term "national," as contradistinguished from the term "federal," it was not meant to express the *extent* of power, but the *mode of its operation*, which was to be, not like the power of the old confederation, operating on *States*, but like that of ordinary governments, operating on individuals; and the substitution of "United States" for "national," noted in the journal, was not designed to change the meaning of the latter, but to guard against a mistake or misrepresentation of what was intended. The term "national" was used in the original propositions offered on the part of the Virginia deputies, not one of whom attached to it any other meaning than that here explained. Mr. Randolph himself, the organ of the deputation on the occasion, was a strenuous advocate for the federal quality of limited and specified powers; and finally refused to sign the Constitution because its powers were not sufficiently limited and defined.

We feel great pleasure in inferring from your communication

that your health, so severely assailed at Richmond, has been effectually restored. With the best wishes for its continuance, and the addition of all other blessings, I renew to you the expression of my great esteem and friendly regards.

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TO JOSEPH C. CABELL.

MONTPELLIER, JAN<sup>y</sup> 13th, 1827.

MY DEAR SIR,—A delay has occurred in forwarding the Report from the last meeting of the Visitors of the University, which occasions a regret in which you will largely share. But it has been unavoidable. A primary object, as you know, was to lay before the Legislature the latter enactments, which were to be digested into a printed copy of the entire Code. The work was duly prepared for the press by the Secretary, aided by Mr. Lomax, when the intensity of the first [?] arrested the publication. The change of weather has, I hope, had the proper effect; and the Report, signed by the Rector, has been sent to the Secretary, to go on directly to Richmond the moment a copy of the Code can be obtained from the printer. It may be well to let the cause of disappointment be understood by those who advert to it.

It has given me particular concern that the case of the bust, &c., contained in Mr. Jefferson Randolph's letter, will not have been presented to the Assembly before the general sale, from which it is not excepted. I had been somewhat relieved by the intimation of Mr. Ritchie, that the pictures, busts, &c., were to be sent for sale elsewhere, and of course that the opportunity for Legislative interposition would not be lost. It now appears, from an advertisement of the 6th instant in the last Central Gazette, that those articles are continued on the list for sale the day after to-morrow. I still indulge a hope that there is some understanding in the case that will save the bust, at least, from profanation, and enable the Legislature to do in that, as

in other respects, what becomes it, and what the world expects from it.

I find by the letters from Judge Tucker that his collection of old Documents contains none of the Journals of the General Assembly for the years in which mine is deficient. Ought not legal provision to be made for a republication, that will guard against the extinction with which that important portion of the public history is threatened? As far as I have been able to learn, there does not exist an entire copy except at Richmond, and but one even there. There was, I understand, a republication, some years ago, of the proceedings of the Convention of 1776. The same precaution ought evidently to be taken with respect to the Journals of *both* Houses down to some late date, and in a convenient form, to which the annual publications in future should correspond. Much praise has been given to Virginia for the edition of her laws, comprising the dead as well as the living ones. The work suggested would add to that merit, and she had better set an example of it than to have to follow that which other States have or will soon set. The expense ought not to be regarded, especially as it would be diminished by the purchases of individuals. To render the provision for the object as effectual and as useful as possible, a few copies might be deposited in each of the chartered Seminaries of Learning, where, besides the advantage of preservation, they would be accessible at all times for literary purposes.

Pardon this intrusion on your attention, which I well know must be much occupied otherwise, and be assured of my great esteem and cordial regard.

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TO THOMAS LAW.

MONTPELLIER, Jan<sup>y</sup> 27.

DEAR SIR,—The copy of your Address before the Columbian Institute, kindly sent me, was duly received. I find that further reflection has confirmed you in your favorite plan of a paper

currency, and that you have added a corroboration from names of high authority on such subjects. The practicability of a paper emission, equal in value to specie, cannot, I think, be doubted; provided its circulating quantity be adapted to the demands for it, and it be freed from *all apprehension* of undue augmentations. If made to answer all the purposes of specie, and receivable, moreover, in particular payments, in exclusion of specie, it would even rise above the value of specie when not in requisition for foreign purposes.

I cannot return my thanks for your polite attention without adding a hope that you have not forgotten the promise you made on the eve of your departure for Europe. Mrs. M. joins me in assuring you of the pleasure its fulfilment will afford us, and of the continuance of our cordial esteem and good wishes.

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TO SAMUEL H. SMITH.

MONTPELLIER, February 2d, 1827.

DEAR SIR,—I have received, with your favor of January 24, a copy of your biographical memoir of Thomas Jefferson, delivered before the Columbian Institute; and I cannot return my thanks without congratulating the Institute on its choice of the hand to which the preparation of the memoir was assigned. The subject was worthy of the scientific and patriotic body which espoused it, and the manner in which it has been treated worthy of the subject. The only blemishes to be noted on the face of the memoir, are the specks in which the partiality of a friend betrays itself towards one of the names occasionally mentioned.

I have great respect for your suggestion with respect to the season for making public what I have preserved of the proceedings of the Revolutionary Congress, and of the General Convention of 1787. But I have not yet ceased to think that a publication of them, posthumous as to others as well as myself, may be most delicate, and most useful also, if to be so at all. As no personal or party views can then be imputed, they will be read



with less of personal or party feelings, and, consequently, with whatever profit may be promised by them. It is true, also, that after a certain date, the older such things grow the more they are relished as new; the distance of time, like that of space, from which they are received, giving them that attractive character.

It cannot be very long, however, before the living obstacles to the forthcomings in question will be removed. Of the members of Congress during the period embraced, the lamps of all are extinct, with the exception, I believe, of two, Richard Peters and myself; and of the signers of the Constitution, of all but three, R. King, William Few, and myself; and of the lamps still burning, none can now be far from the socket.

It will be long before this can be said of yours, or of that which pairs it; and I pray you both to be assured of the sincere wish, in which Mrs. M. joins me, that in the mean time every happiness may await you.

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TO JOSEPH C. CABELL.

FEB 7, 1827.

MY DEAR SIR,—Your favor of January 24 came duly to hand, and relieved me very agreeably from the anxiety produced by the delay of the report of the Visitors. The improvements made in our code could not fail to have the good effect you mention on the public dispositions towards the University. I had hoped for a greater effect than yet appears on the liberality of the Legislature. You can judge better than I can of the modification of the finances most likely to facilitate the aids we need.

In conformity to the opinion of the Visitors assembled at Richmond, I gave notice to the Proctor that the two discontinued hotels were to be put again under the charge of their former keepers. It is to be hoped that the change in the relations between all of them and the students will produce a change for the better on both sides. If it should not on that of the hotel-keepers, a remedy is provided; but will it not be well to make

it more prompt and efficacious than the late enactment on that subject authorizes?

I observe that the Governor has taken up the case of the Journals in a very proper message to the General Assembly. It seems that the necessity was even greater than I was aware. I had understood that the set at Richmond was compleat, whilst there is a chasm of three sessions. From the abortive enquiries which I have made in order to fill the greater one in my set, and which extended even to Kentucky, making formerly a part of Virginia, I apprehend there is some uncertainty whether the time has not already passed for replacing the losses. If you can *readily* obtain a note of the missing copies in the public set, be so good as to mention them; and if they exist in my broken set, I will hold them ready for the use in question.

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TO. N. P. TRIST.

MONTPELLIER, Feb<sup>y</sup> 7th, 1827.

DEAR SIR,—The task in which the Legislature at Richmond is engaging will form, in some measure, a crisis for the standing of Virginia in the Union. I hope her counsellors will enter no labyrinth without a clew that cannot fail them. They cannot keep too carefully in view the distinction between cases where the General Government opposes the will of its constituents, as happened when the alien and sedition laws passed, and where the Government has the States and the people on its side, as it has thus far had on the question of internal improvements; and again, between the exercise of unconstitutional powers and the *abuse* of constitutional powers. I am afraid the political atmosphere is too turbid every where for distinct views of any subject of a political complexion.

TO JONATHAN ELLIOT.

MONTPELLIER, Feb'y 14, 1827.

DEAR SIR,—I have just received your letter of the 12th instant, and with it a copy of the first volume of the debates, &c., of the State Conventions which decided on the Constitution of the United States. The volume appears a favorable specimen of the manner in which the work is to be executed.

The proceedings of those Assemblies, however defective they may be in some respects, and inaccurate in others, being highly interesting in a political as well as historical view, a rescue of them from the increasing difficulty of procuring copies, and the possibility of their disappearance altogether, is among the cares which may reasonably be expected from the existing generation by those which are to follow. The obvious provision in the case is that of multiplying copies in individual hands and in public depositories; and I wish you may find due encouragement in a task which will provide the means for both these safeguards.

I send you a copy, as you request, of what was published, and is in my possession, of the Debates in the Pennsylvania Convention. These being on one side only, it may be proper to search for the cotemporary publications on the other. I send, also, the proceedings of the *first* of the two North Carolina Conventions. If those of the second were ever published, no copy of them has come into my hands.

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TO ROBERTS VAUX.

MONTPELLIER, Feb'y 21, 1827.

I thank you, sir, for the copy of your interesting discourse before the Historical Society of Pennsylvania. The tribute it pays to her great Founder and first settlers was due to the memorable example they gave of justice and humanity to the aboriginal inhabitants of the country. The example was in true harmony with that of their inviolable respect for the rights of

conscience in all men. These merits are not only fruitful themes for panegyrical eloquence, but will furnish for the pages of history some of its most precious lessons.

To my thanks, allow me to add the expression of my great respect and my friendly wishes.

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TO HENRY WHEATON.

MONTPELLIER, Feb<sup>y</sup> 26, 1827.

D<sup>R</sup> SIR,—Since I answered your letter of \_\_\_\_\_ it has occurred that I should not show a respect for your wishes, if I failed to fulfil them, by suggesting for your consideration the following topics, as far as they may fall within the range of your enlarged edition of the "Life of Mr. Pinkney."

Without discussing the general character of the Treaty with G. Britain in 1794, or wishing to revive animosities which time has soothed to rest, it may be recollected that among the great merits claimed for the Treaty, were the indemnity for spoliations on our commerce, and the privilege of trading with British India.

On the first plea of merit, it may be remarked, that such was the structure of the article stipulating indemnity, that but for the powerful exertions of our Commissioners, particularly Mr. Pinkney, and finally, the turn of the die that gave them the choice of the umpire, the Treaty would have failed on that great point. It may be said, therefore, to have provided for one-half only of what was obtained, the chance being equal of losing or gaining the whole.

On the other plea it is to be remarked, that the value of the privileged trade with India depended very materially on its being open to *indirect* as well as direct voyages to India. Yet in a case turning on this point, which was carried before the Court of Kings' Bench, the Chief Justice, although he decided in our favour, declared at the same time his belief that the real intention of the negotiators was otherwise, and his regret that the article happened to be so worded that the legal rules of inter-

pretation constrained him to decide as he did. The twelve Judges confirmed the decision, presumably, *perhaps avowedly*, with the same impressions. My memory cannot refer to the source of my information on the subject. The whole case, if not already known to you, will doubtless be within your reach. Thus, had fortune or the fairness of the British Courts failed us, the Treaty would have lost much of its favour with not a few of its warmest partisans.

In none of the comments on the Declaration of the last war has the more immediate impulse to it been sufficiently brought into view. This was the letter from Castlereagh to Foster, which, according to the authority given, the latter put into the hands of the Secretary of State, to be read by him, and by the President also. In that letter it was distinctly and emphatically stated that the Orders in Council, to which we had declared we would not submit, would not be repealed, without a repeal of internal measures of France, which, not violating any neutral right of the United States, they had no right to call on France to repeal, and which, of course, could give to G. Britain no imaginable right against the United States.\* With this formal notice, no choice remained but between war and degradation; a degradation inviting fresh provocations, and rendering war sooner or later inevitable.

It is worthy of particular remark that, notwithstanding the peremptory declaration of the British Cabinet in the letter of Castlereagh, such was the distress of the British manufacturers produced by our prohibitory and restrictive laws, as pressed on the House of Commons by Mr. Brougham and others, that the Orders in Council were soon after repealed, but not in time to prevent the effect of the declaration that they would not be repealed. The cause of the war lay, therefore, entirely on the British side. Had the repeal of the orders been substituted for the declaration that they would not be repealed, or had they been repealed but a few weeks sooner, our declaration of war

\* See the passages in the war message, and in the Committee's Report in 1812, both founded on the letter, without naming it.



as proceeding from that cause would have been stayed, and negotiations on the subject of impressments, the other great cause, would have been pursued with fresh vigor and hopes, under the auspices of success in the case of the orders in Council.

The Declaration of war has been charged by G. Britain and her partisans with being made in subserviency to the views of Napoleon. The charge is as foolish as it is false. If the war coincided with the views of the enemy of G. Britain, and was favored by his operations against her, that assuredly could be no sound objection to the time chosen for extorting justice from her. On the contrary, the coincidence, though it happened not to be the moving consideration, would have been a rational one; especially as it is not pretended that the United States acted in concert with that chief, or precluded themselves from making peace without any understanding with him; or even from making war on France, in the event of peace with her enemy, and her continued violation of our neutral rights. It was a fair calculation, indeed, when war became unavoidable, or rather after it had commenced, that Napoleon, whether successful or not against Russia, would find full employment for her and her associates, G. Britain included; and that it would be required of G. Britain, by all the powers with whom she was leagued, that she should not divert any part of her resources from the common defence to a war with the United States, having no adequate object, or, rather, objects adverse to the maritime doctrines and interests of every nation combined with her. Had the French Emperor not been broken down, as he was, to a degree at variance with all probability, and which no human sagacity could anticipate, can it be doubted that G. Britain would have been constrained, by her own situation and the demands of her allies, to listen to our reasonable terms of reconciliation? The moment chosen for the war would, therefore, have been well chosen, if chosen with a reference to the French expedition against Russia; and although not so chosen, the coincidence between the war and the expedition promised at the time to be as favorable as it was fortuitous.

But the war was commenced without due preparation: this is another charge. Preparations in all such cases are comparative. The question to be decided is, whether the adversary was better prepared than we were; whether delay on our side, after the approach of war would be foreseen on the other, would have made the comparative preparations better for us. As the main theatre of the war was to be in our neighbourhood, and the augmented preparations of the enemy were to be beyond the Atlantic, promptitude of attack was the evident policy of the United States. It was, in fact, not the suddenness of the war as an Executive policy, but the tardiness of the legislative provisions, which gave whatever colour existed for the charge in question. The recommendations of military preparations went from the Executive on the 5th day of November; and so impressed was that department of the Government with the advantage of despatch in the measures to be adopted by Congress, that the recommendation, as was known, contemplated a force of a kind and extent only which it was presumed might be made ready within the requisite period. Unfortunately, this consideration had not its desired effect on the proceedings in Congress. The laws passed on the subject were delayed, that for filling up the peace establishment till December 24, and that for the new army to be raised till January 14, and such were the extent and conditions prescribed for the latter, that it could scarcely, under any circumstances, and by no possibility under the circumstances existing, be forthcoming within the critical season. It may be safely affirmed that the force contemplated by the Executive, if brought into the field as soon as it might have been, would have been far more adequate to its object than that enacted by the Legislature could have been, if brought into the field at the later day required for the purpose. When the time arrived for appointing such a catalogue of officers, very few possessing a knowledge of military duty, and for enlisting so great a number of men for the repulsive term of five years, and without the possibility of a prompt distribution, in the midst of winter, throughout the Union, of the necessary equipments,

and the usual attractions to the recruiting standards, the difference between the course recommended and that pursued was felt in its distressing force.

The Journals of Congress will shew that the bills which passed into laws were not even reported till the — of —, by a committee which was appointed on the — of —; a tardiness as strange in its appearance as it was painful in its consequences.

Yet, with all the disadvantages under which hostilities were commenced, their progress would have been very different under a proper conduct of the initiative expedition into Upper Canada. The individual at the head of it had been pointed out for the service by very obvious considerations. He had acquired during the war of the Revolution the reputation of a brave and valuable officer; he was, of course, an experienced one. He had been long the chief magistrate in the quarter contiguous to the theatre of his projected operations; with the best opportunities of being acquainted with the population and localities on the hostile as well as his own side of the dividing straight. He had also been the superintendent of our affairs with the Indian tribes holding intercourse with that district of country; a trust which afforded him all the ordinary means of understanding, conciliating, and managing their dispositions. With such qualifications and advantages, which seemed to give him a claim, above all others, to the station assigned to him, he sunk before obstacles at which not an officer near him would have paused, and threw away an entire army, in the moment of entering a career of success, which would have made the war as prosperous in its early stages and promising in its subsequent course, as it was rendered by that disaster oppressive to our resources and flattering to the hopes of the enemy. By the surrender of General Hull, the people of Canada, not indisposed to favour us, were turned against us; the Indians were thrown into the service of the enemy; the expense and delay of a new armament were incurred; the Western militia and volunteers were withheld from offensive co-operation with the troops elsewhere by the necessity of defending their own frontier and families against

incursions of the savages; and a general damp spread over the face of our affairs. What a contrast would the success, so easy at the outset of the war, [have] presented! A triumphant army would have seized on Upper Canada, and hastened to join the armies at the points below; the important command of Lake Erie would have fallen to us of course; the Indians would have been neutral or submissive to our will; the general spirit of the country would have been kindled into enthusiasm; enlistments would have been accelerated; volunteers would have stepped forward with redoubled confidence and alacrity; the militia would have felt a like animation; and, what is not of small moment, the intrigues of the disaffected would have been smothered in their embryo state.

But in spite of the early frowns of fortune, the war would have pressed with a small portion of its weight but for the great military revolution in Europe, the most improbable of contingencies, which turned upon us such a body of veteran troops, enured to combat and flushed with victory. Happily, this occurrence, so menacing in its aspect, led to exploits which gained for the arms of our country a reputation invaluable as a guaranty against future aggressions, or a pledge for triumphs over them.

There is a circumstance relating to the treaty of Ghent which seems to have escaped the notice to which it is entitled. After the close of the British war on the continent of Europe, and during the negotiations for closing it with us, the question arose in the House of Commons, whether the war taxes were to cease with the European war, or to be continued on account of the war with the United States; the British Minister having given an assurance, previous to the latter, that those obnoxious taxes should be repealed on the return of peace. The question was put home to Mr. Vansittart, the Exchequer Minister, who, well knowing that the nation would not support, at that oppressive expense, a war reduced as the objects of it had become, shunned an answer, got the Parliament prorogued till the month of February, and in the mean time the treaty was concluded at Ghent. I have not the means of refreshing or correcting my memory,



but believe you will find, on consulting the Parliamentary annals of that period, that what is stated is substantially true.

Permit me to repeat, generally, that these paragraphs are intended for your *examination* as well as consideration. They may be neither free from errors, nor have a sufficient affinity to your biographical text; and if admitted into it, will need from your pen both developments and adaptations, making them your own. Whether admissible or not, they will prove the sincerity of my promise to suggest any thing that might occur to my thoughts. And that I may not be without some proof, also, that I have not forgotten the other promise of whatever might be caught by my eye, I inclose a small pamphlet published within the period of Mr. Pinkney's public life, and throwing light on the then state of parties in the U. States. It was drawn up on the pressing instances of my political friends, at the end of a fatiguing session of Congress, and under a great impatience to be with my family on the road homeward, but with the advantage of having the whole subject fresh in my memory and familiar to my reflections. The tone pervading it will be explained, if not excused, by the epoch which gave birth to it.

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TO HENRY LEE.

MONTPELLIER, February —, 1827.

I received, sir, some days ago, your letter of the 2d instant, to the object of which I have not been able to give an earlier attention. With your purpose of giving a historical character to the events of a very critical period of the war of 1812, you are very properly anxious to obtain whatever information may contribute to the authenticity and accuracy of the work; and I cannot but wish for your researches every success which may have that effect. Unwilling for myself, however, to confide in recollections which the lapse of time has necessarily impaired, and separated as I am from official documents, which might extend as well as refresh them, my answer to your enquiries must be short of what might be acceptable to you.



A successful invasion of Canada, it may be remarked, was always found difficult. It was the case in the war of 1755; in our Revolutionary war; and in a great, though less degree, in the late war. The difficulty is explained by the forests to be penetrated, the savages to be encountered, and the Lakes and other waters to be passed, in order to reach a distant theatre, where the adversary was at home, in the midst of all his resources for defence. Should another hostile occasion ever arise, the relative condition of the parties will be essentially changed. The intermediate obstacles will have been removed, and all the requisites for invasion will, in a manner, be as easily placed where wanted on our side, as those for resistance on the other.

In the outset of the late war obvious considerations led to an invasion where success appeared to be most certain, and promised the best influence on the subsequent course of operations. The result of that enterprise shifted for a time from the enemy to ourselves the necessity of a defensive attitude. When a prospect was opened for carrying the war into the heart and strongholds of his country, the plan pursued, whether in itself the most eligible or not, has been criticised more on account of a mismanaged execution than of a misjudged formation. In comparing that for the campaign which followed its abortive issue with the arrangements deemed preferable, you will, if not possessed of the same information from other sources, be assisted by a brief sketch of the former; it being premised that a protection of the frontier on the Lakes from the consequences of a command of them by the enemy was always a primary object; that it was understood that the enemy meant to strengthen himself on the Peninsula; and that, according to the best information obtained by the War Department, the regular force in Canada consisted of 12,000 men, of which 6 or 7,000 were at and above Kingston. It was taken for granted, also, that the Peace in Europe having liberated the British armies from employment there, detachments would reinforce the troops which would be opposed to ours.

The plan in question embraced—1. An expedition into Lake

Huron, with four or five vessels and 800 or 1,000 men, to obtain possession of Mackinaw and S<sup>t</sup> Josephs. 2. An expedition, with the forces under General Brown, to Burlington Heights, preparatory to further operations for reducing the Peninsula; the expedition to depend on Chauncey's getting the command of Lake Ontario, without which supplies could not be secured. 3. The building of 14 or 15 armed boats at Sackett's Harbour, so to command the S<sup>t</sup> Lawrence, under the protection of posts to be supplied from Izard's command, as to intercept the communication between Montreal and Kingston. 4. The main force under Izard to make demonstrations towards Montreal, in order to divert the enemy from operations westward, and afford the chance of compelling Prevost to fight disadvantageously, or break up his connection with Lake Champlain.

I pass to the reference you make to certain appointments, both for the army and for the Cabinet. Selections for office, always liable to error, were particularly so for military command at the commencement of the late war. The survivors of the Revolutionary band, who alone had been instructed by experience in the field, were but few; and of those several of the most distinguished were disqualified by age or infirmities, or precluded by foreknown objections in the advisory Branch of the appointing Department. This last cause deprived the army of services which would have been very acceptable to the nominating Branch. Among those who had acquired a mere disciplinary experience, no sufficient criterion of military capacity existed; and of course they had to undergo tests of another sort before they were marked out for high military trusts.

That the appointment of Hull was unfortunate was but too soon made certain. Yet he was not only recommended from respectable quarters, but by his ostensible fitness also. He was a man of good understanding. He had served with reputation, and even some *eclât*, in the Revolutionary Army. He had been the Governor at Detroit, and could not but be acquainted with the population and localities on the hostile as well as on his own side of the boundary; and he had been the superintendent of our affairs with the Indians, a knowledge of which was of

much importance. These advantages seemed to give him not only a preference, but an appropriateness for his trust. They were, nevertheless, fallacious; and it is not unworthy of recollection that after the disaster which proved it, some who had been most warm in his recommendation were most ready to condemn the confidence put in him.

The appointment of General Dearborn is also very unfavorably noticed. To say nothing of his acknowledged bravery and firmness, his military experience and local knowledge acquired during the Revolutionary war had their value. And he had administered the Department of War for eight years, to the satisfaction of the President, who thought well not only of his specific qualifications, but generally of his sound and practical judgment. To these considerations were added a public standing calculated to repress jealousies in others, not easy to be guarded against in such cases, and always of the worst tendency. It may well be questioned whether any substituted appointment would at the time have been more satisfactory.

The advanced position in the service given to General Smyth was much to be regretted. Some of the circumstances which led to it were specious, and the scale and cultivation of his understanding very respectable; but his talent for military command was equally mistaken by himself and by his friends.

Before I advert to your review of Cabinet appointments, I must allude to the field of choice *as narrowed* by considerations never to be wholly disregarded. Besides the more essential requisites in the candidate, an eye must be had to his political principles and connexions, his personal temper and habits, his relations of [and?] feelings towards those with whom he is to be associated, and the quarter of the Union to which he belongs. These considerations, the last as little as any, are not to be disregarded but in cases where qualifications of a transcendent order designate individuals, and silence the patrons of competitors whilst they satisfy the public opinion. Add to the whole the necessary sanction of the Senate; and, what may also be refused, the necessary consent of the most eligible individual. You are probably very little aware of the *number of refusals*

experienced during the period to which your observations apply.

I must be allowed to express my surprise at the unfavorable view taken of the appointment of Mr. Jones. I do not hesitate to pronounce him the fittest Minister who had ever been charged with the Navy Department. With a strong mind, well stored with the requisite knowledge, he possessed great energy of character and indefatigable application to business. I cannot doubt that the evidence of his real capacity, his appropriate acquirements, and his effective exertions in a most arduous service and the most trying scenes, now to be found on the files of the Department, as well as my own, would reverse the opinion which seems to have been formed of him. Nor in doing him justice ought it to be omitted that he had on his hands the Treasury as well as Navy Department, at a time when both called for unusual attention, and that he did not shrink from the former, for which he proved himself qualified, till the double burden became evidently insupportable.

Mr. Campbell was the only member of the Cabinet from the West whose claims to a representation in it were not unworthy of attention under existing circumstances. It was not, indeed, the quarter most likely to furnish fiscal qualifications; but it is certain that he had turned his thoughts that way whilst in public life more than appears to have been generally known. He was a man, moreover, of sound sense, of pure integrity, and of great application. He held the office at a period when the difficulties were of a sort scarcely manageable by the ablest hands, and *when the ablest hands were least willing to encounter them*. It happened, also, that soon after he entered on his task his ill health commenced, and continued to increase till it compelled him to leave the Department.

Of Mr. Crowninshield it may be said, without claiming too much for him, that he had not only received public testimonies of respectability in a quarter of the Union feeling a deep interest in the Department to which he was called, but added to a stock of practical good sense a useful stock of nautical experience and information, and an accommodating disposition, par-



ticularly valuable in the head of that Department since the auxiliary establishment of the Navy Board, on which the labouring oar now devolves. Superior talents without such a disposition would not suit the delicacy of the legal relations between the Secretary and the Board, and the danger of collisions of very embarrassing tendency.

As you have made no reference to Doctor Eustis, I ought, perhaps, to observe a like silence. But, having gone so far on the occasion, I am tempted to do him the justice of saying that he was an acceptable member of the Cabinet; that he possessed an accomplished mind; a useful knowledge on military subjects, derived from his connexion with the Revolutionary army, and a vigilant superintendence of subordinate agents; and that his retreat from his station proceeded from causes not inconsistent with these endowments. With the overload of duties required by military preparations on the great scale enjoined by law, and the refusal to him of assistants asked for, who were ridiculed as crutches for official infirmity, no Minister could have sustained himself, unless in the enjoyment of an implicit confidence on the part of the public, ready to account for every failure, without an impeachment of his official competency. In ordinary times, Eustis would have satisfied public expectation; and even in those he had to struggle with, the result would have been very different with organizations for the War Department equivalent to what has been found so useful in a time of peace for an army reduced to so small an establishment.

I have written you a long letter, to which the value of its matter will not, I fear, be thought to bear a just proportion. This will be of the less moment as the letter is for yourself alone, and I hope will be received as an expression of my respects and good wishes.

My memory does not furnish an answer to your question—who proposed the bust of Mr. Henry? The Journals, I presume, will shew. It is difficult to resist the positive testimony of Col. Taylor as to the intention of Mr. Henry to give up the contest with G. Britain. But is it not more difficult to resist the extreme improbability of the fact?



TO N. P. TRIST.

MONTPELLIER, March 2d, 1827.

DEAR SIR,—I received, in due time, your favor of the 21 ult., and have looked over the lucubrations of Regulus, now returned to your files; but with an attention less close than the subject of them would require. I concur entirely in the distinction made between the authority of a Constitution and that of public opinion. The former is the record of the national will, and no evidence, however specious or true, can prevail against it. In the other cases which have occurred, particularly that to which my remarks related; the question was not between the Constitution and the public opinion, but between different interpretations of the Instrument, all admitting that to be the paramount authority, and claiming it for themselves in its true meaning. Unhappily, this must often be more or less the case. The imperfection of language, especially when terms are to be used the precise import of which has not been settled by a long course of application, is one cause. The change which the meaning of words inadvertently undergoes, examples of which are already furnished by the Constitution of the U. States, is another. And more frequent and formidable than either cause is the spirit of party or the temptations of interest. Nor is the public good, real or supposed, without occasional effect in betraying honest minds into misconstructions of the Constitutional text. These are evils which cannot be altogether avoided, but they are not to be compared with those inherent in arbitrary and undefined forms of Government. They are, too, such as time, usage, and the gradual incorporation of the vital maxims of free Government into the national sentiment, must tend to diminish.

My suggestion as to the different course proper to be pursued in opposing measures of the Federal Government, as they have or have not the support of the States and of the people, was founded on prudential considerations only. The language of menace and defiance, when addressed to those who have force, and think they have right, also, on their side, defeats itself. It

sometimes does more; it is known to excite division when proceeding from the Southern quarter, which has such peculiar reasons for distrusting its inherent strength. A defying tone should never be indulged till every other experiment has failed; nor then, but on occasions justifying the last resort, however hazardous, of an oppressed people.

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TO C. C. CAMBRELENG.

MONTPELLIER, March 8th, 1827.

DEAR SIR,—I return my thanks for the copy of your speech on the proposed increase of the duty on wool, and the manufactures of it.

You have done well in pressing on the attention of Congress the facility, daily increasing, of a forbidden trade with and through Canada. This consideration alone is a warning against an excessive impost, especially on light and costly articles.

Canada is presenting serious difficulties, also, in self-denying contests with Great Britain for commercial objects. When the Province was in no degree advanced in agricultural exports, and intervening forests prevented a smuggling intercourse with the United States, the wants of the West Indies promised an easy success to a just and retaliating policy. Now that Canada is both a considerable source of supplies, and a channel also for ours, the contest takes a different character; but still leaving, I think, advantages on our side that in the end must triumph. I have always confided in the calculation that the nature of our exports, consisting so much of food and raw materials, and that of our imports, consisting so much of articles superfluous to us, but giving bread to those who prepare them, enable as well as entitle us to command a general reciprocity in our foreign commerce; and that with a reciprocity, the cheapness of our ships, the expertness of our marines, and the bulkiness of our productions, to which may be added the skill and enterprise of our merchants, will always give us more than an equality in the great article of navigation.

It may be true that, in the ordinary freedom of commercial intercourse, the balance of advantage may be against us; the demand of our productions being limited by the limited wants they supply, whilst the supplies returned to us are, in great part, addressed to fancy and fashion, which have no such limits. But in a case to be decided by an appeal to wants of necessity, we can have nothing to apprehend, unless it be from a defect of concert and perseverance among ourselves.

I have said that our resources for navigation ensure us more than an equal share of it in our foreign commerce. May not much more be said? When we compare the resources of the old and the new Continents for building and loading the vessels employed in the intercourse between them, and consider the growing disposition of the age to make navigation a favorite object, there is nothing rash in the prophesy that the Trident, so long and so proudly wielded on the other side of the Atlantic, will, at no very distant day, be handed over to this; where I hope it will be less a symbol of despotic abuse than it has been on the other.

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TO J. K. PAULDING.

MONTPELLIER, March 10, 1827.

DEAR SIR,—I have received your favor of February 28, and read the pamphlet under the same cover. It is a powerful and a piercing lesson on the subject which it exposes. I was not before aware of the abuses committed by the law-makers or the law-breakers of your State. The picture you give of both, though intended for New York alone, is a likeness, in some degree, of what has occurred elsewhere, and I wish it could be in the hands of the legislators, or, still better, of their constituents everywhere. Incorporated companies, with proper limitations and guards, may, in particular cases, be useful; but they are at best a necessary evil only. Monopolies and perpetuities are objects of just abhorrence. The former are unjust to the existing, the latter, usurpations on the right of future genera-

tions. Is it not strange that the law, which will not permit an individual to bequeath his property to the descendants of his own loins for more than a short and a strictly-defined term, should authorize an associated few to entail perpetual and indefeasible appropriations, and that not only to objects visible and tangible, but to particular opinions, consisting, sometimes, of the most metaphysical niceties, as is the case with ecclesiastical corporations?

With regard to banks, they have taken too deep and wide a root in social transactions to be got rid of altogether, if that were desirable. In providing a convenient substitute, to a certain extent, for the metallic currency, and a fund of credit which prudence may turn to good account, they have a hold on public opinion, which alone would make it expedient to aim rather at the improvement than the suppression of them. As now generally constituted, their advantages, whatever they be, are outweighed by the excesses of their paper emissions, and by the partialities and corruption with which they are administered.

What would be the operation of a bank so modified that the subscribers should be individually liable, *pro tanto* and *pro rata*, for its obligations, and that the directors, with adequate salaries paid out of the profits of the institution, should be prohibited from holding any interest in, or having any dealings whatever with, the bank, and be bound, moreover, by the usual solemnity, to administer their trust with fidelity and impartiality? The idea of some such a modification occurred to me formerly, when the subject engaged more of my attention than it has latterly done. But there was then, as there probably is now, little prospect that such an innovation would be viewed with public favor, if thought, by better judges, to have pretensions to it.

Mrs. M. and myself value too sincerely your kind sentiments and recollections not to be gratified by the manner in which you have expressed them. One of her own recollections is, that you promised to repeat your visit whenever you could present the proper witness that you had exchanged the galling burden of bachelorship for the easy yoke of matrimony. The amiable one who we hope will accompany you will double the pleasure

we shall feel, should you snatch from your city confinement a few weeks for the excursion, at a season when our mountain ether will bear the most favorable comparison with the damp breezes from the ocean.

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TO M. VAN BUREN.

MONTPELLIER, March 13, 1827.

DEAR SIR,—I have received your favour of the 3d instant, covering the report to the Senate on the "Georgia Business." The report is drawn with the ability which might be expected from the committee making it. The views which it presents on the subject cannot certainly be complained of by Georgia. The occurrence has been a most painful one, whether regarded in its tendency abroad or at home. And God grant that it may have a termination at once healing and preventive!

If it be understood that our political system contains no provision for deciding questions between the Union and its members but that of negotiation, this failing, but that of war, as between separate and independent Powers, no time ought to be lost in supplying, by some mode or other, the awful omission. What has been called a Government is, on that supposition, a mere league only; a league with too many parties to be uniformly observed or effectively maintained.

You did well, I think, in postponing the attempt to amend the phraseology of the Constitution on a point essentially affecting its operative character. The state of the political atmosphere did not promise that discussion and decision on the pure merits of such an amendment which ought to be desired.

Be pleased to accept, with my cordial salutation, the renewed expression of my great esteem.



TO JOSEPH C. CABELL.

MONTPELLIER, March 18th, 1827.

MY DEAR SIR,—I received by the mail from Richmond your favor of the 12th. I was not unapprised of the melancholy cause of your absence; but your silence would have been sufficiently explained by the better use of your time there than in giving an answer to a letter so little requiring it as mine. I am truly sorry for the failure of the Legislature to do what was so much due to the character of the State, and to the merits and memory of Mr. Jefferson. The footing on which the meetings of the Visitors are put is a valuable accommodation to them, as is the loan authorized an acceptable one to the creditors of the University. One of them was with difficulty dissuaded lately from appealing to the law for his debt. I hope they will all be a little patient now.

I should regret as much as you and our colleagues a necessity for a "Called Board," and hope it may be avoided. You will have learned that Mr. Key has finally decided on returning to England. He wishes for a little indulgence as to the time of his being out of office; being desirous of attending the examination of the students, and then of avoiding the expense of waiting for a packet to London, or of going with his family by land from Liverpool. On the first point, the indulgence is due to the change in the time fixed for the close of the Session; and on the other, to the spirit in which we wish him to leave us, and the expediency of cherishing a confidence in our liberal dispositions in a quarter where we may be obliged to seek occasional supplies for vacant professorships. His purpose will be answered by our not throwing him on his own resources till the middle of August. The question now is, how we shall fill the vacated chair. We must all turn our thoughts to the subject. Mr. Hassler will probably be brought to our attention. He is, I believe, well qualified by his mathematical powers, but of the other requisite aptitudes I have no evidence. What are the pretensions of the State Engineer, of whom I know nothing? A Mr. Nutall has been heard of as a man of science. He also

may be an object for enquiry and consideration. I shall write to Mr. Gallatin to aid us with his enquiries in England, and it may be well to gather such information as the English professors at the University can give. I am afraid that we have little chance of finding a satisfactory successor to Mr. Key among the unemployed of American growth. We must all turn our thoughts to the subject, and interchange the result of them, that we may be prepared for a choice at the next meeting, or sooner, if it be found that we can sooner unite in one.

MARCH 22d.

I had noticed the loss of the proposed amendment to the Resolution on the subject of the Tariff, and the shaft levelled at yourself. Intemperance in politics is bad enough; intolerance has no excuse. The extreme to which the Resolution goes, in declaring the protecting duty, as it is called, unconstitutional, is deeply to be regretted. It is a ground which cannot be maintained; on which the State will probably stand alone; and which, by lessening the confidence of other States in the wisdom of its Councils, must impede the progress of its sounder doctrines. In compliance with your request, I offer a few hasty remarks on topics and sources of information which occur to me.

1. The meaning of the power to regulate commerce is to be sought in the general use of the phrase; in other words, in the objects generally understood to be embraced by the power when it was inserted in the Constitution.

2. The power has been applied, in the form of a tariff, to the encouraging of particular domestic occupations by every existing commercial nation.

3. It has been so used and applied particularly and systematically by G. Britain, whose commercial vocabulary is the parent of ours.

4. The inefficacy of the power in relation to manufactures, as well as to other objects, when exercised by the States separately, was among the arguments and inducements for revising

the old Confederation, and transferring the power from the States to the Government of the U. States. Nor can it be supposed that the States actually engaged in certain branches of manufactures, and foreseeing an increase of them, would have surrendered the whole power over commerce to the General Government. Nor can it be supposed that *any of the States* meant to *annihilate* such a power, and thereby disarm the nation from protecting occupations and establishments, important to its defence and independence, against the subversive policy of foreign rivals or enemies. To say that the States may respectively encourage their own manufactures, and may therefore have looked to that resource when the Constitution was formed, is by no means satisfactory. They could not protect them by an impost if the power of collecting one had been reserved, a *partial* one having been found impracticable; so, also, as to a prohibitory regulation. Nor can they do it by an excise on foreign articles, for the same reason; the trade being necessarily open with other States which might not concur in the plan. They could only do it by a *bounty*, and that bounty procured *by a direct tax*; a tax unpopular for any purpose, and obviously inadmissible for that. Such a state of things could never have been in contemplation when the Constitution was formed.

5. The printed Journal of the Convention of 1787 will *probably* shew, positively or negatively, that the commercial power given to Congress embraced the object in question.

6. The proceedings of the State Conventions may also deserve attention.

7. The proceedings and debates of the first Congress under the present Constitution will shew that the power was generally, *perhaps* universally, regarded as indisputable.

8. Throughout the succeeding Congresses, till a very late date, the power over commerce has been exercised or admitted so as to bear on internal objects of utility or policy, without a reference to revenue. The University of Virginia very lately had the benefit of it in a case where revenue was relinquished; a case not questioned, if liable to be so. The Virginia Resolu-

tions, as they have been called, which were proposed in Congress in 1793—4, and approved throughout the State, may perhaps furnish examples.

9. Every President, from General Washington to Mr. J. Q. Adams, inclusive, has recognised the power of a tariff in favor of manufactures, without indicating a doubt, or that a doubt existed anywhere.

10. Virginia appears to be the only State that now denies, or ever did deny, the power; nor are there, perhaps, more than a very few individuals, if a single one, in the State, who will not admit the power in favor of internal fabrics, or productions necessary for public defence on the water or the land. To bring the protecting duty in those cases within the war power, would require a greater latitude of construction than to refer them to the power of regulating trade.

11. A construction of the Constitution practised upon or acknowledged for a period of nearly forty years, has received a national sanction not to be reversed but by an evidence at least equivalent to the national will. If every new Congress were to disregard a meaning of the instrument uniformly sustained by their predecessors for such a period, there would be less stability in that fundamental law than is required for the public good in the ordinary expositions of law. And the case of the Chancellor's foot, as a substitute for an established measure, would illustrate the greater as well as the lesser evil of uncertainty and mutability.

12. In expounding the Constitution, it is as essential as it is obvious that the distinction should be kept in view between the usurpation and the abuse of a power. That a tariff for the encouragement of manufactures may be abused by its excess, by its partiality, or by a noxious selection of its objects, is certain. But so may the exercise of every constitutional power; more especially that of imposing indirect taxes, though limited to the object of revenue. And the abuse cannot be regarded as a breach of the fundamental compact till it reaches a degree of oppression so iniquitous and intolerable as to justify civil war,

or disunion pregnant with wars, then to be foreign ones. This distinction may be a key to the language of Mr. Jefferson, in the letter you alluded to. It is known that he felt and expressed strongly his disapprobation of the existing Tariff and its threatened increase.

13. If mere *inequality* in imposing taxes, or in other Legislative acts, be synonymous with *unconstitutionality*, is there a State in the Union whose Constitution would be safe? Complaints of such abuses are heard in every Legislature, at every session; and where is there more of them than in Virginia, or of pretext for them than is furnished by the diversity of her local and other circumstances, to say nothing of her Constitution itself, which happens to divide so unequally the very power of making laws?

I wish I could aid the researches to which some of the above paragraphs may lead. But it would not be in my power if I had at my command, more than I have, the means of doing it. It is a satisfaction to know that the task, if thought worth the trouble, will be in better hands.

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TO R. RIKER.

MONTPELLIER, Mar. 26, 1827.

SIR,—With your letter of February 26 I received the copy of Mr. Colden's memoir on the New York Canals, transmitted by order of the corporation of the city.

The very interesting memoir, with the variety of annexed documents having relation to the signal event commemorated, form an instructive gift to the present generation, and will be a proud legacy to its descendants. I must add that the work has an attractive feature, also, in its successful specimens of the new and promising art of lithography. Nor would it be proper to overlook the handsome exterior given to the volume by the accomplished hand which executed it.

I pray you, sir, to communicate to the corporation the ac-



knowledgments due for this additional mark of kind attention, and to accept for yourself assurances of my particular esteem and consideration.

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TO GEORGE GRAHAM.

MONTPELLIER, Ap<sup>l</sup> 5th, 1827.

D<sup>R</sup> SIR,—I have received yours of March 31, inclosing the Report of the Committee on the charges against you, and a letter from Mr. Tiffin.

I thank you for the communication. But I must say, at the same time, that it was a very unnecessary proof of the groundlessness of the charges. I had never admitted a doubt that they would recoil on the author.

The public attention was lately drawn to the origin of the "Constitution of Virginia," and the "Declaration of Rights," prefixed to it. Having been a member, though a young one, of the Convention which established them, I am endeavoring, with the aid of my papers and my recollections, to trace the history of both. It is said that among the papers left by Col. George Mason, is one containing "the Declaration of Rights" in his own hand. This paper may be a proper link in the chain of the proceedings. In whose hands are those papers? Or can you yourself procure me a *literal* copy of that particular paper, or any others throwing light on the investigation? I was about writing to General J. Mason on the subject; but calling to mind your connexion with the family, and having the pen in my hand, I take the liberty of troubling you with the application.

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TO N. P. TRIST.

MONTPELLIER, April , 1827.

DEAR SIR,—The Harmony Gazette has been regularly sent me; but in the crowd of printed things I receive, I had not attended to the essays to which you refer me. The present situ-

ation of Great Britain, which gave rise to them, is full of instruction, and Mr. Owen avails himself of it with address in favour of his panacea. Such diseases are, however, too deeply rooted in human society to admit of more than great palliatives.

Every populous country is liable to contingencies that must distress a portion of its inhabitants. The chief of them are: 1. Unfruitful seasons, increasing the price of subsistence without increasing that of labour; and even reducing the price of labour by abridging the demand of those whose income depends on the fruits of the earth. 2. The sudden introduction of labour-saving machinery, taking employment from those whose labour is the only source of their subsistence. 3. The caprice of fashion, on which the many depend, who supply the wants of fancy. Take, for a sufficient illustration, a single fact: when the present King of England was Prince of Wales, he introduced the use of shoe-strings instead of shoe-buckles. The effect on the condition of the buckle-makers was such, that he received addresses from many thousands of them, praying him, as the arbiter of fashion, to save them from starving by restoring the taste for buckles in preference to strings. 4. To the preceding occurrences, to which an insulated community would be liable, must be added a loss of foreign markets to a manufacturing and commercial community, from whatever of the various causes it may happen. Among these causes may be named even the changeableness of foreign fashions. The substitution of shoe-strings for shoe-buckles in the U. States had a like effect with that in England, on her buckle-makers.

Mr. Owen's remedy for these vicissitudes implies that labour will be relished without the ordinary impulses to it; that the love of equality will supersede the desire of distinction; and that the increasing leisure, from the improvements of machinery, will promote intellectual cultivation, moral enjoyment, and innocent amusements, without any of the vicious resorts, for the ennui of idleness. Custom is properly called a second nature; Mr. Owen makes it nature herself. His enterprise is, nevertheless, an interesting one. It will throw light on the maxi-

num to which the force of education and habit can be carried; and, like Helvetius' attempt to shew that all men come from the hand of nature perfectly equal, and owe every intellectual and moral difference to the education of circumstances, though failing of its entire object, that of proving the means to be all-sufficient, will lead to a fuller sense of their great importance.

The state of things promising most exemption from the distress exhibited in G. Britain, would be a freedom of commerce among all nations, and especially with the addition of universal peace. The *aggregate* fruits of the earth, which are little varied by the seasons, would then be accessible to all. The improvements of machinery not being adopted everywhere at once, would have a diminished effect where first introduced; and there being no interruptions to foreign commerce, the vicissitudes of fashion would be limited in their sudden effect in one country, by the numerous markets abroad for the same or similar articles.

After all, there is one indelible cause remaining, of pressure on the condition of the labouring part of mankind; and that is, the constant tendency of an increase of their number, after the increase of food has reached its term. The competition for employment then reduces wages to their minimum, and privation to its maximum; and whether the evil proceeding from this tendency be checked, as it must be, by either physical or moral causes, the checks are themselves but so many evils. With this knowledge of the impossibility of banishing evil altogether from human society, we must console ourselves with the belief that it is overbalanced by the good mixed with it, and direct our efforts to an increase of the good proportion of the mixture.

Even Mr. Owen's scheme, with all the success he assumes for it, would not avoid the pressure in question. As it admits of marriages, and it would gain nothing by prohibiting them, I asked him, what was to be done after there should be a plenum of population for all the food his lots of ground could be made to produce. His answer was, that the earth could be made *indefinitely* productive by a deeper and deeper cultivation. Being easily convinced of this error, his resort was to colonizations to

vacant regions. But your plan is to cover, and that rapidly, the whole earth-flourishing communities. What is then to become of the increasing population? This was too remote a consideration to require present attention—an answer prudent, if not conclusive.

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TO ANDREW STEVENSON.

MONTPELLIER, May 2d. 1827.

D<sup>R</sup> SIR,—Your favor of April 28 was safely delivered by Aleck. Mrs. M. and myself regret that the health of Mrs. Stevenson continues so infirm. Should a visit to us not interfere with a better course for improving it, we shall be truly happy, in shewing, what I hope you both believe, the affectionate interest we take in its re-establishment. She has always been a peculiar favorite of Mrs. M., and I must be allowed to say not less so of myself. I hope you are equally assured of the pleasure which will be added by your making the visit a joint one. Among the topics of conversation, I shall not decline any in our public affairs which you may wish to introduce. Though withdrawn from the theatre of them, I cannot shut my eyes nor suppress my concern at some of the strange aspects which they present.

I have just glanced over an attempt, which I am sorry to see made by an able pen, to vindicate the British claim to a monopoly of navigation between her colonial and foreign ports. The claim is supported neither by the principle of the Colonial policy, nor by the practice of the other nations holding Colonies; and is at war with the rule of reciprocity, the only one admissible between Independent nations. The principle of the Colonial policy prohibits *all* commercial intercourse between colonial and foreign ports, and monopolizes the intercourse between ports of the Colonies and those of the parent Country. The latter being in the nature of a coasting trade, no foreign nation has a right to contest it; nor is the prohibition of Colonial intercourse with foreign countries less exempt from foreign

complaint. But the moment a Colonial port is opened to a trade with a foreign port, it is a foreign trade as much as a trade from any other port of the same nation; as much, for example, from Kingston, in Jamaica, to N. York, as from Liverpool to N. York; and the right of reciprocity in the navigation is as clear in the one case as in the other. With this view of the Colonial law, as it has been called, the practice and the pretensions of the other nations holding Colonies is in strict conformity. France, Spain, &c., &c., have, in their general policy, prohibited all foreign trade from their colonial ports, and excluded all foreign vessels from the trade between the Colonies and the mother countries. And whenever it has been found expedient to permit a trade from a Colony to a foreign country, it has, according to the rule of reciprocity, been left as free to foreign as to national vessels.

This question was fully discussed in Congress in 1794, and was one of those which divided the two political parties. The U. States ought never to claim more than a fair and effective reciprocity, nor be content with less. In their present maturity they ought not even to temporize more in this case than in the case of impressment, which would not now be thought of.

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TO NICHOLAS BIDDLE.

MONTPELLIER, May 17, 1827.

D<sup>R</sup> SIR,—I thank you very sincerely for the copy of your “Eulogium on Thomas Jefferson.” I have derived from it the peculiar pleasure which so happy a portraiture could not fail to afford one who intimately knew, and feelingly admired, the genius, the learning, the devotion to public liberty, and the many private virtues of the distinguished original. Ably and eloquently as the subject has been handled, all must see that it had not been exhausted; and you are, I am sure, alone in regretting that what remained for some other hand, fell into yours.

Pardon me for remarking that you have been led into an error,



in the notice you take of the Revised Code provided for by the first Independent Legislature of Virginia. The Revisors were in number not three, but five, viz: Mr. Jefferson, Mr. Pendleton, Mr. Wythe, Col. Geo. Mason, and Col. Thomas L. Lee. The last died, and Col. Mason resigned; but not before they had joined in a consultative meeting. In the distribution of the work among the others, Mr. Wythe was charged with the British Statutes, Mr. Pendleton with the Colonial laws, and Mr. Jefferson with certain parts of the common law, and the new laws called for by the new state of the country.

The portion executed by Mr. Jefferson was, perhaps, the severest of his many intellectual labours. The entire Report, as a model of technical precision and perspicuous brevity, and particularly as comprising samples of the philosophical spirit which ennobled his Legislative policy, may, in spite of its Beccarian illusions, be worthy of a place among the collections of the society of which he was once the presiding member; and if a copy be not already there, it will be a pleasure to me to furnish one.

In page 9th of the Eulogium, I observe an erratum with respect to the age of Mr. Jefferson, when his summary of American Rights was penned; which the reader, however, may correct, by recurring to the date of his birth, previously mentioned, or adverting to his age afterwards mentioned, when the Declaration of Independence was drawn.

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TO ANTHONY MORRIS.

MONTPELLIER, May 28, 1827.

D<sup>R</sup> SIR,—I owe an apology for not sooner acknowledging your communication of the 7th instant. It happened to find me in the midst of some engagements which were prolonged to the present moment. Your favor of the 21st, since received, makes what I have to say on your Hoffvil Project very easy, by affording me the perusal of the letter to you on that subject from my old and highly valued friend, Judge Peters. The view he has

taken of such an Institution in our country, conveys my ideas far better than I could do it myself, and derives from his name a weight which no one could ascribe to mine. His observations have given me the more pleasure as they prove a vigor and vivacity which cherish in his friends, and in his country, the hope that the thread of his interesting life is to be still further lengthened.

I return his letter as desired, and with it the numbers of the "American Farmer," which would be duplicates in my set.

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TO W. C. RIVES.

MONTPELLIER, May 29, 1827.

DEAR SIR,—I owe an apology for not sooner thanking you for the copy of your speech in the House of Representatives on the 20th of February last.\* It came to hand when some engagements of my time, which were protracted beyond my anticipation, did not permit the attention due to it. Without expressing an unqualified concurrence in all the sentiments embraced by the range of your observations, I can, without qualification, say that the subject is argued with an ability which cannot fail to enlighten whatever constitutional or political question may call it forth.

Having a spare copy of a pamphlet, prepared in the Department of State in 1805,† on a subject of much interest at its date, you will oblige me by accepting it. It is possible that the controversy, in some of its forms, may recur during your public career, which I hope will be a long one; and in that event the trouble of researches into applicable authorities and illustrations may be diminished by those to which the occasion led.

\* In support of a motion to strike out the appropriation for surveys of roads and canals in the military appropriation bill.

† Examination of British Doctrine.

TO JARED SPARKS.

MONTPELLIER, 30th May, 1827.

DEAR SIR,—Your letter of the 22d has been duly received. I concur, without hesitation, in your remarks on the speech of 73 pages, and in the expediency of not including it among the papers selected for the press. Nothing but an extreme delicacy towards the author of the Draft, who, no doubt, was Col. Humphreys, can account for the respect shewn to so strange a production. I have not yet found either the letter of January, 1789, or any answer to it. Should this continue to be the case, a view of the former may be desirable as an aid to my recollections, which are at present very imperfect.

I thank you, sir, for the dates of the recorded letters from General Washington to me. Of these I do not find on my files those noted in the annexed list; some of which I should be particularly glad to see, unless the answers to them should be among the letters you are forwarding, and should prove sufficient for my purpose. My files contain, besides a number of short notes asking interviews, &c., twenty odd letters from the General, which it appears, from your communication, are not in his letter book. Some of these are of an importance and delicacy which have hitherto kept them from every eye but my own; no occasion before the present having ever raised the question how far the seal might be properly removed from them. It is not easy, considering the exactness of General Washington in preserving copies of his letters, to account for such a deficiency in his Register. Was it his intention that the letters should not be preserved, or were they separately preserved without being entered in the book? and in this case, may they not yet be found? Perhaps a clue may be furnished by a circumstance noted in a letter received from Judge Washington some years ago. Wishing to supply the chasm in the retained copies of my letters to his uncle, I requested the favor of having copies from the source in his possession. In his answer, he was led to remark that “the papers sent to the Chief Justice, and which are still in Richmond, have been very extensively muti-

lated by rats, and otherwise much injured by damp, as he not long since informed me." It seems in every view not amiss that the condition of these papers should be adverted to, before the prolix trouble of copies from my files be incurred.

My letters from the files of General Washington, when received and compared with those of which I have preserved copies, may shew whether the former are short of the number written to him; and thence, perhaps, throw some light on his views with respect to some parts of our correspondence, with the uncertainty nevertheless arising from the casualties at Richmond.

I need not repeat the general disposition, expressed when I had the pleasure of your call at Montpelier, to favor, by all the proper means in my power, not only your object of doing full justice to the very interesting trust you have assumed, regarding the papers of General Washington, but your other object also, of composing an authentic history of our Revolution; the most pregnant, probably, of all political events, with beneficent influence on the social order of the world, and having, therefore, the highest of claims on the historical pen.

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TO N. BIDDLE.

MAY 31, 1827.

Finding, by your favor of the 27th, that the Library of the Philosophical Society does not contain a copy of the Revised Code, as reported by Mr. Jefferson and his colleagues, I send for it the promised one herewith inclosed. The copies being now very scarce, I have not been able to furnish one in a less soiled condition.

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TO EDWARD EVERETT.

MONTPELLIER, June 3d, 1827.

DEAR SIR,—I offer for your brother and yourself the thanks I owe for the copy of his work on "America." It well sustains

the reputation for talents and learning acquired by his former work on "Europe." I have found in the volume many proofs of original as well as enlarged views, and not a few passages of glowing eloquence. With this just tribute I must be allowed to combine the remark, that my trains of thought do not accord with some of his speculations, and that the work is susceptible of improved accuracy from recesses of information which time is gradually laying open. One error into which the author has been led will, I am sure, be gladly corrected. In page 109 it is said of Washington that he "appears to have wavered for a moment in making up his mind upon the Constitution." I can testify, from my personal knowledge, that no member of the Convention appeared to sign the Instrument with more cordiality than he did, nor to be more anxious for its ratification. I have, indeed, the most thorough conviction, from the best evidence, that he never wavered in the part he took in giving it his sanction and support.

The error may, perhaps, have arisen from his backwardness in accepting his appointment to the Convention, occasioned by peculiar considerations which may be seen in the 5th volume of his Biographer [Marshall.]

Is there no danger that your brother may render himself an unwelcome Functionary at Madrid by his strictures on Spain, &c., &c.?

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TO N. P. TRIST.

JUNE 12th, 1827.

D<sup>R</sup> SIR,—In a letter to Mr. Jefferson of January 2d, 1786, a printed proposition in the House of Delegates for giving Congress power over trade is referred to as inclosed in the letter, but was not in it when returned to me. The proposition as printed is stated in the letter to have been referred to a committee of the whole, and to have received the alterations made there with the pen. This is the proposition referred to in the 1 vol. of Laws of the U. States, page 53, and printed as it was



materially *altered*, not as *originally* made. It is more probable that the document was not preserved, than it was separated from the letter inclosing it, and to be found now on the files of Mr. Jefferson. Should it, however, be there, I could wish a sight of it.

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TO JACOB ENGELBRECHT.

JUNE 20, 1827.

DR SIR,—On a critical re-examination, to which I was just led, of the appearances on which my letter of October 20, 1825, ascribed the poetic effusion copied from a page in Bartram's pamphlet, to Doctor Franklin, I find that I may have committed an error in the case, by hastily applying the word "given" to the pamphlet, when it was meant for the poetry, and by mistaking for the handwriting of the Doctor what was only a remarkable likeness of it. You will be sensible that the least uncertainty on this point ought, for obvious reasons, to have the effect of cancelling my communication to you. I must ask the favor of you, therefore, to return me the paper containing it; on receiving which, I will substitute some other communication answering the purpose of your original request. I need not add that the propriety of guarding against contingencies, suggests that of the earliest answer from you.

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TO H. B. BASCOM.

MONTPELLIER, July 21, 1827.

DEAR SIR,—Your favor of June 26, inclosing a copy of the charter of the College, having arrived during an absence from which I am just returned, I could not sooner acknowledge it. It gives me pleasure to find that the Trustees are about to attach to the Institution an agricultural department, an improvement well meriting a place among the practical ones which the lights of the age and the genius of our country are adding to the ordinary course of public instruction.

I wish I could give value to my commendation by pointing out the best mode of adapting the experiment to its useful object. The task, I doubt not, will be well performed by the intelligent Councils charged with the Institution, aided as they will be by the better models of rural economy in your State than are presented in this.

The views of this subject which occurred to the Agricultural Society in the neighbourhood of our University will be seen in a printed circular of which I inclose a copy; and with it an address to the Society, which will shew that our agricultural practice is as much behind that of your State as the latter can be short of the attainable standard. Perhaps the celebrated establishment of Fellenburg, in Switzerland, may give useful hints in combining agricultural with academic instruction, and both with the advantages of an experimental and pattern farm.

Repeating my wishes for the prosperity and usefulness of the nascent seminary, I tender my respectful and friendly salutations.

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TO THOMAS J. WHARTON.

MONTPELLIER, Aug. , 1827.

DEAR SIR,—I have duly received the copy of your Oration on the 4th of July last. In making my acknowledgments, with the passage under my eye, ascribing to me “the first public proposal for the meeting of the Convention to which we are indebted for our present Constitution,” it may be proper to state in a few words the part I had in bringing about that event.

Having witnessed, as a member of the Revolutionary Congress, the inadequacy of the powers conferred by the “Articles of Confederation,” and having become, after the expiration of my term of service there, a member of the Legislature of Virginia, I felt it to be my duty to spare no efforts to impress on that body the alarming condition of the U. States proceeding from that cause, and the evils threatened by delay, in applying a remedy. With this, propositions were made vesting in Con-

gress the necessary powers to regulate trade, then suffering under the monopolizing policy abroad, and State collisions at home, and to draw from that source the convenient revenue it was capable of yielding. The propositions, though received with favorable attention, and at one moment agreed to in a crippled form, were finally frustrated, or, rather, abandoned. Such, however, were the impressions which the public discussions had made, that an alternative proposition, which had been kept in reserve, being seasonably brought forward by a highly respected member, who, having long served in the State councils without participating in the Federal, had more the ear of the Legislature on that account, was adopted with little opposition. The proposition invited the other States to concur with Virginia in a convention of deputies commissioned to devise and report a uniform system of commercial regulations. Commissioners on the part of the State were at the same time appointed, myself of the number. The convention proposed took place at Annapolis, in August, 1786. Being, however, very partially attended, and it appearing to the members that a rapid progress, aided by the experiment on foot, had been made in ripening the public mind for a radical reform of the Federal polity, they determined to waive the object for which they were appointed, and recommend a convention, with enlarged powers, to be held the year following, in the city of Philadelphia. The Legislature of Virginia happened to be the first that *acted* on the recommendation, and being a member, the only one of the attending commissioners at Annapolis who was so, my best exertions were used in promoting a compliance with it, and in giving to the example the most conciliating form, and all the weight that could be derived from a list of deputies having the name of Washington at its head.

In what is here said of the agency of Virginia, and of myself particularly, it is to be understood that no comparison is intended that can derogate from what occurred elsewhere, and may, of course, be less known to me than what is here stated.

I pray you, sir, to pardon this intrusive explanation, with which I tender you my respectful salutations.

## TO GOVERNOR GILES.

SEPTEMBER 8, 1827.

SIR,—I have duly received your letter of the 4th instant on the subject of the Journals of the General Assembly for the sessions of May, 1779 and 1782. I should have felt particular gratification in being able to contribute to the laudable object of the Legislature; but on examining my broken set, I find that it does not include the Journals of either of those dates.

I fear there may be some difficulty in filling the chasm in the Rolls office. Having occasion, several years ago, for a sight of the Journals for a particular period, and being desirous, at the same time, of replacing the lost part of my set, I was led to make enquiries in every promising direction, but without success. The only copies I ever obtained were two from Kentucky, preserved by delegates from that country, then a part of Virginia, neither of which happened to be what I wanted, or is of a date named in your letter. I wish that even a public invitation through the press may enable the Executive to give complete effect to the provisions of the law. May I be permitted to suggest, should the resort be found necessary, that the Library of Congress, which now contains that of Mr. Jefferson, may deserve the attention of the Executive?

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## TO MR. MONROE.

MONTPELLIER, Sept<sup>r</sup> 22, 1827.

DEAR SIR,—I have received a letter from H. Lee, dated Nashville, August 24, stating that he had corresponded with General Armstrong on the subject of the provisional order to General Jackson, of July 18, 1814, authorizing him, on certain conditions, to take possession of Pensacola; which order was not received by the General till on or about the 14th of March, 1815, and then open, and the envelope without postmark; and though received from the post office, was endorsed "by express;" that to enquiries as to the causes of delay, Armstrong's

reply was: "The letter from me authorizing the attack on Pensacola, but kept back till January, was written, recorded, and, as I am assured by General Parker, regularly despatched from the office for conveyance to the General by mail. Some one having the power must have stopped it at the post office, or in the hands of one of the clerks; and unless the President of that day shall deny that he had any agency or privity in the stoppage, I shall conclude that it was a measure directed by him, of which I was to be kept unacquainted." Lee adds: "I have been further informed, though in a manner too roundabout to be yet awhile positively relied on, that Parker has asserted that the day after the letter was put into the post office, happening to go into the Department of State, he saw it lying on that Secretary's table." Much importance appears to be attached by Lee to this affair as "bearing on the salutary vigor of General J. in his *unauthorized* attack on Pensacola;" and he requests from me any lights I may be able to throw on it; as, also, on the Creek and Louisiana campaigns.

I have given the answers which I thought due to the requests of Lee, and to the insinuation of Armstrong. It is very probable that you have been written to as well as myself. If you know more of the matter than I do, drop me a line. I have no recollections, if I ever had any knowledge, of the history given of the incidents to the order in question, nor can I now lay my hand on a copy of it.

If you should be called, this autumn, by your private affairs, to Albemarle, apprise me of the time I may expect you here on your way.

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TO H. LEE.

MONTPELLIER, Sep<sup>r</sup> 24, 1827.

SIR,—Your letter of August 24 was not received till a few days ago. I regret that I cannot throw a ray of light on the cause and circumstances of the delay which attended the order to General Jackson of July 18, 1814; having no recollections



enabling me to do so, nor access to any document, if there be any, that could assert [assist?] them. I can only, therefore, express my wish that the occurrence may be traced with a result leaving no escape to the authors, nor room for suspicions where they would be unjust. It is unfortunate that the lapse of time and intervening deaths may increase the difficulty of a satisfactory investigation.

It cannot be necessary, I trust, to remark that the hypothetical reference cited from a letter of the then Secretary of War, to a quarter and a motive for the delay in question, is stamped with an incredibility forming a sufficient antidote to the insinuation.

The two campaigns, of which it seems you are preparing a history, merit, certainly, the best and most authentic materials. My memory does not suggest any particularly bearing on them, which are not likely to fall within the range of your researches. As a source itself of information, I am too well aware of the fallability from which it is not exempt, to recommend draughts on it.

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TO THE EDITOR OF THE "LYNCHBURG VIRGINIAN."

MONTPELLIER, October 10, 1827.

SIR,—I have just seen in another Gazette the following paragraph, noted as an extract from the "Lynchburg Virginian," viz: "*We state as a fact within our own knowledge, that very recently the sage and patriot of Montpelier expressed his deep regret at the course now pursuing by some of the most eminent politicians of Virginia; that he reprobated it as sapping the foundations of her power and influence in the Confederacy, whilst by a course of moderation and prudence she might have won over a majority of her sister States to embrace her principles; that he defended the right of the General Government, under the Constitution, to impose a tariff of duties on imports with reference to other objects than revenue; he averred that such had been the course by every Administration in the coun-*

try, his own and Mr. Jefferson's included; that to call all the latent resources of the country into action, and to afford them such protection as circumstances might suggest; was one of the principal reasons for the abolishment of the confederation system, which was found inadequate for that purpose, and the adoption of the Federal Constitution; and that the resolution passed by the last Legislature in relation to this subject was extremely unwise and impolitic. Here, then, is a man who is everlastingly quoted by the *martexts* of the Constitution in this State, who assisted to frame this instrument, and who was one of its earliest and ablest cotemporary expounders, and who, in the exercise of his Executive duties, at a later day, was called on to construe its provisions, who says that he is erroneously thus quoted; and that William B. Giles, that dog in the manger, is fast hurrying his beloved Virginia to ruin and contempt. We again repeat, that what we have here stated is *of our own knowledge*, and cannot be contradicted. We hope it will be in our power before long, if Mr. Madison can be prevailed on to conquer his insuperable aversion to mingling in the strife, to lay a fuller exposition of his views before our readers."

Without being aware of the ground on which the statement is alleged to be within the personal knowledge of the Editor, it is proper to observe, that, as often happens in the report of conversations, there must have been some degree of misapprehension or misrecollection.

It is true that I have not approved the proceedings of the General Assembly of the State which would\* [limit the power of Congress over trade to regulations having revenue alone for their object;] that I have in occasional conversations been led to observe that a contrary doctrine has been entertained and acted on from the commencement of the Constitution of the United States, by the several branches of every Administration under it; and that I regretted the course pursued by the General Assembly as tending to impair the confidence and cordiality

\* Corrected into "exclude from the power of Congress," &c., as in the letter of 14th October attached to this. See, also, the further explanatory note of J. M. of October 31, also attached to this.

of other parts of the Union, agreeing with Virginia in her exposition of the Constitution on other points. In expressing these ideas, however, more respect has been felt for the patriotic sensibilities of the legislative body, and for the talents and good intentions of members, personally or otherwise known to me to be particularly entitled to it, than might be inferred from the tone of the publication. I must observe, also, that though it is true that I have spoken of the power of Congress over commerce in its enlarged sense as a primary and known object in forming the Constitution, the language of the statement is inaccurate, at least, as being susceptible of a construction embracing indefinite powers over the entire resources of the country.

I must presume that the expressions which refer by name to the Governor of the State were not meant to be ascribed to me; being very sure that I could never have so far forgotten what I owed to myself, or to the respect due him.

It is with much reluctance, sir, that I have had recourse to these explanatory remarks, withdrawn as I am from scenes of political agitation by my age, and pursuits more congenial with it. It is the single instance of a communication from me to the press on any subject connected with the existing state of parties.

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TO THE EDITOR OF THE "LYNCHBURG VIRGINIAN."

MONTPELLIER, Oct. 14, 1827.

SIR,—I ask the favor of you to make the following correction, omitted to be made in the paper sent you a few days ago, viz:

Erase the words, "*limit the power of Congress over trade to regulations having revenue alone for their object;*" and insert, "*exclude from the power of Congress over commerce regulations having for their object the protection and encouragement of domestic manufactures.*"

J. Madison presents his respects to Messrs. Fletcher and Toler, [Editors of the Lynchburg Virginian,] and regrets the trouble occasioned by the delay of his letter of the 14th. The paragraph prepared by them and inserted in their paper, enclosed in their letter of the 26th, sufficiently guards against a misunderstanding of his original communication. He was led to the proposed change in it by an intimation received that the General Assembly, in excluding from the power of Congress over commerce regulations having for their object the encouragement of domestic manufactures, might not, perhaps, intend to limit the power to regulations having revenue alone for their object; there being objects of this regulating power distinct from both which might not be deemed inadmissible. It was thought best, therefore, in expressing the doctrine disapproved, to specify its application, as was done in the resolutions of the Assembly, to the case of protecting and encouraging domestic manufactures.

OCTOBER 31, 1827.

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TO HENRY D. GILPIN.

MONTPELLIER, October 25, 1827.

DEAR SIR,—I was duly favored with yours of the 9th instant, accompanied by your "Life of Thomas Jefferson," which I have read with the double pleasure it affords; being valuable for its historical materials as well as for its biographical portrait of the highly distinguished individual.

I comply with your request by noting a few errors which caught my eye in turning over the pages.

Page 38 It was not at *Richmond*, but *Williamsburg*, that the Convention met.

39 Same error of place.

— It was the *preamble*, not the *Declaration of Rights*, prefixed to the Constitution of Virginia, that was

prepared by Mr. Jefferson. The latter was drawn by Col. George Mason.

- 40 Two of the five Revisors, George Mason and Thomas L. Lee, had no part in executing the commission, except in a consultative meeting preliminary to the assignment of the respective portions of the task to the other three.
- 42 The Convention prisoners were placed *near*, not *at* Charlottesville.
- 58 The *a* prefixed to Mr. George Nicholas, seems to underrate his standing in the community.
- 99 The majority for the resolutions was not sufficiently *decided*. It was evidently decreasing under the influence of considerations made to bear against them; particularly the alarm of war, as likely to grow out of them. And a final rejection being foreseen, it was thought best not to push them to an issue which might strengthen the idea in G. Britain that no countervailing policy was to be apprehended, and weaken at the same time the Republican party at home.
- 143 Hair not *red*, but between *yellow and red*.
- 144 Nose rather under, certainly not above, common size. Broweris' bust in plaister, from his mode of taking it, will, probably, shew a perfect likeness.

I know not that I could give any aid to the use made of the public materials before you, or add any particular anecdotes not to be found in some of the obituary eulogies of Mr. Jefferson. I had, myself, but a very slight acquaintance with him, till he became Governor of Virginia, in 1779, at which time I was a member of the Executive Council, and so continued for some months thereafter. Should the proposed republication of your "Sketch" not take place before the appearance of his papers understood to be in preparation for the press, they will doubtless avail you much when putting the last hand to it.

As your researches appear to have been turned to the early



proceedings of Congress under the present Constitution of the United States, I offer for your acceptance, as some return for your printed favor, a surviving copy of a small evanescent pamphlet, which reviewed the state of parties at that period. It may furnish some applicable information or references, if your pen should have been employed on any "Life," now under revision, of a signer of the Declaration of Independence, who was then a member of the National Councils, or if your attention should be otherwise led to the political transactions of that date. The pamphlet was drawn up in compliance with the earnest entreaty of several friends, at the close of a fatiguing session and under a hurrying impatience to be on the road homeward, but with the advantage of having the subject fresh in my memory and familiar to my reflections. The tincture of party spirit will be explained, if not excused, by the origin and the epoch of the publication.

Mrs. M. joins in the respects and good wishes which I pray you to accept, and in the assurance that the balance of obligation left by the visit with which you favored us was not on your side.

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TO MR. MONROE.

MONTPELLIER, October 29, 1827.

DEAR SIR,—Yours of the 3rd inst., with the copies of your two letters to Judge White now returned, were not received till they had made a trip to Montpelier in Vermont, as happened to three letters at the same time from our co-visitors of the University. The letter to you from Mr. Ringgold, referred to as enclosed, was omitted.

Your explanatory communications to Judge White are very important, and I hope the copies will not only get back safe, but be taken good care of afterwards. Like you, I have never read the histories of the life and campaigns of General Jackson, not expecting unknown matter, still less apprehending

erroneous matter in them, and finding full employment for my time in more obligatory applications of it.

The account given of the letter of July, 18, 1814, is not a little mysterious. If there be no decisive evidence to the contrary, I must infer that it could not, if of the character indicated, have been known to me at the time. I have no recollection of it, and the inference is strengthened by the reasons given against the seizure of Pensacola by Executive authority in my answer in October 8, 1813, to a proposal of General Armstrong, September 26, 1813, to take that step in consequence of the destruction of block houses on our side of the Perdido. Your prohibitory letter of October 23, 1814, to General Jackson, is still more in point.

You will see that I have been dragged into the newspapers by an affirmation which seemed to make it as unavoidable as it was disagreeable. I trust it will be the last, as it was the first, sacrifice of that sort.

I have not yet closed my correspondence with our colleagues on the case of Mr. Long. Some of them are disposed to annex conditions to the release from his engagement. Doctor Jones will probably be at once called to the vacant chair of Natural Philosophy by the concurring voice of the Visitors. There was a hope that Professor Patterson, of Philadelphia, would have accepted it. He declines, and recommends Doctor Jones.

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TO H. B. BASCOM.

MONTPELLIER, \_\_\_\_\_, 1827.

I have received your letter of the 19th instant, saying that the Trustees of the College recently established in Union Town have been pleased to call it by my name. Regarding every new Institution for the wholesome instruction of youth as a gain to the cause of national improvement, and to the stability and prosperity of our free system of Government, I feel that my name is greatly honored by such an association as has been

made of it. Be so obliging, sir, as to express for me the acknowledgments I owe to the Trustees, with my best wishes that they may receive for their fostering care of the infant College the rewards most grateful to them, in its rapid growth and extensive usefulness. I offer you, at the same time, assurances of my particular consideration and respect.

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TO REV<sup>D</sup> H. B. BASCOM.

MONTPELLIER, NOV<sup>R</sup> 10, 1827.

DEAR SIR,—Your letter of October 19 was received in due time. The acknowledgment of it has been delayed by a wish to accompany it with a copy, as requested, of the Enactments of our University, which I did not obtain till two days ago.

I congratulate you on the encouraging prospect which dawns on the infant establishment under your presiding care. A temporary deficiency in the articles of apparatus and library is generally felt in learned institutions, the offsprings of individual efforts, in a country not abounding in individual wealth. In our University, though now under State endowment, the library is on a scale little comporting as yet with that of the plan. The books are, however, systematically chosen, and form a nucleus for an excellent collection. No catalogue has been printed, or I would add a copy to that of the Enactments.

I cannot too much commend the prudent rules by which it is proposed to manage the economic interests of the College. Experience shews the evil tendency of incurring debts beyond resources, in the case of public bodies as well as of individuals; and the Spanish adage, *festina lente*, conveys a lesson particularly applicable to the case of new undertakings having difficulties to overcome with a scantiness of means.

TO JONATHAN ELLIOT.

MONTPELLIER, NOV<sup>r</sup> , 1827.

D<sup>R</sup> SIR,—I have received your letter of the 12th, in which you observe that you are committing to the press the 2d volume of Debates in the State Conventions on the question of adopting the Federal Constitution; that the volume will include the Debates of the Virginia Convention; and you request of me a correct copy of the part I bore in them.

On turning to the several pages containing it in the 2d and 3d volumes of the original edition, (the 1st not being at hand,) I find passages, some appearing to be defective, others obscure, if not unintelligible; others again which must be more or less erroneous. These flaws in the report of my observations may doubtless have been occasioned in part by want of care in expressing them, but probably in part, also, by a feebleness of voice caused by an imperfect recovery from a fit of illness, or by a relaxed attention in the stenographer himself, incident to long and fatiguing discussions: of his general intelligence and intentional fidelity no doubt has been suggested.

But in whatever manner the faulty passages are to be accounted for, it might not be safe, nor deemed fair, after a lapse of 40 years, lacking a few months, and without having in the meantime ever revised them, to undertake to make them what it might be believed they ought to be. If I did not confound subsequent ideas, and varied expressions, with the real ones, I might be supposed to do so.

These considerations induce me to leave my share of those debates as they now stand in print; not doubting that marks of incorrectness on the face of them will save me from an undue degree of responsibility.

I have never seen nor heard of any publication of the debates in the second Convention of North Carolina, and think it probable that, if taken down, they never went to the press.

I am glad to find you are encouraged to proceed in your plan of collecting and republishing, in a convenient form, the proceedings of the State Conventions as far as they are to be ob-

tained; and with my best wishes that you may be duly rewarded for the laudable undertaking, I tender you my friendly respects.

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TO MR. MONROE.

MONTPELLIER, Nov. 16, 1827.

DEAR SIR,—Yours of the 2nd, postmarked 6th of November, came duly to hand. I return the letters and papers enclosed in it.

The fact stated to Mr. Ringgold by General Jesup, as to the arms in the arsenal of New Orleans at the arrival of General Jackson, does not concern only or principally the question between the General and Mr. Southard. It belongs to the history of the campaign, and of the Administration, and as such ought to be verified and preserved. The General must, of course, have been ignorant of it when he said, in his letter to the Secretary of War, December 16, (see Latour's historical Memoir, page 66,) "we have no arms here," &c. Again: in his letter to the same, of January 19, (see Appendix to the Memoir, No. xxxii,) he says, "I am more and more satisfied in the belief, that had the arms reached us which were destined for us, the whole British army in this quarter would, before this time, have been captured or destroyed;" from which it is to be inferred that there was no deficiency of men for the purpose. Is it understood that the General has yet become acquainted with the fact? If he has, his character is much mistaken, if he does not promptly and publicly correct the injustice unconsciously committed by him.

The tenor of the letter of July 18, 1814, is still unrecognised by my memory. I suspect it was written in consequence of a conversation with me, without being read by me, and may, therefore, have expressed a mixture of the Secretary's ideas with mine. My remark alluded to in the letter favors the conjecture. The case stated by General Jackson is a very strong one, but does not altogether preclude questions as to the degree of immediate urgency, as to the distinction between the authority of a military officer and of the National Executive; nor if



the invading act be stamped with the *character of war*, between the Executive and Legislative authority. The only case in which the Executive can enter on a war, undeclared by Congress, is when a state of war has "been actually" produced by the conduct of another power, and then it ought to be made known as soon as possible to the Department charged with the war power. Such a case was the war with Tripoli during the administration of Mr. Jefferson.

If you possess a copy of the prohibitory letter to General Jackson, of October, 1814, let me, if you please, have a copy from it. I thank you for your kind intention to glance, in a letter to Mr. Mercer, at the affinity of my situation to yours. It is, indeed, made much stronger than yours by what has been drawn into the newspapers. You may have noticed a second public exhibition of me, notwithstanding the aversion to it previously and publicly expressed, and notwithstanding the assurance of the friends of Mr. Ritchie, whom you will guess, that no report of our conversation would be made to the press; it was even intimated in the outset that the enquiry would not have been made if the publication from myself, in the Lynchburg paper, had not been unknown at the time to Mr. R. My remarks, as published, have nevertheless the aspect of an original disclosure made on a special application, and become subservient to observations of a party here. I regretted the occurrence the more, as I had refused to another editor any direct and specific authority to contradict the report concerning the authorship of the Farmer's papers, regarding a compliance with such interrogatories from printers as a bad precedent, and preferring the spontaneous and incidental mode used in the communication to the Lynchburg press.

I had the more reason to be dissatisfied with the unexpected paragraph in the *Enquirer*, because, in saying that I expressed astonishment at being regarded as the writer of those papers, the reason assigned for it was omitted, viz: that the reference in them to my name would, on that supposition, have been evidently indelicate. With that omission, my astonishment may be ascribed to the vanity of regarding the papers as unworthy

of my superior pen, or, perhaps, to a known disapprobation of the main object of them, that of bringing about a meeting of Deputies at Richmond, of which I had never spoken a syllable. I have thought it better, however, to bear in silence what has taken place, than to risk a farther entanglement with newspapers.

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TO C. J. INGERSOLL.

MONTPELLIER, Nov<sup>r</sup> 17, 1827.

D<sup>r</sup> SIR,—I have duly received yours of the 9th, with the printed communication inclosed. I am very sensible of my obligations for the kind feelings which dictated both; and not less so, that, in weighing my public services, the friendly hand unconsciously favored that end of the beam.

The attempts of party zeal, when pursuing its favorite object, to break into the domain of the Constitution, cannot be too much deplored. In the case which suggests the remark, the barrier is happily too strong in the text of the Instrument, in the uniformity of official construction, and in the maturity of public opinion, to be successfully assailed. There is sound policy, and therefore true patriotism, in the wish that on questions throwing the nation into heated parties, portions of each may be so distributed or the individuals of both so intermingled as to strengthen, instead of weakening, the political fabric.

Though it would be wrong to wish a diminution of your professional labours, whilst you choose to make a resource of them, the hope cannot be resisted that they may not altogether exclude contributions from your pen such as have occasionally added to the instruction and literary reputation of your country.

TO J. Q. ADAMS.

MONTPELLIER, Decr 9, 1827.

DEAR SIR,—I return my thanks for the copy of your Message to Congress on the 3d instant, politely forwarded under your cover. Its very able view of blessings which distinguish our favored country is very gratifying; and the feelings inspired by our condition find an expanded scope in the meliorations infused into that of all other people, by a progress of reason and truth, in the merit of which we may justly claim a share. With the newborn nations on the same hemisphere with ourselves, and embarked in the same great experiment of self-government, and who are alive to what they owe to our example, as well in the origin of their career as in the forms of their institutions, our sympathies must be peculiarly strong and anxious; the more so, as their destiny must not only affect deeply the general cause of Liberty, but may be felt even by our own.

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TO MR. MONROE.

MONTPELLIER, December 18, 1827.

DEAR SIR,—I have received yours of the 10th, and return the correspondence between Col. Mercer and yourself. Your letter to him of the 10th was perfectly *apropos*, and cannot fail, I think, to answer my purpose as well as yours, the substance of it being applicable to both, and coinciding with the promise in Col. Mercer's letter of November 12th, to guard me, as well as you, from the threatened embarrassment. It can hardly be supposed, indeed, that either of us would be brought forward without the other, as it might seem to imply that the other was on the other side. To name either without a previous sanction from him would incur the imprudent risk of a refusal more liable to an unfavorable than favorable construction. For myself, moreover, it ought to be known, from what I have been led to say in the newspapers, that I meant to keep aloof from the political agitations of the period; and as a further safeguard, Mr.

Cabell was made acquainted, in a conversation I had with him some time ago, with my determination not to be enlisted in a party service. After what had passed, I should, in permitting it, be inconsistent with myself, as well as with what was enjoined by propriety.

Putting all these views of the subject together, I have thought it superfluous to write to Col. M., especially as my silence cannot mislead him, nothing from him to me, direct or indirect, written or oral, requiring a letter from me. I may ask of you, however, in case of any further confidential communication with him on your part, whether by letter or a common friend, that you would refer without qualification to my sentiments as concurring fully with yours.

I have a letter from General La Fayette, in which he mourns over the spirit and style of our partisan gazettes as wounding our Republican character, and causing exultation to the foes of Liberty.

I am just recovered from a pretty severe attack of influenza. There was, I find, no meeting of the Visitors at the time to which the adjournment was made in July.

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TO ROBERT WALSH, JR.

MONTPELLIER, Dec<sup>r</sup> 22d, 1827.

DEAR SIR,—I have received your favor of the 10th, in which you invite from me contributions for the pages of the "American Quarterly Review."

I have seen ample proofs in the Nos published, that my anticipation of the success of such a work, under your auspices, was not erroneous; and I should take a pleasure in offerings for its pages, were they but mites, if my age and other obstacles did not bar me from the undertaking.

It is an error very naturally prevailing, that the retirement from public service, of which my case is an example, is a leisure for whatever pursuit might be most inviting. The truth, however, is, that I have rarely, during the period of my public life,

found my time less at my disposal than since I took my leave of it; nor have I the consolation of finding, that as my powers of application necessarily decline, the demands on them proportionally decrease.

Were it necessary to prove what is here observed, I might appeal to what continually passes to and from me through the mail; to the modes of neighbourly intercourse, unavoidable in rural situations, especially in this quarter of the Union; and to the cares incident to the perplexing species of labour and of husbandry from which alone is derived the support of a complicated establishment; to all which may now be added, the duties devolved on me since the decease of the late Rector of the University, as one of the standing Executive Committee and an organ of intercommunications among the Visitors when not in session. Nor must I omit, as a further addition, the effect of the age at which I am arrived in stiffening the fingers which use the pen, to say nothing of a concurrent effect, of which I may be less sensible, on the source which supplies the matter for it.

My respect for your friendly disposition, and the public object you have in view, has drawn from me an explanation which I am sure you will rightly appreciate. I might enforce it by the remark, that such has been the accumulated force of the causes alluded to, that I am yet to put a final hand to the digest and arrangement of some of my papers, which may be considered as a task due from me.

I am aware of the distinction of a communication of original papers composed for the occasion, and documents or extracts to be merely transcribed, such as would be the historical memorials to which you have pointed. But I may say to you what I have said in confidence to one or two others, that a posthumous appearance has been thought to be best suited to their character. The debates and proceedings of the Convention which formed the Constitution of the United States could not, indeed, be well published in detached parts, and are very far too voluminous to be inserted in any periodical work.

That in declining a compliance with your particular wishes,



I may give some proof of my respect for them, I have taken from my files a paper of some length, which has never been in print, and which was copied many years ago from the original, then, as it may yet be, in the Archives of the Revolutionary Congress. It was drawn up by Mr. Wilson, as was told me by himself, and intended to mature the public mind for the event of Independence, the necessity of which was seen to be approaching, and which, in fact, approached so fast as to leave the ground taken by the document in the rear of the public sentiment. The paper is made interesting by its date, Feb<sup>y</sup> 13, 1776, and by its complexion and scope; but it is not, perhaps, as a literary composition, the most favorable specimen of the classic talents of its author. As soon as I can get it transcribed you shall have an opportunity of judging how far it may deserve a place and find a convenient one in a reviewing chapter. In the mean time, I tender you anew my great esteem and good wishes.

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TO N. P. TRIST.

MONTPELLIER, Dec<sup>r</sup> 24, 1827.

DEAR SIR,—I cannot turn to the letter of Mr. Jefferson containing the severe remarks on the lying practice of the printers, which appear to be misconstrued abroad, and to be working a mischief so contrary to his principles and his intentions. If you have a ready access to the letter, I should be glad to supply the General with an antidote, as far as a just comment on it can be turned to that account. I was afraid, at the time, that the publication of the letter would be perverted abroad by the watchful and wicked enemies of free Government, and its great bulwark, a free press.

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TO GEORGE MASON.

MONTPELLIER, Dec<sup>r</sup> 29, 1827.

DEAR SIR,—I am much obliged by your polite attention in sending me the copies of the Remonstrance in favour of Reli-

gious liberty, which, with your letter of the 10th, came duly to hand. I had supposed they were to be procured at the office which printed them, and referred Mrs. Cutts to that source. Her failure there occasioned the trouble you so kindly assumed. I wished a few copies on account of applications now and then made to me, and I preferred the edition of which you had sent me a sample, as being in the simplest of forms; and for the further reason that the pamphlet edition had inserted in the caption the term "toleration," not in the article declaring the right. The term being of familiar use in the English Code, had been admitted into the original draught of the Declaration of Rights; but, on a suggestion from myself, was readily exchanged for the phraseology excluding it.

The biographical tribute you meditate is justly due to the merits of your ancestor, Col. George Mason. It is to be regretted that, highly distinguished as he was, the memorials of them on record, or perhaps otherwise attainable, are more scanty than of many of his cotemporaries far inferior to him in intellectual powers and in public services. It would afford me a pleasure to be a tributary to your undertaking. But although I had the advantage of being on the list of his personal friends, and in several instances of being associated with him in public life, I can add little for the pages of your work.

My first acquaintance with him was in the Convention of Virginia in 1776, which instructed her Delegates to propose in Congress a "Declaration of Independence," and which formed the "Declaration of Rights" and the "Constitution" for the State. Being young and inexperienced, I had of course but little agency in those proceedings. I retain, however, a perfect impression that he was a leading champion for the instruction; that he was the author of the "Declaration" as originally drawn, and with very slight variations adopted; and that he was the master builder of the Constitution, and its main expositor and supporter throughout the discussions which ended in its establishment. How far he may have approved it in all its features, as established, I am not able to say; and it is the more difficult to make the discovery now, unless the private papers

left by him should give the information; as at that day no debates were taken down, and as the explanatory votes, if there were such, may have occurred in Committee of the Whole only, and of course not appear in the Journals. I have found among my papers a printed copy of the Constitution in one of its stages, which, compared with the Instrument finally agreed to, shews some of the changes it underwent; but in no instance at whose suggestion, or by whose votes.

I have also a printed copy of a sketched Constitution, which appears to have been the primitive draft on the subject. It is so different in several respects from the Constitution finally passed, that it may be more than doubted whether it was from the pen of your grandfather. There is a tradition that it was from that of Merriwether Smith, whose surviving papers, if to be found among his descendants, might throw light on the question. I ought to be less at a loss than I am in speaking of these circumstances, having been myself an added member to the Committee. But such has been the lapse of time that, without any notes of what passed, and with the many intervening scenes absorbing my attention, my memory cannot do justice to my wishes. Your grandfather, as the Journals shew, was at a later day added to the Committee; being, doubtless, not present when it was appointed, or he never would have been overlooked.

The public situation in which I had the best opportunity of being acquainted with the genius, the opinions, and the public labours of Col. Mason, was that of our co-service in the Convention of 1787, which formed the Constitution of the United States. The objections which led him to withhold his name from it have been explained by himself. But none who differed from him on some points will deny that he sustained throughout the proceedings of the body the high character of a powerful reasoner, a profound statesman, and a devoted Republican.

My private intercourse with him was chiefly on occasional visits to Gunston when journeying to and from the North, in which his conversations were always a feast to me. But though in a high degree such, my recollection, after so long an interval,

cannot particularize them in a form adapted to biographical use. I hope others of his friends still living, who enjoyed more of his society, will be able to do more justice to the fund of instructive observations and interesting anecdotes for which he was celebrated.

On looking through my files for a correspondence by letter, I find on his part—1. A letter of August 2, recommending R<sup>d</sup> Harrison for a Consulate. 2. Do. of April 3, 1781, addressed to the Virginia Delegates in Congress, advising a duty on British merchandise, for repairing the loss sustained from depredations on private property by British troops. 3. Do. of March 28, 1785, communicating the compact with Maryland on the navigation and jurisdiction of the Potowmac, &c. 4. Do. August 9 and December 7, 1785, explaining the proceedings in the above case. 5. A bill concerning titles to lands under actual surveys. All these will probably be found in copies or original drafts among the papers left by your grandfather, or in the Legislative Archives at Richmond, which were saved when those of the Executive were destroyed during the Revolutionary war. Of letters on my part, I do not find a single one; though references in his prove, as must have been the case, that some were received from me.

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TO JARED SPARKS.

MONTPELLIER, January 5th, 1828.

DEAR SIR,—I received two days ago your favor of December 29. That of August 25 came also safe to hand. I did not acknowledge it, because I expected soon to have an occasion for doing it on the receipt of the letters since put into the hands of Col. Storrow. Having heard nothing from him on the subject, I conclude that he retains them for a better conveyance than he had found, although I am not without apprehension of some casualty to the packet on the way.

For a reason formerly glanced at, namely, the advantage of having before me the whole of my correspondence with General



Washington, in estimating his purpose as to particular portions of it, I did not make use of the suggested opportunity to Washington by my neighbour, P. P. Barbour. I shall now conform to your last suggestion, and await your return from Europe. In the mean time I thank you for your promise to send me copies of letters from General Washington to me, which are missing on my files. This I hope can be done before your departure.

You wish me to say whether I believe, "that at the beginning of the Revolution, or at the assembling of the first Congress, the leaders of that day were resolved on Independence?" I readily express my entire belief that they were not, though I must admit that my means of information were more limited than may have been the case with others still living to answer the enquiry. My first entrance on public life was in May, 1776, when I became a member of the Convention in Virginia, which instructed her delegates in Congress to propose the Declaration of Independence. Previous to that date, I was not in sufficient communication with any under the denomination of leaders, to learn their sentiments or views on the cardinal subject. I can only say, therefore, that so far as ever came to my knowledge, no one of them ever avowed, or was understood to entertain, a pursuit of Independence at the assembling of the first Congress, or for a very considerable period thereafter. It has always been my impression that a re-establishment of the Colonial relations to the parent country previous to the controversy was the real object of every class of people, till despair of obtaining it, and the exasperating effects of the war, and the manner of conducting it, prepared the minds of all for the event declared on the 4th of July, 1776, as preferable, with all its difficulties and perils, to the alternative of submission to a claim of power, at once external, unlimited, irresponsible, and under every temptation to abuse from interest, ambition, and revenge. If there were individuals who originally aimed at Independence, their views must have been confined to their own bosoms, or to a very confidential circle.

Allow me, sir, to express anew my best wishes for a success



in your historical plan, commensurate with its extent and importance, and my disposition to contribute such mites towards it as may be in my power.

Do me the favor to say when, and from what port, you propose to embark. May I venture to add a request of the result of your enquiry at Philadelphia on the subject of the paper in the hands of Claypole, as far as it may be proper to disclose it, and trust it to the mail?

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TO H. D. GILPIN.

MONTPELLIER, JAN<sup>y</sup> 10, 1828.

DEAR SIR,—I have received yours of the 4th instant, and am glad to learn that my communications of October last were acceptable.

In reference to the intimation in your last paragraph, I may only say that, feeling what is due to its motives, and judging of the work about to be re-edited by the patrons known to me, I can offer no objection to the meditated use of my name, but the deficiency of its title to such a mode of connecting it with the great occasion which furnished peculiar subjects, as well for biographical literature as for national gratitude.

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TO H. D. GILPIN.

JAN<sup>y</sup> 14, 1828.

DEAR SIR,—Recollecting that there must have been associates in the biographical commemoration of the Act of Independence, some of whom, at least, may not share in the partiality which suggested my name for the use proposed in your letter of the 4th instant, that consideration, added to the one conveyed in my answer, induces me to request, that if an inscription of the work going to the press be intended, some other object for such a mark of respect may be preferred.

I beg you to be assured, sir, that in this further view of the subject, I retain, without diminution, my sense of the friendly

motives for which I repeat my acknowledgments, with renewed offers of my cordial salutations.

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TO THOMAS S. GRIMKE.

MONTPELLIER, Jan<sup>y</sup> 15, 1828.

I return my thanks, sir, for a copy of a Report on the question of reducing the Laws of South Carolina to the form of a Code.

The Report presents certainly very able and interesting views of the subject, and can leave no doubt of the practicability and utility of such a digest of the statute law as would prune it of its redundancies of every sort, clear it of its obscurities, and introduce whatever changes in its provisions might improve its general character. Within a certain extent, the remark is applicable to the unwritten law also, which must be susceptible of many improvements not yet made by legislative enactments. How far a reduction of the entire body of unwritten law into a systematic text be practicable and eligible, is the only question on which doubts can be entertained. And here there seems to be no insuperable difficulty in classifying and defining every portion of that law, provided the terms employed be at once sufficiently general and sufficiently technical; the first requisite, avoiding details too voluminous; the last, avoiding new terms, always liable, more or less, till made technical by practice, to discordant interpretations. It has been observed, that in carrying into effect the several codified digests, not excepting the Napoleon, the most distinguished of them, the former resort in the tribunals has been necessarily continued to the course of precedents and other recognized authorities. What, indeed, would the Justinian Code be without the explanatory comments and decrees which make a part of the civil law?

One of the earliest acts of the Virginia Legislature after the State became independent provided for a revision of the laws in force, with a view to give it a systematic character accommodated to the Republican form of Government and a meliorated spirit of legislation. The task was committed to five commis-

sioners, and executed by three of them, Mr. Jefferson, Mr. Wythe, and Mr. Pendleton. In a consultative meeting of the whole number, the question was discussed whether the common law at large, or such parts only as were to be changed, should be reduced to a text law. It was decided, by a majority, that an attempt to embrace the whole was unadvisable; and the work, as executed, was accordingly limited to the old British Statutes admitted to be in force, to the Colonial Statutes, to the penal law, in such parts as needed reform, and to such new laws as would be favorable to the intellectual and moral condition of the community. In the changes made in the penal law, the Revisors were unfortunately misled into some of the specious errors of \_\_\_\_\_, then in the zenith of his fame as a philosophical legislator.\*

The work employed the Commissioners several years, and was reported in upwards of a hundred bills, many of which were readily, as others have been, from time to time, passed into laws, the residue being a fund still occasionally drawn on in the course of legislation. The work is thought to be particularly valuable as a model of statutory composition. It contains not a superfluous word, and invariably prefers technical terms and phrases having a settled meaning where they are applicable. The copies of the Report printed were but few, and are now very rare, or I should be happy in forwarding one in return for your politeness. I may mention, however, that many years ago, at the request of Judge H. Pendleton, of South Carolina, then engaged in revising the laws of the State, I lent him a copy, which, not having been returned, may possibly be traced to the hands into which his death threw it.

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TO MR. MONROE.

MONTPELLIER, January 23, 1828.

DEAR SIR,—I received by the mail of last evening yours of the 18th.

You were not more surprised than I had a right to be at see-

\* ? Beccaria.

ing our names on the electoral ticket. After my letter to you, which you made known to Col. Mercer, I wrote to Mr. Cabell in the most *decided* terms; and he informs me he made the proper use of it. I have a letter from Col. Mercer also, corresponding, doubtless, with his to you. The awkwardness thrown upon us is much increased by the delay in giving the regular notice. To anticipate it might mark an unsuitable feeling of one sort, as well as censure on the delay. To be silent too long leaves room for inferences of another sort, also to be avoided. The latter effect will, however, be corrected by our answers, which seem to be sufficiently foretold, whilst there would be no opportunity of doing away the former. As there is a resolution of the Convention connecting with the notification copies of the proceedings, which require some time for preparation, the delay of our answers ought to be accounted for by that circumstance. I hope your letter to Judge Brooke will put an end to the difficulty. Should his answer fail of doing it, be so good as to let me know it, with your view of the course proper for us. Should it become necessary not to wait for the usual mode of notification, it may be a question whether our answers requiring a nomination of others might not be most properly addressed to the Committee at Richmond which is to make it, bottoming them, in that case, on the expediency of an early notice to those who are to take our places. My answer, whenever and to whomever made, will, of course, withdraw my name from the ticket; in stating the grounds for which, I feel the delicacy of the task. A plea of neutrality is already represented as a claim of privilege belonging to no particular citizens. The particular ground taken by you cannot be altogether unsuited to my case, and will be respected by all in proportion as a sense of delicacy can controul the feelings of party.

Health and every other happiness. ::

I have received a letter from Mr. Brougham urging our release of Professor Long. I have, admitting our disposition to avoid disappointing the latter, urged the greater facility there than here, of providing a temporary substitute. I learn from

the Rector that D<sup>r</sup> Jones is expected to come on soon to the University, having relieved himself from part of his term with the Franklin Institute. The decisive information, however, is to come from General Cocke, who has been our correspondent with the Doctor.

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TO N. P. TRIST.

MONTPELLIER, Jan<sup>y</sup> 26, 1828.

DEAR SIR,—Before I received your letter I had not adverted to the criticism in the “Advocate” on Mr. Rush, nor even read the criticism on the criticism; being diverted from it by the signature, which I ascribed to the author who has published so much under it, and whose views of every branch of the subject I thought myself sufficiently acquainted with.

I had, indeed, read but skimmingly the Treasury Report itself. I was certainly not struck with the passage in question as a heresy, and suspect that it must have been misunderstood by those who denounce it as such.

How far, or in what mode, it may be proper to countervail, by encouragements to manufactures, the invitations given to agriculture, by superadding to other lands in the market the vast field of cheap and fertile lands opened by Congress, is assuredly a fair subject for discussion. But that such a field is attractive to agriculture as much as an augmentation of profits is to manufactures, I conceive to be almost *luce clarius*. It is true that, as the enlarged sale of fertile lands may be increasing, the food and other articles in market cheapen them to the manufacturer, and so far operate, for a time at least, as an encouragement to him; but the advantage bears in this case no proportion to the effect of a redundancy of cheap and fertile lands in drawing of capital, as well as that class of population from which manufactories are to be recruited.

The actual fall in the price of land, particularly in Virginia, may be attributed to several causes: 1. To the uncertainty and low prices of the crops. 2. To the quantity of land thrown



into market by debtors and the defect of purchasers, both owing to the general condition of the people, not difficult but unnecessary to be explained. But the 3d and main cause is the low price at which fertile lands in the Western market are attainable, tempting the owners here to sell out and convert the proceeds, or as much of them as they can spare, into cheaper and better lands there.

Nothing would be further from my wishes than to withhold, at proper prices, a fair supply of the national domain to emigrants, whether of choice or of necessity. But how can it be doubted that, in proportion as the supply should be reduced in quantity or raised in price, emigration would be checked and the price of land here augmented?

Put the case that the dividing mountains were to become an impassable barrier to further emigrations; is it not obvious that the price of land on this side, except so far as other temporary causes might be a check, would spring up the moment the fact was known? Or take another case: that the population on the other side, instead of being there, had remained and been added to the number on this; can it be believed that the price of land on this would be as low as it is? Suppose, finally, a general reflux of the Western population into the old States; a like effect on the price of land can be still less doubted.

That the redundancy and cheapness of land is unfavorable to manufactures, in a degree even beyond the comparative profitableness of the labour bestowed, is shewn by experience, and is easily explained. The pride of ownership when this exists or is expected, the air of great freedom, the less of constancy and identity of application, are known to seduce to rural life the drudges in workshops. What would be the condition of Birmingham or Manchester were 40 or 50 millions of fertile acres placed at an easy distance and offered at the price of our Western lands? What a transfer of capital and difficulty of retaining or procuring operatives would ensue! And although the addition to the products of the earth, by cheapening the necessaries of life, might seem to favor manufactures, the advantage would be vastly overbalanced by the increased price of labour

produced by the new demand for it, and by the superior attractiveness of the agricultural demand.

Why do such numbers flee annually from the more populous to less populous parts of the U. States, where land is cheaper? Evidently because less labour is more competent to supply the necessaries and comforts of life. Can an instance be produced of emigrants from the soil of the West to the manufactories of Massachusetts or Pennsylvania.

Among the effects of the transmigration from the Atlantic region to the *ultra-montane*, it is not to be overlooked that besides reducing the price of land in the former, by diminishing the proportion of inhabitants, it reduces it still further by reducing the value of its products in glutted markets. This is the result at which the reasoning of the "erased" [?] fairly arrived, and justifies the appeal made to the Southern farmers and planters on the question of having the same people for consumers of their vendibles, or rival producers of them.

But whilst I do justice to the successful reasoning in the case, I take the liberty of remarking, that in comparing land with machinery or materials, an important distinction should be kept in view. Land, unlike the latter, is a co-operating *self-agent*, with a surface not extendible by art, as machines, and in many cases materials also may be multiplied by art. Arkwright's machine, which co-operates a thousand times as much with human agency as the earth does, being multipliable indefinitely, soon sinks in the price to the mere cost of construction. Were the surface or the fertility of the earth equally susceptible of increase, artificial and indefinite, the cases would be parallel. The earth is rather a source than an instrument or material for the supplies of manufacturing, except when used in potting and brick work.

Having thus undertaken to criticise a criticism on a point of some amount, I will indulge the mood as to a very minute one. You use the word "doubtless<sup>ly</sup>." As you may live long, and may write much, it might be worth while to save the reiterated trouble of two supernumerary letters, if they were merely such. But if there be no higher authority than the Lexicography of

Johnson, the *ly* is apocryphal. And if not so, the cacophony alone of the elongated word ought to banish it; *doubtless* being, without doubt, an adverb, as well as an adjective, and more used in the former than the latter character.

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TO G. C. VERPLANCK.

FEB<sup>R</sup> 14, 1828.

D<sup>R</sup> SIR,—I have received your letter of the 5th, with a copy of the "Report to the High School Society of N. York," for which I return my thanks.

No feature in the aspect of our country is more gratifying than the increase and variety of Institutions for educating the several ages and classes of the rising generation, and the meritorious patriotism which, improving on their most improved forms, extends the benefit to the sex heretofore sharing too little of it. Considered as at once the fruits of our free system of Government, and the true means of sustaining and recommending it, such establishments are entitled to the best praise that can be offered, and I congratulate you, sir, on the exemplary success of the benevolent and comprehensive one, in the patronage of which you are so prominent an associate.

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TO GENERAL LA FAYETTE.

MONTPELLIER, Feb<sup>R</sup> 20, 1828.

MY DEAR FRIEND,—Your favor of October 27 has been some time on hand, though it met with delays after it got into port. My health, in which you take so kind an interest, was, as reported, interrupted by a severe, though short attack, but is now very good. I hope yours is so, without having suffered any interruption.

I wish I could give you fuller and better accounts of the Monticello affairs. Neither Virginia, nor any other State, has added to the provision made for Mrs. Randolph by South Carolina and Louisiana; and the lottery, owing to several causes,

has entirely failed. The property sold, consisting of *all* the items except the lands and a few pictures and other ornaments, was fortunate in the prices obtained. I know not the exact amount, but a balance of debt remains which, I fear, in the sunken value and present unsalableness of landed property, will require for its discharge a more successful use of the manuscripts proper for the press than is likely to be soon effected. A prospectus has been lately published by Mr. Jefferson Randolph, extending to 3 or 4 octavo volumes, and considerable progress is made, I understand, in selecting (a very delicate task) and transcribing (a tedious one) the materials for the edition. In this country, also, subscriptions in the extent hoped for will require time; and arrangements are yet to be made for cotemporary publications in England and France, in both of which they are, as they ought to be, contemplated. I have apprized Mr. Randolph of your friendly dispositions with respect to a French edition, &c.; for which he is very thankful, and means to profit by. From this view of the matter, we can only flatter ourselves that the result will be earlier than the promise, and prove adequate to the occasion. If the difficulties in the way of the enlarged plan of publication can be overcome, and the work have a sale corresponding with its intrinsic merits, it cannot fail to be very productive. A memoir making a part of it will be particularly attractive in France, portraying as it does the Revolutionary scenes, whilst Mr. Jefferson was in Paris. Is there not some danger that a censorship may shut the press against such a publication? I fear the translator will be obliged to skip over parts, at least; and those perhaps among the most interesting.

Mrs. Madison has just received a letter from Mrs. Randolph, in which she manifests a fixed purpose of returning to Virginia in the month of May. Her health has been essentially improved since she left it.

I was aware when I saw the printed letter of Mr. Jefferson, in which he animadverts on licentious printers, that if seen in Europe it would receive the misconstruction, or rather perversion, to which you allude. Certain it is that no man more than



Mr. Jefferson regarded the freedom of the press as an essential safeguard to free Government, to which no man could be more devoted than he was; and that he never could, therefore, have expressed a syllable or entertained a thought unfriendly to it.

I have not supposed it worth while to notice, at so late a day, the misprint in the "Enquirer" to which you refer, because I take for granted that a correct expression of what you said on the 4th of July will be preserved in depositories more likely to be resorted to than a newspaper.

We learn with much gratification that the Greeks are rescued from the actual atrocities suffered, and the horrible doom threatened from the successes of their savage enemy. The disposition to be made of them by the mediating Powers is a problem full of anxiety. We hope for the best, after their escape from the worst. We are particularly gratified, also, by the turn given to the elections in France, so little expected at the date of your letter, and which must give some scope for your patriotic exertions. If the event does not mean all that we wish it to do, it marks a progress of the public sentiment in a good direction. Your speech on the tomb of Manuel is well calculated to nourish and stimulate it.

I well knew the painful feelings with which you would observe the extravagances produced by the Presidential contest. They have found their way into the discussions of Congress and the State Legislatures, and have assumed forms that cannot be too much deplored. It happens, too, unfortunately, that the questions of Tariff and of Roads and Canals, which divide the public, on the grounds both of the Constitution and of justice, come on at the same time, are blended with and greatly increase the flame kindled by the electioneering zeal. In Georgia fuel was derived from a further source, a discontent at the tardy removal of the Indians from lands within her State limits. Resolutions of both Georgia and South Carolina have been passed and published, which abroad may be regarded as striking at the Union itself, but they are ebullitions of the moment, and so regarded here. I am sorry that Virginia has caught too much of



the prevailing fever. I think that with her, at least, its symptoms are abating.

Your answer to Mr. Clay was included in the voluminous testimony published by him, in repelling charges made against him. Your recollections could not fail to be of avail to him, and were so happily stated as to give umbrage to no party.

In the zeal of party, a large and highly respectable meeting at Richmond, in recommending Presidential electors, were led by a misjudging policy to put on their tickets the names of Mr. Monroe and myself, not only without our sanction, but on sufficient presumptions that they would be withdrawn. In my answer to that effect, I have ventured to throw in a dehortation from the violent manner in which the contest is carried on. How it may be relished by the parties I know not.

You sympathize too much with a country that continues its affection for you without abatement, not to be anxious to know the probable result, as well as the present state of the ardent contest. I can only say that the party for General Jackson are quite confident, and that for Mr. Adams apparently with but faint hopes. Whether any change, for which there is time, will take place in the prospect, cannot be foreseen. A good deal will depend on the vote of New York, and I see by the newspapers that the sudden death of Mr. Clinton is producing in both parties rival appeals, through obituary eulogies, to the portion of the people particularly attached to him.

Miss F. Wright has just returned in good health, via New Orleans, to her establishment in Tennessee, and has announced a change in the plan of it, probably not unknown to you. With her rare talents, and still rarer disinterestedness, she has, I fear, created insuperable obstacles to the good fruits of which they might be productive by her disregard, or rather defiance, of the most established opinions and vivid feelings. Besides her views of amalgamating the white and black population, so universally obnoxious, she gives an eclât to her notions on the subject of religion and of marriage, the effect of which your knowledge of this country can readily estimate. Her sister, in her ab-

sence, had exchanged her celibacy for the state of wedlock—with what companion I am not informed, nor whether with the new or old ideas of the conjugal knot.

Our University is doing, though not as well as we could wish, as well as could be reasonably expected. An early laxity of discipline had occasioned irregularities in the habits of the students which were rendering the Institution unpopular. To this evil an effectual remedy has been applied. The studious and moral conduct of the young men will now bear a comparison with the best examples in the United States. But we have been unfortunate in losing a Professor of Mathematics, who was a valuable acquisition, and are soon to lose the Professor of Ancient Languages, whose distinguished competency we can scarcely hope to replace. Both of them were from England, and though professing to be friendly to this country, and doing well in their respective stations, preferred a return to their native home; one of them seduced by an appointment in the new University in London; and the other, it is supposed, by the hope of obtaining an appointment. But the great cause which retards the growth of the Institution is the pecuniary distress of the State, the effect of scanty crops and reduced prices, with habits of expense, the effect of a better state of things. The mass of our people, as you know, consists of those who depend on their agricultural resources, and the failure of these leaves it in the power of but few parents to give the desired education to their sons, cheap as it has been made to them. We cherish the hope of a favorable change, but the immediate prospect is not flattering.

My mother, little changed since you saw her, rec<sup>d</sup> with much sensibility your kind remembrance, and charges me with the due returns. Mrs. M. joins me in assurances of every good wish for yourself, your son, and the whole household, with an extension to Mr. Le Vasseur. Most affectionately yr<sup>s</sup>.

TO M. VAN BUREN.

FEB<sup>R</sup> 21, 1828.

J. Madison, with his respects to Mr. Van Buren, thanks him for the copy of his speech in behalf of the surviving officers of the Revolutionary Army. They are very fortunate in having such able advocates. It is a painful reflection that, after all that can now be done, so much of the price of Independence should be left for the pages of History as a charge against the justice and gratitude of the Nation.

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TO FRANCIS BROOKE.

MONTPELLIER, Feb<sup>R</sup> 22d, 1828.

DEAR SIR,—The mail of last evening brought me your circular communication, by which I am informed of my being nominated by the Convention at Richmond, on the 8th of January, one of the Electors recommended for the next appointment of Chief Magistrate of the U. States.

Whilst I express the great respect I feel to be due to my fellow-citizens composing that assembly, I must request that another name be substituted for mine on their Electoral ticket.

After a continuance in public life, with a very brief interval, through a period of more than forty years, and at the age then attained, I considered myself as violating no duty in allotting, for what of life might remain, a retirement from scenes of political agitation and excitement. Adhering to this view of my situation, I have forborne during the existing contest, as I had done during the preceding, to participate in any measures of a party character; and the restraint imposed on myself is necessarily strengthened by an admonishing sense of increasing years. Nor with these considerations could I fail to combine a recollection of the public relations in which I had stood to the distinguished individuals now dividing the favour of their country, and the proofs given to both of the high estimation in which they were held by me.

In offering this explanation, I hope I may be pardoned for not suppressing a wish, which must be deeply and extensively felt, that the discussions incident to the depending contest may be conducted in a spirit and manner neither unfavorable to a dispassionate result nor unworthy of the great and advancing cause of Representative Government.

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TO MR. MONROE.

FEBRUARY 26, 1828.

DEAR SIR,—Your two letters of the 13th and 15th inst. came together by the last mail, (Sunday evening,) too late to be acknowledged by its return on Monday morning.

I had received the printed circular of Judge Brooke, notifying our electoral nominations, on Thursday last, but in the night, and it could not be answered by the return mail, which passes our post office, between five and six miles distant, by daylight.

The printed date on the letter was the 8th, and the post-mark the 17th, at Richmond. There was the loss of a day on the road, occasioned by high waters, and a loss of two days instead of one in my answer, occasioned by the two days intervening between the mails of Friday and Monday. An intervention of one day only occurring to the two other mails of the week, it follows that my answer will not have arrived at Richmond until this evening, (Tuesday,) unless quickened by a casual conveyance from Orange Court House, of which the postmaster there was desired to take advantage. I calculate that your answer will be at Richmond about the same time.

The delay in giving us notice has been remarkable. The resolution of their meeting, the only plea for it, could not have required the postponement of the notice till the printed documents could accompany it. It ought rather to have been hastened, that the answers might ascertain the accepting individuals to whom the documents, when printed, might be forwarded.

The course pursued has been misjudged, and will probably receive adversary comments proving it to be so. To us it has been particularly unpleasant from the awkward position into which it threw us before the public, and from the task, delicate as troublesome, of answering friendly letters addressed to us on the occasion. It may happen, too, that our public answers are not to escape newspaper remarks, for which neither of us has any appetite.

We are truly concerned for the indisposition of Mrs. Monroe. Accept our best wishes for the restoration of her health, and for all happiness for you both.

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TO JONATHAN ROBERTS.

FEBY 29, 1828.

I have received, my dear sir, your friendly letter of the 15th instant, which had strayed to a wrong post office before it got to the right one. It gives me pleasure to find that you retain the sentiments which grew up between us during our cotemporary services in public life, and I do every justice to the motives which prompted your call on me to take an active side in the contest which excites so much angry feeling. You will probably see in print before this reaches you that I have not adopted the course which appeared to you as due to the present conjuncture, and the considerations which led me to decline it. I might, perhaps, have found an additional one in the opinion, entertained by not a few, that an active zeal in those who have been honored with the trust most exposed to public jealousy, in designating and procuring successors, is not only unbecoming, but on that very account forfeits the influence at which it aims. Nor should it be forgotten, that after passing the canonical epoch of three score and ten, few individual characters can escape successful allusions to the presumptive operation of time in dimming the intellectual vision, as well as the corporeal. But may I not ask, my good friend, how it is that whilst you plead



for yourself the privilege of gray hairs, you address yourself to me as if an addition of twenty winters over my head gave me no such pretension? When you reach the period at which I find myself, you will be a better judge of the neutrality of my answer to the Richmond Committee; and if you should decide against it now, I must appeal to a review of the case when you count the years under which the answer was given.

I concur with you in regretting the erroneous constructions of the Constitution which would throw an undue weight into the scale of the General Government; and we probably feel equal regret at the errors, not less obvious nor less certainly giving a preponderance to that of the State Governments. It will be fortunate if the struggle should end in a permanent equilibrium of powers, either by an harmonious construction, or an authoritative amendment of the Charter which defines them. It seems impossible that the lengths into which some of our politicians are running can fail to beget alarms in all friends of the Union which must arrest their career.

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TO G. W. FEATHERSTONHAUGH.

MONTPELLIER, March 13, 1828.

DEAR SIR,—I have duly received your letter of Feb<sup>y</sup> 28, and congratulate you on your return from your transatlantic visit, so rich in the geological spoils of a foreign region, and with the laudable purpose of gathering like tributes from your own.

To say nothing of this continent, compared with the other, it cannot be doubted that the U. States rival in that kind of resources any equal portion of the other; and the physical features of this particular State would seem to promise its full quota. But the subject has as yet received so little of scientific attention, as far as I know, that I am quite at a loss to name to you a single correspondent who could be relied on as a productive one. Our State Engineer, Mr. Crozet, formerly of West Point, is suggested by general character as a man of science, and by his occupation and opportunities, and may not be disin-

clined to aid your views. I am, however, without the slightest acquaintance with him, having never even seen him.

For myself, you are very justly aware of the disqualifying effect of time on my personal agency. However my good wishes may expand with new prospects for science, or for the new science of geology, opened by the inquisitive genius of the age, I am under the increasing necessity of narrowing the field in which a passive curiosity even can be indulged. I can only join in applauding those who avail themselves of the proper stages of life, and of their superior capacities, for enlarging the sphere of human knowledge. And this is only to be done in the geological section, more especially in the mode in which you are co-operating, that of bringing into comparative views the appropriate materials. Experiment and comparison may be regarded as the two eyes of Philosophy, and it will require, I suspect, the best use of both to reduce into a satisfactory system the irregular and intermingled phenomena to be observed on the outside and the penetrable inside of our little Globe. Whatever doubts I may have on the subject, I hope you will have none of my sincerity in the esteem and cordial respect which I pray you to accept.

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TO ISAAC LEA.

APRIL 3d, 1828.

D<sup>R</sup> SIR,—I have duly received your letter of March 30. No apology was necessary for the enquiry it makes. I regret only that I am unable to furnish the information wanted. In the year 1772, I was in a distant State, where I received a part of my education, and if the Expedition of Captain Wilder for the discovery of a N. W. passage came at any time to my knowledge, it has gone entirely out of my recollection; nor could I now refer to any living individual who could be consulted with a prospect of success. It is not improbable the Virginia newspapers of that period may contain some account of the undertaking in question. But I do not possess them, nor do I know

where they are to be found, unless, indeed, they should have been included in the Library of Mr. Jefferson, now making part of that of Congress. Should this be the case, you will be at no loss for a friend at Washington, who would make the examination for you.

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TO JAMES MAURY.

MONTPELLIER, Ap<sup>l</sup> 5, 1828.

D<sup>R</sup> SIR,—Your favor of January 29–30, with the interesting Gazettes then and afterwards kindly sent, have been duly received. Your friend, Mr. Hagarty, has not yet afforded me an opportunity for the welcome I shall feel a pleasure in giving him over my threshold.

Your advice to the tobacco planters is very good, but it will not be followed, for three reasons: 1. Because good advice is apt to be disregarded. 2. Because it is difficult to find a substitute. 3. Because the fitness of Western climates for that article, and the fall in the price of cotton, would defeat the plan of a *stint* cultivation in Virginia. The present hope of relief from the bad market for our agricultural products seems to be founded on attempts at manufactories, for which several charters of incorporation are already granted by the General Assembly. The idea is, perhaps, sound enough that slave labour is well adapted to them, and the material of cotton is particularly convenient. The want of capital and managing habits are the great obstacles. Should these requisites be tempted hither from the Northern States, the experiment is not unpromising. It is much stimulated by the actual state of the market for the two staples of flour and tobacco, which are very low; the former crop also short, and the quality of the latter inferior. Unless G. Britain should favor these articles more than is probable, we must be driven to a change of some sort that will have the effect of reducing our imports from her, within our means to pay for them. It is to be regretted that two nations, having such a mutual interest in fostering liberal intercourse, should

have it thwarted by a narrow policy on either side. It is, in some respects, lucky for G. Britain that her commercial rivals imitate rather than take advantage of her restrictive laws. I observe that the silk manufactures are a favorite and successful branch at present, and next in amount to the cotton. What would be the effect, if France and other competitors were to say to the United States, favor our silk fabrics in your market by reducing the duty on them below that on the silks of our rival, and we will give an equivalent encouragement to your great staples in our market? There is, probably, no regulation countervailing the British laws that would excite so little objection in the United States, silks being an article of luxury and fashion, and the use of them not materially different in the several States. The existing Treaty with G. Britain may create a difficulty in such a discrimination, but it provides for its own repeal on a year's previous notice by either party. I wish, rather than expect, that the new administration in England would fully meet the friendly and reciprocal policy of the U. States, and give an earnest of it by putting an end to the Colonial question. If they choose to prohibit all trade to their Colonies according to the monopolizing code of nations having Colonies, they have a right to do so, and we none to complain. But if, departing themselves from that code, they open Colonial ports for foreign trade, the rule of reciprocity is as applicable to the navigation in that case, as in the case of ports elsewhere, and the fact seems not to have been sufficiently noticed that the British Government is the only one that has ever attempted to monopolize the navigation, when permitted at all, between her Colonies and foreign ports. It has not been unusual for France and Spain to open their Colonial ports for supplies from the United States, but in *all such cases the navigation was reciprocally free.*

Your letter of Feb<sup>r</sup> 24, 1827, referring to remarks in the Liverpool Mercury, came to hand in due time, and it was my intention to have answered it, but, unluckily, the newspapers were taken away and not recovered. You were very safe, I have no doubt, in the ground you took in vindication of Virginia as to the slave trade.

I do not touch on our political agitations. The Presidential canvass and the tariff policy, the two chief causes of them, find their way to you through newspapers, which I take for granted you have abundant opportunities of looking into.

I am sorry I cannot give you a satisfactory account of the prospects for the Monticello family. The examples of South Carolina and Louisiana have been followed by no other States, not even by Virginia. The scheme of a lottery fell through entirely. The personal estate, except a few articles of ornamental furniture, was sold better than was expected; leaving, however, a balance of debts, which a sale of the landed at this time would probably not meet. It is proposed to publish, at an early day, three or four volumes of Mr. Jefferson's manuscripts, which may prove a considerable resource, if circumstances should do justice to their intrinsic value.

I congratulate you on the vigour of your health at the advanced age you hail from. But if you select a precedent for your longevity, I recommend, instead of Mr. Carroll's, that of your old friend my mother, now in her ninety-seventh year, which allows you, therefore, a certainty of fifteen years to come, with a promise of still more; her health, at present, being quite good. She always receives with pleasure, and directs a return of, your kind recollections. With that, accept every wish for your happiness from Mrs. Madison and myself.

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TO N. P. TRIST.

MONTPELLIER, April 23d, 1828.

DEAR SIR,—I have received your favor of the 17th, and thank you for the copy of Mr. Jefferson's letter to Mr. Norvell, on the deceptive and licentious character of the press. My answer to the letter of General La Fayette, referring to the abuse abroad of that of Mr. Jefferson, in decrying the liberty of the press, appealed for an antidote to the known attachment of Mr. Jefferson to a free press, as a necessary guardian of free



Government, to which no man could be more devoted than he was.

There is but too much truth in the picture of newspapers as sketched in the letter to the Philadelphia printer. But the effect of their falsehood and slanders must always be controuled in a certain degree by contradictions in rival or hostile papers where the press is free. The complaint nevertheless applies with much force to the one-sided publications which may happen to predominate at particular periods or under particular circumstances. It is then that the minds best disposed may be filled with the most gross and injurious untruths. Those who see erroneous statements of facts without ever seeing a contradiction of them, and specious comments without any exposure of their fallacies, will, of course, be generally under the delusions so strongly painted by Mr. Jefferson. It has been said, that any country might be governed at the will of one who had the exclusive privilege of furnishing its popular songs. The result would be far more certain from a monopoly of the politics of the press. Could it be so arranged that every newspaper, when printed on one side, should be handed over to the press of an adversary, to be printed on the other, thus presenting to every reader both sides of every question, truth would always have a fair chance.\* But such a remedy is ideal; and if reducible to practice, continual changes in the arrangement would be required by the successive revolutions in the state of parties, and their effect on the relative opinions and views of the same editors; revolutions producing, when not duly anticipated and provided for by a candid , the mortifying incongruities and perplexities of which so many striking examples are seen. But I am running into observations as unnecessary on the present occasion as they would probably be unavailing where most applicable.

I had adverted to the papers subscribed, "the spirit of '87,"

\* He observed that it would be doubtful whether the reader (with the existing inveteracy of party feelings) would turn the paper to the side opposed to that he had embraced.

before my attention was pointed to them. The analytic and demonstrative views taken of the subject are able and instructive. If liable to any criticism, it is, that they have a superfluity of those meritorious characteristics.

Should the copy of the letter to Mr. Norvell have left a blank requiring another copy, I will return the one sent me.

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TO SAMUEL L. SOUTHARD.

J. Madison returns his thanks to Mr. Southard for the copy of his "Address before the Columbian Institute." That its public effect may correspond with its instructive and persuasive merits must be the wish of all who sufficiently understand that knowledge is the only elixir of immortality or even longevity to a free Government.

J. M. is very sensible that the address has done him far more than justice in some respects; but it has given a just view only of the grounds on which he recommended the establishment of a University within the District of Columbia. These grounds, whether admitted to be satisfactory or not, are very different from the claim of an indefinite power in the General Government on the subject of education, with which the recommendation has been confounded. And he cannot allude to the subject without acknowledging the kindness of Mr. Southard in his explanatory remarks.

MAY 4, 1828.

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TO T. J. WHARTON.

MONTPELLIER, May 5th, 1828.

DEAR SIR,—I received in due time your favor of the 18th ult., accompanied by the Report on the Penal Code, &c.

I am sorry that I have not been permitted, by other engagements, to give to the whole the careful perusal which I infer, from a very deficient one, it well merits. My attention was most at-

tracted to what relates to the penitentiary discipline as a substitute for the cruel inflictions so disgraceful to penal codes, and I cannot withhold the praise due to the ability with which the subject is examined and presented. The lights collected and added by the Report, give it a great Legislative value everywhere. On the questions incident to solitary confinement, the facts and reflections are peculiarly interesting. They amount to a very strong proof that it is inadmissible in the constancy and inoccupancy which has been supposed to constitute its aptitude for the contemplated purpose. The plan preferred in the report, of combining a discriminating proportion of the solitary arrangement with joint and silent labour, under the eye of a superintendent, if this can be enforced with the success anticipated, seems to involve all the desiderata better than any yet suggested.

No apology, certainly, could have been necessary for a freedom of remarks on the late proceedings of the Virginia Legislature; some of which will not, I am persuaded, be reviewed with complacency by the more enlightened members, when the political fervor which produced them shall have cooled down to the ordinary temperature.

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TO WILLIAM WIRT.

MONTPELLIER, May 5th, 1828.

DEAR SIR,—I cannot better comply with the wish of Mr. Eppes, than by committing to your perusal the inclosed letter just received from him. You are probably not ignorant of his great worth, and the entire confidence due to whatever facts he may state; and will, I am sure, feel every appropriate disposition to favor the young friend he so warmly recommends as far as propriety will admit.

Will you permit me to remind you of the letters from Mr. Pendleton, sent you some years ago when you were gathering materials for the Biography of Mr. Henry? I am now putting into final arrangement the letters of my correspondents, and

those in question, though, as far as I recollect, of no peculiar importance, will fill a gap left in a series from a peculiarly valued friend. You will oblige me, therefore, by enabling me to make that use of them. I ask the favor of you, also, to return at due time the letter from Mr. Eppes, which I may have occasion to answer.

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TO JOHN FINCH.

MONTPELLIER, May 13, 1828.

DEAR SIR,—I have received your letter of the 1st instant, and with it a copy of your "Essay on the effect of the Physical Geography of the World on the boundaries of Empires."

The views taken of the subject are interesting, and some of them with the additional merit of originality, and I thank you, sir, for the communication of them.

On turning from the past to the future, speculation may be invited to the influence of those boundaries that may result from new modifications of Governments and the operations of art on the Geographical features of nature. The improvements in political science, more particularly the combination of the federal and representative principles, seem to favor a greater expansion of Government in a free form than has been maintainable under the most despotic; whilst so many of the physical obstacles hitherto determining the boundaries of States are yielding to the means which now render mountains, rivers, lakes, and seas, artificially passable with a facility and a celerity which brings distant regions within the compass required for useful intercommunication. Nor should the telegraph, with its probable improvements, be overlooked as an auxiliary to the convenient exercise of power over an extended space. The play which moral causes may have in deranging the influence of the physical and political on the national grouping of mankind, do not fall within the precincts of anticipation. The power of reason, and the lessons of experience, are the only safeguards against such of them as are most to be deprecated.

TO M. VAN BUREN.

MAY 13, 1828.

DEAR SIR,—Perceiving that I am indebted to you for a copy of the Report to the Senate relating to the “Colonization of persons of colour,” I return the thanks due to your politeness. The document contains much interesting matter, and denotes an able hand in the preparation of it. I find it more easy, however, to accede to its conclusion against the power claimed for Congress than to some of the positions and reasonings employed on the occasion.

You will not, I am sure, take it amiss, if I here point to an *error of fact* in your “observations on Mr. Foot’s amendment.” It struck me when first reading them, but escaped my attention when thanking you for the copy with which you favored me. The *threatening contest* in the Convention of 1787 did not, as you supposed, turn on the degree of power to be granted to the Federal Government, but on the rule by which the States should be represented and vote in the Government; the smaller States insisting on the rule of equality in all respects; the larger, on the rule of proportion to inhabitants; and the compromise which ensued was that which established an equality in the Senate and an inequality in the House of Representatives.

The contests and compromises turning on the grants of power, though very important in some instances, were knots of a less “Gordian” character.

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TO EDWARD EVERETT.

JUNE 1, 1828.

DEAR SIR,—I have received the copy of your speech on the 1st of February which led you into the subject of our foreign intercourse.

It is justly observed that there are no subjects within the circle of our Federal transactions on which the public mind is more susceptible of erroneous impressions than the arrange-



ments and provisions for diplomatic missions. The explanatory views you have given of the policy and practice which have prevailed, cannot fail to be useful to those who wish to form a just estimate of them.

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TO THOMAS LEHRE, (NOT SENT.)

AUGUST 2d, 1828.

D<sup>R</sup> SIR,—I have received your letter of July 21, and offer my acknowledgments for its friendly enquiries concerning my health, a blessing which I enjoy in as great a degree as could be reasonably looked for at the stage of life to which I am now advanced.

It gives me much pain to find you confirming the spirit of disunion said to prevail in your State. From the high reputation enjoyed by S. Carolina for a political deportment, marked not less by a respect for order than a love of liberty, from the warm attachment she has ever evinced to the Union, and from her full share of interest in its preservation, I must say, she is among the last States within which I could have contemplated sentiments and scenes such as are described. I cannot but hope that they will be as transient as they are intemperate; and that a foresight of the awful consequences which a separation of the States portends, will soon reclaim all well-meaning but miscalculating citizens to a tone of feeling within the limits of the occasion; the sooner, as it does not appear that any other State, certainly not this, however disapproving the measures complained of, is observed to sympathize with the effect they are producing in South Carolina.

All Governments, even the best, as I trust ours will prove itself to be, have their infirmities. Power, wherever lodged, is liable, more or less, to abuse. In Governments organized on Republican principles it is necessarily lodged in the majority; which, sometimes from a deficient regard to justice, or an unconscious bias of interest, as well as from erroneous estimates of public good, may furnish just ground of complaint to the mi-

nority. But those who would rush at once into disunion as an asylum from offensive measures of the General Government, would do well to examine how far there be such an identity of interests, of opinions, and of feelings, present and permanent, throughout the States individually considered, as, in the event of their separation, would in all cases secure minorities against wrongful proceedings of majorities. A recurrence to the period anterior to the adoption of the existing Constitution, and to some of the causes which led to it, will suggest salutary reflections on this subject.

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TO MATHEW CAREY.

1828.

I have received your letter of Aug. 20, 1828, with the little pamphlet accompanying it, for which I return my thanks. In selecting the manufactures to be encouraged by a tariff, and settling the proper degree of encouragement, a diversity of opinion is quite natural, and errors of decision always possible. But a denial of the authority in Congress to impose a tariff for such purposes, as well as the expediency of exercising it in any case if they had it, is certainly what I did not anticipate. The brief view you have taken of the question seems to leave no room for doubt with those who consult the original interpretation of the Charter and the long established practice under it.

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TO JOSEPH C. CABELL.

MONTPELLIER, September 18, 1828.

DEAR SIR,—Your late letter reminds me of our conversation on the constitutionality of the power in Congress to impose a tariff for the encouragement of manufactures; and of my promise to sketch the grounds of the confident opinion I had expressed, that it was among the powers vested in that body. I had not forgotten my promise, and had even begun the task of fulfilling it; but frequent interruptions from other causes being

followed by a bilious indisposition, I have not been able sooner to comply with your request. The subjoined view of the subject might have been advantageously expanded; but I leave that improvement to your own reflections and researches.

The Constitution vests in Congress expressly "the power to lay and collect taxes, duties, imposts, and excises," and "the power to regulate trade."

That the former power, if not particularly expressed, would have been included in the latter, as one of the objects of a general power to regulate trade, is not necessarily impugned by its being so expressed. Examples of this sort cannot sometimes be easily avoided, and are to be seen elsewhere in the Constitution. Thus the power "to define and punish offences against the law of nations" includes the power, afterward particularly expressed, "to make rules concerning captures, &c., from offending neutrals." So also a power "to coin money" would doubtless include that of "regulating its value," had not the latter power been expressly inserted. The term taxes, if standing *alone*, would certainly have included duties, imposts, and excises. In another clause it is said, "no tax or duty shall be laid on exports," &c. Here the two terms are used as synonymous; and in another clause, where it is said, "no State shall lay any imposts or duties," &c., the terms imposts and duties are synonymous. Pleonasms, tautologies, and the promiscuous use of terms and phrases differing in their shades of meaning, (always to be expounded with reference to the context, and under the control of the general character and manifest scope of the instrument in which they are found,) are to be ascribed, sometimes to the purpose of greater caution, sometimes to the imperfections of language, and sometimes to the imperfection of man himself. In this view of the subject it was quite natural, however certainly the general power to regulate trade might include a power to impose duties on it, not to omit it in a clause enumerating the several modes of revenue authorized by the Constitution. In few cases could the "*ex majori cautelâ*" occur with more claim to respect.

Nor can it be inferred that a power to regulate trade does not involve a power to tax it, from the distinction made in the original controversy with Great Britain, between a power to regulate trade with the colonies and a power to tax them. A power to regulate trade between different parts of the empire was confessedly *necessary*, and was admitted to lie, as far as that was the case, in the British Parliament; the taxing part being at the same time denied to the Parliament, and asserted to be necessarily inherent in the colonial Legislatures, as sufficient and the only safe depositories of the taxing power. So difficult was it, nevertheless, to maintain the distinction in practice, that the ingredient of revenue was occasionally overlooked or disregarded in the British regulations, as in the duty on sugar and molasses imported into the colonies. And it was fortunate that the attempt at an internal and direct tax in the case of the stamp act, produced a radical examination of the subject before a regulation of trade with a view to revenue had grown into an established authority. One thing at least is certain, that the main and admitted object of the parliamentary *regulations* of trade with the colonies was the encouragement of *manufactures* in Great Britain.

But the present question is unconnected with the former relations between Great Britain and her colonies, which were of a peculiar, a complicated, and, in several respects, of an undefined character. It is a simple question under the Constitution of the United States, whether "the power to regulate trade with foreign nations," as a distinct and substantive item in the enumerated powers, embraces the object of encouraging by duties, restrictions, and prohibitions, the manufactures and products of the country. And the affirmative must be inferred from the following considerations:

1. The meaning of the phrase "to regulate trade" must be sought in the general use of it; in other words, in the objects to which the power was generally understood to be applicable when the phrase was inserted in the Constitution.

2. The power has been understood and used by all commer-



cial and manufacturing nations as embracing the object of encouraging manufactures. It is believed that not a single exception can be named.

3. This has been particularly the case with Great Britain, whose commercial vocabulary is the parent of ours. A primary object of her commercial regulations is well known to have been the protection and encouragement of her manufactures.

4. Such was understood to be a proper use of the power by the States most prepared for manufacturing industry while retaining the power over their foreign trade.

5. Such a use of the power by Congress accords with the intention and expectation of the States in transferring the power over trade from themselves to the Government of the United States. This was emphatically the case in the Eastern, the more manufacturing members of the Confederacy. Hear the language held in the Convention of Massachusetts:

By Mr. Dawes, an advocate for the Constitution, it was observed: "Our manufactures are another great subject which has received no encouragement by national duties on foreign manufactures, and they never can by any authority in the Old Confederation." Again: "If we wish to *encourage our own manufactures*, to preserve our own commerce, to raise the value of our own lands, we must give Congress the powers in question."

By Mr. Widgery, an opponent: "All we hear is, that the merchant and farmer will flourish, and that the mechanic and tradesman are to make their fortunes directly, if the Constitution goes down."

The Convention of Massachusetts was the only one in New England whose debates have been preserved. But it cannot be doubted that the sentiment there expressed was common to the other States in that quarter, more especially to Connecticut and Rhode Island, the most thickly peopled of all the States, and having, of course, their thoughts most turned to the subject of manufactures. A like inference may be confidently applied to New Jersey, whose debates in Convention have not been preserved. In the populous and manufacturing State of Pennsylvania, a partial account only of the debates having been pub-



lished, nothing certain is known of what passed in her Convention on this point. But ample evidence may be found elsewhere, that regulations of trade for the encouragement of manufactures were considered as within the power to be granted to the new Congress, as well as within the scope of the national policy. Of the States south of Pennsylvania, the only two in whose Conventions the debates have been preserved are Virginia and North Carolina, and from these no adverse inferences can be drawn. Nor is there the slightest indication that either of the two States farthest south, whose debates in Convention, if preserved, have not been made public, viewed the encouragement of manufactures as not within the general power over trade to be transferred to the Government of the United States.

6. If Congress have not the power, it is annihilated for the nation; a policy without example in any other nation, and not within the reason of the solitary one in our own. The example alluded to is the prohibition of a tax on exports, which resulted from the apparent impossibility of raising in that mode a revenue from the States proportioned to the ability to pay it; the ability of some being derived in a great measure, not from their exports, but from their fisheries, from their freights, and from commerce at large, in some of its branches altogether external to the United States; the profits from all which being invisible and intangible, would escape a tax on exports. A tax on imports, on the other hand, being a tax on consumption, which is in proportion to the ability of the consumers, whencesoever derived, was free from that inequality.

7. If revenue be the sole object of a legitimate impost, and the encouragement of domestic articles be not within the power of regulating trade, it would follow that no monopolizing or unequal regulations of foreign nations could be counteracted; that neither the staple articles of subsistence nor the essential implements for the public safety could, under any circumstances, be ensured or fostered at home by regulations of commerce, the usual and most convenient mode of providing for both; and that the American navigation, though the source of naval defence, of a cheapening competition in carrying our valuable and bulky

articles to market, and of an independent carriage of them during foreign wars, when a foreign navigation might be withdrawn, must be at once abandoned or speedily destroyed; it being evident that a tonnage duty merely in foreign ports against our vessels, and an exemption from such a duty in our ports in favour of foreign vessels, must have the inevitable effect of banishing ours from the ocean.

To assume a power to protect our navigation, and the cultivation and fabrication of all articles requisite for the public safety as incident to the war power, would be a more latitudinary construction of the text of the Constitution than to consider it as embraced by the specified power to regulate trade; a power which has been exercised by all nations for those purposes, and which effects those purposes with less of interference with the authority and convenience of the States than might result from internal and direct modes of encouraging the articles, any of which modes would be authorized, as far as deemed "necessary and proper," by considering the power as an incidental power.

8. That the encouragement of manufactures was an object of the power to regulate trade, is proved by the use made of the power for that object in the first session of the first Congress under the Constitution, when among the members present were so many who had been members of the Federal Convention which framed the Constitution, and of the State Conventions which ratified it; each of these classes consisting also of members who had opposed and who had espoused the Constitution in its actual form. It does not appear from the printed proceedings of Congress on that occasion, that the power was denied by any of them. And it may be remarked, that members from Virginia in particular, as well of the anti-federal as the federal party, the names then distinguishing those who had opposed and those who had approved the Constitution, did not hesitate to propose duties, and to suggest even prohibitions, in favour of several articles of her production. By one, a duty was proposed on mineral coal in favour of the Virginia coal-pits; by another, a duty on hemp was proposed

to encourage the growth of that article ; and by a third, a prohibition even of foreign beef was suggested as a measure of sound policy. [*See Lloyd's Debates.*]

A farther evidence in support of the constitutional power to protect and foster manufactures by regulations of trade, an evidence that ought of itself to settle the question, is the uniform and practical sanction given to the power by the General Government for nearly forty years, with a concurrence or acquiescence of every State Government throughout the same period, and, it may be added, through all the vicissitudes of party which marked the period. No novel construction, however ingeniously devised, or however respectable and patriotic its patrons, can withstand the weight of such authorities, or the unbroken current of so prolonged and universal a practice. And well it is that this cannot be done without the intervention of the same authority which made the Constitution. If it could be so done, there would be an end to that stability in government and in laws which is essential to good government and good laws; a stability, the want of which is the imputation which has at all times been levelled against republicanism with most effect by its most dexterous adversaries. The imputation ought never, therefore, to be countenanced by innovating constructions without any plea of a precipitancy or a paucity of the constructive precedents they oppose, without any appeal to material facts newly brought to light, and without any claim to a better knowledge of the original evils and inconveniences for which remedies were needed; the very best keys to the true object and meaning of all laws and constitutions.

And may it not be fairly left to the unbiased judgment of all men of experience and of intelligence to decide which is most to be relied on for a sound and safe test of the meaning of a constitution, a uniform interpretation by all the successive authorities under it, commencing with its birth, and continued for a long period, through the varied state of political contests? or the opinion of every new Legislature, heated as it may be by the strife of parties, or warped, as often happens, by the eager pursuit of some favourite object, or carried away, possibly, by

the powerful eloquence or captivating address of a few popular statesmen, themselves perhaps influenced by the same misleading causes? If the latter test is to prevail, every new legislative opinion might make a new Constitution, as the foot of every new chancellor would make a new standard of measure.

It is seen with no little surprise that an attempt has been made in a highly respectable quarter, and at length reduced to a resolution formally proposed in Congress, to substitute for the power of Congress to regulate trade so as to encourage manufactures, a power in the several States to do so, with the consent of that body; and this expedient is derived from a clause in the 10th section of article I of the Constitution, which says: "No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports and exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

To say nothing of the clear indications in the journal of the Convention of 1787, that the clause was intended merely to provide for expenses incurred by particular States in their inspection laws, and in such improvements as they might choose to make in their harbours and rivers, with the sanction of Congress, objects to which the reserved power has been applied in several instances at the request of Virginia and of Georgia, how could it ever be imagined that any State would wish to tax its own trade for the encouragement of manufactures, if possessed of the authority, or could in fact do so, if wishing it?

A tax on imports would be a tax on its own consumption; and the net proceeds going, according to the clause, not into its own treasury, but into the Treasury of the United States, the State would tax itself separately for the equal gain of all the other States; and as far as the manufactures so encouraged might succeed in ultimately increasing the stock in market and lowering the price by competition, this advantage also, procured



at the sole expense of the State, would be common to all the others.

But the very suggestion of such an expedient to any State would have an air of mockery when its *experienced* impracticability is taken into view. No one who recollects or recurs to the period when the power over commerce was in the individual States, and separate attempts were made to tax or otherwise regulate it, needs be told that the attempts were not only abortive, but, by demonstrating the necessity of general and uniform regulations, gave the original impulse to the constitutional reform which provided for such regulations.

To refer a State, therefore, to the exercise of a power as reserved to her by the Constitution, the impossibility of exercising which was an inducement to adopt the Constitution, is, of all remedial devices, the last that ought to be brought forward. And what renders it the more extraordinary is, that as the tax on commerce, as far as it could be separately collected, instead of belonging to the treasury of the State as previous to the Constitution, would be a tribute to the United States; the State would be in a worse condition after the adoption of the Constitution than before, in relation to an important interest, the improvement of which was a particular object in adopting the Constitution.

Were Congress to make the proposed declaration of consent to State tariffs in favour of State manufactures, and the permitted attempts did not defeat themselves, what would be the situation of States deriving their foreign supplies through the ports of other States? It is evident that they might be compelled to pay, in their consumption of particular articles imported, a tax for the common treasury, not common to all the States, without having any manufacture or product of their own to partake of the contemplated benefit.

Of the impracticability of separate regulations of trade, and the resulting necessity of general regulations, no State was more sensible than Virginia. She was accordingly among the most earnest for granting to Congress a power adequate to the



object. On more occasions than one in the proceedings of her legislative councils, it was recited, "that the relative situation of the States had been found on *trial* to require *uniformity* in their commercial regulations as the *only* effectual policy for obtaining in the ports of foreign nations a stipulation of privileges reciprocal to those enjoyed by the subjects of such nations in the ports of the United States; for preventing animosities which cannot fail to arise among the several States from the interference of partial and separate regulations; and for deriving from commerce such aids to the public revenue as it ought to contribute," &c.

During the delays and discouragements experienced in the attempts to invest Congress with the necessary powers, the State of Virginia made various trials of what could be done by her individual laws. She ventured on duties and imposts as a source of revenue; resolutions were passed at one time to encourage and protect her own navigation and ship-building; and in consequence of complaints and petitions from Norfolk, Alexandria, and other places, against the monopolizing navigation laws of Great Britain, particularly in the trade *between the United States and the British West Indies*, she deliberated, with a purpose controlled only by the inefficacy of separate measures, on the experiment of forcing a reciprocity by prohibitory regulations of her own. [*See Journal of House of Delegates in 1785.*]

The effect of her separate attempts to raise revenue by duties on imports soon appeared in representations from her merchants, that the commerce of the State was banished by them into other channels, especially of Maryland, where imports were less burdened than in Virginia. [*See Journal of House of Delegates for 1786.*]

Such a tendency of separate regulations was indeed too manifest to escape anticipation. Among the projects prompted by the want of a federal authority over commerce, was that of a concert first proposed on the part of Maryland for a uniformity of regulations between the two States, and commissioners were appointed for that purpose. It was soon perceived, however, that

the concurrence of Pennsylvania was as necessary to Maryland as of Maryland to Virginia, and the concurrence of Pennsylvania was accordingly invited. But Pennsylvania could no more concur without New York than Maryland without Pennsylvania, nor New York without the concurrence of Boston, &c. These projects were superseded for the moment by that of the Convention at Annapolis in 1786, and forever by the Convention at Philadelphia in 1787, and the Constitution which was the fruit of it.

There is a passage in Mr. Necker's work on the finances of France which affords a signal illustration of the difficulty of collecting, in contiguous communities, indirect taxes, when not the same in all, by the violent means resorted to against smuggling from one to another of them. Previous to the late revolutionary war in that country, the taxes were of very different rates in the different provinces; particularly the tax on salt, which was high in the interior provinces and low in the maritime; and the tax on tobacco, which was very high in general, while in some of the provinces the use of the article was altogether free. The consequence was, that the standing army of patrols against smuggling had swollen to the number of twenty-three thousand; the annual arrests of men, women, and children engaged in smuggling, to five thousand five hundred and fifty; and the number annually arrested on account of salt and tobacco alone, to seventeen or eighteen hundred, more than three hundred of whom were consigned to the terrible punishment of the galleys.

May it not be regarded as among the providential blessings to these States, that their geographical relations, multiplied as they will be by artificial channels of intercourse, give such additional force to the many obligations to cherish that union which alone secures their peace, their safety, and their prosperity? Apart from the more obvious and awful consequences of their entire separation into independent sovereignties, it is worthy of special consideration, that, divided from each other as they must be by narrow waters and territorial lines merely, the facility of surreptitious introductions of contraband articles

would defeat every attempt at revenue in the easy and indirect modes of impost and excise; so that while their expenditures would be necessarily and vastly increased by their new situation, they would, in providing for them, be limited to direct taxes on land or other property, to arbitrary assessments on invisible funds, and to the odious tax on persons.

You will observe that I have confined myself, in what has been said, to the constitutionality and expediency of the power in Congress to encourage domestic products by regulations of commerce. In the exercise of the power, they are responsible to their constituents, whose right and duty it is, in that, as in all other cases, to bring their measures to the test of justice and of the general good.

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TO JOSEPH C. CABELL.

OCTOBER 15th, 1828.

DEAR SIR,—I have duly received your letter of September 27. The object of mine of Sep<sup>r</sup> 18 was to suggest the topics and references which have occurred to me as supporting a constitutional doctrine in which we agreed, and in which I know you to feel a *particular* interest. If, as you suppose, a publication of the views taken in the letter of the Tariff power in Congress might have a useful tendency, the present cannot, I think, be the moment for making the experiment. Every political subject brought before the public, however detached in its purpose, is now mingled with the all-absorbing one of the Presidential contest, and judged according to the bearing ascribed to it by the imaginations or suspicions of heated partisans. To obtain a fair hearing for the power in question, it must be best to wait, at least, till the public mind shall be left, by the approaching termination of that contest, in a more cool and tranquil state. Arguments and evidences which, after that event, might be heard with patience, and even candour, by those appealed to, would, in their existing excitement, be received with a prejudice, and

with perhaps hasty commitments, very unfavorable to the result wished for.

I felt much regret at not being able to join my colleagues on the 1st instant. My health was in too feeble a state for such a trial of it. It begins now to be decidedly improving.

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TO JOSEPH C. CABELL.

MONTPELLIER, October 30, 1828.

DEAR SIR,—In my letter of September 18, I stated briefly the grounds on which I rested my opinion, that a power to impose duties and restrictions on imports with a view to encourage domestic productions was constitutionally lodged in Congress. In the observations then made was involved the opinion, also, that the power was properly there lodged. As this last opinion necessarily implies that there are cases in which the power may be usefully exercised by Congress, the only body within our political system capable of exercising it with effect, you may think it incumbent on me to point out cases of that description.

I will premise that I concur in the opinion, that, as a *general* rule, individuals ought to be deemed the best judges of the best application of their industry and resources.

I am ready to admit, also, that there is no country in which the application may with more safety be left to the intelligence and enterprise of individuals than the United States.

Finally, I shall not deny that, in all doubtful cases, it becomes every Government to lean rather to a confidence in the judgment of individuals, than to interpositions controlling the free exercise of it.

With all these concessions, I think it can be satisfactorily shown that there are exceptions to the general rule now expressed by the phrase "let us alone," forming cases which call for interpositions of the competent authority, and which are not inconsistent with the generality of the rule.

1. The theory of "let us alone" supposes that all nations



concur in a perfect freedom of commercial intercourse. Were this the case, they would, in a commercial view, be but one nation, as much as the several districts composing a particular nation; and the theory would be as applicable to the former as to the latter. But this golden age of free trade has not yet arrived; nor is there a single nation that has set the example. No nation can, indeed, safely do so, until a reciprocity at least be ensured to it. Take, for a proof, the familiar case of the navigation employed in a foreign commerce. If a nation, adhering to the rule of never interposing a countervailing protection of its vessels, admits foreign vessels into its ports free of duty, while its own vessels are subject to a duty in foreign ports, the ruinous effect is so obvious that the warmest advocate for the theory in question must shrink from a *universal* application of it.

A nation leaving its foreign trade in all cases to regulate itself, might soon find it regulated by other nations into a subserviency to a foreign interest. In the interval between the peace of 1783 and the establishment of the present Constitution of the United States, the want of a general authority to regulate trade is known to have had this consequence. And have not the pretensions and policy latterly exhibited by Great Britain given warning of a like result from a renunciation of all countervailing regulations on the part of the United States? Were she permitted, by conferring on certain portions of her domain the name of Colonies, to open from these a trade for herself to foreign countries, and to exclude at the same time a reciprocal trade to such Colonies by foreign countries, the use to be made of the monopoly needs not be traced. Its character will be placed in a just relief by supposing that one of the Colonial islands, instead of its present distance, happened to be in the vicinity of Great Britain; or that one of the islands in that vicinity should receive the name and be regarded in the light of a Colony, with the peculiar privileges claimed for Colonies. Is it not manifest that in this case the favoured island might be made the sole medium of the commercial intercourse with foreign nations, and the parent country thence enjoy every essen-



tial advantage, as to the terms of it, which would flow from an *unreciprocal* trade from her other ports with other nations?

Fortunately, the British claims, however speciously coloured or adroitly managed, were repelled at the commencement of our commercial career as an independent people, and at successive epochs under the existing Constitution, both in legislative discussions and in diplomatic negotiations. The claims were repelled on the solid ground that the Colonial trade, as a *rightful* monopoly, was limited to the intercourse between the parent country and its Colonies, and between one Colony and another; the whole being strictly in the nature of a coasting trade from one to another port of the same nation; a trade with which no other nation has a right to interfere. It follows of necessity, that the parent country, whenever it opens a Colonial port for a direct trade to a foreign country, departs itself from the principle of Colonial monopoly, and entitles the foreign country to the same reciprocity in every respect as in its intercourse with any other ports of the nation.

This is common sense and common right. It is still more, if more could be required; it is in conformity with the established usage of all nations, other than Great Britain, which have Colonies. Some of those nations are known to adhere to the monopoly of their Colonial trade with all the rigour and constancy which circumstances permit. But it is also known, that whenever, and from whatever cause, it has been found necessary or expedient to open their Colonial ports to a foreign trade, the rule of reciprocity in favour of the foreign party was not refused, nor, as is believed, a right to refuse it pretended.

It cannot be said that the reciprocity was dictated by a deficiency of the commercial marine. France at least could not be, in every instance, governed by that consideration; and Holland still less; to say nothing of the navigating States of Sweden and Denmark, which have rarely, if ever, enforced a Colonial monopoly. The remark is indeed obvious, that the shipping liberated from the usual conveyance of supplies from the parent country to the Colonies might be employed in the new channels opened for them in supplies from abroad.

Reciprocity, or an equivalent for it, is the only rule of intercourse among independent communities; and no nation ought to admit a doctrine, or adopt an invariable policy, which would preclude the counteracting measures necessary to enforce the rule.

2. The theory supposes, moreover, a perpetual peace; a supposition, it is to be feared, not less chimerical than a universal freedom of commerce.

The effect of war among the commercial and manufacturing nations of the world, in raising the wages of labour and the cost of its products, with a like effect on the charges of freight and insurance, needs neither proof nor explanation. In order to determine, therefore, a question of economy between depending on foreign supplies and encouraging domestic substitutes, it is necessary to compare the probable periods of war with the probable periods of peace; and the cost of the domestic encouragement in times of peace with the cost added to foreign articles in times of war.

During the last century, the periods of war and peace have been nearly equal. The effect of a state of war in raising the price of imported articles cannot be estimated with exactness. It is certain, however, that the increased price of particular articles may make it cheaper to manufacture them at home.

Taking, for the sake of illustration, an equality in the two periods, and the cost of an imported yard of cloth in time of war to be nine and a half dollars, and in time of peace to be seven dollars, while the same could at all times be manufactured at home for eight dollars, it is evident that a tariff of one dollar and a quarter on the imported yard would protect the home manufacture in time of peace, and avoid a tax of one and a half dollars imposed by a state of war.

It cannot be said that the manufactories which could not support themselves against foreign competition in periods of peace would spring up of themselves at the recurrence of war prices. It must be obvious to every one, that, apart from the difficulty of great and sudden changes of employment, no prudent capitalists would engage in expensive establishments of any sort at

the commencement of a war of uncertain duration, with a certainty of having them crushed by the return of peace.

The strictest economy, therefore, suggests, as exceptions to the general rule, an estimate in every given case, of war and peace periods and prices, with inferences therefrom, of the amount of a tariff which might be afforded during peace, in order to avoid the tax resulting from war. And it will occur at once that the inferences will be strengthened by adding to the supposition of wars wholly foreign, that of wars in which our own country might be a party.

3. It is an opinion in which all must agree, that no nation ought to be unnecessarily dependent on others for the munitions of public defence, or for the materials essential to a naval force, where the nation has a maritime frontier or a foreign commerce to protect. To this class of exceptions to the theory may be added the instruments of agriculture and of mechanic arts, which supply the other primary wants of the community. The time has been when many of these were derived from a foreign source, and some of them might relapse into that dependence were the encouragement to the fabrication of them at home withdrawn. But, as all foreign sources must be liable to interruptions too inconvenient to be hazarded, a provident policy would favour an internal and independent source as a reasonable exception to the general rule of consulting cheapness alone.

4. There are cases where a nation may be so far advanced in the pre-requisites for a particular branch of manufactures, that this, if once brought into existence, would support itself; and yet, unless aided in its nascent and infant state by public encouragement and a confidence in public protection, might remain, if not altogether, for a long time unattempted, or attempted without success. Is not our cotton manufacture a fair example? However favoured by an advantageous command of the raw material, and a machinery which dispenses in so extraordinary a proportion with manual labour, it is quite probable that, without the impulse given by a war cutting off foreign supplies and the patronage of an early tariff, it might not even

yet have established itself; and pretty certain that it would be far short of the prosperous condition which enables it to face, in foreign markets, the fabrics of a nation that defies all other competitors. The number must be small that would now pronounce this manufacturing boon not to have been cheaply purchased by the tariff which nursed it into its present maturity.

5. Should it happen, as has been suspected, to be an object, though not of a foreign Government itself, of its great manufacturing capitalists, to strangle in the cradle the infant manufactures of an extensive customer or an anticipated rival, it would surely, in such a case, be incumbent on the suffering party so far to make an exception to the "let alone" policy as to parry the evil by opposite regulations of its foreign commerce.

6. It is a common objection to the public encouragement of particular branches of industry, that it calls off labourers from other branches found to be more profitable; and the objection is, in general, a weighty one. But it loses that character in proportion to the effect of the encouragement in attracting skilful labourers from abroad. Something of this sort has already taken place among ourselves, and much more of it is in prospect; and as far as it has taken or may take place, it forms an exception to the general policy in question.

The history of manufactures in Great Britain, the greatest manufacturing nation in the world, informs us, that the woollen branch, till of late her greatest branch, owed both its original and subsequent growths to persecuted exiles from the Netherlands; and that her silk manufactures, now a flourishing and favourite branch, were not less indebted to emigrants flying from the persecuting edicts of France. [*Anderson's History of Commerce.*]

It appears, indeed, from the general history of manufacturing industry, that the prompt and successful introduction of it into new situations has been the result of emigrations from countries in which manufactures had gradually grown up to a prosperous state; as into Italy, on the fall of the Greek Empire; from Italy into Spain and Flanders, on the loss of liberty in Florence and

other cities; and from Flanders and France into England, as above noticed. [*Franklin's Canadian Pamphlet.*]

In the selection of cases here made, as exceptions to the "let alone" theory, none have been included which were deemed controvertible; and if I have viewed them, or a part of them only, in their true light, they show what was to be shown, that the power granted to Congress to encourage domestic products by regulations of foreign trade was properly granted, inasmuch as the power is, in effect, confined to that body, and may, when exercised with a sound legislative discretion, provide the better for the safety and prosperity of the nation.

#### *Notes.*

It does not appear that any of the strictures on the letters from J. Madison to J. C. Cabell have in the least invalidated the constitutionality of the power in Congress to favour domestic manufactures by regulating the commerce with foreign nations.

1. That this regulating power embraces the object remains fully sustained by the uncontested fact that it has been so understood and exercised by all commercial and manufacturing nations, particularly by Great Britain; nor is it any objection to the inference from it, that those nations, unlike the Congress of the United States, had all other powers of legislation as well as the power of regulating foreign commerce, since this was the particular and appropriate power by which the encouragement of manufactures was effected.

2. It is equally a fact that it was generally understood among the States previous to the establishment of the present Constitution of the United States, that the encouragement of domestic manufactures by regulations of foreign commerce, particularly by duties and restrictions on foreign manufactures, was a legitimate and ordinary exercise of the power over foreign commerce; and that, in transferring this power to the Legislature of the United States, it was anticipated that it would be exer-



cised more effectually than it could be by the States individually. [See Lloyd's Debates and other publications of the period.]

It cannot be denied that a right to vindicate its commercial, manufacturing, and agricultural interests against unfriendly and unreciprocal policy of other nations, belongs to every nation; that it has belonged at all times to the United States as a nation; that, previous to the present Federal Constitution, the right existed in the governments of the individual States, not in the Federal Government; that the want of such an authority in the Federal Government was deeply felt and deplored; that a supply of this want was generally and anxiously desired; and that the authority has, by the substituted Constitution of the Federal Government, been expressly or virtually taken from the individual States; so that, if not transferred to the existing Federal Government, it is lost and annihilated for the United States as a nation. Is not the presumption irresistible, that it must have been the intention of those who framed and ratified the Constitution, to vest the authority in question in the substituted Government? and does not every just rule of reasoning allow to a presumption so violent a proportional weight in deciding on a question of such a power in Congress, not as a source of power distinct from and additional to the constitutional source, but as a source of light and evidence as to the true meaning of the Constitution?

3. It is again a fact, that the power was so exercised by the first session of the first Congress, and by every succeeding Congress, with the sanction of every other branch of the Federal Government, and with universal acquiescence, till a very late date. [See the Messages of the Presidents and the Reports and Letters of Mr. Jefferson.]

4. That the surest and most recognised evidence of the meaning of the Constitution, as of a law, is furnished by the evils which were to be cured or the benefits to be obtained; and by the immediate and long-continued application of the meaning to these ends. This species of evidence supports the power in

question in a degree which cannot be resisted without destroying all stability in social institutions, and all the advantages of known and certain rules of conduct in the intercourse of life.

5. Although it might be too much to say that no case could arise of a character overruling the highest evidence of precedents and practice in expounding a constitution, it may be safely affirmed that no case which is not of a character far more exorbitant and ruinous than any now existing or that has occurred, can authorize a disregard of the precedents and practice which sanction the constitutional power of Congress to encourage domestic manufactures by regulations of foreign commerce.

The importance of the question concerning the authority of precedents, in expounding a constitution as well as a law, will justify a more full and exact view of it.\*

It has been objected to the encouragement of domestic manufactures by a tariff on imported ones, that duties and imposts are in the clause specifying the sources of revenue, and therefore cannot be applied to the encouragement of manufactures when not a source of revenue.

But, 1. It does not follow from the applicability of duties and imposts under one clause for one usual purpose, that they are excluded from an applicability under another clause to another purpose, also requiring them, and to which they have also been usually applied. 2. A history of that clause, as traced in the printed journal of the Federal Convention, will throw light on the subject.†

It appears that the clause, as it originally stood, simply expressed "a power to lay taxes, duties, imposts, and excises," without pointing out the objects; and, of course, leaving them applicable in carrying into effect the other specified powers. It appears, farther, that a solicitude to prevent any constructive

\* See letter of J. M. to C. J. Ingersoll, June 25, 1831, on the subject of the bank, IV. 183.

† See letter of J. M., to Andrew Stevenson, November 27, 1830, IV. 121.

danger to the validity of public debts contracted under the superseded form of government, led to the addition of the words "to pay the debts."

This phraseology having the appearance of an appropriation limited to the payment of debts, an express appropriation was added "for the expenses of the Government," &c.

But even this was considered as short of the objects for which taxes, duties, imposts, and excises might be required; and the more comprehensive provision was made by substituting "for expenses of Government" the terms of the old Confederation, viz.: and provide for the common defence and general welfare, making duties and imposts, as well as taxes and excises, applicable not only to payment of debts, but to the common defence and general welfare.

The question then is, What is the import of that phrase, common defence and general welfare, in its actual connexion? The import which Virginia has always asserted, and still contends for, is, that they are explained and limited to the enumerated objects subjoined to them, among which objects is the regulation of foreign commerce; as far, therefore, as a tariff of duties is necessary and proper in regulating foreign commerce for any of the usual purposes of such regulations, it may be imposed by Congress, and, consequently, for the purpose of encouraging manufactures, which is a well-known purpose for which duties and imposts have been usually employed. This view of the clause providing for revenue, instead of interfering with or excluding the power of regulating foreign trade, corroborates the rightful exercise of power for the encouragement of domestic manufactures.

It may be thought that the Constitution might easily have been made more explicit and precise in its meaning. But the same remark might be made on so many other parts of the instrument, and, indeed, on so many parts of every instrument of a complex character, that, if completely obviated, it would swell every paragraph into a page, and every page into a volume; and, in so doing, have the effect of multiplying topics for criticism and controversy.

The best reason to be assigned, in this case, for not having made the Constitution more free from a charge of uncertainty in its meaning, is believed to be, that it was not suspected that any such charge would ever take place; and it appears that no such charge did take place, during the early period of the Constitution, when the meaning of its authors could be best ascertained, nor until many of the contemporary lights had in the lapse of time been extinguished. How often does it happen, that a notoriety of intention diminishes the caution against its being misunderstood or doubted! What would be the effect of the Declaration of Independence, or of the Virginia Bill of Rights, if not expounded with a reference to that view of their meaning?

Those who assert that the encouragement of manufactures is not within the scope of the power to regulate foreign commerce, and that a tariff is exclusively appropriated to revenue, feel the difficulty of finding authority for objects which they cannot admit to be unprovided for by the Constitution; such as ensuring internal supplies of necessary articles of defence, the countervailing of regulations of foreign countries, &c., unjust and injurious to our navigation or to our agricultural products. To bring these objects within the constitutional power of Congress, they are obliged to give to the power "to regulate foreign commerce" an extent that at the same time necessarily embraces the encouragement of manufactures; and how, indeed, is it possible to suppose that a tariff is applicable to the extorting from foreign Powers of a reciprocity of privileges, and not applicable to the encouragement of manufactures, an object to which it has been far more frequently applied?

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TO JOSEPH C. CABELL.

MONTPELLIER, Dec<sup>r</sup> 5th, 1828.

DEAR SIR,—I have received, though somewhat tardily, your letter of November 20. Since mine of the 10th acknowledged it, I have written you two others requesting further corrections



of my remarks on the "Tariff," addressed in both instances to Edgewood, with a duplicate of the last forwarded to Richmond.

Has not the passage in Mr. Jefferson's letter to Mr. Giles, to which you allude, denouncing the assumptions of power by the General Government, been in some respects misunderstood? "They assume," he says, "*indefinitely*, that also over agriculture and manufactures." It would seem that, writing confidentially, and probably in haste, he did not discriminate with the care he otherwise might have done, between an assumption of power and an abuse of power; relying on the term "*indefinitely*" to indicate an excess of the latter, and to imply an admission of a *definite* or reasonable use of the power to regulate trade for the encouragement of manufacturing and agricultural products. This view of the subject is recommended by its avoiding a variance with Mr. Jefferson's known sanctions, in official acts and private correspondence, to a power in Congress to encourage manufactures by commercial regulations. It is not easy to believe that he could have intended to reject *altogether* such a power. It is evident from the context that his language was influenced by the great injustice, impressed on his mind, of a measure charged with the effect of taking the earnings of one, and that the most suffering class, and putting them into the pockets of another, and that the most flourishing class. Had Congress so regulated an impost for revenue merely, as in the view of Mr. Jefferson, to oppress one section of the Union and favor another, it may be presumed that the language used by him would have been not less indignant, though the tariff, in that case, could not be otherwise complained of than as an abuse, not as a usurpation of power; or, at most, as an abuse violating the spirit of the Constitution, as every unjust measure must that of every Constitution, having justice for a cardinal object. No Constitution could be lasting without an habitual distinction between an abuse of legitimate power and the exercise of a usurped one. It is quite possible that there might be a latent reference in the mind of Mr. Jefferson to the reports of Mr. Hamilton and Executive recommendations to Congress favorable to indefinite



power over both agriculture and manufactures. He might have seen, also, the report of a committee of a late Congress presented by Mr. Stewart, of Pennsylvania, which, in supporting the cause of internal improvement, took the broad ground of "general welfare," (including, of course, *every* internal as well as external power,) without incurring any positive mark of disapprobation from Congress.

I need scarcely hint that this comment is meant for your own consideration, not for public use. If it be a fair one, it obviates any collision between the opinion of Mr. Jefferson and that I have espoused on the constitutional branch of the Tariff question.

Owing to casualties which delayed the receipt of some of the materials for the annual Report of the Visitors, it will not reach the Legislature at the prescribed time. The Report is limited, as you will observe, to the year ending with the session of the Board in July last. The doubt whether the extra session of October ought or ought not to be embraced, and if embraced, whether by the Rector pro tem. or not, had also some influence in retarding the Report. I mention these explanatory circumstances, that, if necessary, you may avail yourself of them in my behalf.

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TO MAJOR JAMES HAMILTON.

MONTPELLIER, Dec<sup>r</sup> 13, 1828.

DEAR SIR,—I have duly received the copy of your speech on the 21st of October last; for which I am indebted to your politeness and tender my acknowledgments.

I join very sincerely in all the praise which has been bestowed on the intellectual power and impressive eloquence by which it is distinguished. But I am constrained to mingle with this just tribute the remark that it comprises doctrines in which I cannot concur, and an indulgence of feelings which I cannot but lament.

As you appear to attach much importance to the Virginia

and Kentucky proceedings, occasioned by the Alien and Sedition Acts, and may not possess them in the most convenient form, possibly not have seen them in an entire state, I ask the favor of you to accept the pamphlet edition of them herewith enclosed; assuring you, at the same time, of my best wishes that the talents and virtues of which you enjoy the high reputation may ever be exerted in ways as really, as I am persuaded they will be intentionally, conducive to the good of our Country and the cause of Liberty.

I must intreat you, sir, to grant to the freedom used in what I have said, the excuse which I fear it may need, and to regard the motives to it as in perfect accordance with the cordial respects and salutations which I pray you to accept.

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TO JAMES BARBOUR.

MONTPELLIER, Dec<sup>r</sup> 18, 1828.

DEAR SIR,—I had the pleasure of duly receiving your interesting favor of Sep<sup>r</sup> 29. The agricultural scenery which charmed you so much has had the same effect on other strangers surveying it with an equal taste for such improvements. I wish you may have as much reason to be pleased with the countenance of the Cabinet, when your objects are presented to it. We think here it is high time for a relinquishment of the theoretic fallacy and practical folly of their Colonial doctrine, and for a discovery of the inconsistency of refusing our claim to the use of the St. Lawrence, with theirs to that of the Mississippi; and what is more, with a reasonableness and a usage amounting to a law of nations in such cases.

I need not repeat to you the issue of the Presidential contest, which fame, with her thousand trumpets, has already proclaimed. Of the Cabinet in embryo, and of the course which will be steered by the new Palinurus, with respect to the stormy questions and baffling expectations in the midst of which he will take the helm, I know as little as the least knowing, and must

refer you for the various speculations afloat to the metropolitan fountain from which they flow.

I am sorry to say that the ferment produced in South Carolina by the tariff subsides more slowly (if at all) than was to be expected. The Legislature is now in session, and the difference in opinions appears to be confined to the modes of effectuating its repeal or its nullification, all concurring in the unconstitutionality and intolerable oppression of the measure. As Georgia, however, does not back her neighbour in the extent that was probably expected, and North Carolina will certainly not do so, whilst Virginia frowns on every symptom of violence and disunion, it may be confidently presumed that a favourable change is not very distant, such as will satisfy our ill-wishers abroad that our free system of Government, however liable to local and acute maladies, has a chronic health and vigor that is sure to expel the cause of them.

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TO BARON HYDE DE NEUVILLE.

MONTPELLIER, Dec<sup>r</sup> 19th, 1828.

DEAR SIR,—I have received the copy of your speech politely forwarded. I have read it with pleasure on account of its intrinsic merits; and permit me to add, with the greater, as it presents you in a position which opens an important field for the exercise of the talents and virtues of which you left the lively remembrance among us. The Baroness has been so kind as to charge Mrs. Cutts with expressions towards Mrs. Madison and myself, for which we join in offering our acknowledgments, and a return of our cordial respects, with all our good wishes both to her and yourself.

TO W. C. RIVES.

DECEMBER 20, 1828.

DEAR SIR,—The last mail brought me your favor of the 17th, accompanied by a copy of the last Southern Review, for which I thank you. The disproportion of polemic politics which distinguishes it, though derogatory from the literary character of such works, might, if conducted with ability and good temper, be pardoned at a moment and on topics peculiarly interesting. I have looked very hastily over the article from Mr. McCord, and if I have caught his meaning, (of which I am not sure,) the thread of his reasoning leads to an identity of the legislative power of the States with, or rather to a substitution of it for, the sovereignty of the people, between which there is all the difference which exists between a creature and the Creator. Were *some* of the Southern doctrines latterly advanced valid, our political system would not be a Government, but a mere league, in which the members have given up no part whatever of their sovereignty to a common Government, and retain, moreover, a right in each to dissolve the compact when it pleases. It seems to be forgotten, that in the case of a mere league, there must be as much right on one side to assert and maintain its obligation as on the other to cancel it, and prudence ought to calculate the tendency of such a conflict. It is painful to observe so much real talent, and at bottom, doubtless, so much real patriotism as prevail in the Southern quarter, so much misled by the sophistry of the passions.

I should with great pleasure send you the remarks on the tariff\* to which you allude, but for my confidence that you will see them in print before a manuscript copy would now reach you. They were put on paper in consequence of a conversation with a friend, which led him to ask it; and on his urging a publication, I acquiesced, with an understanding that it should not take place until the Presidential contest should be over, and

\* Mr. Madison's letters to J. C. Cabell, Esq., on the constitutionality of a protective tariff.

with it the possibility of misconstruing the object into some bearing on it. Having, in the first letter, sketched the grounds of my opinion in favor of the constitutionality and expediency of a power in Congress to regulate trade with a view to the encouragement of domestic manufactures, and knowing that the paper was to be made public, I thought it was due to the subject to specify as exceptions to the general "let alone" principle, cases in which the power ought to be exercised, and to shew at the same time that it could not be exercised with effect by the State authorities. The delay in sending the letters to the press is to be ascribed to the indisposition of the gentleman possessing them; but, I believe the cause has ceased. When I had the pleasure of your call at Montpelier, I should have offered you a perusal of what I had written, but I then counted on your seeing it in a few days in a more readable form than the rough manuscript draught.

I wish your example in tracing our constitutional history through its earlier periods could be followed by our public men of the present generation. The few surveyors of the past seem to have forgotten what they once knew, and those of the present to shrink from such researches, though it must be allowed by all that the best key to the text of the Constitution, as of a law, is to be found in the contemporary state of things, and the maladies or deficiencies which were to be provided for.

With great esteem and regard,



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