

Chapter 18

Thomas Jefferson

MARTHA JEFFERSON RANDOLPH, the elder of the President's two daughters, presided at the White House whenever possible during her father's administrations, his wife having died nineteen years before his election. The White House, however, during his terms was practically without a mistress, although at times Mrs. Madison acted also in that capacity. Mrs. Randolph was eminently fitted for such a sphere, but was able to assume its duties only twice. Having received the advantages of foreign education and travel, and of the continual association with men of letters, she was a most brilliant woman, and had her tastes been less domestic she would have shone in society. She gave her father unremitting care when, after his retirement from public life, he settled at his estate, Monticello, where two years after his death her husband also passed away. Monticello was then sold, and the remaining eight years of her life were spent among her children.

JEFFERSON

Thomas Jefferson still lives. The honors heaped upon him by the people were but their gifts to their benefactor, the insignia of his labors, his burdens and his cares. How paltry seems that long catalogue of official designations compared with what he was himself—a man God-gifted and God-armed for the battle of right against wrong—compared to what he did for the people, his gifts to them. There is not a heart that loves humanity and thrills with noble rage for right and truth and justice; there is not a people on earth who are weary and heavy laden under the burden of oppression; there is not a chancellor who loves equity; there is not a devotee who bows his head in free worship to his Maker; there is not an ingenuous student by the midnight lamp; there is not a toiler by land or sea; yea, there is not an astronomer who reads the stars, nor an humble farmer in his cabin, nor a freeman anywhere who treads the earth with the spirit of the free who does not bless God that Thomas Jefferson lived, and that his life goes marching on!

What did Jefferson do for the people? Rather, what did he not do? He was one of them. He loved them, trusted them, guided them; he cheered them, he comforted them, he led them. So much for generalities.

It is true, as said by the Cicero of Massachusetts, Edward Everett, that there rests on Thomas Jefferson the imperishable renown of having framed the Declaration of Independence. But had he never penned a syllable of it he would be immortal. It is true he raised his hand against the Established Church, threw himself against the great landed proprietors and powerful party leaders and brought forth the first statute of religious freedom that adorned the history of the world. Imperishable renown with that, but without it he would have been immortal.

It is true he negotiated the purchase of Louisiana from Napoleon, gaining a kingdom for a song, securing the free navigation of the Mississippi to the countless multitudes who now throng its bank and adding the Great West and Southwest to the Union—the greatest territory ever won by

man without a drop of blood. But without all this he would have been immortal. He will be remembered as the most accomplished man America has ever produced.

Jefferson's mind was practical and of the kind which turns things to account. He loved the mathematics, and no superstition could ever lead him from the rock-bed notion that two and two make four, world without end. He was as precise in detail as he was broad and accurate in generalization. His mind was like an elephant's trunk in that it could pick up a pin or knock down a lion. When he was President he went regularly to market, and in his journal he kept a record of the date of the appearance of spring fruits and vegetables. The stately dome of the University of Virginia and the classic lines of the mansion at Monticello bespeak the classic mind that reproduced them.

He founded the Patent Office of the United States, but do you know that he was himself an inventor? While in France, as minister, he wrote his admirable notes on Virginia, and with the Revolution fermenting about him, he invented a hillside plow which won him a medal from the "Royal Agricultural Society" of the Seine. He was also the inventor of the modern revolving office chair. The rice grown in the Southern States to-day is from grain which Jefferson hid in his pockets while in Italy, and distributed ten grains at a time to the farmers on his return. His influence is felt to-day when any important questions are up for discussion.

He was a child of nature, this glorious Jefferson, and with all his wisdom and all his culture he was on the people's side of all questions. An honest son of Mother Earth; a man with a man's faults, but no Pharisee. He had fewer faults and lesser faults than most, and noble and God-like virtues.

He was strong in all courage; yea, in civic courage, the rarest of all forms of bravery. This Jefferson had the quiet, patient, daring superb courage that looks public opinion in the eye, and dares confront and affront it and not flinch the encounter. When he stood for Independence they said "Rebel." When he stood for justice they said "Communist." When he stood for religious freedom they cried "Infidel." When he aroused the people against monarchy and concentrated power they said "Demagogue." But the common people heard him gladly. They knew their ears, and with one accord they said, "All Hail, Our Friend."

Dying without a penny, his very books, his land, his home were sold away from his inheritors, and fighting successfully every battle but his own, he crowned the people as victor in every battle that he won. If it is right that a man sues for, and if he does not believe that one man is born bridled and saddled, and the other booted and spurred let him pluck a flower from this good man's life and wear it in his soul forever.

THE AFRICAN SLAVE TRADE

One of the considerations which induced all sections to ratify the Constitution was that under it the slave trade would cease in 1808. The trade continued, however, though men caught at it were subject to the penalties for piracy. In 1858 the crew of a vessel which, when captured, had more than 300 Africans aboard, were indicted but acquitted. The laws of the United States could not be enforced against the slave power in South Carolina. In Georgia the captain and crew of a vessel

which had landed and distributed 300 Africans, were indicted, prosecuted and acquitted. Again the laws of the United States were powerless. Tiring of the inconvenience of evading the law, lax as its enforcement was, the South at last demanded the reopening of the slave trade, although it imported more slaves during each year that the trade was illegal than during any year when it was allowed. The Federal Government could enforce the Fugitive Slave Law against the sentiment of the North, because in the North Federal officers were loyal to the United States. It could not force its law in any particular upon the South, because there its agents were loyal to their States, first, last and always.

The daguerreotype shows a portion of a captured slaver's cargo, emaciated by hunger and dysentery, and beneath the toil for which they were required.

For a discussion of this subject, see the articles entitled " African Slave Trade " and " Slavery," in the Encyclopedic Index, and turn to the pages thereafter indicated in which occur presidential references to the matter.

JOHN PAUL JONES CAPTURES THE "SERAPIS."

The naval exploits of John Paul Jones, commonly known as Paul Jones, the first man to raise the Stars and Stripes on an American battleship, are among the noblest exploits of the War of Independence. In 1778, he captured the English man-of-war, "Drake," in a naval engagement off the coast of Ireland, and Congress rewarded him in 1779 by making him commander of a fleet of five vessels, of which the flagship was the redoubtable "Bonhomme Richard." On September 23, 1779, Jones encountered near the mouth of the Humber a merchant fleet of about forty English vessels, convoyed by the "Serapis," a 44-gun ship, and another English man-of-war. Night fell upon the scene while the "Bonhomme Richard" and the "Serapis" were maneuvering for position, and it was not until seven o'clock in the evening that the darkness was dissipated by the streaks of flame belching forth from the cannon. The two vessels finally lay so close together that their riggings became entangled, and the intrepid American tried to board his enemy, only to be repulsed. Nothing daunted, he redoubled his efforts, until both vessels were riddled with shot and on fire; and the British captain, Pearson, had to capitulate when his mainmast was shot away, and his ship was no longer manageable. Neither ship was able to keep afloat after the battle. Jones was rewarded by a vote of gratitude and a gold medal from Congress, and by a gold sword presented by the French nation. In 1905, the body of the first American commodore was removed from its Paris resting-place to a magnificent crypt in the grounds of the Naval Academy at Annapolis.

WAR WITH THE BARBARY PIRATES.

Few facts in recent history are more astounding than the shameful tributes which even the greatest nations of the world yielded to the pirates of the Mediterranean at the end of the eighteenth century. In 1785, these freebooters from the shores of northern Africa captured two American vessels, and in 1793, added eleven more to their list—really leading to the construction of the first American men-of-war built since the War of Independence. The United States followed the example of European countries in granting tributes of some several millions of dollars to the sea-lords of the Mediterranean; but even an annual tribute of \$83,000 was not

sufficient for the Pacha of Tripoli, who formally declared war against the United States in 1801. It was not until 1803, however, that the American navy meted out severe punishment to the pirates, who were glad to conclude a treaty of peace in 1804. (See Tripolitan War in Encyclopedic Index.)

March 4, 1801, to March 4, 1809

Thomas Jefferson

Thomas Jefferson was born at Shadwell, Albemarle County, Va., on April 2 (old style), 1743. He was the oldest son of Peter Jefferson, who died in 1757. After attending private schools, he entered William and Mary College in 1760. In 1767 began the practice of the law. In 1769 was chosen to represent his county in the Virginia house of burgesses, a station he continued to fill up to the period of the Revolution. He married Mrs. Martha Skelton in 1772, she being a daughter of John Wayles, an eminent lawyer of Virginia. On March 12, 1773, was chosen a member of the first committee of correspondence established by the Colonial legislature. Was elected a delegate to the Continental Congress in 1775; was placed on the Committee of Five to prepare the Declaration of Independence, and at the request of that committee he drafted the Declaration, which, with slight amendments, was adopted July 4, 1776. Resigned his seat in Congress and occupied one in the Virginia legislature in October, 1776. Was elected governor of Virginia by the legislature on June 1, 1779, to succeed Patrick Henry. Retired to private life at the end of his term as governor, but was the same year elected again to the legislature. Was appointed commissioner with others to negotiate treaties with France in 1776, but declined. In 1782 he was appointed by Congress minister plenipotentiary to act with others in Europe in negotiating a treaty of peace with Great Britain. Was again elected a Delegate to Congress in 1783, and as a member of that body he advocated and had adopted the dollar as the unit and the present system of coins and decimals. In May, 1784, was appointed minister plenipotentiary to Europe to assist John Adams and Benjamin Franklin in negotiating treaties of commerce. In March, 1785, was appointed by Congress minister at the French Court to succeed Dr. Franklin, and remained in France until September, 1789. On his arrival at Norfolk, November 23, 1789, received a letter from Washington offering him the appointment of Secretary of State in his Cabinet. Accepted and became the first Secretary of State under the Constitution. December 31, 1793, resigned his place in the Cabinet and retired to private life at his home. In 1796 was brought forward by his friends as a candidate for President, but Mr. Adams, receiving the highest number of votes, was elected President, and Jefferson became Vice-President for four years from March 4, 1797. In 1800 was again voted for by his party for

President. He and Mr. Burr received an equal number of electoral votes, and under the Constitution the House of Representatives was called upon to elect. Mr. Jefferson was chosen on the thirty-sixth ballot. Was reelected in 1804, and retired finally from public life March 4, 1809. He died on the 4th day of July, 1826, and was buried at Monticello, Va.

NOTIFICATION OF ELECTION.

Mr. Pinckney, from the committee instructed on the 18th instant to wait on the President elect to notify him of his election, reported that the committee had, according to order, performed that service, and addressed the President elect in the following words, to wit:

The committee beg leave to express their wishes for the prosperity of your Administration and their sincere desire that it may promote your own happiness and the welfare of our country.

To which the President elect was pleased to make the following reply:

I receive, gentlemen, with profound thankfulness this testimony of confidence from the great representative council of our nation. It fills up the measure of that grateful satisfaction which had already been derived from the suffrages of my fellow-citizens themselves, designating me as one of those to whom they were willing to commit this charge, the most important of all others to them. In deciding between the candidates whom their equal vote presented to your choice, I am sensible that age has been respected rather than more active and useful qualifications.

I know the difficulties of the station to which I am called, and feel and acknowledge my incompetence to them. But whatsoever of understanding, whatsoever of diligence, whatsoever of justice or of affectionate concern for the happiness of man, it has pleased Providence to place within the compass of my faculties shall be called forth for the discharge of the duties confided to me, and for procuring to my fellow-citizens all the benefits which our Constitution has placed under the guardianship of the General Government.

Guided by the wisdom and patriotism of those to whom it belongs to express the legislative will of the nation, I will give to that will a faithful execution.

I pray you, gentlemen, to convey to the honorable body from which you are deputed the homage of my humble acknowledgments and the sentiments of zeal and fidelity by which I shall endeavor to merit these proofs of confidence from the nation and its Representatives; and accept yourselves my particular thanks for the obliging terms in which you have been pleased to communicate their will.

TH. JEFFERSON.

FEBRUARY 20, 1801.

LETTER FROM THE PRESIDENT ELECT.

The President laid before the Senate a letter from the President elect of the United States, which was read, as follows:

WASHINGTON, March 2, 1801 .

The PRESIDENT PRO TEMPORE OF THE SENATE.

SIR: I beg leave through you to inform the honorable the Senate of the United States that I propose to take the oath which the Constitution prescribes to the President of the United States before he enters on the execution of his office on Wednesday, the 4th instant, at 12 o'clock, in the Senate Chamber.

I have the honor to be, with the greatest respect, sir, your most obedient and most humble servant,

TH. JEFFERSON.

(The same letter was sent to the House of Representatives.)

FIRST INAUGURAL ADDRESS.

AT WASHINGTON, D.C.

Friends and Fellow-Citizens .

Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair did not the presence of many whom I here see remind me that in the other high authorities provided by our Constitution I shall find resources of wisdom, of virtue, and of zeal on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have passed the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us, then, fellow-citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that

this should be more felt and feared by some and less by others, and should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government can not be strong, that this Government is not strong enough; but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm on the theoretic and visionary fear that this Government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest Government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man can not be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which

comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its Administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burthened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion; freedom of the press, and freedom of person under the protection of the habeas corpus, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose preeminent services had entitled him to the first place in his country's love and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be

thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional, and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past, and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

MARCH 4, 1801.

PROCLAMATION.

(From the National Intelligencer, March 13, 1801.)

BY THE PRESIDENT OF THE UNITED STATES.

Whereas by the first article of the terms and conditions declared by the President of the United States on the iyth day of October, 1791, for regulating the materials and manner of buildings and improvements on the lots in the city of Washington, it is provided "that the outer and party walls of all houses in the said city shall be built of brick or stone;" and by the third article of the same terms and conditions it is declared "that the wall of no house shall be higher than 40 feet to the roof in any part of the city, nor shall any be lower than 35 feet in any of the avenues;" and

Whereas the above-recited articles were found to impede the settlement in the city of mechanics and others whose circumstances did not admit of erecting houses authorized by the said regulations, for which cause the President of the United States, by a writing under his hand, bearing date the 25th day of June, 1796, suspended the operation of the said articles until the first Monday of December, 1800, and the beneficial effects arising from such suspension having been experienced, it is

deemed proper to revive the same:

Wherefore I, Thomas Jefferson, President of the United States, do declare that the operation of the first and third articles above recited shall be, and the same is hereby, suspended until the 1st day of January, 1802, and that all the houses which shall be erected in the said city of Washington previous to the said 1st day of January, 1802, conformable in other respects to the regulations aforesaid, shall be considered as lawfully erected, except that no wooden house shall be erected within 24 feet of any brick or stone house.

Given under my hand this 11th day of March, 1801.

TH. JEFFERSON.

In communicating his first message to Congress, President Jefferson addressed the following letter to the presiding officer of each branch of the National Legislature:

DECEMBER 8, 1801.

The Honorable the PRESIDENT OF THE SENATE.

SIR: The circumstances under which we find ourselves at this place rendering inconvenient the mode heretofore practiced of making by personal address the first communications between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this I have had principal regard to the convenience of the Legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave through you, sir, to communicate the inclosed message, with the documents accompanying it, to the honorable the Senate, and pray you to accept for yourself and them the homage of my high respect and consideration.

TH. JEFFERSON.

FIRST ANNUAL MESSAGE.

DECEMBER 8, 1801.

Fellow-Citizens of the Senate and House of Representatives :

It is a circumstance of sincere gratification to me that on meeting the great council of our nation I am able to announce to them on grounds of reasonable certainty that the wars and troubles which have for so many years afflicted our sister nations have at length come to an end, and that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound with peculiar gratitude to be thankful to Him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth and to practice and improve those arts which tend to increase our comforts. The assurances, indeed, of friendly disposition received from all the powers with whom we have principal relations had inspired a confidence that our peace with them would not have been disturbed. But a cessation of irregularities which had affected the commerce of neutral nations and of the irritations and injuries produced by them can not but add to this confidence, and strengthens at the same time the hope that wrongs committed on unoffending friends under a pressure of circumstances will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurance for the future.

Among our Indian neighbors also a spirit of peace and friendship generally prevails, and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry and of the household arts have not been without success; that they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing, and already we are able to announce that instead of that constant diminution of their numbers produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to

protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war. His cruisers were out. Two had arrived at Gibraltar.

Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprise*, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary States was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands or as guarding from the exercise of force our vessels within their power, and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are now to reduce the ensuing ratio of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth and the prospect it holds up to us, not with a view to the injuries it may enable us to do others in some future day, but to the settlement of the extensive country still remaining vacant within our limits to the multiplication of men susceptible of happiness, educated in the love of order, habituated to self-government,

and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption in a ratio far beyond that of population alone; and though the changes in foreign relations now taking place so desirably for the whole world may for a season affect this branch of revenue, yet weighing all probabilities of expense as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excise, stamps, auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of Government, to pay the interest of the public debts, and to discharge the principals within shorter periods than the laws or the general expectation had contemplated. War, indeed, and untoward events may change this prospect of things and call for expenses which the imposts could not meet; but sound principles will not justify our taxing the industry of our fellow-citizens to accumulate treasure for wars to happen we know not when, and which might not, perhaps, happen but from the temptations offered by that treasure.

These views, however, of reducing our burthens are formed on the expectation that a sensible and at the same time a salutary reduction may take place in our habitual expenditures. For this purpose those of the civil Government, the Army, and Navy will need revisal.

When we consider that this Government is charged with the external, and mutual relations only of these States; that the States themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay toward a statement of those who, under public employment of various kinds, draw money from the Treasury or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial. Among those who are dependent on Executive discretion I have begun the reduction of what was deemed unnecessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue who were found to obstruct the accountability of the institution have been discontinued. Several agencies created by Executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative

inspection and sanction. Other reformatations of the same kind will be pursued with that caution which is requisite in removing useless things, not to injure what is retained. But the great mass of public offices is established by law, and therefore by law alone can be abolished. Should the Legislature think it expedient to pass this roll in review and try all its parts by the test of public utility, they may be assured of every aid and light which Executive information can yield. Considering the general tendency to multiply offices and dependencies and to increase expense to the ultimate term of burthen which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge, that it never may be seen here that after leaving to labor the smallest portion of its earnings on which it can subsist, Government shall itself consume the whole residue of what it was instituted to guard.

In our care, too, of the public contributions intrusted to our direction it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the undefined field of contingencies and thereby circumscribing discretionary powers over money, and by bringing back to a single department all accountabilities for money, where the examinations may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the Secretary of the Treasury, will, as usual, be laid before you. The success which has attended the late sales of the public lands shews that with attention they may be made an important source of receipt. Among the payments those made in discharge of the principal and interest of the national debt will shew that the public faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will, of course, be affected by such modifications of the system of expense as you shall think proper to adopt.

A statement has been formed by the Secretary of War, on mature consideration, of all the posts and stations where garrisons will be expedient and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defense against invasion their number is as nothing, nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point and competent to oppose them is

the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient in numbers proportioned to the invading force, it is best to rely not only to meet the first attack, but if it threatens to be permanent to maintain the defense until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time shew themselves in the laws for regulating the militia until they are sufficiently perfect. Nor should we now or at any time separate until we can say we have done everything for the militia which we could do were an enemy at our door.

The provision of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried some difference of opinion may be expected to appear, but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted for actual service in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for 74-gun ships as directed by law.

How far the authority given by the Legislature for procuring and establishing sites for naval purposes has been perfectly understood and pursued in the execution admits of some doubt. A statement of the expenses already incurred on that subject is now laid before you. I have in certain cases suspended or slackened these expenditures, that the Legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on, and five of the seven frigates directed to be laid up have been brought and laid up here, where, besides the safety of their position, they are under the eye of the Executive Administration, as well as of its agents, and where yourselves also will be guided by your own view in the legislative provisions respecting them which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the Executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels

directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, as far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any alteration is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We can not, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress, and, that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several States and now lay before Congress an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization it will be worthy your consideration whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those States where they are named by a marshal depending on Executive will or designated by the court or by officers dependent on them.

I can not omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial

of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these States, and still believed of consequence to their prosperity; and shall we refuse to the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The Constitution indeed has wisely provided that for admission to certain offices of important trust a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to everyone manifesting a bona fide purpose of embarking his life and fortunes permanently with us, with restrictions, perhaps, to guard against the fraudulent usurpation of our flag, an abuse which brings so much embarrassment and loss on the genuine citizen and so much danger to the nation of being involved in war that no endeavor should be spared to detect and suppress it?

These, fellow-citizens, are the matters respecting the state of the nation which I have thought of importance to be submitted to your consideration at this time. Some others of less moment or not yet ready for communication will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our Government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform as far as in my power the legislative judgment, nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote within your own walls that conciliation which so much befriends rational conclusion, and by its example will encourage among our constituents that progress of opinion which is tending to unite them in object and in will. That all should be satisfied with any one order of things is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts which have for their object to preserve the General and State Governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of Government.

TH. JEFFERSON.

SPECIAL MESSAGES.

DECEMBER 11, 1801.

Gentlemen of the Senate :

Early in the last month I received the ratification by the First Consul of France of the convention between the United States and that nation. His ratification not being pure and simple in the ordinary form, I have thought it my duty, in order to avoid all misconception, to ask a second advice and consent of the Senate before I give it the last sanction by proclaiming it to be a law of the land.

TH. JEFFERSON.

DECEMBER 22, 1801.

Gentlemen of the Senate :

The States of Georgia and Tennessee being peculiarly interested in our carrying into execution the two acts passed by Congress on the 19th of February, 1799 (chapter 115), and 13th May, 1800 (chapter 62), commissioners were appointed early in summer and other measures taken for the purpose. The objects of these laws requiring meetings with the Cherokees, Chickasaws, Choctaws, and Creeks, the inclosed instructions were prepared for the proceedings with the three first nations. Our applications to the Cherokees failed altogether. Those to the Chickasaws produced the treaty now laid before you for your advice and consent, whereby we obtained permission to open a road of communication with the Mississippi Territory. The commissioners are probably at this time in conference with the Choctaws. Further information having been wanting when these instructions were, formed to enable us to prepare those respecting the Creeks, the commissioners were directed to proceed with the others. We have now reason to believe the conferences with the Creeks can not take place till the spring.

The journals and letters of the commissioners relating to the subject of the treaty now inclosed accompany it.

TH. JEFFERSON.

DECEMBER 22, 1801.

Gentlemen of the Senate and of the House of Representatives :

I now inclose sundry documents supplementary to those communicated to you with my message at the commencement of the session. Two others of considerable importance the one relating to our transactions with the Barbary Powers, the other presenting a view of the offices of the Government shall be communicated as soon as they can be completed.

TH. JEFFERSON.

DECEMBER 23, 1801.

Gentlemen of the Senate and of the House of Representatives :

Another return of the census of the State of Maryland is just received from the marshal of that State, which he desires may be substituted as more correct than the one first returned by him and communicated by me to Congress. This new return, with his letter, is now laid before you.

TH. JEFFERSON.

Chapter 19

JANUARY 11, 1802.

Gentlemen of the Senate and of the House of Representatives .

I now communicate to you a memorial of the commissioners of the city of Washington, together with a letter of later date, which, with their memorial of January 28, 1801, will possess the Legislature fully of the state of the public interests and of those of the city of Washington confided to them. The moneys now due, and soon to become due, to the State of Maryland on the loan guaranteed by the United States call for an early attention. The lots in the city which are chargeable with the payment of these moneys are deemed not only equal to the indemnification of the public, but to insure a considerable surplus to the city to be employed for its improvement, provided they are offered for sale only in sufficient numbers to meet the existing demand. But the act of 1796 requires that they shall be positively sold in such numbers as shall be necessary for the punctual payment of the loans. Nine thousand dollars of interest are lately become due, \$3,000 quarter yearly will continue to become due, and \$50,000, an additional loan, are reimbursable on the 1st day of November next. These sums would require sales so far beyond

the actual demand of the market that it is apprehended that the whole property may be thereby sacrificed, the public security destroyed, and the residuary interest of the city entirely lost. Under these circumstances I have thought it my duty before I proceed to direct a rigorous execution of the law to submit the subject to the consideration of the Legislature. Whether the public interest will be better secured in the end and that of the city saved by offering sales commensurate only to the demand at market, and advancing from the Treasury in the first instance what these may prove deficient, to be replaced by subsequent sales, rests for the determination of the Legislature. If indulgence for the funds can be admitted, they will probably form a resource of great and permanent value; and their embarrassments have been produced only by overstrained exertions to provide accommodations for the Government of the Union

TH. JEFFERSON.

JANUARY 12, 1802.

Gentlemen of the Senate :

I now communicate to you a letter from the Secretary of State inclosing an estimate of the expenses which appear at present necessary for carrying into effect the convention between the United States of America and the French Republic, which has been prepared at the request of the House of Representatives.

TH. JEFFERSON.

JANUARY 27, 1802.

Gentlemen of the Senate and of the House of Representatives :

I lay before you the accounts of our Indian trading houses, as rendered up to the 1st day of January, 1801, with a report of the Secretary of War thereon, explaining the effects and the situation of that commerce and the reasons in favor of its further extension. But it is believed that the act authorizing this trade expired so long ago as the 3d of March, 1799. Its revival, therefore, as well as its extension, is submitted to the consideration of the Legislature.

The act regulating trade and intercourse with the Indian tribes will

also expire on the 3d day of March next. While on the subject of its continuance it will be worthy the consideration of the Legislature whether the provisions of the law inflicting on Indians, in certain cases, the punishment of death by hanging might not permit its commutation into death by military execution, the form of the punishment in the former way being peculiarly repugnant to their ideas and increasing the obstacles to the surrender of the criminal.

These people are becoming very sensible of the baneful effects produced on their morals, their health, and existence by the abuse of ardent spirits, and some of them earnestly desire a prohibition of that article from being carried among them. The Legislature will consider whether the effectuating that desire would not be in the spirit of benevolence and liberality which they have hitherto practiced toward these our neighbors, and which has had so happy an effect toward conciliating their friendship. It has been found, too, in experience that the same abuse gives frequent rise to incidents tending much to commit our peace with the Indians.

It is now become necessary to run and mark the boundaries between them and us in various parts. The law last mentioned has authorized this to be done, but no existing appropriation meets the expense.

Certain papers explanatory of the grounds of this communication are herewith inclosed.

TH. JEFFERSON.

FEBRUARY 2, 1802.

Gentlemen of the Senate and of the House of Representatives :

I now lay before you

1. A return of ordnance, arms, and military stores the property of the United States.
2. Returns of muskets and bayonets fabricated at the armories of the United States at Springfield and Harpers Ferry, and of the expenditures at those places; and
3. An estimate of expenditures which may be necessary for fortifications and barracks for the present year.

Besides the permanent magazines established at Springfield, West Point, and Harpers Ferry, it is thought one should be established in some point convenient for the States of North Carolina, South Carolina, and Georgia. Such a point will probably be found near the border of the Carolinas, and some small provision by the Legislature preparatory to the establishment will be necessary for the present year.

We find the United States in possession of certain iron mines and works in the county of Berkeley and State of Virginia, purchased, as is presumable, on the idea of establishing works for the fabrication of cannon and other military articles by the public. Whether this method of supplying what may be wanted will be most advisable or that of purchasing at market where competition brings everything to its proper level of price and quality is for the Legislature to decide, and if the latter alternative be preferred, it will rest for their further consideration in what way the subjects of this purchase may be best employed or disposed of. The Attorney-General's opinion on the subject of the title accompanies this.

There are in various parts of the United States small parcels of land which have been purchased at different times for cantonments and other military purposes. Several of them are in situations not likely to be accommodated to future purposes. The loss of the records prevents a detailed statement of these until they can be supplied by inquiry. In the meantime, one of them, containing 88 acres, in the county of Essex, in New Jersey, purchased in 1799 and sold the following year to Cornelius Vermule and Andrew Codmas, though its price has been received, can not be conveyed without authority from the Legislature.

I inclose herewith a letter from the Secretary of War on the subject of the islands in the lakes and rivers of our northern boundary, and of certain lands in the neighborhood of some of our military posts, on which it may be expedient for the Legislature to make some provisions.

TH. JEFFERSON.

FEBRUARY 16, 1802.

Gentlemen of the Senate and of the House of Representatives :

I now transmit a statement of the expenses incurred by the United States in their transactions with the Barbary Powers, and a roll of the persons having office or employment under the United States, as was proposed in my messages of December 7 and 22. Neither is as perfect as could have

been wished, and the latter not so much so as further time and inquiry may enable us to make it.

The great volume of these communications and the delay it would produce to make out a second copy will, I trust, be deemed a sufficient reason for sending one of them to the one House, and the other to the other, with a request that they may be interchanged for mutual information rather than to subject both to further delay.

TH. JEFFERSON.

FEBRUARY 18, 1802.

Gentlemen of the Senate and of the House of Representatives :

In a message of the 2d instant I inclosed a letter from the Secretary of War on the subject of certain lands in the neighborhood of our military posts on which it might be expedient for the Legislature to make some provisions. A letter recently received from the governor of Indiana presents some further views of the extent to which such provision may be needed, I therefore now transmit it for the information of Congress.

TH. JEFFERSON.

FEBRUARY 24, 1802.

Gentlemen of the Senate and of the House of Representatives :

I communicate to both Houses of Congress a report of the Secretary of the Treasury on the subject of our marine hospitals, which appear to require legislative attention.

As connected with the same subject, I also inclose information respecting the situation of our seamen and boatmen frequenting the port of New Orleans and suffering there from sickness and the want of accommodation. There is good reason to believe their numbers greater than stated in these papers. When we consider how great a proportion of the territory of the United States must communicate with that port singly, and how rapidly that territory is increasing its population and productions, it may perhaps be thought reasonable to make hospital provisions there of a different order from those at foreign ports generally.

TH. JEFFERSON.

FEBRUARY 25, 1802.

Gentlemen of the Senate and of the House of Representatives :

No occasion having arisen since the last account rendered by my predecessor of making use of any part of the moneys heretofore granted to defray the contingent charges of the Government, I now transmit to Congress an official statement thereof to the 31st day of December last, when the whole unexpended balance, amounting to \$20,911.80, was carried to the credit of the surplus fund, as provided for by law, and this account consequently becomes finally closed,

TH. JEFFERSON.

FEBRUARY 26, 1802.

Gentlemen of the Senate and of the House of Representatives :

Some statements have been lately received of the causes decided or depending in the courts of the Union in certain States, supplementary or corrective of those from which was formed the general statement accompanying my message at the opening of the session. I therefore communicate them to Congress, with a report of the Secretary of State noting their effect on the former statement and correcting certain errors in it which arose partly from inexactitude in some of the returns and partly in analyzing, adding, and transcribing them while hurried in preparing the other voluminous papers accompanying that message.

TH. JEFFERSON.

MARCH 1, 1802.

Gentlemen of the Senate and of the House of Representatives :

I transmit for the information of Congress letters recently received from our consuls at Gibraltar and Algiers, presenting the latest view of the state of our affairs with the Barbary Powers. The sums due to the

Government of Algiers are now fully paid up, and of the gratuity which had been promised to that of Tunis, and was in a course of preparation, a small portion only remains still to be finished and delivered.

TH. JEFFERSON.

MARCH 9, 1802.

Gentlemen of the Senate :

The governor of New York has desired that, in addition to the negotiations with certain Indians already authorized under the superintendence of John Taylor, further negotiations should be held with the Oneidas and other members of the Confederacy of the Six Nations for the purchase of lands in and for the State of New York, which they are willing to sell, as explained in the letter from the Secretary of War herewith sent. I have therefore thought it better to name a commissioner to superintend the negotiations specified with the Six Nations generally, or with any of them.

I do accordingly nominate John Taylor, of New York, to be commissioner for the United States, to hold a convention or conventions between the State of New York and the Confederacy of the Six Nations of Indians, or any of the nations composing it.

This nomination, if advised and consented to by the Senate, will comprehend and supersede that of February 1 of the same John Taylor so far as it respected the Seneca Indians,

TH. JEFFERSON.

MARCH 10, 1802.

Gentlemen of the Senate :

I now submit for the ratification of the Senate a treaty entered into by the commissioners of the United States with the Choctaw Nation of Indians, and I transmit therewith so much of the instructions to the commissioners as related to the Choctaws, with the minutes of their proceedings and the letter accompanying them.

TH. JEFFERSON.

MARCH 29, 1802.

Gentlemen of the Senate and of the House of Representatives :

The Secretary of State, charged with the civil affairs of the several Territories of the United States, has received from the marshal of Columbia a statement of the condition, unavoidably distressing, of the persons committed to his custody on civil or criminal process and the urgency for some legislative provisions for their relief. There are other important cases wherein the laws of the adjoining States under which the Territory is placed, though adapted to the purposes of those States, are insufficient for those of the Territory from the dissimilar or defective organization of its authorities. The letter and statement of the marshal and the disquieting state of the Territory generally are now submitted to the wisdom and consideration of the Legislature.

TH. JEFFERSON.

MARCH 29, 1802.

Gentlemen of the Senate :

The commissioners who were appointed to carry into execution the sixth article of the treaty of amity, commerce, and navigation between the United States and His Britannic Majesty having differed in opinion as to the objects of that article and discontinued their proceedings, the Executive of the United States took early measures, by instructions to our minister at the British Court, to negotiate explanations of that article. This mode of resolving the difficulty, however, proved unacceptable to the British Government, which chose rather to avoid all further discussion and expense under that article by fixing at a given sum the amount for which the United States should be held responsible under it. Mr. King was consequently authorized to meet this proposition, and a settlement in this way has been effected by a convention entered into with the British Government, and now communicated for your advice and consent, together with the instructions and correspondence relating to it. The greater part of these papers being originals, the return of them is requested at the convenience of the Senate.

TH. JEFFERSON.

MARCH 30, 1802.

Gentlemen of the Senate and of the House of Representatives :

The Secretary of War has prepared an estimate of expenditures for the Army of the United States during the year 1802, conformably to the act fixing the military peace establishment, which estimate, with his letter accompanying and explaining it, I now transmit to both Houses of Congress.

TH. JEFFERSON.

MARCH 31, 1802.

Gentlemen of the House of Representatives :

According to the desire expressed in your resolution of the 23d instant, I now transmit a report of the Secretary of State, with the letters it refers to, shewing the proceedings which have taken place under the resolution of Congress of the 16th of April, 1800. The term prescribed for the execution of the resolution having elapsed before the person appointed had sat out on the service, I did not deem it justifiable to commence a course of expenditure after the expiration of the resolution authorizing it. The correspondence which has taken place, having regard to dates, will place this subject properly under the view of the House of Representatives.

TH. JEFFERSON.

APRIL, 8, 1802.

Gentlemen of the Senate :

In order to satisfy as far as it is in my power the desire expressed in your resolution of the 6th instant, I now transmit you a letter from John Read, agent for the United States before the board of commissioners under the sixth article of the treaty with Great Britain, to the Attorney-General, bearing date the 25th of April, 1801, in which he gives a summary view of the proceedings of those commissioners and of the principles established or insisted on by a majority of them.

Supposing it might be practicable for us to settle by negotiation with Great Britain the principles which ought to govern the decisions under the treaty, I caused instructions to be given to Mr. Read to analyze the claims before the board of commissioners, to class them under the principles on which they respectively depended, and to state the sum depending on each principle or the amount of each description of debt. The object of this was that we might know what principles were most important for us to contend for and what others might be conceded without much injury. He performed this duty, and gave in such a statement during the last summer, but the chief clerk of the Secretary of State's office being absent on account of sickness, and the only person acquainted with the arrangement of the papers of the office, this particular document can not at this time be found. Having, however, been myself in possession of it a few days after its receipt, I then transcribed from it for my own use the recapitulation of the amount of each description of debt. A copy of this transcript I shall subjoin hereto, with assurances that it is substantially correct, and with the hope that it will give a view of the subject sufficiently precise to fulfill the wishes of the Senate. To save them the delay of waiting till a copy of the agent's letter could be made, I send the original, with the request that it may be returned at the convenience of the Senate.

TH. JEFFERSON.

APRIL 15, 1802.

Gentlemen of the House of Representatives :

I now transmit the papers desired in your resolution of the 6th instant. Those respecting the *Berceau* will sufficiently explain themselves. The officer charged with her repairs states in his letter, received August 27, 1801, that he had been led by circumstances, which he explains, to go considerably beyond his orders. In questions between nations, who have no common umpire but reason, something must often be yielded of mutual opinion to enable them to meet in a common point.

The allowance which had been proposed to the officers of that vessel being represented as too small for their daily necessities, and still more so as the means of paying before their departure debts contracted with our citizens for subsistence, it was requested on their behalf that the daily pay of each might be the measure of their allowance.

This being solicited and reimbursement assumed by the agent of their

nation, I deemed that the indulgence would have a propitious effect in the moment of returning friendship. The sum of \$870.83 was accordingly furnished them for the five months of past captivity and a proportional allowance authorized until their embarkation.

TH. JEFFERSON.

APRIL 20, 1802.

Gentlemen of the House of Representatives :

I transmit you a report from the Secretary of State, with the information desired by the House of Representatives, of the 8th of January, relative to certain spoliations and other proceedings therein referred to.

TH. JEFFERSON.

APRIL 26, 1802.

Gentlemen of the Senate and of the House of Representatives :

In pursuance of the act entitled "An act supplemental to the act entitled 'An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory,'" James Madison, Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney-General of the United States, were appointed commissioners to settle by compromise with the commissioners appointed by the State of Georgia the claims and cession to which the said act has relation.

Articles of agreement and cession have accordingly been entered into and signed by the said commissioners of the United States and of Georgia, which, as they leave a right to Congress to act upon them legislatively at any time within six months after their date, I have thought it my duty immediately to communicate to the Legislature.

TH. JEFFERSON.

APRIL 27, 1802.

Gentlemen of the Senate and of the House of Representatives :

The commissioners who were appointed to carry into execution the sixth article of the treaty of amity, commerce, and navigation between the United States and Great Britain having differed in their construction of that article, and separated in consequence of that difference, the President of the United States took immediate measures for obtaining conventional explanations of that article for the government of the commissioners. Finding, however, great difficulties opposed to a settlement in that way, he authorized our minister at the Court of London to meet a proposition that the United States by the payment of a fixed sum should discharge themselves from their responsibility for such debts as can not be recovered from the individual debtors. A convention has accordingly been signed, fixing the sum to be paid at L600,000 in three equal and annual installments, which has been ratified by me with the advice and consent of the Senate.

I now transmit copies thereof to both Houses of Congress, trusting that in the free exercise of the authority which the Constitution has given them on the subject of public expenditures they will deem it for the public interest to appropriate the sums necessary for carrying this convention into execution.

TH. JEFFERSON.

SECOND ANNUAL MESSAGE.

DECEMBER 15, 1802

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

When we assemble together, fellow-citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favor they flow and the large measure of thankfulness we owe for His bounty. Another year has come around, and finds us still blessed with peace and friendship abroad; law, order, and religion at home; good affection and harmony with our Indian neighbors; our burthens lightened, yet our income sufficient for the public wants, and the produce of the year great beyond example. These, fellow-citizens, are the circumstances under which we meet, and we remark with special satisfaction those which

under the smiles of Providence result from the skill, industry, and order of our citizens, managing their own affairs in their own way and for their own use, unembarrassed by too much regulation, unoppressed by fiscal exactions.

On the restoration of peace in Europe that portion of the general carrying trade which had fallen to our share during the war was abridged by the returning competition of the belligerent powers. This was to be expected, and was just. But in addition we find in some parts of Europe monopolizing discriminations, which in the form of duties tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities and a spirit of justice it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the Legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British Parliament anticipating this subject so far as to authorize a mutual abolition of the duties and countervailing duties permitted under the treaty of 1794. It shows on their part a spirit of justice and friendly accommodation which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries is a subject for your consideration.

Another circumstance which claims attention as directly affecting the very source of our navigation is the defect or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them and save them to their country, have found it necessary in some cases to return them at the public charge.

The cession of the Spanish Province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the Legislature connected with that subject.

There was reason not long since to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some other of the Barbary Powers. A reenforcement, therefore, was immediately ordered to the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea

with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of their coast and the want of smaller vessels on our part has permitted some cruisers to escape unobserved, and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of color remain prisoners with them unless exchanged under an agreement formerly made with the Bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the State of Georgia has been ratified by their legislature, and a repurchase from the Creeks has been consequently made of a part of the Talasscee country. In this purchase has been also comprehended a part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them and marking the boundaries between us. That with the Choctaw Nation is fixed in one part and will be through the whole within a short time. The country to which their title had been extinguished before the Revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbors and distant from its support; and how far that monopoly which prevents population should here be guarded against and actual habitation made a condition of the continuance of title will be for your consideration. A prompt settlement, too, of all existing rights and claims within this territory presents itself as a preliminary operation.

In that part of the Indiana Territory which includes Vincennes the lines settled with the neighboring tribes fix the extinction of their title at a breadth of 24 leagues from east to west and about the same length parallel with and including the Wabash. They have also ceded a tract of 4 miles square, including the salt springs near the mouth of that river.

In the Department of Finance it is with pleasure I inform you that the receipts of external duties for the last twelve months have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of Government, to pay from the Treasury within one year upward of \$8,000,000, principal and interest, of the public debt, exclusive of upward of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and a half of principal, and to have now in the Treasury \$4,500,000, which are in a

course of application to the further discharge of debt and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by Congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practice every useful economy and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in some of the States, the officers employed in it are of course out of commission. In others they will be so shortly. But in a few, where the arrangements for the direct tax had been retarded, it will be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an act of the last session for transacting business in Europe relative to debts and loans. Nor have we used the power confided by the same act of prolonging the foreign debt by reloans, and of redeeming instead thereof an equal sum of the domestic debt. Should, however, the difficulties of remittance on so large a scale render it necessary at any time, the power shall be executed and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestic debt. When effects so salutary result from the plans you have already sanctioned; when merely by avoiding false objects of expense we are able, without a direct tax, without internal taxes, and without borrowing to make large and effectual payments toward the discharge of our public debt and the emancipation of our posterity from that mortal canker, it is an encouragement, fellow-citizens, of the highest order to proceed as we have begun in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practiced by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes. In the meantime, by payments of the principal of our debt, we are liberating annually portions of the external taxes and forming from them a growing fund still further to lessen the necessity of recurring to extraordinary resources.

The usual account of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the Secretary of the Treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year on its present footing,

as also of the sums to be employed in fortifications and other objects within that department, has been prepared by the Secretary of War, and will make a part of the general estimates which will be presented you.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the Naval Department, prepared by the Secretary of the Navy, for another year will in like manner be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers, and the uncertain tenure of peace with some other of the Barbary Powers may eventually require that force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate, but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a convenient sum toward providing the naval defense which our situation may require, I can not but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay which lie in water and exposed to the sun . These decays require great and constant repairs, and will consume, if continued, a great portion of the moneys destined to naval purposes. To avoid this waste of our resources it is proposed to add to our navy-yard here a dock within which our present vessels may be laid up dry and under cover from the sun . Under these circumstances experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practiced for lock navigation, furnishes the means for raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up as well as for building and repairing vessels may hereafter be undertaken at other navy-yards offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay, and from this it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed toward its completion may be adapted to the views of the Legislature as to naval expenditure.

To cultivate peace and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries as nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge

of its debts and contracts, expend the public money with the same care and economy we would practice with our own, and impose on our citizens no unnecessary burthens; to keep in all things within the pale of our constitutional powers, and cherish the federal union as the only rock of safety these, fellow-citizens, are the landmarks by which we are to guide our selves in all our proceedings. By continuing to make these the rule of our action we shall endear to our countrymen the true principles of their Constitution and promote an union of sentiment and of action equally auspicious to their happiness and safety. On my part, you may count on a cordial concurrence in every measure for the public good and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

TH. JEFFERSON.

SPECIAL MESSAGES.

DECEMBER 22, 1802.

Gentlemen of the House of Representatives :

I now transmit a report from the Secretary of State with the information requested in your resolution of the 17th instant.

In making this communication I deem it proper to observe that I was led by the regard due to the rights and interests of the United States and to the just sensibility of the portion of our fellow-citizens more immediately affected by the irregular proceeding at New Orleans to lose not a moment in causing every step to be taken which the occasion claimed from me, being equally aware of the obligation to maintain in all cases the rights of the nation and to employ for that purpose those just and honorable means which belong to the character of the United States.

TH. JEFFERSON.

DECEMBER 23, 1802.

Gentlemen of the House of Representatives .

In pursuance of the resolution of the House of Representatives of the 3d of May last, desiring a statement of expenditures from January 1, 1797, by the Quartermaster-General and the navy agents, for the contingencies of the naval and military establishments and the navy contracts for timber and stores, I now transmit such statements from the offices of the Secretaries of the Treasury, War, and Navy, where alone these expenditures are entered.

TH. JEFFERSON.

DECEMBER 27, 1802.

Gentlemen of the Senate :

I lay before you a treaty, which has been agreed to by commissioners duly authorized on the part of the United States and the Creek Nation of Indians, for the extinguishment of the native title to lands in the Talassee County, and others between the forks of Oconce and Oakmulgee rivers, in Georgia, in pursuance of the convention with that State, together with the documents explanatory thereof; and it is submitted to your determination whether you will advise and consent to the ratification thereof.

TH. JEFFERSON.

DECEMBER 27, 1802.

Gentlemen of the Senate :

I lay before you a treaty, which has been concluded between the State of New York and the Oneida Indians, for the purchase of lands within that State.

One other, between the same State and the Seneca Indians, for the purchase of other lands within the same State.

One other, between certain individuals styled the Holland Company with the Senecas, for the exchange of certain lands in the same State.

And one other, between Oliver Phelps, a citizen of the United States, and the Senecas, for the exchange of lands in the same State; with

sundry explanatory papers, all of them conducted under the superintendence of a commissioner on the part of the United States, who reports that they have been adjusted with the fair and free consent and understanding of the parties. It is therefore submitted to your determination whether you will advise and consent to their respective ratifications.

TH. JEFFERSON.

DECEMBER 27, 1802.

Gentlemen of the Senate and of the House of Representatives :

In my message of the 15th instant I mentioned that plans and estimates of a dry dock for the preservation of our ships of war, prepared by a person of skill and experience, should be laid before you without delay. These are now transmitted, the report and estimates by duplicates; but the plans being single only, I must request an intercommunication of them between the Houses and their return when they shall no longer be wanting for their consideration.

TH. JEFFERSON.

DECEMBER 30, 1802.

Gentlemen of the House of Representatives :

In addition to the information accompanying my message of the 22d instant, I now transmit the copy of a letter on the same subject, recently received.

TH. JEFFERSON.

WASHINGTON, December 30, 1802 .

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Although an informal communication to the public of the substance of the inclosed letter may be proper for quieting the public mind, yet I refer to the consideration of the House of Representatives whether the

publication of it in form might not give dissatisfaction to the writer and tend to discourage the freedom and confidence of communications between the agents of the two Governments. Accept assurances of my high consideration and respect.

TH. JEFFERSON.

NATCHEZ, November 25, 1802 .

The Honorable the Secretary of State,

Washington .

SIR: I have the honor to inclose you an original copy of a communication (together with a translation thereof) which I this morning received from the governor-general of the Province of Louisiana in answer to my letters of the 28th ultimo.

I am, sir, with respect and esteem, your humble servant,

WILLIAM C.C. CLAIBORNE.

(Translation.)

New Orleans, November 15, 1802 .

His Excellency WILLIAM C.C. CLAIBORNE.

Most Excellent Sir: I received a few days past your excellency's esteemed letter of the 28th ultimo, in which your excellency, referring to the twenty-second article of the treaty of friendship, navigation, and limits agreed upon between the King, my master, and the United States of America, has been pleased to inquire, after transcribing the literal text of said article (which you find so explicit as not to require any comment nor to admit of dubious construction), if His Majesty has been pleased to designate any other position on the banks of the Mississippi, and where that is, if his royal pleasure does not continue the permission stipulated by the said treaty which entitled the citizens of the United States to deposit their merchandise and effects in the port of New Orleans; and you request at the same time that, as the affair is so interesting to the commerce of the United States and to the welfare of its citizens, I may do you the favor to send you an

answer as early as possible. I can now assure your excellency that His Catholic Majesty has not hitherto issued any order for suspending the deposit, and consequently has not designated any other position on the banks of the Mississippi for that purpose. But I must inform you, in answer to your inquiry, that the intendant of these provinces (who in the affairs of his own department is independent of the general Government), at the same time that, in conformity with the royal commands (the peace in Europe having been published since the 4th of May last), he suspended the commerce of neutrals, also thought proper to suspend the tacit prolongation which continued, and to put a stop to the infinite abuses which resulted from the deposit, contrary to the interest of the State and of the commerce of these colonies, in consequence of the experience he acquired of the frauds which have been committed and which it has been endeavored to excuse under the pretext of ignorance, as is manifested by the number of causes which now await the determination of His Majesty, as soon as they can be brought to his royal knowledge, besides many others which have been dropt because the individuals have absconded who introduced their properties into the deposit and did not extract them, thus defrauding the royal interests.

It might appear on the first view that particular cases like these ought not to operate against a general privilege granted by a solemn treaty, and it is an incontestable principle that the happiness of nations consists in a great measure in maintaining a good harmony and correspondence with their neighbors by respecting their rights, by supporting their own, without being deficient in what is required by humanity and civil intercourse; but it is also indubitable that for a treaty, although solemn, to be entirely valid it ought not to contain any defect; and if it be pernicious and of an injurious tendency, although it has been effectuated with good faith but without a knowledge of its bad consequence, it will be necessary to undo it, because treaties ought to be viewed like other acts of public will, in which more attention ought to be paid to the intention than to the words in which they are expressed; and thus it will not appear so repugnant that the term of three years fixed by the twenty-second article being completed without the King's having granted a prolongation, the intendency should not, after putting a stop to the commerce of neutrals, take upon itself the responsibility of continuing that favor without the express mandate of the King, a circumstance equally indispensable for designating another place on the banks of the Mississippi.

From the foregoing I trust that you will infer that as it is the duty of the intendant, who conducts the business of his ministry with a perfect independence of the Government, to have informed the King of what he has done in fulfillment of what has been expressly stipulated, it is to be hoped that His Majesty will take the measures which are convenient to

give effect to the deposit, either in this capital, if he should not find it prejudicial to the interests of Spain, or in the place on the banks of the Mississippi which it may be his royal pleasure to designate; as it ought to be confided that the justice and generosity of the King will not refuse to afford to the American citizens all the advantages they can desire, a measure which does not depend upon discretion, nor can an individual chief take it upon himself. Besides these principles on which the regulation of the intendant is founded, I ought at the same time to inform you that I myself opposed on my part, as far as I reasonably could, the measure of suspending the deposit, until the reasons adduced by the intendant brought it to my view; that as all events can not be prevented, and as with time and different circumstances various others occur which can not be foreseen, a just and rational interpretation is always necessary. Notwithstanding the foregoing, the result of my own reflections, I immediately consulted on the occasion with my captain-general, whose answer, which can not be long delayed, will dissipate every doubt that may be raised concerning the steps which are to be taken, By all means your excellency may live in the firm persuasion that as there has subsisted, and does subsist, the most perfect and constant good harmony between the King, my master, and the United States of America, I will spare no pains to preserve it by all the means in my power, being assured of a reciprocity of equal good offices in observing the treaty with good faith, ever keeping it in view that the felicity and glory of nations are deeply concerned in the advantages of a wise and prudently conducted commerce.

I have the honor to assure your excellency of the respect and high consideration which I profess for you; and I pray the Most High to preserve your life many years.

I kiss your excellency's hands.

Your most affectionate servant,

MANUEL DE SALCEDO.

Chapter 20

JANUARY 5, 1803.

Gentlemen of the House of Representatives :

Agreeably to the request of the House of Representatives, I now transmit a statement of the militia of those States from which any returns have been made to the War Office. They are, as you will perceive, but a small proportion of the whole. I send you also the copy of a circular letter written some time since for the purpose of obtaining returns from all the States. Should any others in consequence of this be made during the

session of Congress, they shall be immediately communicated.

TH. JEFFERSON.

JANUARY 7, 1803.

Gentlemen of the Senate :

I submit for your approbation and consent a convention entered into with the Choctaw Nation of Indians for ascertaining and marking the limits of the territory ceded to our nation while under its former government, and lying between the Tombigbee and Mobile rivers on the east and the Chickasawhay River on the west.

We are now engaged in ascertaining and marking in like manner the limits of the former cessions of the Choctaws from the river Yazoo to our southern boundary, which will be the subject of another convention, and we expect to obtain from the same nation a new cession of lands of considerable extent between the Tombigbee and Alabama rivers.

These several tracts of country will compose that portion of the Mississippi Territory which, so soon as certain individual claims are arranged, the United States will be free to sell and settle immediately.

TH. JEFFERSON

JANUARY 11, 1803.

Gentlemen of the Senate :

The cession of the Spanish Province of Louisiana to France, and perhaps of the Floridas, and the late suspension of our right of deposit at New Orleans are events of primary interest to the United States. On both occasions such measures were promptly taken as were thought most likely amicably to remove the present and to prevent future causes of inquietude. The objects of these measures were to obtain the territory on the left bank of the Mississippi and eastward of that, if practicable, on conditions to which the proper authorities of our country would agree, or at least to prevent any changes which might lessen the secure exercise of our rights. While my confidence in our minister plenipotentiary at Paris is entire and undiminished, I still think that these objects might be promoted by joining with him a person

sent from hence directly, carrying with him the feelings and sentiments of the nation excited on the late occurrence, impressed by full communications of all the views we entertain on this interesting subject, and thus prepared to meet and to improve to an useful result the counter propositions of the other contracting party, whatsoever form their interests may give to them, and to secure to us the ultimate accomplishment of our object.

I therefore nominate Robert R. Livingston to be minister plenipotentiary and James Monroe to be minister extraordinary and plenipotentiary, with full powers to both jointly, or to either on the death of the other, to enter into a treaty or convention with the First Consul of France for the purpose of enlarging and more effectually securing our rights and interests in the river Mississippi and in the Territories eastward thereof.

But as the possession of these provinces is still in Spain, and the course of events may retard or prevent the cession to France being carried into effect, to secure our object it will be expedient to address equal powers to the Government of Spain also, to be used only in the event of its being necessary.

I therefore nominate Charles Pinckney to be minister plenipotentiary, and James Monroe, of Virginia, to be minister extraordinary and plenipotentiary, with full powers to both jointly, or to either on the death of the other, to enter into a treaty or convention with His Catholic Majesty for the purpose of enlarging and more effectually securing our rights and interests in the river Mississippi and in the Territories eastward thereof.

TH. JEFFERSON.

JANUARY 11, 1803.

Gentlemen of the Senate :

The spoliations and irregularities committed on our commerce during the late war by subjects of Spain or by others deemed within her responsibility having called for attention, instructions were accordingly given to our minister at Madrid to urge our right to just indemnifications, and to propose a convention for adjusting them. The Spanish Government listened to our proposition with an honorable readiness and agreed to a convention, which I now submit for your advice and consent. It does not go to the satisfaction of all our claims, but

the express reservation of our right to press the validity of the residue has been made the ground of further instructions to our minister on the subject of an additional article, which it is to be hoped will not be without effect.

TH. JEFFERSON.

JANUARY 18, 1803.

Gentlemen of the Senate and of the House of Representatives :

As the continuance of the act for establishing trading houses with the Indian tribes will be under the consideration of the Legislature at its present session, I think it my duty to communicate the views which have guided me in the execution of that act, in order that you may decide on the policy of continuing it in the present or any other form, or discontinue it altogether if that shall, on the whole, seem most for the public good.

The Indian tribes residing within the limits of the United States have for a considerable time been growing more and more uneasy at the constant diminution of the territory they occupy, although effected by their own voluntary sales, and the policy has long been gaining strength with them of refusing absolutely all further sale on any conditions, insomuch that at this time it hazards their friendship and excites dangerous jealousies and perturbations in their minds to make any overture for the purchase of the smallest portions of their land. A very few tribes only are not yet obstinately in these dispositions. In order peaceably to counteract this policy of theirs and to provide an extension of territory which the rapid increase of our numbers will call for, two measures are deemed expedient. First. To encourage them to abandon hunting, to apply to the raising stock, to agriculture, and domestic manufacture, and thereby prove to themselves that less land and labor will maintain them in this better than in their former mode of living. The extensive forests necessary in the hunting life will then become useless, and they will see advantage in exchanging them for the means of improving their farms and of increasing their domestic comforts. Secondly. To multiply trading houses among them, and place within their reach those things which will contribute more to their domestic comfort than the possession of extensive but uncultivated wilds. Experience and reflection will develop to them the wisdom of exchanging what they can spare and we want for what we can spare and they want. In leading them thus to agriculture, to manufactures, and civilization; in bringing together their and our sentiments, and

in preparing them ultimately to participate in the benefits of our Government, I trust and believe we are acting for their greatest good. At these trading houses we have pursued the principles of the act of Congress which directs that the commerce shall be carried on liberally, and requires only that the capital stock shall not be diminished. We consequently undersell private traders, foreign and domestic, drive them from the competition, and thus, with the good will of the Indians, rid ourselves of a description of men who are constantly endeavoring to excite in the Indian mind suspicions, fears, and irritations toward us. A letter now inclosed shows the effect of our competition on the operations of the traders, while the Indians, perceiving the advantage of purchasing from us, are soliciting generally our establishment of trading houses among them. In one quarter this is particularly interesting. The legislature, reflecting on the late occurrences on the Mississippi, must be sensible how desirable it is to possess a respectable breadth of country on that river, from our southern limit to the Illinois, at least, so that we may present as firm a front on that as on our eastern border. We possess what is below the Yazoo, and can probably acquire a certain breadth from the Illinois and Wabash to the Ohio; but between the Ohio and Yazoo the country all belongs to the Chickasaws, the most friendly tribe within our limits, but the most decided against the alienation of lands. The portion of their country most important for us is exactly that which they do not inhabit. Their settlements are not on the Mississippi, but in the interior country. They have lately shown a desire to become agricultural, and this leads to the desire of buying implements and comforts. In the strengthening and gratifying of these wants I see the only prospect of planting on the Mississippi itself the means of its own safety. Duty has required me to submit these views to the judgment of the Legislature, but as their disclosure might embarrass and defeat their effect, they are committed to the special confidence of the two Houses.

While the extension of the public commerce among the Indian tribes may deprive of that source of profit such of our citizens as are engaged in it, it might be worthy the attention of Congress in their care of individual as well as of the general interest to point in another direction the enterprise of these citizens, as profitably for themselves and more usefully for the public. The river Missouri and the Indians inhabiting it are not as well known as is rendered desirable by their connection with the Mississippi, and consequently with us. It is, however, understood that the country on that river is inhabited by numerous tribes, who furnish great supplies of furs and peltry to the trade of another nation, carried on in a high latitude through an infinite number of portages and lakes shut up by ice through a long season. The commerce on that line could bear no competition with that of the Missouri, traversing a moderate climate, offering, according to the

best accounts, a continued navigation from its source, and possibly with a single portage from the Western Ocean, and finding to the Atlantic a choice of channels through the Illinois or Wabash, the Lakes and Hudson, through the Ohio and Susquehanna, or Potomac or James rivers, and through the Tennessee and Savannah rivers. An intelligent officer, with ten or twelve chosen men, fit for the enterprise and willing to undertake it, taken from our posts where they may be spared without inconvenience, might explore the whole line, even to the Western Ocean, have conferences with the natives on the subject of commercial intercourse, get admission among them for our traders as others are admitted, agree on convenient deposits for an interchange of articles, and return with the information acquired in the course of two summers. Their arms and accouterments, some instruments of observation, and light and cheap presents for the Indians would be all the apparatus they could carry, and with an expectation of a soldier's portion of land on their return would constitute the whole expense. Their pay would be going on whether here or there. While other civilized nations have encountered great expense to enlarge the boundaries of knowledge by undertaking voyages of discovery, and for other literary purposes, in various parts and directions, our nation seems to owe to the same object, as well as to its own interests, to explore this the only line of easy communication across the continent, and so directly traversing our own part of it. The interests of commerce place the principal object within the constitutional powers and care of Congress, and that it should incidentally advance the geographical knowledge of our own continent can not but be an additional gratification. The nation claiming the territory, regarding this as a literary pursuit, which it is in the habit of permitting within its dominions, would not be disposed to view it with jealousy, even if the expiring state of its interests there did not render it a matter of indifference. The appropriation of \$2,500 "for the purpose of extending the external commerce of the United States," while understood and considered by the Executive as giving the legislative sanction, would cover the undertaking from notice and prevent the obstructions which interested individuals might otherwise previously prepare in its way.

TH. JEFFERSON.

JANUARY 18, 1803.

Gentlemen of the Senate and of the House of Representatives :

I inclose a report of the Secretary of War, stating the trading houses established in the Indian territories, the progress which has been made

in the course of the last year in settling and marking boundaries with the different tribes, the purchases of lands recently made from them, and the prospect of further progress in marking boundaries and in new extinguishments of title in the year to come, for which some appropriations of money will be wanting.

To this I have to add that when the Indians ceded to us the salt springs on the Wabash they expressed a hope that we would so employ them as to enable them to procure there the necessary supplies of salt. Indeed, it would be the most proper and acceptable form in which the annuity could be paid which we propose to give them for the cession. These springs might at the same time be rendered eminently serviceable to our Western inhabitants by using them as the means of counteracting the monopolies of supplies of salt and of reducing the price in that country to a just level. For these purposes a small appropriation would be necessary to meet the first expenses, after which they should support themselves and repay those advances. These springs are said to possess the advantage of being accompanied with a bed of coal.

TH. JEFFERSON.

JANUARY 19, 1803.

Gentlemen of the Senate and of the House of Representatives :

I now lay before Congress the annual account of the fund established for defraying the contingent charges of Government. A single article of \$1,440, paid for bringing home 72 seamen discharged in foreign ports from vessels sold abroad, is the only expenditure from that fund, leaving an unexpended balance of \$18,560 in the Treasury.

TH. JEFFERSON.

JANUARY 24. 1803.

Gentlemen of the Senate and of the House of Representatives :

I transmit a report by the superintendent of the city of Washington on the affairs of the city committed to his care. By this you will perceive that the resales of lots prescribed by an act of the last session of Congress did not produce a sufficiency to pay the debt to Maryland to which they are appropriated, and as it was evident that the sums

necessary for the interest and installments due to that State could not be produced by a sale of the other public lots without an unwarrantable sacrifice of the property, the deficiencies were of necessity drawn from the Treasury of the United States.

The office of the surveyor for the city, created during the former establishment, being of indispensable necessity, it has been continued, and to that of the superintendent, substituted instead of the board of commissioners at the last session of Congress, no salary was annexed by law. These offices being permanent, I have supposed it more agreeable to principle that their salaries should be fixed by the Legislature, and therefore have assigned them none. Their services to be compensated are from the 1st day of June last.

The marshal of the District of Columbia has, as directed by law, caused a jail to be built in the city of Washington. I inclose his statements of the expenses already incurred and of what remains to be finished. The portion actually completed has rendered the situation of the persons confined much more comfortable and secure than it has been heretofore.

TH. JEFFERSON.

FEBRUARY 3, 1803.

Gentlemen of the House of Representatives :

The inclosed letter and affidavits exhibiting matter of complaint against John Pickering, district judge of New Hampshire, which is not within Executive cognizance, I transmit them to the House of Representatives, to whom the Constitution has confided a power of instituting proceedings of redress, if they shall be of opinion that the case calls for them.

TH. JEFFERSON.

FEBRUARY 14, 1803.

Gentlemen of the Senate and of the House of Representatives :

In obedience to the ordinance for the government of the Territories of the United States requiring that the laws adopted by the governor and judges thereof shall be reported to Congress from time to time, I now transmit those which have been adopted in the Indiana Territory from

January, 1801, to February, 1802, as forwarded to the office of the Secretary of State.

TH. JEFFERSON.

FEBRUARY 21, 1803.

Gentlemen of the Senate :

The Tuscarora Indians, having an interest in some lands within the State of North Carolina, asked the superintendence of the Government of the United States over a treaty to be held between them and the State of North Carolina respecting these lands. William Richardson Davie was appointed a commissioner for this purpose, and a treaty was concluded under his superintendence. This, with his letter on the subject, is now laid before the Senate for their advice and consent whether it shall be ratified.

TH. JEFFERSON.

FEBRUARY 23, 1803.

Gentlemen of the Senate and House of Representatives :

I lay before you a report of the Secretary of State on the case of the Danish brigantine *Henrick*, taken by a French privateer in 1799, retaken by an armed vessel of the United States, carried into a British island, and there adjudged to be neutral, but under allowance of such salvage and costs as absorbed nearly the whole amount of sales of the vessel and cargo. Indemnification for these losses occasioned by our officers is now claimed by the sufferers, supported by the representations of their Government. I have no doubt the legislature will give to the subject that just attention and consideration which it is useful as well as honorable to practice in our transactions with other nations, and particularly with one which has observed toward us the most friendly treatment and regard.

TH. JEFFERSON.

PROCLAMATION.

(From the National Intelligencer, July 18, 1803.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas great and weighty matters claiming the consideration of the Congress of the United States form an extraordinary occasion for convening them, I do by these presents appoint Monday, the 17th day of October next, for their meeting at the city of Washington, hereby requiring their respective Senators and Representatives then and there to assemble in Congress, in order to receive such communications as may then be made to them and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

(SEAL.)

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, the 16th day of July, A.D. 1803, and in the twenty-eighth year of the Independence of the United States.

TH. JEFFERSON.

By the President:
JAMES MADISON,
Secretary .

THIRD ANNUAL MESSAGE.

OCTOBER 17, 1803.

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

In calling you together, fellow-citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been

insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interests you feel in these will supersede in your minds all private considerations.

Congress witnessed at their late session the extraordinary agitation produced in the public mind by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress, but reposing just confidence in the good faith of the Government whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period we had not been unaware of the danger to which our peace would be perpetually exposed whilst so important a key to the commerce of the Western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams which, arising within our territories, pass through those adjacent. Propositions had therefore been authorized for obtaining on fair conditions the sovereignty of New Orleans and of other possessions in that quarter interesting to our quiet to such extent as was deemed practicable, and the provisional appropriation of \$2,000,000 to be applied and accounted for by the President of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened Government of France saw with just discernment the importance to both nations of such liberal arrangements as might best and permanently promote the peace, friendship, and interests of both, and the property and sovereignty of all Louisiana which had been restored to them have on certain conditions been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the Senate, they will without delay be communicated to the Representatives also for the exercise of their functions as to those conditions which are within the powers vested by the Constitution in Congress.

Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the Western States and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our Treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials, for your information, relative to its affairs in general as the short space of time has permitted me to collect will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians, with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighboring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are that we shall extend to them our patronage and protection and give them certain annual aids in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country should future circumstances expose that to foreign enterprise. As the stipulations in this treaty also involve matters within the competence of both Houses only, it will be laid before Congress as soon as the Senate shall have advised its ratification.

With many of the other Indian tribes improvements in agriculture and household manufacture are advancing, and with all our peace and friendship are established on grounds much firmer than heretofore. The measure adopted of establishing trading houses among them and of furnishing them necessaries in exchange for their commodities at such moderate prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect on them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress with a view to the Mediterranean service have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground in the northeastern and northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris between the British territories and ours in those parts were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention for preserving and cherishing the harmony and useful intercourse subsisting between the two nations to remove by timely arrangements what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into which provides for a practicable demarcation of those limits to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending the 30th of September last, with the estimates for the service of the ensuing year, will be laid before you by the Secretary of the Treasury so soon as the receipts of the last quarter shall be returned from the more distant States. It is already ascertained that the amount paid into the Treasury for that year has been between \$11,000,000 and \$12,000,000, and that the revenue accrued during the same term exceeds the sum counted on as sufficient for our current expenses and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid for the same year is about \$3,100,000, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than \$8,500,000 of the principal of that debt, besides the accruing interest; and there remain in the Treasury nearly \$6,000,000. Of these, \$880,000 have been reserved for payment of the first installment due under the British convention of January 8, 1802, and two millions are what have been before mentioned as placed by Congress under the power and accountability of the President toward the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly \$13,000,000 will then be added to our public debt, most of which is payable after fifteen years, before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of impost from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I can not but hope that Congress in reviewing their resources will find means to meet the intermediate interest of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue. Its extraordinary

increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position.

Remittances for the installments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power given by a former act of Congress of continuing them by reloans, and of redeeming instead thereof equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of \$50,000 appropriated by Congress for providing gunboats remains unexpended. The favorable and peaceable turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin on models the most approved by experience, The same issue of events dispensed with a resort to the appropriation of \$1,500,000, contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations with which we have the most friendly and useful relations engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence which, inspiring with wisdom and moderation our late legislative councils while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance toward our vessels and citizens of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places and with others while within the limits of our jurisdiction, and will

give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the Governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified and prevented in future, and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable, then, must it be in a Government like ours to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to you will give you an opportunity of providing, and myself that of approving and of carrying into execution with the fidelity I owe to my country,

TH. JEFFERSON.

SPECIAL MESSAGES.

OCTOBER 17, 1803.

Gentlemen of the Senate :

In my message of this day to both Houses of Congress I explained the

circumstances which had led to the conclusion of conventions with France for the cession of the Province of Louisiana to the United States. Those conventions are now laid before you with such communications relating to them as may assist in deciding whether you will advise and consent to their ratification.

The ratification of the First Consul of France is in the hands of his charge d'affaires here, to be exchanged for that of the United States whensoever, before the 30th instant, it shall be in readiness.

TH. JEFFERSON.

OCTOBER 21, 1803.

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

In my communication to you of the 17th instant I informed you that conventions had been entered into with the Government of France for the cession of Louisiana to the United States. These, with the advice and consent of the Senate, having now been ratified and my ratification exchanged for that of the First Consul of France in due form, they are communicated to you for consideration in your legislative capacity. You will observe that some important conditions can not be carried into execution but with the aid of the Legislature, and that time presses a decision on them without delay.

The ulterior provisions, also suggested in the same communication, for the occupation and government of the country will call for early attention. Such information relative to its government as time and distance have permitted me to obtain will be ready to be laid before you within a few days; but as permanent arrangements for this object may require time and deliberation, it is for your consideration whether you will not forthwith make such temporary provisions for the preservation in the meanwhile of order and tranquillity in the country as the case may require.

TH. JEFFERSON.

OCTOBER 24, 1803.

To the Senate of the United States :

I lay before you the convention signed on the 12th day of May last between the United States and Great Britain for settling their boundaries in the northeastern and northwestern parts of the United States, which was mentioned in my general message of the 17th instant, together with such papers relating thereto as may enable you to determine whether you will advise and consent to its ratification.

TH. JEFFERSON.

OCTOBER 31, 1803.

To the Senate of the United States of America :

I now lay before you the treaty mentioned in my general message at the opening of the session as having been concluded with the Kaskaskia Indians for the transfer of their country to us under certain reservations and conditions.

Progress having been made in the demarcation of Indian boundaries, I am now able to communicate, to you a treaty with the Delawares, Shawanese, Potawatamies, Miamis, Eel-rivers, Weeas, Kickapoos, Piankeshaws, and Kaskaskias, establishing the boundaries of the territory around Saint Vincennes.

Also a supplementary treaty with the Eel-rivers, Wyandots, Piankeshaws, Kaskaskias, and Kickapoos, in confirmation of the fourth article of the preceding treaty.

Also a treaty with the Choctaws, describing and establishing our demarcation of boundaries with them.

Which several treaties are accompanied by the papers relating to them, and are now submitted to the Senate for consideration whether they will advise and consent to their ratification.

TH. JEFFERSON.

NOVEMBER 4, 1803.

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

By the copy now communicated of a letter from Captain Bainbridge, of

the Philadelphia frigate, to our consul at Gibraltar, you will learn that an act of hostility has been committed on a merchant vessel of the United States by an armed ship of the Emperor of Morocco. This conduct on the part of that power is without cause and without explanation. It is fortunate that Captain Bainbridge fell in with and took the capturing vessel and her prize, and I have the satisfaction to inform you that about the date of this transaction such a force would be arriving in the neighborhood of Gibraltar, both from the east and from the west, as leaves less to be feared for our commerce from the suddenness of the aggression.

On the 4th of September the Constitution frigate, Captain Preble, with Mr. Lear on board, was within two days' sail of Gibraltar, where the Philadelphia would then be arrived with her prize, and such explanations would probably be instituted as the state of things required, and as might perhaps arrest the progress of hostilities.

In the meanwhile it is for Congress to consider the provisional authorities which may be necessary to restrain the depredations of this power should they be continued,

TH. JEFFERSON.

NOVEMBER 14, 1803.

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

I now communicate a digest of the information I have received relative to Louisiana, which may be useful to the Legislature in providing for the government of the country. A translation of the most important laws in force in that province, now in press, shall be the subject of a supplementary communication, with such further and material information as may yet come to hand.

TH. JEFFERSON.

NOVEMBER 24, 1803.

To the House of Representatives of the United States :

In conformity with the desire expressed in the resolution of the House of Representatives of the 15th instant, I now lay before them copies of

such documents as are in possession of the Executive relative to the arrest and confinement of Zachariah Cox by officers in the service of the United States in the year 1798. From the nature of the transaction some documents relative to it might have been expected from the War Office; but if any ever existed there they were probably lost when the office and its papers were consumed by fire.

TH. JEFFERSON.

NOVEMBER 25, 1803.

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

The treaty with the Kaskaskia Indians being ratified with the advice and consent of the Senate, it is now laid before both Houses in their legislative capacity. It will inform them of the obligations which the United States thereby contract, and particularly that of taking the tribe under their future protection, and that the ceded country is submitted to their immediate possession and disposal.

TH. JEFFERSON.

NOVEMBER 29, 1803.

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

I now communicate an appendix to the information heretofore given on the subject of Louisiana. You will be sensible, from the face of these papers, as well as of those to which they are a sequel, that they are not and could not be official, but are furnished by different individuals as the result of the best inquiries they had been able to make, and now given as received from them, only digested under heads to prevent repetitions.

TH. JEFFERSON.

DECEMBER 5, 1803.

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

I have the satisfaction to inform you that the act of hostility mentioned in my message of the 4th of November to have been committed by a cruiser of the Emperor of Morocco on a vessel of the United States has been disavowed by the Emperor. All differences in consequence thereof have been amicably adjusted, and the treaty of 1786 between this country and that has been recognized and confirmed by the Emperor, each party restoring to the other what had been detained or taken. I inclose the Emperor's orders given on this occasion.

The conduct of our officers generally who have had a part in these transactions has merited entire approbation.

The temperate and correct course pursued by our consul, Mr. Simpson, the promptitude and energy of Commodore Preble, the efficacious cooperation of Captains Rodgers and Campbell, of the returning squadron, the proper decision of Captain Bainbridge that a vessel which had committed an open hostility was of right to be detained for inquiry and consideration, and the general zeal of the other officers and men are honorable facts which I make known with pleasure. And to these I add what was indeed transacted in another quarter the gallant enterprise of Captain Rodgers in destroying on the coast of Tripoli a corvette of that power of 22 guns.

I recommend to the consideration of Congress a just indemnification for the interest acquired by the captors of the *Mishouda* and *Mirboha*, yielded by them for the public accommodation.

TH. JEFFERSON.

DECEMBER 5, 1803,

To the Senate of the United States :

In compliance with the desire of the Senate expressed in their resolution of the 22d of November, on the impressment of seamen in the service of the United States by the agents of foreign nations, I now lay before the Senate a letter from the Secretary of State with a specification of the cases of which information has been received.

TH. JEFFERSON.

DECEMBER 21, 1803.

To the Senate of the United States :

On the 11th of January last I laid before the Senate, for their consideration and advice, a convention with Spain on the subject of indemnities for spoliations on our commerce committed by her subjects during the late war, which convention is still before the Senate. As this instrument did not embrace French seizures and condemnations of our vessels in the ports of Spain, for which we deemed the latter power responsible, our minister at that Court was instructed to press for an additional article, comprehending that branch of wrongs. I now communicate what has since passed on that subject. The Senate will judge whether the prospect it offers will justify a longer suspension of that portion of indemnities conceded by Spain should she now take no advantage of the lapse of the period for ratification. As the settlement of the boundaries of Louisiana will call for new negotiations on our receiving possession of that Province, the claims not obtained by the convention now before the Senate may be incorporated into those discussions.

TH. JEFFERSON.

DECEMBER 31, 1803.

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

I now lay before Congress the annual account of the fund established for defraying the contingent charges of Government. No occasion having arisen for making use of any part of it in the present year, the balance of \$18,560 unexpended at the end of the last year remains now in the Treasury.

TH. JEFFERSON.

Chapter 21

(Note of Interest)THE DUEL BETWEEN BURR AND HAMILTON.

In 1804, Alexander Hamilton, present at a caucus of Federalists in Albany, spoke deprecatingly of the proposal to nominate Aaron Burr for governor of New York State. Some of Burr's friends in an adjoining room overheard Hamilton's remarks; and although Hamilton's opinions contained nothing uncomplimentary to Burr's personal character, Burr chose to revenge his defeat upon Hamilton himself. He seized the publication of Hamilton's low political estimate of him as a

pretext for demanding a retraction. Hamilton replied by denying that he had in any way attacked Burr personally, and offered to withdraw any statement to which Burr took exception. Burr refused to be mollified, however, and challenged Hamilton to a duel, which the prevailing code of honor of the time compelled Hamilton to accept. The two men met at Weehawken, N. J., on July 11, 1804. Hamilton, with no malice toward his opponent, refused to aim at him, but was himself mortally wounded, and died the next day. Burr's deed drove him from New York State; and, a fugitive from justice, he found that, by killing Hamilton, he had caused his own political death. (End Note of Interest)

JANUARY 16, 1804.

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

In execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof, Governor Claiborne, of the Mississippi Territory, and General Wilkinson were appointed commissioners to receive possession. They proceeded with such regular troops as had been assembled at Fort Adams from the nearest posts and with some militia of the Mississippi Territory to New Orleans, To be prepared for anything unexpected which might arise out of the transaction, a respectable body of militia was ordered to be in readiness in the States of Ohio, Kentucky, and Tennessee, and a part of those of Tennessee was moved on to the Natchez. No occasion, however, arose for their sendees. Our commissioners, on their arrival at New Orleans, found the Province already delivered by the commissioners of Spain to that of France, who delivered it over to them on the 20th day of December, as appears by their declaratory act accompanying this. Governor Claiborne, being duly invested with the powers heretofore exercised by the governor and intendant of Louisiana, assumed the government on the same day, and for the maintenance of law and order immediately issued the proclamation and address now communicated.

On this important acquisition, so favorable to the immediate interests of our Western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and our country my sincere congratulations,

TH. JEFFERSON.

JANUARY 24, 1804.

Gentlemen of the Senate and of the House of Representatives :

I communicate for your information a letter just received from Governor Claiborne, which may throw light on the subject of the government of Louisiana, under contemplation of the Legislature. The paper being original, a return is asked.

TH. JEFFERSON.

FEBRUARY 16, 1804.

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

Information having been received some time ago that the public lands in the neighborhood of Detroit required particular attention, the agent appointed to transact business with the Indians in that quarter was instructed to inquire into and report the situation of the titles and occupation of the lands, private and public, in the neighboring settlements. His report is now communicated, that the Legislature may judge how far its interposition is necessary to quiet the legal titles, confirm the equitable, to remove the past and prevent future intrusions which have neither law nor justice for the basis.

TH. JEFFERSON.

FEBRUARY 22, 1804.

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

I communicate to Congress, for their information, a report of the surveyor of the public buildings at Washington, stating what has been done under the act of the last session concerning the city of Washington on the Capitol and other public buildings, and the highway between them.

TH. JEFFERSON.

FEBRUARY 29, 1804.

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

I communicate, for the information of Congress, a letter stating certain fraudulent practices for monopolizing lands in Louisiana, which may perhaps require legislative provisions.

TH. JEFFERSON.

MARCH 20, 1804.

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

I communicate to Congress a letter received from Captain Bainbridge, commander of the Philadelphia frigate, informing us of the wreck of that vessel on the coast of Tripoli, and that himself, his officers and men, had fallen into the hands of the Tripolitans. This accident renders it expedient to increase our force and enlarge our expenses in the Mediterranean beyond what the last appropriation for the naval service contemplated. I recommend, therefore, to the consideration of Congress such an addition to that appropriation as they may think the exigency requires.

TH. JEFFERSON.

MARCH 22, 1804.

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

I lay before Congress the last returns of the militia of the United States. Their incompleteness is much to be regretted, and its remedy may at some future time be a subject worthy the attention of Congress.

TH. JEFFERSON.

PROCLAMATION.

(From Annals of Congress, Eighth Congress, second session, 1234.)

To all whom these presents shall come :

Whereas by an act of Congress authority has been given to the President of the United States, whenever he shall deem it expedient, to erect the shores, waters, and inlets of the bay and river of Mobile, and of the other rivers, creeks, inlets, and bays emptying into the Gulf of Mexico east of the said river Mobile and west thereof to the Pascagoula, inclusive, into a separate district for the collection of duties on imports and tonnage; and to establish such place within the same as he shall deem it expedient to be the port of entry and delivery for such district; and to designate such other places within the same district, not exceeding two, to be ports of delivery only:

Now know ye that I, Thomas Jefferson, President of the United States, do hereby decide that all the above-mentioned shores, waters, inlets, creeks, and rivers lying within the boundaries of the United States shall constitute and form a separate district, to be denominated "the district of Mobile;" and do also designate Fort Stoddert, within the district aforesaid, to be the port of entry and delivery for the said district.

Given under my hand this 20th day of May, 1804.

TH. JEFFERSON.

FOURTH ANNUAL MESSAGE.

NOVEMBER 8, 1804.

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

To a people, fellow-citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities, too, on the ocean, which generally harass the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions; but in the American seas they have been greater from peculiar causes, and even within our harbors and jurisdiction infringements on the authority of the laws have been committed which have called for serious attention. The friendly conduct of the Governments from whose officers and subjects

these acts have proceeded, in other respects and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted nor left unprovided for. Complaints have been received that persons residing within the United States have taken on themselves to arm merchant vessels and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, can not be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations and to endanger the peace of our own is so obvious that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session authorizing the establishment of a district and port of entry on the waters of the Mobile we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated in the meantime inconsistent with the peace and friendship existing between the two nations, and that conformably to these intentions would be the execution of the law. That Government had, however, thought proper to suspend the ratification of the convention of 1802; but the explanations which would reach them soon after, and still more the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you that the objections which had been urged by that Government against the validity of our title to the country of Louisiana have been withdrawn, its exact limits, however, remaining still to be settled between us; and to this is to be added that, having prepared and delivered the stock created in execution of the convention of Paris of April 30, 1803, in consideration of the cession of that country, we have received from the Government of France an acknowledgment, in due form, of the fulfillment of that stipulation.

With the nations of Europe in general our friendship and intercourse are undisturbed, and from the Governments of the belligerent powers especially we continue to receive those friendly manifestations which are justly due to an honest neutrality and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcements sent into that sea, and the energy of the officers having command in the several vessels will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves, as well as to others interested, from the distance to which prizes must be brought for adjudication and from the impracticability of bringing hither such as are not seaworthy.

The Bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war we must leave as a question of calculation for them also whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war, but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the Territory of Orleans were appointed in due time to commence the exercise of their functions on the 1st day of October. The distance, however, of some of them and indispensable previous arrangements may have retarded its commencement in some of its parts. The form of government thus provided having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provisions of the law, and so soon as they can be at their stations that district will also be in its due state of organization. In the meantime their places are supplied by the officers before commanding there. And the functions of the governor and judges of Indiana having commenced, the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal as to merit attention. The report now communicated will inform you of their state and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly acquired limits, I have deemed it necessary to open conferences for the purpose of

establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly; and with these dispositions on their part, we have in our own hands means which can not fail us for preserving their peace and friendship. By pursuing an uniform course of justice toward them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them and only not losing to us, and so regulated as that no incendiaries of our own or any other nation may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in their people the spirit of hunting and to convert superfluous lands into the means of improving what they retain, has ceded to us all the country between the Wabash and Ohio south of and including the road from the rapids toward Vincennes, for which they are to receive annuities in animals and implements for agriculture and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting 300 miles on the Ohio, and near half that on the Wabash. The produce of the settled country descending those rivers will no longer pass in review of the Indian frontier but in a small portion, and, with the cession heretofore made by the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions they shall be laid before both Houses.

The act of Congress of February 28, 1803, for building and employing a number of gunboats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns, their utility toward supporting within our waters the authority of the laws, the promptness with which they will be manned by the seamen and militia of the place in the moment they are wanting, the facility of their assembling from different parts of the coast to any point where they are required in

greater force than ordinary, the economy of their maintenance and preservation from decay when not in actual service, and the competence of our finances to this defensive provision without any new burthen are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be secured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will as usual be laid before you.

The state of our finances continues to fulfill our expectations. Eleven millions and a half of dollars, received in the course of the year ending the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upward of \$3,600,000 of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upward of twelve millions of the principal and a greater sum of interest within that period, and by a proportionate diminution of interest renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year exceeds that of the preceding, and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the Treasury, to meet all the current demands of the year, to discharge upward of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the further redemption of the funded debt as rapidly as had been contemplated. These, fellow-citizens, are the principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session; but in the discharge of the great duties confided to you by our country you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation can within the pale of your constitutional powers be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents or of the public force is perfect in all its parts; in fine, whether anything can be done to advance the general good, are questions within the limits

of your functions which will necessarily occupy your attention. In these and all other matters which you in your wisdom may propose for the good of our country you may count with assurance on my hearty cooperation and faithful execution.

TH. JEFFERSON.

SPECIAL MESSAGES.

November 15, 1804.

To the Senate of the United States :

I now lay before you a treaty, entered into on the 18th day of August of the present year, between the United States on one part and the Delaware Indians on the other, for the extinguishment of their title to a tract of country between the Ohio and Wabash rivers.

And another of the 27th day of the same month, between the United States and the Piankeshaws, for a confirmation of the same by the latter, together with a letter from Governor Harrison on the same subject; which treaties are submitted for your advice and consent.

TH. JEFFERSON.

NOVEMBER 15, 1804.

To the House of Representatives of the United States :

Agreeably to your resolution of the 9th instant, I now lay before you a statement of the circumstances attending the destruction of the frigate Philadelphia , with the names of the officers and the number of men employed on the occasion, to which I have to add that Lieutenant Decatur was thereupon advanced to be a captain in the Navy of the United States.

TH. JEFFERSON.

NOVEMBER 30, 1804.

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

I now lay before you copies of the treaties concluded with the Delaware and Piankeshaw Indians for the extinguishment of their title to the lands therein described, and I recommend to the consideration of Congress the making provision by law for carrying them into execution.

TH. JEFFERSON.

DECEMBER 13. 1804.

To the Senate of the United States :

I present for your advice a treaty entered into on behalf of the United States with the Creek Indians for the extinguishment of their right in certain lands in the forks of Oconee and Okmulgee rivers, within the State of Georgia. For the purpose of enabling you to form a satisfactory judgment on the subject, it is accompanied with the instructions of 1802, April 12, to James Wilkinson, Benjamin Hawkins, and Andrew Pickens, commissioners; those of 1803, May 5, to James Wilkinson, Benjamin Hawkins, and Robert Anderson, commissioners, and those of 1804, April 2, to Benjamin Hawkins, sole commissioner. The negotiations for obtaining the whole of the lands between the Oconee and Okmulgee have now been continued through three successive seasons under the original instructions and others supplementary to them given from time to time, as circumstances required, and the unity of the negotiation has been preserved not only by the subject, but by continuing Colonel Hawkins always one of the commissioners, and latterly the sole one. The extent of the cession to be obtained being uncertain, the limitation of price was what should be thought reasonable according to the usual rate of compensation . The commissioner has been induced to go beyond this limit probably by the just attentions due to the strong interest which the State of Georgia feels in making this particular acquisition, and by a despair of procuring it on more reasonable terms from a tribe which is one of those most fixed in the policy of holding fast their lands. To this may be added that if, by an alteration in the first article, instead of giving them stock which may be passed into other hands and render them the prey of speculators, an annuity shall be paid them in this case, as has hitherto been practiced in all similar cases, the price of these lands will become a pledge and guaranty for our future peace with this important tribe, and eventually an indemnity for the breach of it.

On the whole, I rest with entire satisfaction on the wisdom and counsel of those whose sanctions the Constitution has rendered necessary to the final validity of this act.

TH. JEFFERSON.

DECEMBER 31, 1804.

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

The inclosed letter, written from Malta by Richard O'Brien, our late consul at Algiers, giving some details of transactions before Tripoli, is communicated for the information of Congress.

TH. JEFFERSON.

DECEMBER 31, 1804.

To the Senate of the United States :

Most of the Indians residing within our northern boundary on this side of the Mississippi receiving from us annual aids in money and necessaries, it was a subject of complaint with the Sacs that they received nothing and were connected with us by no treaty. As they owned the country in the neighborhood of our settlements of Kaskaskia and Saint Louis, it was thought expedient to engage their friendship, and Governor Harrison was accordingly instructed in June last to propose to them an annuity of \$500 or \$600, stipulating in return an adequate cession of territory and an exact definition of boundaries. The Sacs and Foxes acting generally as one nation, and coming forward together, he found it necessary to add an annuity for the latter tribe also, enlarging proportionably the cession of territory, which was accordingly done by the treaty now communicated, of November the 3d, with those two tribes.

This cession, giving us a perfect title to such a breadth of country on the eastern side of the Mississippi, with a command of the Ouisconsin, strengthens our means of retaining exclusive commerce with the Indians on the western side of the Mississippi a right indispensable to the policy of governing those Indians by commerce rather than by arms.

The treaty is now submitted to the Senate for their advice and consent.

TH. JEFFERSON.

Chapter 22

JANUARY 31, 1805.

To the House of Representatives of the United States :

In compliance with the desire of the House of Representatives, expressed in their resolution of yesterday, I have to inform them that by a letter of the 30th of May last from the Secretary of War to Samuel Hammond, a member of the House, it was proposed to him to accept a commission of colonel-commandant for the district of Louisiana when the new government there should commence. By a letter of the 30th of June he signified a willingness to accept, but still more definitively by one of October 26, a copy of which is therefore now communicated. A commission had been made out for him bearing date the 1st day of October last, and forwarded before the receipt of his letter of October 26. No later communication has been received from him, nor is anything later known of his movements.

TH. JEFFERSON.

FEBRUARY 1, 1805.

To the House of Representatives of the United States :

For some weeks past I have had reason to expect by every mail from New Orleans information which would have fully met the views of the House of Representatives, expressed in their resolution of December 31, on the subject of a post-road from the city of Washington to New Orleans; but this being not yet received, I think it my duty without further delay to communicate to the House the information I possess, however imperfect.

Isaac Briggs, one of the surveyors-general of the United States, being about to return in July last to his station at Natchez, and apprised of the anxiety existing to have a practicable road explored for forwarding the mail to New Orleans without crossing the mountains, offered his services voluntarily to return by the route contemplated, taking as he should go such observations of longitude and latitude as would enable him to delineate it exactly, and by protraction to show of what shortenings it would admit, The offer was accepted and he was furnished with an accurate sextant for his observations. The route proposed was

from Washington by Fredericksburg, Cartersville, Lower Sauratown, Salisbury, Franklin Court-House in Georgia, Tuckabachee, Fort Stoddert, and the mouth of Pearl River to New Orleans. It is believed he followed this route generally, deviating at times only for special purposes, and returning again into it. His letters, herewith communicated, will shew his opinion to have been, after completing his journey, that the practicable distance between Washington and New Orleans will be a little over 1,000 miles. He expected to forward his map and special report within one week from the date of his last letter, but a letter of December 10, from another person, informs me he had been unwell, but would forward them within a week from that time. So soon as they shall be received they shall be communicated to the House of Representatives.

TH. JEFFERSON.

FEBRUARY 5, 1805.

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

The Secretary of State has lately received a note from the Danish charge d'affaires, claiming, in the name of his Government, restitution in the case of the brig *Henrich*, communicated to Congress at a former session, in which note were transmitted sundry documents chiefly relating to the value and neutral character of the vessel, and to the question whether the judicial proceedings were instituted and conducted without the concurrence of the captain of the *Henrich*. As these documents appear to form a necessary appendage to those already before Congress, and throw additional light on the subject, I transmit copies of them herewith.

TH. JEFFERSON.

FEBRUARY 13, 1805.

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

In the message to Congress at the opening of the present session I informed them that treaties had been entered into with the Delaware and Piankeshaw Indians for the purchase of their right to certain lands on the Ohio. I have since received another, entered into with the Sacs and Foxes, for a portion of country on both sides of the river Mississippi. These treaties, having been advised and consented to by the Senate, have

accordingly been ratified, but as they involve conditions which require legislative provision, they are now submitted to both branches for consideration.

TH. JEFFERSON.

FEBRUARY 20, 1805.

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

I communicate, for the information of Congress, a letter of September 18 from Commodore Preble, giving a detailed account of the transactions of the vessels under his command from July the 9th to the 10th of September last past.

The energy and judgment displayed by this excellent officer through the whole course of the service lately confided to him and the zeal and valor of his officers and men in the several enterprises executed by them can not fail to give high satisfaction to Congress and their country, of whom they have deserved well.

TH. JEFFERSON.

FEBRUARY 28, 1805.

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

I now lay before Congress a statement of the militia of the United States, according to the returns last received from the several States. It will be perceived that some of these are not of recent dates, and that from the States of Maryland, Delaware, and Tennessee no returns are stated. As far as appears from our records, none were ever rendered from either of these States.

TH. JEFFERSON.

FEBRUARY 28, 1805.

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

I now render to Congress the account of the fund established by the act of May 1, 1802, for defraying the contingent charges of Government. No occasion having arisen for making use of any part of the balance of \$18,560 unexpended on the 31st day of December, 1803, when the last account was rendered by message, that balance has been carried to the credit of the surplus fund.

TH. JEFFERSON.

SECOND INAUGURAL ADDRESS.

Proceeding, fellow-citizens, to that qualification which the Constitution requires before my entrance on the charge again conferred on me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow-citizens at large, and the zeal with which it inspires me so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion I declared the principles on which I believed it my duty to administer the affairs of our Commonwealth. My conscience tells me I have on every occasion acted up to that declaration according to its obvious import and to the understanding of every candid mind.

In the transaction of your foreign affairs we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations as with individuals our interests soundly calculated will ever be found inseparable from our moral duties, and history bears witness to the fact that a just nation is trusted on its word when recourse is had to armaments and wars to bridle others.

At home, fellow-citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These, covering our land with officers and opening our doors to their intrusions, had already begun that process of domiciliary vexation which once entered is scarcely to be restrained from reaching successively every article of property and produce. If among these taxes some minor

ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the State authorities might adopt them instead of others less approved.

The remaining revenue on the consumption of foreign articles is paid chiefly by those who can afford to add foreign luxuries to domestic comforts, being collected on our seaboard and frontiers only, and, incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask, What farmer, what mechanic, what laborer ever sees a taxgatherer of the United States? These contributions enable us to support the current expenses of the Government, to fulfill contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts as places at a short day their final redemption, and that redemption once effected the revenue thereby liberated may, by a just repartition of it among the States and a corresponding amendment of the Constitution, be applied in time of peace to rivers, canals, roads, arts, manufactures, education, and other great objects within each State. In time of war, if injustice by ourselves or others must sometimes produce war, increased as the same revenue will be by increased population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year without encroaching on the rights of future generations by burthening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace a return to the progress of improvement.

I have said, fellow-citizens, that the income reserved had enabled us to extend our limits, but that extension may possibly pay for itself before we are called on, and in the meantime may keep down the accruing interest; in all events, it will replace the advances we shall have made. I know that the acquisition of Louisiana has been disapproved by some from a candid apprehension that the enlargement of our territory would endanger its union. But who can limit the extent to which the federative principle may operate effectively? The larger our association the less will it be shaken by local passions; and in any view is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children than by strangers of another family? With which should we be most likely to live in harmony and friendly intercourse?

In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the General Government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it, but have left them, as the

Constitution found them, under the direction and discipline of the church or state authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores; without power to divert or habits to contend against it, they have been overwhelmed by the current or driven before it; now reduced within limits too narrow for the hunter's state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence and to prepare them in time for that state of society which to bodily comforts adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use; we have placed among them instructors in the arts of first necessity, and they are covered with the aegis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances have powerful obstacles to encounter; they are combated by the habits of their bodies, prejudices of their minds, ignorance, pride, and the influence of interested and crafty individuals among them who feel themselves something in the present order of things and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatsoever they did must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral, or political condition is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety and knowledge full of danger; in short, my friends, among them also is seen the action and counteraction of good sense and of bigotry; they too have their antiphilosophists who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason and obeying its mandates.

In giving these outlines I do not mean, fellow-citizens, to arrogate to myself the merit of the measures. That is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures. It is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties. It is due to the zeal

and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for others, and it is due to the able and faithful auxiliaries, whose patriotism has associated them with me in the executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been leveled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science are deeply to be regretted, inasmuch as they tend to lessen its usefulness and to sap its safety. They might, indeed, have been corrected by the wholesome punishments reserved to and provided by the laws of the several States against falsehood and defamation, but public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth whether a government conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried: you have witnessed the scene; our fellow-citizens looked on, cool and collected; they saw the latent source from which these outrages proceeded; they gathered around their public functionaries, and when the Constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them and consolatory to the friend of man who believes that he may be trusted with the control of his own affairs.

No inference is here intended that the laws provided by the States against false and defamatory publications should not be enforced; he who has time renders a service to public morals and public tranquillity in reforming these abuses by the salutary coercions of the law; but the experiment is noted to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other legal restraint; the public judgment will correct false reasonings and opinions on a full hearing of all parties; and no other definite line can be drawn between the inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally as auguring harmony and happiness to our future course, I offer to our

country sincere congratulations. With those, too, not yet rallied to the same point the disposition to do so is gaining strength; facts are piercing through the veil drawn over them, and our doubting brethren will at length see that the mass of their fellow-citizens with whom they can not yet resolve to act as to principles and measures, think as they think and desire what they desire; that our wish as well as theirs is that the public efforts may be directed honestly to the public good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved, equality of rights maintained, and that state of property, equal or unequal, which results to every man from his own industry or that of his father's. When satisfied of these views it is not in human nature that they should not approve and support them. In the meantime let us cherish them with patient affection, let us do them justice, and more than justice, in all competitions of interest, and we need not doubt that truth, reason, and their own interests will at length prevail, will gather them into the fold of their country, and will complete that entire union of opinion which gives to a nation the blessing of harmony and the benefit of all its strength.

I shall now enter on the duties to which my fellow-citizens have again called me, and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray; I am sensible of no passion which could seduce me knowingly from the path of justice, but the weaknesses of human nature and the limits of my own understanding will produce errors of judgment sometimes injurious to your interests. I shall need, therefore, all the indulgence which I have heretofore experienced from my constituents; the want of it will certainly not lessen with increasing years. I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.

MARCH 4, 1805.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1805.

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

At a moment when the nations of Europe are in commotion and arming against each other, and when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them toward our peaceable country threatens that even that may not be unaffected by what is passing on the general theater, a meeting of the representatives of the nation in both Houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs which the will and the wisdom of the whole will approve and support.

In taking a view of the state of our country we in the first place notice the late affliction of two of our cities under the fatal fever which in latter times has occasionally visited our shores. Providence in His goodness gave it an early termination on this occasion and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease it has appeared that it is strictly local, incident to cities and on the tide waters only, incommunicable in the country either by persons under the disease or by goods carried from diseased places; that its access is with the autumn and it disappears with the early frosts. These restrictions within narrow limits of time and space give security even to our maritime cities during three-fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet to satisfy the fears of foreign nations and cautions on their part not to be complained of in a danger whose limits are yet unknown to them I have strictly enjoined on the officers at the head of the customs to certify with exact truth for every vessel sailing for a foreign port the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained from a propensity to identify with this endemic and to call by the same name fevers of very different kinds, which have been known at all times and in all countries, and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the State authorities charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the States should be found to need no present revisal by Congress, yet

commerce claims that their attention be ever awake to them.

Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretense of legal adjudication, but not daring to approach a court of justice, they have plundered and sunk them by the way or in obscure places where no evidence could arise against them, maltreated the crews, and abandoned them in boats in the open sea or on desert shores without food or covering. These enormities appearing to be unreached by any control of their sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts within the limits of the Gulf Stream and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbors under color of seeking enemies has been also carried on by public armed ships to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these a belligerent takes to itself a commerce with its own enemy which it denies to a neutral on the ground of its aiding that enemy in the war; but reason revolts at such an inconsistency, and the neutral having equal right with the belligerent to decide the question, the interests of our constituents and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed, the confidence we ought to have in the justice of others still countenances the hope that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during a former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims in no wise connected with them. Yet the same practices are renewed in the present war and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is

unsettled, we have avoided changing the state of things by taking new posts or strengthening ourselves in the disputed territories, in the hope that the other power would not by a contrary conduct oblige us to meet their example and endanger conflicts of authority the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the Territories of Orleans and the Mississippi, our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that Government. I have therefore found it necessary at length to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future. Other details necessary for your full information of the state of things between this country and that shall be the subject of another communication.

In reviewing these injuries from some of the belligerent powers the moderation, the firmness, and the wisdom of the Legislature will all be called into action. We ought still to hope that time and a more correct estimate of interest as well as of character will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I can not, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defense against armed vessels approaching them. In aid of these it is desirable we should have a competent number of gunboats, and the number, to be competent, must be considerable. If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the meantime you will consider whether it would not be expedient for a state of peace as well as of war so to organize or class the militia as would enable us on any sudden emergency to call for the services of the younger portions, unencumbered with the old and those having families. Upward of 300,000 able-bodied men between the ages of 18 and 26 years, which the last census shews we may now count within our limits, will furnish a competent number for offense or defense in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service can not but be desirable to our

younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it when necessary an efficient corps fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made under former authorities from Congress of materials for the construction of ships of war of 74 guns. These materials are on hand subject to the further will of the Legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow-citizens who were stranded on the coast of Tripoli and made prisoners of war. In a government bottomed on the will of all the life and liberty of every individual citizen become interesting to all. In the treaty, therefore, which has concluded our warfare with that State an article for the ransom of our citizens has been agreed to. An operation by land by a small band of our countrymen and others, engaged for the occasion in conjunction with the troops of the ex-Bashaw of that country, gallantly conducted by our late consul, Eaton, and their successful enterprise on the city of Derne, contributed doubtless to the impression which produced peace, and the conclusion of this prevented opportunities of which the officers and men of our squadron destined for Tripoli would have availed themselves to emulate the acts of valor exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed whenever occasions permitted in the late Mediterranean service, I think it would be an useful encouragement as well as a just reward to make an opening for some present promotion by enlarging our peace establishment of captains and lieutenants.

With Tunis some misunderstandings have arisen not yet sufficiently explained, but friendly discussions with their ambassador recently arrived and a mutual disposition to do whatever is just and reasonable can not fail of dissipating these, so that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still, it will not be expedient to withdraw immediately the whole of our force from that sea.

The law providing for a naval peace establishment fixes the number of

frigates which shall be kept in constant service in time of peace, and prescribes that they shall be manned by not more than two-thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two-thirds only of her proper complement of men must depend on the nature of the service on which she is ordered; that may sometimes, for her safety as well as to insure her object, require her fullest complement. In adverting to this subject Congress will perhaps consider whether the best limitation on the Executive discretion in this case would not be by the number of seamen which may be employed in the whole service rather than by the number of the vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk as well as expense to be authorized to employ them of preference. The limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them with spirit, and others beginning to engage in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty than the forest, and find it their interest from time to time to dispose of parts of their surplus and waste lands for the means of improving those they occupy and of subsisting their families while they are preparing their farms. Since your last session the Northern tribes have sold to us the lands between the Connecticut Reserve and the former Indian boundary and those on the Ohio from the same boundary to the rapids and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between and adjacent to the two districts of Tennessee, and the Creeks the residue of their lands in the fork of Ocmulgee up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjoined parts of our settled country and render their intercourse secure; and the second particularly so, as, with the small point on the river which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio from its source to near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens settled and settling on its extensive waters. The purchase from the Creeks, too, has been for some time particularly interesting to the State of Georgia.

The several treaties which have been mentioned will be submitted to both Houses of Congress for the exercise of their respective functions.

Deputations now on their way to the seat of Government from various nations of Indians inhabiting the Missouri and other parts beyond the Mississippi come charged with assurances of their satisfaction with the new relations in which they are placed with us, of their dispositions to cultivate our peace and friendship, and their desire to enter into

commercial intercourse with us. A state of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated so soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the Treasury during the year ending on the 30th day of September last have exceeded the sum of \$13,000,000, which, with not quite five millions in the Treasury at the beginning of the year, have enabled us after meeting other demands to pay nearly two millions of the debt contracted under the British treaty and convention, upward of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal. Congress by their act of November 10, 1803, authorized us to borrow \$1,750,000 toward meeting the claims of our citizens assumed by the convention with France. We have not, however, made use of this authority, because the sum of four millions and a half, which remained in the Treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of \$8,000,000 appropriated to the funded debt and meeting all the current demands which may be expected, will enable us to pay the whole sum of \$3,750,000 assumed by the French convention and still leave us a surplus of nearly \$1,000,000 at our free disposal. Should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance that I will exert my best endeavors to administer faithfully the executive department, and will zealously cooperate with you in every measure which may tend to secure the liberty, property, and personal safety of our fellow-citizens, and to consolidate the republican forms and principles of our Government.

In the course of your session you shall receive all the aid which I can give for the dispatch of public business, and all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

TH. JEFFERSON.

SPECIAL MESSAGES.

DECEMBER 6, 1805.

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

The depredations which had been committed on the commerce of the United States during a preceding war by persons under the authority of Spain are sufficiently known to all. These made it a duty to require from that Government indemnifications for our injured citizens. A convention was accordingly entered into between the minister of the United States at Madrid and the minister of that Government for foreign affairs, by which it was agreed that spoliations committed by Spanish subjects and carried into ports of Spain should be paid for by that nation, and that those committed by French subjects and carried into Spanish ports should remain for further discussion. Before this convention was returned to Spain with our ratification the transfer of Louisiana by France to the United States took place, an event as unexpected as disagreeable to Spain. From that moment she seemed to change her conduct and dispositions toward us. It was first manifested by her protest against the right of France to alienate Louisiana to us, which, however, was soon retracted and the right confirmed. Then high offense was manifested at the act of Congress establishing a collection district on the Mobile, although by an authentic declaration immediately made it was expressly confined to our acknowledged limits; and she now refused to ratify the convention signed by her own minister under the eye of his Sovereign unless we would consent to alterations of its terms which would have affected our claims against her for the spoliations by French subjects carried into Spanish ports.

To obtain justice as well as to restore friendship I thought a special mission advisable, and accordingly appointed James Monroe minister extraordinary and plenipotentiary to repair to Madrid, and in conjunction with our minister resident there to endeavor to procure a ratification of the former convention and to come to an understanding with Spain as to the boundaries of Louisiana. It appeared at once that her policy was to reserve herself for events, and in the meantime to keep our differences in an undetermined state. This will be evident from the papers now communicated to you. After nearly five months of fruitless endeavor to bring them to some definite and satisfactory result, our ministers ended the conferences without having been able to obtain indemnity for spoliations of any description or any satisfaction as to the boundaries of Louisiana, other than a declaration that we had no rights eastward of the Iberville, and that our line to the west was

one which would have left us but a string of land on that bank of the river Mississippi. Our injured citizens were thus left without any prospect of retribution from the wrongdoer, and as to boundary each party was to take its own course. That which they have chosen to pursue will appear from the documents now communicated. They authorize the inference that it is their intention to advance on our possessions until they shall be repressed by an opposing force. Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad or to rescue a citizen or his property; and the Spanish officers remaining at New Orleans are required to depart without further delay. It ought to be noted here that since the late change in the state of affairs in Europe Spain has ordered her cruisers and courts to respect our treaty with her.

The conduct of France and the part she may take in the misunderstandings between the United States and Spain are too important to be unconsidered. She was prompt and decided in her declarations that our demands on Spain for French spoliations carried into Spanish ports were included in the settlement between the United States and France. She took at once the ground that she had acquired no right from Spain, and had meant to deliver us none eastward of the Iberville, her silence as to the western boundary leaving us to infer her opinion might be against Spain in that quarter. Whatever direction she might mean to give to these differences, it does not appear that she has contemplated their proceeding to actual rupture, or that at the date of our last advices from Paris her Government had any suspicion of the hostile attitude Spain had taken here; on the contrary, we have reason to believe that she was disposed to effect a settlement on a plan analogous to what our ministers had proposed, and so comprehensive as to remove as far as possible the grounds of future collision and controversy on the eastern as well as western side of the Mississippi.

The present crisis in Europe is favorable for pressing such a settlement, and not a moment should be lost in availing ourselves of it. Should it pass unimproved, our situation would become much more difficult. Formal war is not necessary it is not probable it will follow; but the protection of our citizens, the spirit and honor of our country require that force should be interposed to a certain degree it will probably contribute to advance the object of peace,

But the course to be pursued will require the command of means which

it belongs to Congress exclusively to yield or to deny. To them I communicate every fact material for their information and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve.

TH. JEFFERSON.

DECEMBER 11, 1805.

To the Senate of the United States :

I now lay before the Senate the several treaties and conventions following, which have been entered into on the part of the United States since their last session:

1. A treaty of peace and amity between the United States of America and the Bashaw, Bey, and subjects of Tripoli, in Barbary.
2. A treaty between the United States and the Wyandot, Ottawa, Chippewa, Munsee, and Delaware, Shawnee, and Potawatamie nations of Indians.
3. A treaty between the United States and the agents of the Connecticut Land Companies on one part and the Wyandot, Ottawa, Chippewa, Munsee, and Delaware, Shawnee, and Potawatamie nations of Indians.
4. A treaty between the United States and the Delawares, Potawatamies, Miamis, Eel-rivers, and Weeas.
5. A treaty between the United States and the Chickasaw Nation of Indians.
6. A treaty between the United States of America and the Cherokee Indians.
7. A convention between the United States and the Creek Nation of Indians; with the several documents necessary for their explanation.

The Senate having dissented to the ratification of the treaty with the Creeks submitted to them at their last session, which gave a sum of \$200,000 for the country thereby conveyed, it is proper now to observe that instead of that sum, which was equivalent to a perpetual annuity of \$12,000, the present purchase gives them an annuity of \$12,000 for eight years only and of \$11,000 for ten years more, the payments of which

would be effected by a present sum of \$130,000 placed at an annual interest of 6 per cent. If from this sum we deduct the reasonable value of the road ceded through the whole length of their country from Ocmulgee toward New Orleans, a road of indispensable necessity to us, the present convention will be found to give little more than the half of the sum which was formerly proposed to be given. This difference is thought sufficient to justify the presenting this subject a second time to the Senate. On these several treaties I have to request that the Senate will advise whether I shall ratify them or not.

TH. JEFFERSON.

DECEMBER 23, 1805.

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

The governor and presiding judge of the Territory of Michigan have made a report to me of the state of that Territory, several matters in which being within the reach of the legislative authority only, I lay the report before Congress.

TH. JEFFERSON.

DECEMBER 31, 1805.

To the House of Representatives of the United States :

I now communicate to the House of Representatives all the information which the executive offices furnish on the subject of their resolution of the 23d instant respecting the States indebted to the United States.

TH. JEFFERSON.

Chapter 23

JANUARY 10, 1806.

To the Senate of the United States :

In compliance with the request of the Senate expressed in their resolution of December 27, I now lay before them such documents and

papers (there being no other information in my possession) as relate to complaints by the Government of France against the commerce carried on by the citizens of the United States to the French island of Saint Domingo.

TH. JEFFERSON.

JANUARY 13, 1806.

To the Senate of the United States :

According to the request of the Senate of December 30, I now lay before them the correspondence of the naval commanders Barron and Rodgers and of Mr. Eaton, late consul at Tunis, respecting the progress of the war with Tripoli, antecedent to the treaty with the Bey and Regency of Tripoli, and respecting the negotiations for the same, and the commission and instructions of Mr. Eaton, with such other correspondence in possession of the offices as I suppose may be useful to the Senate in their deliberations upon the said treaty.

The instructions which were given to Mr. Lear, the consul-general at Algiers, respecting the negotiations for the said treaty accompanied the treaty and the message concerning the same, and are now with them in possession of the Senate.

So much of these papers has been extracted and communicated to the House of Representatives as relates to the principles of the cooperation between the United States and Hamet Caramalli, which is the subject of a joint message to both Houses of Congress bearing equal date with the present, and as those now communicated to the Senate comprehend the whole of that matter, I request that they may be considered as comprising the documents stated in that message as accompanying it. Being mostly originals or sole copies, a return of them is requested at the convenience of the Senate.

We have no letter from Mr. Lear respecting Tripoline affairs of later date than that of July 5, which was transmitted to the Senate with the treaty, nor, consequently, any later information what steps have been taken to carry into effect the stipulation for the delivery of the wife and children of the brother of the reigning Bashaw of Tripoli.

TH. JEFFERSON.

JANUARY 13, 1806.

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

I lay before Congress the application of Hamet Caramalli, elder brother of the reigning Bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that State; and in order to possess them of the ground on which that application stands, the facts shall be stated according to the views and information of the Executive.

During the war with Tripoli it was suggested that Hamet Caramalli, elder brother of the reigning Bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert in action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favorable to both without binding either to guarantee the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information inducing the less confidence in the measure, it was committed to our agents as one which might be resorted to if it promised to promote our success.

Mr. Eaton, however (our late consul), on his return from the Mediterranean, possessing personal knowledge of the scene and having confidence in the effect of a joint operation, we authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet if he should deem it useful; and as it was represented that he would need some aids of arms and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employment was provided for the latter as an agent for the Navy in that sea. Our expectation was that an intercourse should be kept up between the ex-Bashaw and the commodore; that while the former moved on by land our squadron should proceed with equal pace, so as to arrive at their destination together and to attack the common enemy by land and sea at the same time. The instructions of June 6 to Commodore Barron shew that a cooperation only was intended, and by no means an union of our object with the fortune of the ex-Bashaw, and the commodore's letters of March 22 and May 19 prove that he had the most correct idea of our intentions. His verbal instructions, indeed, to Mr. Eaton and Captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his cooperation as rigorously as he probably intended; but it is certain from the

ex-Bashaw's letter of January 3, written when he was proceeding to join Mr. Eaton, and in which he says, "Your operations should be carried on by sea, mine by land," that he left the position in which he was with a proper idea of the nature of the cooperation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letter of April 29 and May 1 views this convention but as provisional, the second article, as he expressly states, guarding it against any ill effect; and his letter of June 30 confirms this construction.

In the event it was found that after placing the ex-Bashaw in possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as governor, he was totally unable to command any resources or to bear any part in cooperation with us. This hope was then at an end, and we certainly had never contemplated, nor were we prepared, to land an army of our own, or to raise, pay, or subsist an army of Arabs to march from Derne to Tripoli and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval, and that such were the expectations of Hamet his letter of June 29 is an unequivocal acknowledgment. While, therefore, an impression from the capture of Derne might still operate at Tripoli, and an attack on that place from our squadron was daily expected. Colonel Lear thought it the best moment to listen to overtures of peace then made by the Bashaw. He did so, and while urging provisions for the United States he paid attention also to the interests of Hamet, but was able to effect nothing more than to engage the restitution of his family, and even the persevering in this demand suspended for some time the conclusion of the treaty.

In operations at such a distance it becomes necessary to leave much to the discretion of the agents employed, but events may still turn up beyond the limits of that discretion. Unable in such a case to consult his Government, a zealous citizen will act as he believes that would direct him were it apprised of the circumstances, and will take on himself the responsibility. In all these cases the purity and patriotism of the motives should shield the agent from blame, and even secure a sanction where the error is not too injurious. Should it be thought by any that the verbal instructions said to have been given by Commodore Barron to Mr. Eaton amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli a stipulation so entirely unauthorized, so far beyond our views, and so onerous could not be sanctioned by our Government or should Hamet Caramalli, contrary to the evidence of his letters of January 3 and June 29, be thought to have left the position which he now seems to regret, under a mistaken expectation that we were at all events to place him on his throne, on an appeal to the liberality of the nation something equivalent to the replacing him in his former situation might be worthy its consideration.

A nation by establishing a character of liberality and magnanimity gains in the friendship and respect of others more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken being different not only from our views but from those expressed by himself on former occasions, Mr. Eaton was desired to state whether any verbal communications passed from him to Hamet which had varied what we saw in writing. His answer of December 5 is herewith transmitted, and has rendered it still more necessary that in presenting to the Legislature the application of Hamet I should present them at the same time an exact statement of the views and proceedings of the Executive through this whole business, that they may clearly understand the ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the cooperation, and which can inform their judgment in deciding on the application of Hamet Caramalli.

TH. JEFFERSON.

JANUARY 15, 1806.

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

I now render to Congress an account of the grant of \$20,000 for the contingent charges of Government by an act making appropriations for the support of Government for the year 1805. Of that sum \$1,987.50 have been necessarily applied to the support of the Territorial governments of Michigan and Louisiana until an opportunity could occur of making a specific appropriation for that purpose. The balance of \$18,012.50 remains in the Treasury.

TH. JEFFERSON.

JANUARY 17, 1806.

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

In my message to both Houses of Congress at the opening of their present session I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles derogatory of the rights of neutrals and unacknowledged by

the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

The rights of a neutral to carry on commercial intercourse with every part of the dominions of a belligerent permitted by the laws of the country (with the exception of blockaded ports and contraband of war) was believed to have been decided between Great Britain and the United States by the sentence of their commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of the damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived with others more novel and extending the injury, instructions were given to the minister plenipotentiary of the United States at the Court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has therefore been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on rights too evident and too important to be surrendered. In the meantime the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged will appear in an extract from instructions to our minister at London now communicated.

TH. JEFFERSON.

JANUARY 17, 1806

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

The inclosed letter from the minister plenipotentiary of the United States at the Court of London contains interesting information on

the subjects of my other message of this date. It is sent separately and confidentially because its publication may discourage frank communications between our ministers generally and the Governments with which they reside, and especially between the same ministers.

TH. JEFFERSON.

JANUARY 24, 1806.

To the Senate of the United States :

A convention has been entered into between the United States and the Cherokee Nation for the extinguishment of the rights of the latter, and of some unsettled claims in the country north of the river Tennessee, therein described. This convention is now laid before the Senate for their advice and consent as to its ratification.

TH. JEFFERSON.

JANUARY 27, 1806.

To the Senate of the United States :

According to the desire of the Senate expressed in their resolution of the 10th instant, I now communicate to them a report of the Secretary of State, with its documents, stating certain new principles attempted to be introduced on the subject of neutral rights, injurious to the rights and interests of the United States. These, with my message to both Houses of the 17th instant and the documents accompanying it, fulfill the desires of the Senate as far as it can be done by any information in my possession which is authentic and not publicly known.

TH. JEFFERSON.

JANUARY 29, 1806.

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

Having received from sundry merchants at Baltimore a memorial on the same subject with those I communicated to Congress with my message of

the 17th instant, I now communicate this also as a proper sequel to the former, and as making a part of the mass of evidence of the violations of our rights on the ocean.

TH. JEFFERSON.

FEBRUARY 3, 1806.

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

A letter has been received from the governor of South Carolina covering an act of the legislature of that State ceding to the United States various forts and fortifications and sites for the erection of forts in that State on the conditions therein expressed. This letter and the act it covered are now communicated to Congress.

I am not informed whether the positions ceded are the best which can be taken for securing their respective objects. No doubt is entertained that the legislature deemed them such. The river of Beaufort, particularly, said to be accessible to ships of very large size and capable of yielding them a protection which they can not find elsewhere but very far to the north, is from these circumstances so interesting to the Union in general as to merit particular attention and inquiry as to the positions on it best calculated for health as well as safety.

TH. JEFFERSON.

FEBRUARY 3, 1806.

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

In the course of the last year the following treaties and conventions for the extinguishment of Indian title to lands within our limits were entered into on behalf of the United States:

A treaty between the United States and the Wyandot, Ottawa, Chippeway, Munsee and Delaware, Shawanee and Pottawatamy nations of Indians.

A treaty between the United States and the agents of the Connecticut Land Company on one part and the Wyandot and Ottawa, Chippeway, Munsey and Delaware, Shawanee and Pottawatamy nations of Indians.

A treaty between the United States and the Delawares, Pottawatamies, Miamis, Eel-rivers, and Weas.

A treaty between the United States and the Chickasaw Nation of Indians.

Two treaties between the United States and the Cherokee Indians.

A convention between the United States and the Creek Nation of Indians.

The Senate having advised and consented to the ratification of these several treaties and conventions, I now lay them before both Houses of Congress for the exercise of their constitutional powers as to the means of fulfilling them.

TH. JEFFERSON.

FEBRUARY 6, 1806.

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

Since the date of my message of January 17 a letter of the 26th of November has been received from the minister plenipotentiary of the United States at London, covering one from the secretary for foreign affairs of that Government, which, being on the subject of that message, is now transmitted for the information of Congress. Although nothing forbids the substance of these letters from being communicated without reserve, yet so many ill effects proceed from the publications of correspondences between ministers remaining still in office that I can not but recommend that these letters be not permitted to be formally published.

TH; JEFFERSON.

FEBRUARY 19, 1806.

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

In pursuance of a measure proposed to Congress by a message of January 18, 1803, and sanctioned by their approbation for carrying it into execution, Captain Meriwether Lewis, of the First Regiment of infantry, was appointed, with a party of men, to explore the river Missouri from its mouth to its source, and, crossing the highlands by the shortest

portage, to seek the best water communication thence to the Pacific Ocean; and Lieutenant Clarke was appointed second in command. They were to enter into conference with the Indian nations on their route with a view to the establishment of commerce with them. They entered the Missouri May 14, 1804, and on the 1st of November took up their winter quarters near the Mandan towns, 1,609 miles above the mouth of the river, in latitude 47 deg. 21' 47" north and longitude 99 deg. 24' 45" west from Greenwich. On the 8th of April, 1805, they proceeded up the river in pursuance of the objects prescribed to them. A letter of the preceding day, April 7th, from Captain Lewis is herewith communicated. During his stay among the Mandans he had been able to lay down the Missouri according to courses and distances taken on his passage up it, corrected by frequent observations of longitude and latitude, and to add to the actual survey of this portion of the river a general map of the country between the Mississippi and Pacific from the thirty-fourth to the fifty-fourth degree of latitude. These additions are from information collected from Indians with whom he had opportunities of communicating during his journey and residence with them. Copies of this map are now presented to both Houses of Congress. With these I communicate also a statistical view, procured and forwarded by him, of the Indian nations inhabiting the Territory of Louisiana and the countries adjacent to its northern and western borders, of their commerce, and of other interesting circumstances respecting them.

In order to render the statement as complete as may be of the Indians inhabiting the country west of the Mississippi, I add Dr. Sibley's account of those residing in and adjacent to the Territory of Orleans.

I communicate also, from the same person, an account of the Red River, according to the best information he had been able to collect.

Having been disappointed, after considerable preparation, in the purpose of sending an exploring party up that river in the summer of 1804, it was thought best to employ the autumn of that year in procuring a knowledge of an interesting branch of the river called the Washita.

This was undertaken under the direction of Mr. Dunbar, of Natchez, a citizen of distinguished science, who had aided and continues to aid us with his disinterested and valuable services in the prosecution of these enterprises. He ascended the river to the remarkable hot springs near it, in latitude 34 deg. 31' 4.16", longitude 92 deg. 50' 45" west from Greenwich, taking its courses and distances, and correcting them by frequent celestial observations. Extracts from his observations and copies of his map of the river from its mouth to the hot springs make part of the present communications. The examination of the Red River itself is but now commencing.

TH. JEFFERSON.

MARCH 5, 1806.

To the Senate of the United States :

According to the request of the Senate expressed in their resolution of 3d instant, I now transmit the extract of a letter from the Secretary of State to the minister plenipotentiary of the United States at Paris, the answer to that letter, and two letters from Henry Waddell, a citizen of the United States, relative to the interference of the said minister in the case of the ship *New Jersey* and to the principles alleged to have been laid down on that occasion.

There are in the office of the Department of State several printed documents in this case by the agent of those interested in the ship, which are voluminous and in French. If these be within the scope of the request of the Senate, the printed copies can be sent in immediately, but if translations be necessary some considerable time will be requisite for their execution. On this subject any further desire which the Senate shall think proper to express shall be complied with.

TH. JEFFERSON.

MARCH 7, 1806.

To the Senate of the United States :

According to the request of the Senate of yesterday, I now transmit the five printed memorials of the agent for the ship *New Jersey*, in the one of which marked B, at the ninth page, will be found the letter relative to it from the minister plenipotentiary of the United States at Paris to the French minister of the treasury, supposed to be the one designated in the resolution. We have no information of this letter but through the channel of the party interested in the ship, nor any proof of it more authentic than that now communicated.

TH. JEFFERSON.

MARCH 19, 1806.

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

It was reasonably expected that while the limits between the territories of the United States and of Spain were unsettled neither party would have innovated on the existing state of their respective positions. Some time since, however, we learnt that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine River which, by delivery of its principal post, Natchitoches, was understood to have been itself delivered up by Spain, and at the same time to permit no adverse post to be taken nor armed men to remain within it. In consequence of these orders the commanding officer of Natchitoches, learning that a party of Spanish troops had crossed the Sabine River and were posting themselves on this side the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letter detailing this incident, that they may fully understand the state of things in that quarter and be enabled to make such provision for its security as, in their wisdom, they shall deem sufficient.

TH. JEFFERSON.

APRIL 11, 1806.

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

I now lay before Congress a statement of the militia of the United States according to the returns last received from the several States and Territories. It will be perceived that some of these are not of recent dates, and that from the States of Maryland and Delaware no returns are stated. As far as appears from our records, none were ever rendered from either of these States. From the Territories of Orleans, Louisiana, and Michigan complete returns have not yet been received.

TH. JEFFERSON.

APRIL 14, 1806.

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

During the blockade of Tripoli by the squadron of the United States a small cruiser, under the flag of Tunis, with two prizes, all of trifling value, attempted to enter Tripoli; was turned back, warned, and, attempting again to enter, was taken and detained as prize by the squadron. Her restitution was claimed by the Bey of Tunis with a threat of war in terms so serious that on withdrawing from the blockade of Tripoli the commanding officer of the squadron thought it his duty to repair to Tunis with his squadron and to require a categorical declaration whether peace or war was intended. The Bey preferred explaining himself by an ambassador to the United States, who on his arrival renewed the request that the vessel and her prizes should be restored. It was deemed proper to give this proof of friendship to the Bey, and the ambassador was informed the vessels would be restored. Afterwards he made a requisition of naval stores to be sent to the Bey, in order to secure a peace for the term of three years, with a threat of war if refused. It has been refused, and the ambassador is about to depart without receding from his threat or demand.

Under these circumstances, and considering that the several provisions of the act of March 25, 1804, will cease in consequence of the ratification of the treaty of peace with Tripoli, now advised and consented to by the Senate, I have thought it my duty to communicate these facts, in order that Congress may consider the expediency of continuing the same provisions for a limited time or making others equivalent.

TH. JEFFERSON.

APRIL 15, 1806.

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

The Senate having advised and consented to the ratification of a treaty concluded with the Piankeshaw Indians for extinguishing their claim to the country between the Wabash and Kaskaskia cessions, it is now laid before both Houses for the exercise of their constitutional powers as to the means of fulfilling it on our part.

TH. JEFFERSON.

APRIL 17, 1806.

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

The Senate having advised and consented to the ratification of a convention between the United States and the Cherokee Indians, concluded at Washington on the 7th day of January last, for the cession of their right to the tract of country therein described, it is now laid before both Houses of Congress for the exercise of their constitutional powers toward the fulfillment thereof.

TH. JEFFERSON.

APRIL 18, 1806.

To the Senate of the United States :

In compliance with the request of the Senate of yesterday's date, I now communicate the entire correspondence between the ambassador of Tunis and the Secretary of State, from which the Senate will see that the first application by the ambassador for restitution of the vessels taken in violation of blockade having been yielded to, the only remaining cause of difference brought forward by him is the requisition of a present of naval stores to secure a peace for three years, after which the inference is obvious that a renewal of the presents is to be expected to renew the prolongation of peace for another term. But this demand has been pressed in verbal conferences much more explicitly and pertinaciously than appears in the written correspondence. To save the delay of copying, some originals are inclosed, with a request that they be returned.

TH. JEFFERSON.

APRIL 19, 1806.

To the Senate of the United States :

I nominate James Monroe, now minister plenipotentiary of the United States at the Court of London, and William Pinkney, of Maryland, to be commissioners plenipotentiary and extraordinary for settling all matters

of difference between the United States and the United Kingdoms of Great Britain and Ireland relative to wrongs committed between the parties on the high seas or other waters, and for establishing the principles of navigation and commerce between them.

James Houston, of Maryland, to be judge of the court of the United States for the district of Maryland.

Willis W. Parker, of Virginia, to be collector of the district and inspector of the revenue for the port of South Quay.

TH. JEFFERSON.

PROCLAMATIONS.

(From Annals of Congress, Ninth Congress, second session, 685.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory information has been received that Henry Whitby, commanding a British armed vessel called the *Leander*, did on the 25th day of the month of April last, within the waters and jurisdiction of the United States, and near to the entrance of the harbor of New York, by a cannon shot fired from the said vessel *Leander*, commit a murder on the body of John Pierce, a citizen of the United States, then pursuing his lawful vocation within the same waters and jurisdiction of the United States and near to their shores; and that the said Henry Whitby can not at this time be brought to justice by the ordinary process of law; and

Whereas it does further appear that both before and after the said day sundry trespasses, wrongs, and unlawful interruptions and vexations on trading vessels coming to the United States, and within their waters and vicinity, were committed by the said armed vessel the *Leander*, her officers and people; by one other armed vessel called the *Cambrian*, commanded by John Nairne, her officers and people; and by one other armed vessel called the *Driver*, commanded by Slingsby Simpson, her officers and people; which vessels, being all of the same nation, were aiding and assisting each other in the trespasses, interruptions, and

vexations aforesaid:

Now, therefore, to the end that the said Henry Whitby may be brought to justice and due punishment inflicted for the said murder, I do hereby especially enjoin and require all officers having authority, civil or military, and all other persons within the limits or jurisdiction of the United States, wheresoever the said Henry Whitby may be found, now or hereafter, to apprehend and secure the said Henry Whitby, and him safely and diligently to deliver to the civil authority of the place, to be proceeded against according to law.

And I do hereby further require that the said armed vessel the Leander , with her officers and people, and the said armed vessels the Cambrian and Driver , their officers and people, immediately and without any delay depart from the harbors and waters of the United States. And I do forever interdict the entrance of all other vessels which shall be commanded by the said Henry Whitby, John Nairne, and Slingsby Simpson, or either of them.

And if the said vessels, or any of them, shall fail to depart as aforesaid, or shall reenter the harbors or waters aforesaid, I do in that case forbid all intercourse with the said armed vessels the Leander , the Cambrian , and the Driver , or with any of them, and the officers and crews thereof, and do prohibit all supplies and aid from being furnished them, or any of them. And I do declare and make known that if any person from or within the jurisdictional limits of the United States shall afford any aid to either of the said armed vessels contrary to the prohibition contained in this proclamation, either in repairing such vessel or in furnishing her, her officers or crew, with supplies of any kind or in any manner whatever; or if any pilot shall assist in navigating any of the said armed vessels, unless it be for the purpose of carrying them in the first instance beyond the limits and jurisdiction of the United States, such person or persons shall on conviction suffer all the pains and penalties by the laws provided for such offenses. And I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others citizens or inhabitants thereof, or being within the same, with vigilance and promptitude to exert their respective authorities and to be aiding and assisting to the carrying this proclamation and every part thereof into full effect.

(SEAL.)

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Given at the city of Washington, the 3d day of May, A.D. 1806, and of the Sovereignty and Independence of the United States the thirtieth.

TH. JEFFERSON.

By the President:
JAMES MADISON,
Secretary of State .

(From Annals of Congress, Ninth Congress, second session, 686.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas information has been received that sundry persons, citizens of the United States or residents within the same, are conspiring and confederating together to begin and set on foot, provide, and prepare the means for a military expedition or enterprise against the dominions of Spain; that for this purpose they are fitting out and arming vessels in the western waters of the United States, collecting provisions, arms, military stores, and means; are deceiving and seducing honest and well-meaning citizens, under various pretenses, to engage in their criminal enterprises; are organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided:

I have therefore thought proper to issue this my proclamation, warning and enjoining all faithful citizens who have been led without due knowledge or consideration to participate in the said unlawful enterprises to withdraw from the same without delay, and commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein, as they will answer the contrary at their peril and incur prosecution with all the rigors of the law. And I hereby enjoin and require all officers, civil and military, of the United States, or of any of the States or Territories, and especially all governors and other executive authorities, all judges, justices, and other officers of the peace, all military officers of the Army or Navy of the United States, or officers of the militia, to be vigilant, each within his respective department and according to his functions, in searching out and bringing to condign punishment all persons engaged or concerned in such enterprise, in seizing and detaining, subject to the disposition of the law, all vessels, arms, military stores, or other means provided or providing for the same, and, in general, in preventing the carrying on

such expedition or enterprise by all lawful means within their power; and I require all good and faithful citizens and others within the United States to be aiding and assisting herein, and especially in the discovery, apprehension, and bringing to justice of all such offenders, in preventing the execution of their unlawful designs, and in giving information against them to the proper authorities.

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and have signed the same with my hand.

(SEAL.)

Given at the city of Washington on the 27th day of November, 1806, and in the year of the Sovereignty of the United States the thirty-first.

TH. JEFFERSON.

By the President:
JAMES MADISON,
Secretary of State .

SIXTH ANNUAL MESSAGE.

DECEMBER 2, 1806.

To the Senate and House of Representatives of the United States of America in Congress assembled :

It would have given me, fellow-citizens, great satisfaction to announce in the moment of your meeting that the difficulties in our foreign relations existing at the time of your last separation had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination by special missions charged with such powers and instructions as in the event of failure could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British Government appear to have proceeded from causes which do not forbid the expectation that during the course of the session I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain nothing which had taken place at the date of the last dispatches enables us to pronounce. On the western side of the Mississippi she advanced in

considerable force, and took post at the settlement of Bayou Pierre, on the Red River. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed at the moment of redelivery to France and the United States that she continued a guard of half a dozen men which had been stationed there. A proposition, however, having been lately made by our commander in chief to assume the Sabine River as a temporary line of separation between the troops of the two nations until the issue of our negotiations shall be known, this has been referred by the Spanish commandant to his superior, and in the meantime he has withdrawn his force to the western side of the Sabine River. The correspondence on this subject now communicated will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the governors of Orleans and Mississippi for a corps of 500 volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary; but I inform you with great pleasure of the promptitude with which the inhabitants of those Territories have tendered their services in defense of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on a military expedition against the territories of Spain, I thought it necessary, by proclamation as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions, it was due to good order and regular government, that while the public force was acting strictly on the defensive and merely to protect our citizens from aggression the criminal attempts of private individuals to decide for their country the question of peace or war by commencing active and unauthorized hostilities should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on

the result of our negotiations with Spain; but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defense of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defense, and in conjunction with them to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans from the eastern quarter also will require to be examined and more effectually guarded. For the internal support of the country the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the Legislature.

The gunboats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defense to which we are competent and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established and the erection of such other works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the people, directly expressed by their free suffrages; where the principal executive functionaries and those of the legislature are renewed by them at short periods; where under the character of jurors they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry and securing to everyone the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishment for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain

extent are given by the laws. Would they not be as reasonable and useful where the enterprise preparing is against the United States? While adverting to this branch of law it is proper to observe that in enterprises meditated against foreign nations the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The States on the coast of Barbary seem generally disposed at present to respect our peace and friendship; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms or not at all, I propose to send in due time a reen-forcement into the Mediterranean unless previous information shall shew it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice and in the sincere concern we feel for their welfare; and as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke for exploring the river Missouri and the best communication from that to the Pacific Ocean has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific Ocean; ascertained with accuracy the geography of that interesting communication across our continent, learnt the character of the country, of its commerce and inhabitants; and it is but justice to say that Messrs. Lewis and Clarke and their brave companions have by this arduous service deserved well of their country.

The attempt to explore the Red River, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about 600 miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended it to its source, and whose journal and map, giving the details of his journey, will shortly

be ready for communication to both Houses of Congress. Those of Messrs. Lewis, Clarke, and Freeman will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi and its western waters. Some principal rivers, however, remain still to be explored, toward which the authorization of Congress by moderate appropriations will be requisite.

I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year 1808, yet the intervening period is not too long to prevent by timely notice expeditions which can not be completed before that day.

The receipts at the Treasury during the year ending on the 30th day of September last have amounted to near \$15,000,000, which have enabled us, after meeting the current demands, to pay \$2,700,000 of the American claims in part of the price of Louisiana; to pay of the funded debt upward of three millions of principal and nearly four of interest, and, in addition, to reimburse in the course of the present month near two millions of 5-1/2 per cent stock. These payments and reimbursements of the funded debt, with those which had been made in the four years and a half preceding, will at the close of the present year have extinguished upward of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present session. Considering, however, that they are levied chiefly on luxuries and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt and the continuation of the Mediterranean fund instead thereof for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished there will still ere long be an accumulation of moneys in the Treasury beyond the installments of public debt which we are permitted by contract to pay. They can not then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt and the complete liberation of our revenues, the most desirable of all objects. Nor, if our peace continues, will they be wanting for any other

existing purpose. The question therefore now comes forward, To what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers. By these operations new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal, but a public institution can alone supply those sciences which though rarely called for are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to its preservation. The subject is now proposed for the consideration of Congress, because if approved by the time the State legislatures shall have deliberated on this extension of the Federal trusts, and the laws shall be passed and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment for education particularly is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent of war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

This, fellow-citizens, is the state of the public interests at the present moment and according to the information now possessed. But such is the situation of the nations of Europe and such, too, the predicament in which we stand with some of them that we can not rely with certainty on the present aspect of our affairs, that may change from moment

to moment during the course of your session or after you shall have separated. Our duty is, therefore, to act upon things as they are and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened, pace in preparations for the defense of our seaport towns and waters; an early settlement of the most exposed and vulnerable parts of our country; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them to serve a sufficient time, are means which may always be ready, yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us, in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and toward throwing its burthens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also on our western frontiers as may shew whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

TH. JEFFERSON.

SPECIAL MESSAGES.

DECEMBER 3, 1806.

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

I have the satisfaction to inform you that the negotiation depending between the United States and the Government of Great Britain is proceeding in a spirit of friendship and accommodation which promises a result of mutual advantage. Delays, indeed, have taken place, occasioned by the long illness and subsequent death of the British minister charged

with that duty. But the commissioners appointed by that Government to resume the negotiation have shewn every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds. In the meantime we find by the communications of our plenipotentiaries that a temporary suspension of the act of the last session prohibiting certain importations would, as a mark of candid disposition on our part and of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford further evidence that all our proceedings have flowed from views of justice and conciliation, and that we give them willingly that form which may best meet corresponding dispositions.

Add to this that the same motives which produced the postponement of the act till the 15th of November last are in favor of its further suspension, and as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course as to all others preceding and following it. I can not, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

TH. JEFFERSON.

DECEMBER 15, 1806,

To the House of Representatives of the United States :

I lay before Congress a report of the surveyor of the public buildings, stating the progress made on them during the last season and what is proposed for the ensuing one.

I took every measure within my power for carrying into effect the request of the House of Representatives of the 17th of April last to cause the south wing of the Capitol to be prepared for their accommodation by the commencement of the present session. With great regret I found it was not to be accomplished. The quantity of freestone necessary, with the size and quality of many of the blocks, was represented as beyond what could be obtained from the quarries by any exertions which could be commanded. The other parts of the work, which might all have been completed in time, were necessarily retarded by the insufficient progress of the stonework.

TH. JEFFERSON.

Chapter 24
JANUARY 5, 1807.

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

I transmit to each House of Congress a copy of the laws of the Territory of Michigan passed by the governor and judges of the Territory during the year 1805.

TH. JEFFERSON.

JANUARY 22, 1807.

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

Agreeably to the request of the House of Representatives communicated in their resolution of the 16th instant, I proceed to state, under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in the constant expectation of receiving such further information as would have enabled me to lay before the Legislature the termination as well as the beginning and progress of this scene of depravity so far as it has been acted on the Ohio and its waters. From this the state of safety of the lower country might have been estimated on probable grounds, and the delay was indulged the rather because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information now recently communicated has brought us nearly to the period contemplated. The mass of what I have received in the course of these transactions is voluminous, but little has been given under the sanction of an oath so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions as renders it difficult to sift out the real facts and inadvisable to hazard more than general outlines, strengthened by concurrent information or the particular credibility of the relator. In this state of the evidence, delivered sometimes, too, under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond

question.

Some time in the latter part of September I received intimations that designs were in agitation in the Western country unlawful and unfriendly to the peace of the Union, and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons and to communicate them to me.

It was not till the latter part of October that the objects of the conspiracy began to be perceived, but still so blended and involved in mystery that nothing distinct could be singled out for pursuit. In this state of uncertainty as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene where these things were principally in transaction a person in whose integrity, understanding, and discretion entire confidence could be reposed, with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the governors and all other officers, civil and military, and with their aid to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides dispatching the confidential agent to that quarter, orders were at the same time sent to the governors of the Orleans and Mississippi Territories and to the commanders of the land and naval forces there to be on their guard against surprise and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care; and on the 8th of November instructions were forwarded to General Wilkinson to hasten an accommodation with the Spanish commandant on the Sabine, and as soon as that was effected to fall back with his principal force to the hither bank of the Mississippi for the defense of the interesting points on that river. By a letter received from that officer on the 25th of November, but dated October 21, we learnt that a confidential agent of Aaron Burr had been deputed to him with communications, partly written in cipher and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command to engage him and the army in his unlawful enterprise as he had flattered himself would be successful. The General, with the honor of a soldier and fidelity of a good citizen, immediately dispatched a

trusty officer to me with information of what had passed, proceeding to establish such an understanding with the Spanish commandant on the Sabine as permitted him to withdraw his force across the Mississippi and to enter on measures for opposing the projected enterprise.

The General's letter, which came to hand on the 25th of November, as has been mentioned, and some other information received a few days earlier, when brought together developed Burr's general designs, different parts of which only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these States by the Alleghany Mountains; the other an attack on Mexico. A third object was provided, merely ostensible, to wit, the settlement of a pretended purchase of a tract of country on the Washita claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurements for such followers as really wished to acquire settlements in that country and a cover under which to retreat in the event of a final discomfiture of both branches of his real design.

He found at once that the attachment of the Western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate as yet to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico, and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence all the ardent, restless, desperate, and disaffected persons who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the Government and was acting under its secret patronage, a pretense which procured some credit from the state of our differences with Spain, and others by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November 27, two days after the receipt of General Wilkinson's information, was now issued. Orders were dispatched to every interesting point on the Ohio and Mississippi from Pittsburg to New Orleans for the employment of such force either of the regulars or of the militia and of such proceedings also of the civil authorities as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons

concerned, and to suppress effectually the further progress of the enterprise. A little before the receipt of these orders in the State of Ohio our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the governor of that State and apply for the immediate exertion of the authority and power of the State to crush the combination. Governor Tiffin and the legislature, with a promptitude, an energy, and patriotic zeal which entitle them to a distinguished place in the affection of their sister States, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky a premature attempt to bring Burr to justice without sufficient evidence for his conviction had produced a popular impression in his favor and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders and the application and information of our confidential agent at length awakened the authorities of that State to the truth, and then produced the same promptitude and energy of which the neighboring State had set the example. Under an act of their legislature of December 23 militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from five to double or treble that number) and persons (differently estimated from 100 to 300) had in the meantime passed the Falls of Ohio to rendezvous at the mouth of Cumberland with others expected down that river.

Not apprised till very late that any boats were building on Cumberland, the effect of the proclamation had been trusted to for some time in the State of Tennessee; but on the *19th of December similar communications and instructions with those to the neighboring States were dispatched by express to the governor and a general officer of the western division of the State, and on the 23d of December our confidential agent left Frankfort for Nashville to put into activity the means of that State also. But by information received yesterday I learn that on the 22d of December Mr. Burr descended the Cumberland with two boats merely of accommodation, carrying with him from that State no quota toward his unlawful enterprise. Whether after the arrival of the proclamation, of the orders, or of our agent any exertion which could be made by that State or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland would be in time to arrest these boats and those from the Falls of Ohio is still doubtful.

On the whole, the fugitives from the Ohio, with their associates from Cumberland or any other place in that quarter, can not threaten serious

danger to the city of New Orleans.

By the same express of December 19 orders were sent to the governors of Orleans and Mississippi, supplementary to those which had been given on the 25th of November, to hold the militia of their Territories in readiness to cooperate for their defense with the regular troops and armed vessels then under command of General Wilkinson. Great alarm, indeed, was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place for the purpose of its defense, and on the 10th of December he was joined by his troops from the Sabine. Great zeal was shewn by the inhabitants generally, the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen, and the other citizens manifesting unequivocal fidelity to the Union and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign powers; but these surmises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session has placed us in the paths of peace and justice with the only powers with whom we had any differences, and nothing has happened since which makes it either their interest or ours to pursue another course. No change of measures has taken place on our part; none ought to take place at this time. With the one, friendly arrangement was then proposed, and the law deemed necessary on the failure of that was suspended to give time for a fair trial of the issue. With the same power friendly arrangement is now proceeding under good expectations, and the same law deemed necessary on failure of that is still suspended, to give time for a fair trial of the issue. With the other, negotiation was in like manner then preferred, and provisional measures only taken to meet the event of rupture. With the same power negotiation is still preferred, and provisional measures only are necessary to meet the event of rupture. While, therefore, we do not deflect in the slightest degree from the course we then assumed and are still pursuing with mutual consent to restore a good understanding, we are not to impute to them practices as irreconcilable to interest as to good faith, and changing necessarily the relations of peace and justice between us to those of war. These surmises are therefore to be imputed to the vauntings of the author of this enterprise to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson of the 14th and 18th of December, which came to hand two days after the date of the resolution of the

House of Representatives that is to say, on the morning of the 18th instant I received the important affidavit a copy of which I now communicate, with extracts of so much of the letters as comes within the scope of the resolution. By these it will be seen that of three of the principal emissaries of Mr. Burr whom the General had caused to be apprehended, one had been liberated by habeas corpus, and two others, being those particularly employed in the endeavor to corrupt the general and army of the United States, have been embarked by him for ports in the Atlantic States, probably on the consideration that an impartial trial could not be expected during the present agitations of New Orleans, and that that city was not as yet a safe place of confinement. As soon as these persons shall arrive they will be delivered to the custody of the law and left to such course of trial, both as to place and process, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the Executive means, should the judges have occasion to use them, render it equally desirable for the criminals as for the public that, being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here its proper direction.

TH. JEFFERSON.

JANUARY 26, 1807.

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

I received from General Wilkinson on the 23d instant his affidavit charging Samuel Swartwout, Peter V. Ogden, and James Alexander with the crimes described in the affidavit a copy of which is now communicated to both Houses of Congress.

It was announced to me at the same time that Swartwout and Bollman, two of the persons apprehended by him, were arrived in this city in custody each of a military officer. I immediately delivered to the attorney of the United States in this district the evidence received against them, with instructions to lay the same before the judges and apply for their process to bring the accused to justice, and put into his hands orders to the officers having them in custody to deliver them to the marshal on his application.

TH. JEFFERSON.

JANUARY 27, 1807.

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

I now render to Congress the account of the fund established for defraying the contingent expenses of Government for the year 1806. No occasion having arisen for making use of any part of the balance of \$18,012.50, unexpended on the 31st day of December, 1805, that balance remains in the Treasury.

TH. JEFFERSON.

JANUARY 28, 1807.

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

By the letters of Captain Bissel, who commands at Fort Massac, and of Mr. Murrell, to General Jackson, of Tennessee, copies of which are now communicated to Congress, it will be seen that Aaron Burr passed Fort Massac on the 31st December with about ten boats, navigated by about six hands each, without any military appearance, and that three boats with ammunition were said to have been arrested by the militia at Louisville.

As the guards of militia posted on various points of the Ohio will be able to prevent any further aids passing through that channel, should any be attempted, we may now estimate with tolerable certainty the means derived from the Ohio and its waters toward the accomplishment of the purposes of Mr. Burr.

TH. JEFFERSON.

JANUARY 31, 1807.

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

In execution of the act of the last session of Congress entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," I appointed Thomas Moore, of Maryland; Joseph Kerr, of Ohio, and Eli Williams, of Maryland, commissioners to lay out the said road, and to perform the other duties

assigned to them by the act. The progress which they made in the execution of the work during the last season will appear in their report now communicated to Congress. On the receipt of it I took measures to obtain consent for making the road of the States of Pennsylvania, Maryland, and Virginia, through which the commissioners proposed to lay it out. I have received acts of the legislatures of Maryland and Virginia giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to a free choice of route through the whole distance I have thought it safest neither to accept nor reject finally the partial report of the commissioners. Some matters suggested in the report belong exclusively to the Legislature.

TH. JEFFERSON.

FEBRUARY 6, 1807.

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

I lay before Congress the laws for the government of Louisiana, passed by the governor and judges of the Indiana Territory at their session at Vincennes begun on the 1st of October, 1804.

TH. JEFFERSON.

FEBRUARY 6, 1807.

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

The Government of France having examined into the claim of M. de Beaumarchais against the United States, and considering it as just and legal, has instructed its minister here to make representations on the subject to the Government of the United States. I now lay his memoir thereon before the Legislature, the only authority competent to a final decision on the same.

TH. JEFFERSON.

FEBRUARY 10, 1807.

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

I communicate, for the information of Congress, a letter from Cowles Mead, secretary of the Mississippi Territory, to the Secretary of War, by which it will be seen that Mr. Burr had reached that neighborhood on the 13th of January.

TH. JEFFERSON.

FEBRUARY 10, 1807.

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

In compliance with the request of the House of Representatives expressed in their resolution of the 5th instant, I proceed to give such information as is possessed of the effect of gunboats in the protection and defense of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States.

Under present circumstances, and governed by the intentions of the Legislature as manifested by their annual appropriations of money for the purposes of defense, it has been concluded to combine, first, land batteries furnished with heavy cannon and mortars, and established on all the points around the place favorable for preventing vessels from lying before it; second, movable artillery, which may be carried, as occasion may require, to points unprovided with fixed batteries; third, floating batteries, and fourth, gunboats which may oppose an enemy at his entrance and cooperate with the batteries for his expulsion.

On this subject professional men were consulted as far as we had opportunity. General Wilkinson and the late General Gates gave their opinions in writing in favor of the system, as will be seen by their letters now communicated. The higher officers of the Navy gave the same opinions in separate conferences, as their presence at the seat of Government offered occasions of consulting them, and no difference of judgment appeared on the subject. Those of Commodore Barren and Captain Tingey, now here, are recently furnished in writing, and transmitted herewith to the Legislature.

The efficacy of gunboats for the defense of harbors and of other smooth and inclosed waters may be estimated in part from that of galleys formerly much used but less powerful, more costly in their construction and maintenance, and requiring more men. But the gunboat itself is believed to be in use with every modern maritime nation for the purposes

of defense. In the Mediterranean, on which are several small powers whose system, like ours, is peace and defense, few harbors are without this article of protection. Our own experience there of the effect of gunboats for harbor service is recent. Algiers is particularly known to have owed to a great provision of these vessels the safety of its city since the epoch of their construction, Before that it had been repeatedly insulted and injured. The effect of gunboats at present in the neighborhood of Gibraltar is well known, and how much they were used both in the attack and defense of that place during a former war. The extensive resort to them by the two greatest naval powers in the world on an enterprise of invasion not long since in prospect shews their confidence in their efficacy for the purposes for which they are suited. By the northern powers of Europe, whose seas are particularly adapted to them, they are still more used. The remarkable action between the Russian flotilla of gunboats and galleys and a Turkish fleet of ships of the line and frigates in the Liman Sea in 1788 will be readily recollected. The latter, commanded by their most celebrated admiral, were completely defeated, and several of their ships of the line destroyed.

From the opinions given as to the number of gunboats necessary for some of the principal seaports, and from a view of all the towns and ports from Orleans to Maine, inclusive, entitled to protection in proportion to their situation and circumstances, it is concluded that to give them a due measure of protection in times of war about 200 gunboats will be requisite.

According to first ideas the following would be their general distribution, liable to be varied on more mature examination and as circumstances shall vary; that is to say:

To the Mississippi and its neighboring waters, 40 gunboats.

To Savannah and Charleston, and the harbors on each side from Saint Marys to Currituck, 25.

To the Chesapeake and its waters, 20.

To Delaware Bay and River, 15.

To New York, the Sound, and waters as far as Cape Cod, 50.

To Boston and the harbors north of Cape Cod, 50.

The flotillas assigned to these several stations might each be under the care of a particular commandant, and the vessels composing them

would in ordinary be distributed among the harbors within the station in proportion to their importance.

Of these boats a proper proportion would be of the larger size, such as those heretofore built, capable of navigating any seas and of reinforcing occasionally the strength of even the most distant ports when menaced with danger. The residue would be confined to their own or the neighboring harbors, would be smaller, less furnished for accommodation, and consequently less costly. Of the number supposed necessary, 73 are built or building, and the 127 still to be provided would cost from \$500,000 to \$600,000. Having regard to the convenience of the Treasury as well as to the resources for building, it has been thought that the one-half of these might be built in the present year and the other half the next. With the Legislature, however, it will rest to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times when Europe as well as the United States shall be at peace it would not be proposed that more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary, to be distributed among those particular harbors which foreign vessels of war are in the habit of frequenting for the purpose of preserving order therein. But they would be manned in ordinary, with only their complement for navigation, relying on the seamen and militia of the port if called into action on any sudden emergency. It would be only when the United States should themselves be at war that the whole number would be brought into active service, and would be ready in the first moments of the war to cooperate with the other means for covering at once the line of our seaports. At all times those unemployed would be withdrawn into places not exposed to sudden enterprise, hauled up under sheds from the sun and weather, and kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe that this species of naval armament is proposed merely for defensive operation; that it can have but little effect toward protecting our commerce in the open seas, even on our own coast; and still less can it become an excitement to engage in offensive maritime war, toward which it would furnish no means.

TH. JEFFERSON.

FEBRUARY 11, 1807.

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

I now lay before Congress a statement of the militia of the United States according to the latest returns received by the Department of War. From two of the States no returns have ever been received.

TH. JEFFERSON.

FEBRUARY 19, 1807.

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

I transmit to Congress a letter from our ministers plenipotentiary at London, informing us that they have agreed with the British commissioners to conclude a treaty on all the points which had formed the object of their negotiation, and on terms which they trusted we would approve.

Also a letter from our minister plenipotentiary at Paris covering one to him from the minister of marine of that Government assuring him that the imperial decree lately passed was not to affect our commerce, which would still be governed by the rules of the treaty established between the two countries.

Also a letter from Cowles Mead, secretary of the Mississippi Territory, acting as governor, informing us that Aaron Burr had surrendered himself to the civil authority of that Territory.

TH. JEFFERSON.

PROCLAMATIONS.

BY THOMAS JEFFERSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

During the wars which for some time have unhappily prevailed among the powers of Europe the United States of America, firm in their principles of peace, have endeavored, by justice, by a regular discharge of all their national and social duties, and by every friendly office their situation has admitted, to maintain with all the belligerents their

accustomed relations of friendship, hospitality, and commercial intercourse. Taking no part in the questions which animate these powers against each other, nor permitting themselves to entertain a wish but for the restoration of general peace, they have observed with good faith the neutrality they assumed, and they believe that no instance of a departure from its duties can be justly imputed to them by any nation. A free use of their harbors and waters, the means of refitting and of refreshment, of succor to their sick and suffering, have at all times and on equal principles been extended to all, and this, too, amidst a constant recurrence of acts of insubordination to the laws, of violence to the persons, and of trespasses on the property of our citizens committed by officers of one of the belligerent parties received among us. In truth, these abuses of the laws of hospitality have, with few exceptions, become habitual to the commanders of the British armed vessels hovering on our coasts and frequenting our harbors. They have been the subject of repeated representations to their Government. Assurances have been given that proper orders should restrain them within the limits of the rights and of the respect due to a friendly nation; but those orders and assurances have been without effect no instance of punishment for past wrongs has taken place. At length a deed transcending all we have hitherto seen or suffered brings the public sensibility to a serious crisis and our forbearance to a necessary pause. A frigate of the United States, trusting to a state of peace, and leaving her harbor on a distant service, has been surprised and attacked by a British vessel of superior force one of a squadron then lying in our waters and covering the transaction and has been disabled from service, with the loss of a number of men killed and wounded. This enormity was not only without provocation or justifiable cause, but was committed with the avowed purpose of taking by force from a ship of war of the United States a part of her crew; and that no circumstance might be wanting to mark its character, it had been previously ascertained that the seamen demanded were native citizens of the United States. Having effected her purpose, she returned to anchor with her squadron within our jurisdiction. Hospitality under such circumstances ceases to be a duty, and a continuance of it with such uncontrolled abuses would tend only, by multiplying injuries and irritations, to bring on a rupture between the two nations. This extreme resort is equally opposed to the interests of both, as it is to assurances of the most friendly dispositions on the part of the British Government, in the midst of which this outrage has been committed. In this light the subject can not but present itself to that Government and strengthen the motives to an honorable reparation of the wrong which has been done, and to that effectual control of its naval commanders which alone can justify the Government of the United States in the exercise of those hospitalities it is now constrained to discontinue.

In consideration of these circumstances and of the right of every nation to regulate its own police, to provide for its peace and for the safety of its citizens, and consequently to refuse the admission of armed vessels into its harbors or waters, either in such numbers or of such descriptions as are inconsistent with these or with the maintenance of the authority of the laws, I have thought proper, in pursuance of the authorities specially given by law, to issue this my proclamation, hereby requiring all armed vessels bearing commissions under the Government of Great Britain now within the harbors or waters of the United States immediately and without any delay to depart from the same, and interdicting the entrance of all the said harbors and waters to the said armed vessels and to all others bearing commissions under the authority of the British Government.

And if the said vessels, or any of them, shall fail to depart as aforesaid, or if they or any others so interdicted shall hereafter enter the harbors or waters aforesaid, I do in that case forbid all intercourse with them, or any of them, their officers or crews, and do prohibit all supplies and aid from being furnished to them, or any of them.

And I do declare and make known that if any person from or within the jurisdictional limits of the United States shall afford any aid to any such vessel contrary to the prohibition contained in this proclamation, either in repairing any such vessel or in furnishing her, her officers or crew, with supplies of any kind or in any manner whatsoever; or if any pilot shall assist in navigating any of the said armed vessels, unless it be for the purpose of carrying them in the first instance beyond the limits and jurisdiction of the United States, or unless it be in the case of a vessel forced by distress or charged with public dispatches, as hereinafter provided for, such person or persons shall on conviction suffer all the pains and penalties by the laws provided for such offenses.

And I do hereby enjoin and require all persons bearing office, civil or military, within or under the authority of the United States, and all others citizens or inhabitants thereof, or being within the same, with vigilance and promptitude to exert their respective authorities and to be aiding and assisting to the carrying this proclamation and every part thereof into full effect.

Provided, nevertheless, that if any such vessel shall be forced into the harbors or waters of the United States by distress, by the dangers of the sea, or by the pursuit of an enemy, or shall enter them charged with dispatches or business from their Government, or shall be a public packet for the conveyance of letters and dispatches, the commanding

officer, immediately reporting his vessel to the collector of the district, stating the object or causes of entering the said harbors or waters, and conforming himself to the regulations in that case prescribed under the authority of the laws, shall be allowed the benefit of such regulations respecting repairs, supplies, stay, intercourse, and departure as shall be permitted under the same authority.

(SEAL.)

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same.

Given at the city of Washington, the 2d day of July, A.D. 1807, and of the Sovereignty and Independence of the United States the thirty-first.

TH. JEFFERSON.

By the President:
JAMES MADISON,
Secretary of State .

(From Annals of Congress, Tenth Congress, first session, vol. i, 9.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas great and weighty matters claiming the consideration of the Congress of the United States form an extraordinary occasion for convening them, I do by these presents appoint Monday, the 26th day of October next, for their meeting at the city of Washington, hereby requiring the respective Senators and Representatives then and there to assemble in Congress, in order to receive such communications as may then be made to them, and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

(SEAL.)

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, the 30th day of July, A.D. 1807, and in the thirty-second year of the Independence of the United States.

TH. JEFFERSON.

By the President:
JAMES MADISON,
Secretary of State .

(From the National Intelligencer, October 19, 1807.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas information has been received that a number of individuals who have deserted from the Army of the United States and sought shelter without the jurisdiction thereof have become sensible of their offense and are desirous of returning to their duty, a full pardon is hereby proclaimed to each and all of such individuals as shall within four months from the date hereof surrender themselves to the commanding officer of any military post within the United States or the Territories thereof.

(SEAL.)

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the 15th day of October, A.D. 1807, and of the Independence of the United States of America the thirty-second.

TH. JEFFERSON.

By the President:
JAMES MADISON,
Secretary of State .

SEVENTH ANNUAL MESSAGE.

OCTOBER 27, 1807.

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

Circumstances, fellow-citizens, which seriously threatened the peace of our country have made it a duty to convene you at an earlier period than usual. The love of peace so much cherished in the bosoms of our citizens, which has so long guided the proceedings of their public councils and induced forbearance under so many wrongs, may not insure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation upon the high seas for years past, the successive innovations on those principles of public law which have been established by the reason and usage of nations as the rule of their intercourse and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might embrace and settle all the points in difference between us, which might bring us to a mutual understanding on our neutral and national rights and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavors to effect the purposes of their mission and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained and to send them for consideration, candidly declaring to the other negotiators at the same time that they were acting against their instructions, and that their Government, therefore, could not be pledged for ratification. Some of the articles proposed might have been admitted on a principle of compromise, but others were too highly disadvantageous, and no sufficient provision was made against the principal source of the irritations and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form could have admitted but of one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed and further concessions authorized than could before have been supposed necessary; and our ministers were instructed to resume their negotiations on these grounds. On this new reference to amicable discussion we were reposing in confidence, when on the 22d day of June last by a formal order from a British admiral the frigate Chesapeake, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis and unanimity never exceeded. I

immediately, by proclamation, interdicted our harbors and waters to all British armed vessels, forbade intercourse with them, and uncertain how far hostilities were intended, and the town of Norfolk, indeed, being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the United States was dispatched with instructions to our ministers at London to call on that Government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which shall be communicated to you as soon as received; then also, or as soon after as the public interests shall be found to admit, the unratified treaty and proceedings relative to it shall be made known to you.

The aggression thus begun has been continued on the part of the British commanders by remaining within our waters in defiance of the authority of the country, by habitual violations of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake . These aggravations necessarily lead to the policy either of never admitting an armed vessel into our harbors or of maintaining in every harbor such an armed force as may constrain obedience to the laws and protect the lives and property of our citizens against their armed guests; but the expense of such a standing force and its inconsistency with our principles dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy, as we are the army, of a foreign power from entering our limits.

To former violations of maritime rights another is now added of very extensive effect. The Government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them; and being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch or to return home without the benefit of going to any other market. Under this new law of the ocean our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain still unsettled, no measure having been taken on her part since my last communications to Congress to bring them to a close. But under a state of things which may favor reconsideration they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort. With their subjects on our borders no new collisions have taken place nor seem immediately to be apprehended. To our former grounds of complaint has been added a very serious one, as you will see by the decree a copy of which is now communicated. Whether this decree, which

professes to be conformable to that of the French Government of November 21, 1806, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States had not been ascertained at the date of our last communications. These, however, gave reason to expect such a conformity.

With the other nations of Europe our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several states on the coast of Barbary appears as firm as at any former period and as likely to continue as that of any other nation.

Among our Indian neighbors in the northwestern quarter some fermentation was observed soon after the late occurrences, threatening the continuance of our peace. Messages were said to be interchanged and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that danger; instructions were given to require explanations, and, with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us and to their peace with all others, while those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on our southwestern quarter, much advanced beyond the others in agriculture and household arts, appear tranquil and identifying their views with ours in proportion to their advancement. With the whole of these people, in every quarter, I shall continue to inculcate peace and friendship with all their neighbors and perseverance in those occupations and pursuits which will best promote their own well-being.

The appropriations of the last session for the defense of our seaport towns and harbors were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given toward the defense of New York, Charleston, and New Orleans chiefly, as most open and most likely first to need protection, and to leave places less immediately in danger to the provisions of the present session.

The gunboats, too, already provided have on a like principle been

chiefly assigned to New York, New Orleans, and the Chesapeake. Whether our movable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form is left to the wisdom of the Legislature. For the purpose of manning these vessels in sudden attacks on our harbors it is a matter for consideration whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty in defense of the harbors where they shall happen to be, the ordinary militia of the place furnishing that portion which may consist of landmen.

The moment our peace was threatened I deemed it indispensable to secure a greater provision of those articles of military stores with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law would have lost occasions which might not be retrieved. I did not hesitate, therefore, to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us, and I trust that the Legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve, when done, what they would have seen so important to be done if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gunboats into actual service for the defense of our harbors; of all which accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the meantime I have called on the States for quotas of militia, to be in readiness for present defense, and have, moreover, encouraged the acceptance of volunteers; and I am happy to inform you that these have offered themselves with great alacrity in every part of the Union. They are ordered to be organized and ready at a moment's warning to proceed on any service to which they may be called, and every preparation within the Executive powers has been made to insure us the benefit of early exertions.

I informed Congress at their last session of the enterprises against the public peace which were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them and to bring the offenders to justice. Their enterprises were happily defeated by the patriotic exertions of the militia whenever called into action, by the fidelity of the Army, and energy of the commander in chief in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating before their explosion plots engendering there. I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited on the arraignment of the principal offenders before the circuit court of

Virginia. You will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and wherever it shall be found, the Legislature alone can apply or originate the remedy. The framers of our Constitution certainly supposed they had guarded as well their Government against destruction by treason as their citizens against oppression under pretense of it, and if these ends are not attained it is of importance to inquire by what means more effectual they may be secured.

The accounts of the receipts of revenue during the year ending on the 30th day of September last being not yet made up, a correct statement will be hereafter transmitted from the Treasury. In the meantime, it is ascertained that the receipts have amounted to near \$16,000,000, which, with the five millions and a half in the Treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt \$25,500,000, being the whole which could be paid or purchased within the limits of the law and of our contracts, and have left us in the Treasury \$8,500,000. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue which, after paying the installments of debt as they shall become payable, will remain without any specific object. It may partly, indeed, be applied toward completing the defense of the exposed points of our country, on such a scale as shall be adapted to our principles and circumstances. This object is doubtless among the first entitled to attention in such a state of our finances, and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surpluses, may be usefully applied to purposes already authorized or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress, unless, indeed, they shall be superseded by a change in our public relations now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications, and nothing shall be wanting on my part which may give information or dispatch to the proceedings of the Legislature in the exercise of their high duties, and at a moment so interesting to the public welfare.

TH. JEFFERSON.

SPECIAL MESSAGES.

NOVEMBER 11, 1807.

To the Senate of the United States :

Some time had elapsed after the receipt of the late treaty between the United States and Tripoli before the circumstance drew particular attention that, although by the third article the wife and children of the ex-Bashaw were to be restored to him, this did not appear either to have been done or demanded; still, it was constantly expected that explanations on the subject would be received. None, however, having arrived when Mr. Davis went as consul to Tripoli, he was instructed to demand the execution of the article. He did so, but was answered by the exhibition of a declaration, signed by our negotiator the day after the signature of the treaty, allowing four years for the restoration of the family. This declaration and the letter of Mr. Davis stating what passed on the occasion are now communicated to the Senate. On the receipt of this letter I caused the correspondence of Mr. Lear to be diligently reexamined in order to ascertain whether there might have been a communication of this paper made and overlooked or forgotten. None such, however, is found. There appears only in a journalized account of the transaction by Mr. Lear, under date of June 3, a passage intimating that he should be disposed to give time rather than suffer the business to be broken off and our countrymen left in slavery; and again, that on the return of the person who passed between himself and the Bashaw, and information that the Bashaw would require time for the delivery of the family, he consented, and went ashore to consummate the treaty. This was done the next day, and being forwarded to us as ultimately signed, and found to contain no allowance of time nor any intimation that there was any stipulation but what was in the public treaty, it was supposed that the Bashaw had, in fine, abandoned the proposition, and the instructions before mentioned were consequently given to Mr. Davis.

An extract of so much of Mr. Lear's communication as relates to this circumstance is now transmitted to the Senate, the whole of the papers having been laid before them on a former occasion. How it has happened that the declaration of June 5 has never before come to our knowledge can not with certainty be said, but whether there has been a miscarriage of it or a failure of the ordinary attention and correctness of that officer in making his communications, I have thought it due to the

Senate as well as to myself to explain to them the circumstances which have withheld from their knowledge, as they did from my own, a modification which, had it been placed in the public treaty, would have been relieved from the objections which candor and good faith can not but feel in its present form.

As the restoration of the family has probably been effected, a just regard to the character of the United States will require that I make to the Bashaw a candid statement of facts, and that the sacrifices of his right to the peace and friendship of the two countries, by yielding finally to the demand of Mr. Davis, be met by proper acknowledgments and reparation on our part.

TH. JEFFERSON.

NOVEMBER 19, 1807.

To the House of Representatives of the United States :

According to the request expressed in your resolution of the 18th instant, I now transmit a copy of my proclamation interdicting our harbors and waters to British armed vessels and forbidding intercourse with them, referred to in my message of the 27th of October last.

TH. JEFFERSON.

NOVEMBER 23, 1807.

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

Agreeably to the assurance given in my message at the opening of the present session of Congress, I now lay before you a copy of the proceedings and of the evidence exhibited on the arraignment of Aaron Burr and others before the circuit court of the United States held in Virginia in the course of the present year, in as authentic form as their several parts have admitted.

TH. JEFFERSON.

NOVEMBER 23, 1807.

To the Senate of the United States :

Some circumstance, which can not now be ascertained, induced a belief that an act had passed at the last session of Congress for establishing a surveyor and inspector of revenue for the port of Stonington, in Connecticut, and commissions were signed appointing Jonathan Palmer, of Connecticut, to those offices. The error was discovered at the Treasury, and the commissions were retained; but not having been notified to me, I renewed the nomination in my message of the 9th instant to the Senate. In order to correct the error, I have canceled the temporary commissions, and now revoke the nomination which I made of the said Jonathan Palmer to the Senate.

TH. JEFFERSON.

DECEMBER 2, 1807.

To the Senate of the United States :

In compliance with the request made in the resolution of the Senate of November 30, I must inform them that when the prosecutions against Aaron Burr and his associates were instituted I delivered to the Attorney-General all the evidence on the subject, formal and informal, which I had received, to be used by those employed in the prosecutions. On the receipt of the resolution of the Senate I referred it to the Attorney-General, with a request that he would enable me to comply with it by putting into my hands such of the papers as might give information relative to the conduct of John Smith, a Senator from the State of Ohio, as an alleged associate of Aaron Burr, and having this moment received from him the affidavit of Elias Glover, with an assurance that it is the only paper in his possession which is within the term of the request of the Senate, I now transmit it for their use.

TH. JEFFERSON.

DECEMBER 7, 1807.

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

Having recently received from our late minister plenipotentiary at the Court of London a duplicate of dispatches, the original of which

has been sent by the Revenge schooner, not yet arrived, I hasten to lay them before both Houses of Congress. They contain the whole of what has passed between the two Governments on the subject of the outrage committed by the British ship Leopard on the frigate Chesapeake . Congress will learn from these papers the present state of the discussion on that transaction, and that it is to be transferred to this place by the mission of a special minister.

While this information will have its proper effect on their deliberations and proceedings respecting the relations between the two countries, they will be sensible that, the negotiation being still depending, it is proper for me to request that the communications may be considered as confidential.

TH. JEFFERSON.

DECEMBER 18, 1807.

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

The communications now made, shewing the great and increasing dangers with which our vessels, our seamen, and merchandise are threatened on the high seas and elsewhere from the belligerent powers of Europe, and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

TH. JEFFERSON.

DECEMBER 30, 1807.

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

I communicate to Congress the inclosed letters from Governor Hull, respecting the Indians in the vicinity of Detroit residing within our lines. They contain information of the state of things in that quarter which will properly enter into their view in estimating the means to

be provided for the defense of our country generally.

TH. JEFFERSON.

Chapter 25

JANUARY 8, 1808.

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

I now render to Congress the account of the fund established for defraying the contingent expenses of Government for the year 1807. Of the sum of \$18,012.50, which remained unexpended at the close of the year 1806, \$8,731.11 have been placed in the hands of the Attorney-General of the United States, to enable him to defray sundry expenses incident to the prosecution of Aaron Burr and his accomplices for treasons and misdemeanors alleged to have been committed by them, and the unexpended balance of \$9,275.39 is now carried according to law to the credit of the surplus fund.

TH. JEFFERSON.

JANUARY 15, 1808.

To the Senate of the United States :

The posts of Detroit and Mackinac having been originally intended by the Governments which established and held them as mere depots for commerce with the Indians, very small cessions of land around them were obtained or asked from the native proprietors, and these posts depended for protection on the strength of their garrisons. The principles of our Government leading us to the employment of such moderate garrisons in time of peace as may merely take care of the post, and to a reliance on the neighboring militia for its support in the first moments of war, I have thought it would be important to obtain from the Indians such a cession in the neighborhood of these posts as might maintain a militia proportioned to this object; and I have particularly contemplated, with this view, the acquisition of the eastern moiety of the peninsula between lakes Michigan and Huron, comprehending the waters of the latter and of Detroit River, so soon as it could be effected with the perfect good will of the natives. Governor Hull was therefore appointed a commissioner to treat with them on this subject, but was instructed to confine his propositions for the present to so much of the tract before

described as lay south of Saguina Bay and round to the Connecticut Reserve, so as to consolidate the new with the present settled country. The result has been an acquisition of so much only of what would have been acceptable as extends from the neighborhood of Saguina Bay to the Miami of the Lakes, with a prospect of soon obtaining a breadth of 2 miles for a communication from the Miami to the Connecticut Reserve. The treaty for this purpose entered into with the Ottoways, Chippeways, Wyandots, and Pottawattamies at Detroit on the 17th of November last is now transmitted to the Senate, and I ask their advice and consent as to its ratification.

I communicate herewith such papers as bear any material relation to the subject.

TH. JEFFERSON.

JANUARY 15, 1808.

To the Senate of the United States :

Although it is deemed very desirable that the United States should obtain from the native proprietors the whole left bank of the Mississippi to a certain breadth, yet to obliterate from the Indian mind an impression deeply made in it that we are constantly forming designs on their lands I have thought it best where urged by no peculiar necessity to leave to themselves and to the pressure of their own convenience only to come forward with offers of sale to the United States.

The Choctaws, being indebted to certain mercantile characters beyond what could be discharged by the ordinary proceeds of their huntings, and pressed for payment by those creditors, proposed at length to the United States to cede lands to the amount of their debts, and designated them in two different portions of their country. These designations not at all suiting us, their proposals were declined for that reason, and with an intimation that if their own convenience should ever dispose them to cede their lands on the Mississippi we should be willing to purchase. Still urged by their creditors, as well as by their own desire to be liberated from debt, they at length proposed to make a cession which should be to our convenience. James Robertson, of Tennessee, and Silas Dinsmore were thereupon appointed commissioners to treat with them on that subject, with instructions to purchase only on the Mississippi. On meeting their chiefs, however, it was found that such was the attachment of the nation to their lands on the Mississippi that their chiefs could

not undertake to cede them; but they offered all their lands south of a line to be run from their and our boundary at the Omochita eastwardly to their boundary with the Creeks, on the ridge between the Tombigbee and Alabama, which would unite our possessions there from Natchez to Tombigbee. A treaty to this effect was accordingly signed at Pooshapekanuk on the 16th of November, 1805; but this being against express instructions, and not according with the object then in view, I was disinclined to its ratification, and therefore did not at the last session of Congress lay it before the Senate for their advice, but have suffered it to lie unacted on.

Progressive difficulties, however, in our foreign relations have brought into view considerations other than those which then prevailed. It is now, perhaps, become as interesting to obtain footing for a strong settlement of militia along our southern frontier eastward of the Mississippi as on the west of that river, and more so than higher up the river itself. The consolidation of the Mississippi Territory and the establishing a barrier of separation between the Indians and our Southern neighbors are also important objects. The cession is supposed to contain about 5,000,000 acres, of which the greater part is said to be fit for cultivation, and no inconsiderable proportion of the first quality, on the various waters it includes; and the Choctaws and their creditors are still anxious for the sale.

I therefore now transmit the treaty for the consideration of the Senate, and I ask their advice and consent as to its ratification. I communicate at the same time such papers as bear any material relation to the subject, together with a map on which is sketched the northern limit of the cession, rather to give a general idea than with any pretension to exactness, which our present knowledge of the country would not warrant.

TH. JEFFERSON.

JANUARY 20, 1808.

To the House of Representatives of the United States :

Some days previous to your resolutions of the 13th instant a court of inquiry had been instituted at the request of General Wilkinson, charged to make the inquiry into his conduct which the first resolution desires, and had commenced their proceedings. To the judge-advocate of that court the papers and information on that subject transmitted to me by the House of Representatives have been delivered, to be used according to the rules and powers of that court.

The request of a communication of any information which may have been received at any time since the establishment of the present Government touching combinations with foreign agents for dismembering the Union or the corrupt receipt of money by any officer of the United States from the agents of foreign governments can be complied with but in a partial degree.

It is well understood that in the first or second year of the Presidency of General Washington information was given to him relating to certain combinations with the agents of a foreign government for the dismemberment of the Union, which combinations had taken place before the establishment of the present Federal Government. This information, however, is believed never to have been deposited in any public office, or left in that of the President's secretary, these having been duly examined, but to have been considered as personally confidential, and therefore retained among his private papers. A communication from the governor of Virginia to President Washington is found in the office of the President's secretary, which, although not strictly within the terms of the request of the House of Representatives, is communicated, inasmuch as it may throw some light on the subjects of the correspondence of that time between certain foreign agents and citizens of the United States.

In the first or second year of the Administration of President Adams Andrew Ellicott, then employed in designating, in conjunction with the Spanish authorities, the boundaries between the territories of the United States and Spain, under the treaty with that nation, communicated to the Executive of the United States papers and information respecting the subjects of the present inquiry, which were deposited in the Office of State. Copies of these are now transmitted to the House of Representatives, except of a single letter and a reference from the said Andrew Ellicott, which, being expressly desired to be kept secret, is therefore not communicated, but its contents can be obtained from himself in a more legal form, and directions have been given to summon him to appear as a witness before the court of inquiry.

A paper on "The Commerce of Louisiana," bearing date the 18th of April, 1798, is found in the Office of State, supposed to have been communicated by Mr. Daniel Clark, of New Orleans, then a subject of Spain, and now of the House of Representatives of the United States, stating certain commercial transactions of General Wilkinson in New Orleans. An extract from this is now communicated, because it contains facts which may have some bearing on the questions relating to him.

The destruction of the War Office by fire in the close of 1800 involved

all information it contained at that date.

The papers already described therefore constitute the whole of the information on the subjects deposited in the public offices during the preceding Administrations, as far as has yet been found; but it can not be affirmed that there may be no other, because, the papers of the office being filed for the most part alphabetically, unless aided by the suggestion of any particular name which may have given such information, nothing short of a careful examination of the papers in the offices generally could authorize such an affirmation.

About a twelvemonth after I came to the administration of the Government Mr. Clark gave some verbal information to myself, as well as to the Secretary of State, relating to the same combinations for the dismemberment of the Union. He was listened to freely, and he then delivered the letter of Governor Gayoso, addressed to himself, of which a copy is now communicated. After his return to New Orleans he forwarded to the Secretary of State other papers, with a request that after perusal they should be burnt. This, however, was not done, and he was so informed by the Secretary of State, and that they would be held subject to his orders. These papers have not yet been found in the office. A letter, therefore, has been addressed to the former chief clerk, who may perhaps give information respecting them. As far as our memories enable us to say, they related only to the combinations before spoken of, and not at all to the corrupt receipt of money by any officer of the United States; consequently they respected what was considered as a dead matter, known to the preceding Administrations, and offering nothing new to call for investigations, which those nearest the dates of the transactions had not thought proper to institute.

In the course of the communications made to me on the subject of the conspiracy of Aaron Burr I sometimes received letters, some of them anonymous, some under names true or false, expressing suspicions and insinuations against General Wilkinson; but one only of them, and that anonymous, specified any particular fact, and that fact was one of those which had been already communicated to a former Administration.

No other information within the purview of the request of the House is known to have been received by any department of the Government from the establishment of the present Federal Government. That which has been recently communicated to the House of Representatives, and by them to me, is the first direct testimony ever made known to me charging General Wilkinson with the corrupt receipt of money, and the House of Representatives may be assured that the duties which this information devolves on me shall be exercised with rigorous impartiality. Should any want of power in the court to compel the rendering of testimony obstruct

that full and impartial inquiry which alone can establish guilt or innocence and satisfy justice, the legislative authority only will be competent to the remedy.

TH. JEFFERSON.

JANUARY 30, 1808.

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

The Choctaws, being indebted to their merchants beyond what could be discharged by the ordinary proceeds of their buntings, and pressed for payment, proposed to the United States to cede lands to the amount of their debts, and designated them in two different portions of their country. These designations, not at all suiting us, were declined. Still urged by their creditors, as well as by their own desire to be liberated from debt, they at length proposed to make a cession which should be to our convenience. By a treaty signed at Pooshapuckanuck on the 16th of November, 1805, they accordingly ceded all their lands south of a line to be run from their and our boundary at the Omochita eastwardly to their boundary with the Creeks, on the ridge between the Tombigbee and Alabama, as is more particularly described in the treaty, containing about 5,000,000 acres, as is supposed, and uniting our possessions there from Adams to Washington County.

The location contemplated in the instructions to the commissioners was on the Mississippi. That in the treaty being entirely different, I was at that time disinclined to its ratification, and I have suffered it to lie unacted on. But progressive difficulties in our foreign relations have brought into view considerations other than those which then prevailed. It is now, perhaps, as interesting to obtain footing for a strong settlement of militia along our southern frontier eastward of the Mississippi as on the west of that river, and more so than higher up the river itself. The consolidation of the Mississippi Territory and the establishment of a barrier of separation between the Indians and our Southern neighbors are also important objects; and the Choctaws and their creditors being still anxious that the sale should be made, I submitted the treaty to the Senate, who have advised and consented to its ratification. I therefore now lay it before both Houses of Congress for the exercise of their constitutional powers as to the means of fulfilling it.

TH. JEFFERSON.

JANUARY 30, 1808.

To the House of Representatives of the United States :

The posts of Detroit and Mackinac having been originally intended by the Governments which established and held them as mere depots for commerce with the Indians, very small cessions of land around them were obtained or asked from the native proprietors, and these posts depended for protection on the strength of their garrisons. The principles of our Government leading us to the employment of such moderate garrisons in time of peace as may merely take care of the post, and to a reliance on the neighboring militia for its support in the first moments of war, I have thought it would be important to obtain from the Indians such a cession in the neighborhood of these posts as might maintain a militia proportioned to this object; and I have particularly contemplated, with this view, the acquisition of the eastern moiety of the peninsula between the lakes Michigan, Huron, and Erie, extending it to the Connecticut Reserve so soon as it could be effected with the perfect good will of the natives.

By a treaty concluded at Detroit on the 17th of November last with the Ottoways, Chippeways, Wyandots, and Pattawatimas so much of this country has been obtained as extends from about Saguna Bay southwardly to the Miami of the Lakes, supposed to contain upward of 5,000,000 acres, with a prospect of obtaining for the present a breadth of 2 miles for a communication from the Miami to the Connecticut Reserve.

The Senate having advised and consented to the ratification of this treaty, I now lay it before both Houses of Congress for the exercise of their constitutional powers as to the means of fulfilling it.

TH. JEFFERSON.

FEBRUARY 2, 1808.

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

Having received an official communication of certain orders of the British Government against the maritime rights of neutrals, bearing date the 11th of November, 1807, I transmit them to Congress, as a further proof of the increasing dangers to our navigation and commerce, which led to the provident measure of the act of the present session laying an

embargo on our own vessels,

TH. JEFFERSON.

FEBRUARY 4, 1808.

To the House of Representatives of the United States :

In my message of January 20 I stated that some papers forwarded by Mr. Daniel Clark, of New Orleans, to the Secretary of State in 1803 had not then been found in the Office of State, and that a letter had been addressed to the former chief clerk, in the hope that he might advise where they should be sought for. By indications received from him they are now found. Among them are two letters from the Baron de Carondelet to an officer serving under him at a separate post, in which his views of a dismemberment of our Union are expressed. Extracts of so much of these letters as are within the scope of the resolution of the House are now communicated. With these were found the letters written by Mr. Clark to the Secretary of State in 1803. A part of one only of these relates to this subject, and is extracted and inclosed for the information of the House. In no part of the papers communicated by Mr. Clark, which are voluminous and in different languages, nor in his letters, have we found any intimation of the corrupt receipt of money by any officer of the United States from any foreign agent. As to the combinations with foreign agents for dismembering the Union, these papers and letters offer nothing which was not probably known to my predecessors, or which could call anew for inquiries, which they had not thought necessary to institute, when the facts were recent and could be better proved. They probably believed it best to let pass into oblivion transactions which, however culpable, had commenced before this Government existed, and had been finally extinguished by the treaty of 1795.

TH. JEFFERSON.

FEBRUARY 9, 1808.

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

I communicate to Congress, for their information, a letter from the person acting in the absence of our consul at Naples, giving reason to believe, on the affidavit of a Captain Sheffield, of the American schooner Mary Ann, that the Dey of Algiers has commenced war

against the United States. For this no just cause has been given on our part within my knowledge. We may daily expect more authentic and particular information on the subject from Mr. Lear, who was residing as our consul at Algiers.

TH. JEFFERSON.

FEBRUARY 15, 1808.

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

I communicate for the information of Congress a letter from the consul of the United States at Malaga to the Secretary of State, covering one from Mr. Lear, our consul at Algiers, which gives information that the rupture threatened on the part of the Dey of Algiers has been amicably settled, and the vessels seized by him are liberated.

TH. JEFFERSON.

FEBRUARY 19, 1808.

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

The States of Pennsylvania, Maryland, and Virginia having by their several acts consented that the road from Cumberland to the State of Ohio, authorized by the act of Congress of the 29th of March, 1806, should pass through those States, and the report of the commissioners, communicated to Congress with my message of the 31st January, 1807, having been duly considered, I have approved of the route therein proposed for the said road as far as Brownsville, with a single deviation, since located, which carries it through Uniontown.

From thence the course to the Ohio and the point within the legal limits at which it shall strike that river is still to be decided. In forming this decision I shall pay material regard to the interests and wishes of the populous parts of the State of Ohio and to a future and convenient connection with the road which is to lead from the Indian boundary near Cincinnati by Vincennes to the Mississippi at Saint Louis, under authority of the act of the 21st April, 1806. In this way we may accomplish a continued and advantageous line of communication from the seat of the General Government to Saint Louis, passing through several very interesting points of the Western country.

I have thought it advisable also to secure from obliteration the trace of the road so far as it has been approved, which has been executed at such considerable expense, by opening one-half of its breadth through its whole length.

The report of the commissioners, herewith transmitted, will give particular information of their proceedings under the act of the 29th March, 1806, since the date of my message of the 31st January, 1807, and will enable Congress to adopt such further measures relative thereto as they may deem proper under existing circumstances.

TH. JEFFERSON.

FEBRUARY 25, 1808.

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

The dangers to our country arising from the contests of other nations and the urgency of making preparation for whatever events might affect our relations with them have been intimated in preceding messages to Congress. To secure ourselves by due precautions an augmentation of our military force, as well regular as of volunteer militia, seems to be expedient. The precise extent of that augmentation can not as yet be satisfactorily suggested, but that no time may be lost, and especially at a season deemed favorable to the object, I submit to the wisdom of the Legislature whether they will authorize a commencement of this precautionary work by a present provision for raising and organizing some additional force, reserving to themselves to decide its ultimate extent on such views of our situation as I may be enabled to present at a future day of the session.

If an increase of force be now approved, I submit to their consideration the outlines of a plan proposed in the inclosed letter from the Secretary of War.

I recommend also to the attention of Congress the term at which the act of April 18, 1806, concerning the militia, will expire, and the effect of that expiration.

TH. JEFFERSON.

FEBRUARY 26, 1808.

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

I inclose, for the information of Congress, letters recently received from our ministers at Paris and London, communicating their representations against the late decrees and orders of France and Great Britain, heretofore transmitted to Congress. These documents will contribute to the information of Congress as to the dispositions of those powers and the probable course of their proceedings toward neutrals, and will doubtless have their due influence in adopting the measures of the Legislature to the actual crisis.

Although nothing forbids the general matter of these letters from being spoken of without reserve, yet as the publication of papers of this description would restrain injuriously the freedom of our foreign correspondence, they are communicated so far confidentially and with a request that after being read to the satisfaction of both Houses they may be returned.

TH. JEFFERSON.

MARCH 1, 1808.

To the Senate of the United States :

In compliance with the resolution of the Senate of February 26, I now lay before them such memorials and petitions for the district of Detroit, and such other information as is in my possession, in relation to the conduct of William Hull, governor of the Territory of Michigan, and Stanley Griswold, esq., while acting as secretary of that Territory.

TH. JEFFERSON.

MARCH 2, 1808.

To the Senate of the United States :

In compliance with the resolution of the Senate of November 30, 1807, I now transmit a report of the Secretary of State on the subject of impressments, as requested in that resolution. The great volume of the documents and the time necessary for the investigation will explain to

the Senate the causes of the delay which has intervened.

TH. JEFFERSON.

MARCH 7, 1808.

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

In the city of New Orleans and adjacent to it are sundry parcels of ground, some of them with buildings and other improvements on them, which it is my duty to present to the attention of the Legislature. The title to these grounds appears to have been retained in the former sovereigns of the Province of Louisiana as public fiduciaries and for the purposes of the Province. Some of them were used for the residence of the governor, for public offices, hospitals, barracks, magazines, fortifications, levees, etc., others for the townhouse, schools, markets, landings, and other purposes of the city of New Orleans; some were held by religious corporations or persons, others seem to have been reserved for future disposition. To these must be added a parcel called the Batture, which requires more particular description. It is understood to have been a shoal or elevation of the bottom of the river adjacent to the bank of the suburbs of Saint Mary, produced by the successive depositions of mud during the annual inundations of the river, and covered with water only during those inundations. At all other seasons it has been used by the city immemorially to furnish earth for raising their streets and courtyards, for mortar, and other necessary purposes, and as a landing or quay for unlading firewood, lumber, and other articles brought by water. This having been lately claimed, by a private individual, the city opposed the claim on a supposed legal title in itself; but it has been adjudged that the legal title was not in the city. It is, however, alleged that that title, originally in the former sovereigns, was never parted with by them, but was retained in them for the uses of the city and Province, and consequently has now passed over to the United States. Until this question can be decided under legislative authority, measures have been taken according to law to prevent any change in the state of things and to keep the grounds clear of intruders. The settlement of this title, the appropriation of the grounds and improvements formerly occupied for provincial purposes to the same or such other objects as may be better suited to present circumstances, the confirmation of the uses in other parcels to such bodies, corporate or private, as may of right or on other reasonable considerations expect them, are matters now submitted to the determination of the legislature.

The papers and plans now transmitted will give them such information on the subject as I possess, and being mostly originals, I must request that they may be communicated from the one to the other House, to answer the purposes of both.

TH. JEFFERSON.

MARCH 10, 1808.

To the Senate of the United States :

A purchase having lately been made from the Cherokee Indians of a tract of land 6 miles square at the mouth of the Chickamogga, on the Tennessee, I now lay the treaty and papers relating to it before the Senate, with an explanation of the views which have led to it.

It was represented that there was within that tract a great abundance of iron ore of excellent quality, with a stream and fall of water suitable for iron works; that the Cherokees were anxious to have works established there, in the hope of having a better supply of those implements of household and agriculture of which they have learned the use and necessity, but on the condition that they should be under the authority and control of the United States.

As such an establishment would occasion a considerable and certain demand for corn and other provisions and necessaries, it seemed probable that it would immediately draw around it a close settlement of the Cherokees, would encourage them to enter on a regular life of agriculture, familiarize them with the practice and value of the arts, attach them to property, lead them of necessity and without delay to the establishment of laws and government, and thus make a great and important advance toward assimilating their condition to ours. At the same time it offers considerable accommodation to the Government by enabling it to obtain more conveniently than it now can the necessary supplies of cast and wrought iron for all the Indians south of the Tennessee, and for those also to whom Saint Louis is a convenient deposit, and will benefit such of our own citizens likewise as shall be within its reach. Under these views the purchase has been made, with the consent and desire of the great body of the nation, although not without some dissenting members, as must be the case will all collections of men. But it is represented that the dissentients are few, and under the influence of one or two interested individuals. It is by no means proposed that these works should be conducted on account of the United States. It is understood that there are private individuals ready

to erect them, subject to such reasonable rent as may secure a reimbursement to the United States, and to such other conditions as shall secure to the Indians their rights and tranquillity.

The instrument is now submitted to the Senate, with a request of their advice and consent as to its ratification.

TH. JEFFERSON.

MARCH 17, 1808.

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

I have heretofore communicated to Congress the decrees of the Government of France of November 21, 1806, and of Spain of February 19, 1807, with the orders of the British Government of January and November, 1807.

I now transmit a decree of the Emperor of France of December 17, 1807, and a similar decree of the 3d of January last by His Catholic Majesty. Although the decree of France has not been received by official communication, yet the different channels of promulgation through which the public are possessed of it, with the formal testimony furnished by the Government of Spain in their decree, leave us without a doubt that such a one has been issued. These decrees and orders, taken together, want little of amounting to a declaration that every neutral vessel found on the high seas, whatsoever be her cargo and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize; and they prove more and more the expediency of retaining our vessels, our seamen, and property within our own harbors until the dangers to which they are exposed can be removed or lessened.

TH. JEFFERSON.

MARCH 18, 1808.

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

The scale on which the Military Academy at West Point was originally established is become too limited to furnish the number of well-instructed subjects in the different branches of artillery and engineering which the public service calls for. The want of such characters is already sensibly felt, and will be increased with the

enlargement of our plans of military preparation. The chief engineer, having been instructed to consider the subject and to propose an augmentation which might render the establishment commensurate with the present circumstances of our country, has made the report which I now transmit for the consideration of Congress.

The idea suggested by him of removing the institution to this place is also worthy of attention. Besides the advantage of placing it under the immediate eye of the Government, it may render its benefits common to the Naval Department, and will furnish opportunities of selecting on better information the characters most qualified to fulfill the duties which the public service may call for.

TH. JEFFERSON.

MARCH 22, 1808.

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

At the opening of the present session I informed the Legislature that the measures which had been taken with the Government of Great Britain for the settlement of our neutral and national rights and of the conditions of commercial intercourse with that nation had resulted in articles of a treaty which could not be acceded to on our part; that instructions had been consequently sent to our ministers there to resume the negotiations, and to endeavor to obtain certain alterations, and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake . The call on that Government for reparation of this wrong produced, as Congress has been already informed, the mission of a special minister to this country, and the occasion is now arrived when the public interest permits and requires that the whole of these proceedings should be made known to you.

I therefore now communicate the instructions given to our minister resident at London and his communications with that Government on the subject of the Chesapeake , with the correspondence which has taken place here between the Secretary of State and Mr. Rose, the special minister charged with the adjustment of that difference; the instructions to our ministers for the formation of a treaty; their correspondence with the British commissioners and with their own Government on that subject; the treaty itself and written declaration of the British commissioners accompanying it, and the instructions given by us for resuming the negotiation, with the proceedings and correspondence

subsequent thereto. To these I have added a letter lately addressed to the Secretary of State from one of our late ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty and of its several articles may be fairly presented and understood.

Although I have heretofore and from time to time made such communications to Congress as to keep them possessed of a general and just view of the proceedings and dispositions of the Government of France toward this country, yet in our present critical situation, when we find that no conduct on our part, however impartial and friendly, has been sufficient to insure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you embrace all the communications, official or verbal, from the French Government respecting the general relations between the two countries which have been transmitted through our minister there, or through any other accredited channel, since the last session of Congress, to which time all information of the same kind had from time to time been given them. Some of these papers have already been submitted to Congress, but it is thought better to offer them again in order that the chain of communications of which they make a part may be presented unbroken.

When, on the 26th of February, I communicated to both Houses the letter of General Armstrong to M. Champagny, I desired it might not be published because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard to the public good, has furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow-citizens, will more than countervail the ordinary objection to such publications. It is my wish, therefore, that it may be now published.

TH. JEFFERSON.

MARCH 22, 1808.

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

In a separate message of this date I have communicated to Congress

so much as may be made public of papers which give a full view of the present state of our relations with the two contending powers, France and England. Everyone must be sensible that in the details of instructions for negotiating a treaty and in the correspondence and conferences respecting it matters will occur which interest sometimes and sometimes respect or other proper motives forbid to be made public. To reconcile my duty in this particular with my desire of letting Congress know everything which can give them a full understanding of the subjects on which they are to act, I have suppressed in the documents of the other message the parts which ought not to be made public and have given them in the supplementary and confidential papers herewith inclosed, with such references as that they may be read in their original places as if still standing in them; and when these confidential papers shall have been read to the satisfaction of the House, I request their return, and that their contents may not be made public.

TH. JEFFERSON.

MARCH 25, 1808.

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

In proceeding to carry into execution the act for fortifying our forts and harbors it is found that the sites most advantageous for their defense, and sometimes the only sites competent to that defense, are in some cases the property of minors incapable of giving a valid consent to their alienation; in others belong to persons who may refuse altogether to alienate, or demand a compensation far beyond the liberal justice allowable in such cases. From these causes the defense of our seaboard, so necessary to be pressed during the present season, will in various parts be defeated unless a remedy can be applied. With a view to this I submit the case to the consideration of Congress, who, estimating its importance and reviewing the powers vested in them by the Constitution, combined with the amendment providing that private property shall not be taken for public use without just compensation, will decide on the course most proper to be pursued.

I am aware that as the consent of the legislature of the State to the purchase of the site may not in some instances have been previously obtained, exclusive legislation can not be exercised therein by Congress until that consent is given. But in the meantime it will be held under the same laws which protect the property of individuals and other property of the United States in the same State, and the legislatures

at their next meetings will have opportunities of doing what will be so evidently called for by the particular interest of their own State.

TH. JEFFERSON.

MARCH 25, 1808.

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

I now lay before Congress a statement of the militia of the United States according to the latest returns received by the Department of War. From the State of Delaware alone no return has been made.

TH. JEFFERSON.

MARCH 25, 1808.

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

I transmit to both Houses of Congress a report from the surveyor on the public buildings of the progress made on them during the last session, of their present state, and of that of the funds appropriated to them. These have been much exceeded by the cost of the work done, a fact not known to me till the close of the season. The circumstances from which it arose are stated in the report of the surveyor.

TH. JEFFERSON.

MARCH 29, 1808.

To the Senate of the United States :

When the convention of the 7th of January, 1806, was entered into with the Cherokees for the purchase of certain lands, it was believed by both parties that the eastern limit, when run in the direction therein prescribed, would have included all the waters of Elk River. On proceeding to run that line, however, it was found to omit a considerable extent of those waters, on which were already settled about 200 families. The Cherokees readily consented, for a moderate compensation, that the line should be so run as to include all the

waters of that river. Our commissioners accordingly entered into an explanatory convention for that purpose, which I now lay before the Senate for consideration whether they will advise and consent to its ratification. A letter from one of the commissioners, now also inclosed, will more fully explain the circumstances which led to it.

Lieutenant Pike on his journey up the Mississippi in 1805-6, being at the village of the Sioux, between the rivers Saint Croix and Saint Peters, conceived that the position was favorable for a military and commercial post for the United States whenever it should be thought expedient to advance in that quarter. He therefore proposed to the chiefs a cession of lands for that purpose. Their desire of entering into connection with the United States and of getting a trading house established there induced a ready consent to the proposition, and they made, by articles of agreement now inclosed, a voluntary donation to the United States of two portions of land, the one of 9 miles square at the mouth of the Saint Croix, the other from below the mouth of Saint Peters up the Mississippi to Saint Anthonys Falls, extending 9 miles in width on each side of the Mississippi. These portions of land are designated on the map now inclosed. Lieutenant Pike on his part made presents to the Indians to some amount. This convention, though dated the 23d of September, 1805, is but lately received, and although we have no immediate view of establishing a trading post at that place, I submit it to the Senate for the sanction of their advice and consent to its ratification, in order to give to our title a full validity on the part of the United States, whenever it may be wanting, for the special purpose which constituted in the mind of the donors the sole consideration and inducement to the cession.

TH. JEFFERSON.

MARCH 30, 1808,

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

Since my message of the 22d instant letters have been received from our ministers at Paris and London, extracts from which, with a letter to General Armstrong from the French minister of foreign relations, and a letter from the British envoy residing here to the Secretary of State, I now communicate to Congress. They add to the materials for estimating the dispositions of those Governments toward this country.

The proceedings of both indicate designs of drawing us, if possible, into the vortex of their contests; but every new information confirms

the prudence of guarding against these designs as it does of adhering to the precautionary system hitherto contemplated.

TH. JEFFERSON.

APRIL 2, 1808.

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

Believing that the confidence and union of our fellow-citizens at the present crisis will be still further confirmed by the publication of the letter of Mr. Champagny to General Armstrong and that of Mr. Erskine to the Secretary of State, communicated with my message of the 30th ultimo, and therefore that it may be useful to except them from the confidential character of the other documents accompanying that message, I leave to the consideration of Congress the expediency of making them public.

TH. JEFFERSON.

APRIL 8, 1808.

To the Senate of the United States :

Agreeably to the request of the Senate in their resolution of yesterday, I have examined my papers and find no letter from Matthew Nimmo of the date of November 28, 1806, nor any other from him of any date but that of January 23, 1807, now transmitted, with all the papers in my possession which accompanied it. Nor do I find any letter from John Smith, of Ohio, bearing date at any time in the month of January, 1807.

Having delivered to the Attorney-General all the papers respecting the conspiracy of Aaron Burr which came to my hands during or before his prosecution, I might suppose the letters above requested had been delivered to him; but I must add my belief that I never received such letters, and the ground of it. I am in the habit of noting daily in the list kept for that purpose the letters I receive daily by the names of the writers, and dates of time, and place, and this has been done with such exactness that I do not recollect ever to have detected a single omission. I have carefully examined that list from the 1st of November, 1806, to the last of June, 1807, and I find no note within that period of the receipt of any letter from Matthew Nimmo but that now transmitted, nor of any one of the date of January, 1807, from John

Smith, of Ohio. The letters noted as received from him within that period are dated at Washington, February 2, 2, 7, and 21, which I have examined, and find relating to subjects entirely foreign to the objects of the resolution of the 7th instant; and others, dated at Cincinnati, March 27, April 6, 13, and 17, which, not being now in my possession, I presume have related to Burr's conspiracy, and have been delivered to the Attorney-General. I recollect nothing of their particular contents. I must repeat, therefore, my firm belief that the letters of Nimmo of November 28, 1806, and of John Smith of January, 1807, never came to my hands, and that if such were written (and Nimmo's letter expressly mentions his of November 28), they have been intercepted or otherwise miscarried.

TH. JEFFERSON.

APRIL 22, 1808.

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

I transmit to both Houses of Congress a letter from the envoy of His Britannic Majesty at this place to the Secretary of State on the subject of certain British claims to lands in the Territory of Mississippi, relative to which several acts have been heretofore passed by the Legislature.

TH. JEFFERSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas information has been received that sundry persons are combined or combining and confederating together on Lake Champlain and the country thereto adjacent for the purposes of forming insurrections against the authority of the laws of the United States, for opposing the same and obstructing their execution, and that such combinations are too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by the laws of the United

States:

Now, therefore, to the end that the authority of the laws may be maintained, and that those concerned, directly or indirectly, in any insurrection or combination against the same may be duly warned, I have issued this my proclamation, hereby commanding such insurgents and all concerned in such combination instantly and without delay to disperse and retire peaceably to their respective abodes. And I do hereby further require and command all officers having authority, civil or military, and all other persons, civil or military, who shall be found within the vicinage of such insurrections or combinations to be aiding and assisting by all the means in their power, by force of arms or otherwise, to quell and subdue such insurrections or combinations, to seize upon all those therein concerned who shall not instantly and without delay disperse and retire to their respective abodes, and to deliver them over to the civil authority of the place, to be proceeded against according to law.

(SEAL.)

In testimony whereof I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Given at the city of Washington, the 19th day of April, 1808, and in the year of the Sovereignty and Independence of the United States the thirty-second.

TH. JEFFERSON.

By the President:
JAMES MADISON,
Secretary of State .

EIGHTH ANNUAL MESSAGE.

NOVEMBER 8, 1808.

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

It would have been a source, fellow-citizens, of much gratification if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so

destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective Governments there our disposition to exercise the authority in such manner as would withdraw the pretext on of which the aggressions were originally founded and open the way for a renewal of that commercial intercourse which it was alleged on all sides had been reluctantly obstructed. As each of those Governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their professions, and for restoring to the commerce of the United States its legitimate freedom. The instructions to our ministers with respect to the different belligerents were necessarily modified with a reference to their different circumstances, and to the condition annexed by law to the Executive power of suspension, requiring a decree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, of a suspension of the embargo as to her in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent and a refusal by the other in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state explicitly that on her rescinding her orders in relation to the United States their trade would be opened with her, and remain shut to her enemy in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended, but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved, moreover, substantially the precise advantages professedly aimed at by the British orders. The arrangement has nevertheless been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the Executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect that in return for the privations imposed by the measure, and which

our fellow-citizens in general have borne with patriotism, it has had the important effects of saving our mariners and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involved war; if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union the sentiments of our constituents, my confidence is strengthened that in forming this decision they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which on other occasions have marked the character of our fellow-citizens if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussions relating to the attack by a British ship of war on the frigate *Chesapeake* left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the British Government for redressing a wrong which the more it was investigated appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary, it will be seen in the documents laid before you that the inadmissible preliminary which obstructed the adjustment is still adhered to, and, moreover, that it is now brought into connection with the distinct and irrelative case of the orders in council. The instructions which had been given to our minister at London with a view to facilitate, if necessary, the reparation claimed by the United States are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since your last session. The important negotiations with Spain

which had been alternately suspended and resumed necessarily experience a pause under the extraordinary and interesting crisis which distinguishes her internal situation.

With the Barbary Powers we continue in harmony, with the exception of an unjustifiable proceeding of the Dey of Algiers toward our consul to that Regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the Executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in no wise implicating the will of the nation. Beyond the Mississippi the loways, the Sacs, and the Alabamas have delivered up for trial and punishment individuals from among themselves accused of murdering citizens of the United States. On this side of the Mississippi the Creeks are exerting themselves to arrest offenders of the same kind, and the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally, from a conviction that we consider them as a part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practiced toward them. Husbandry and household manufacture are advancing among them more rapidly with the Southern than Northern tribes, from circumstances of soil and climate, and one of the two great divisions of the Cherokee Nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress for the security of our seaport towns and harbors, such works of defense have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gunboats authorized by the act of December last, it has been thought necessary to build only 103 in the present year. These, with

those before possessed, are sufficient for the harbors and waters most exposed, and the residue will require little time for their construction when it shall be deemed necessary.

Under the act of the last session for raising an additional military force so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced others have been added. We have reason to believe their success has been satisfactory, although such returns have not yet been received as enable me to present you a statement of the numbers engaged.

I have not thought it necessary in the course of the last season to call for any general detachments of militia or of volunteers under the laws passed for that purpose. For the ensuing season, however, they will be required to be in readiness should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced as soon as it could be done by bodies of new recruits. By the aid of these and of the armed vessels called into service in other quarters the spirit of disobedience and abuse, which manifested itself early and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this object, but every degree of neglect is to be found among others. Congress alone having the power to produce an uniform state of preparation in this great organ of defense, the interests which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

Under the acts of March 11 and April 23 respecting arms, the difficulty of procuring them from abroad during the present situation and dispositions of Europe induced us to direct our whole efforts to the means of internal supply. The public factories have therefore been enlarged, additional machineries erected, and, in proportion as artificers can be found or formed, their effect, already more than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act have been directed to the encouragement of private factories of arms, and

contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent. The commerce with the Indians, too, within our own boundaries is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending the 30th of September last being not yet made up, a correct statement will hereafter be transmitted from the Treasury. In the meantime it is ascertained that the receipts have amounted to near \$18,000,000, which, with the eight millions and a half in the Treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay \$2,300,000 of the principal of our funded debt, and left us in the Treasury on that day near \$14,000,000. Of these, \$5,350,000 will be necessary to pay what will be due on the 1st day of January next, which will complete the reimbursement of the 8 per cent stock. These payments, with those made in the six years and a half preceding, will have extinguished \$33,580,000 of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and of our contracts, and the amount of principal thus discharged will have liberated the revenue from about \$2,000,000 of interest and added that sum annually to the disposable surplus. The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt whenever the freedom and safety of our commerce shall be restored merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union under the powers which Congress may already possess or such amendment of the Constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this the last occasion which will occur of addressing

the two Houses of the Legislature at their meeting, I can not omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow-citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I can not have escaped error. It is incident to our imperfect nature. But I may say with truth my errors have been of the understanding, not of intention, and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that in their steady character, unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities I see a sure guaranty of the permanence of our Republic; and, retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness.

TH. JEFFERSON.

SPECIAL MESSAGES.

NOVEMBER 8, 1808.

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

The documents communicated with my public message of this day contain such portions of the correspondences therein referred to, of the ministers of the United States at Paris and London, as relate to the present state of affairs between those Governments and the United States, and as may be made public. I now communicate, confidentially, such supplementary portions of the same correspondences as I deem improper for publication, yet necessary to convey to Congress full information on a subject of their deliberations so interesting to our country.

TH. JEFFERSON.

NOVEMBER 11, 1808.

To the Senate of the United States :

* * * * *

The governor of the Mississippi Territory having thought it expedient to dissolve the general assembly of that Territory, according to the authority vested in him by the ordinance of July 13, 1787, and having declared it dissolved accordingly, some doubt was suggested whether that declaration effected the dissolution of the legislative council. On mature consideration and advice I approved of the proceeding of the governor. The house of representatives of the Territory, since chosen, have consequently nominated ten persons out of whom a legislative council should be appointed. I do accordingly nominate and, by and with the advice and consent of the Senate, shall appoint John Flood McGrew, Thomas Calvit, James Lea, Alexander Montgomery, and Daniel Burnet, being five of the said ten persons, to serve as a legislative council for the said Territory, to continue in office five years, unless sooner removed according to law.

TH. JEFFERSON.

DECEMBER 13, 1808.

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

I now transmit to both Houses of Congress a report of the commissioners appointed under the act of March 29, 1806, concerning a road from Cumberland to Ohio, being a statement of the proceedings under the said act since their last report communicated to Congress, in order that Congress may be enabled to adopt such further measures as may be proper under existing circumstances.

TH. JEFFERSON.

DECEMBER 23, 1808.

To the Senate of the United States :

According to the request of the Senate in their resolution of November 14, that copies should be laid before them of all the orders and decrees of the belligerent powers of Europe, passed since 1791, affecting the

commercial rights of the United States, I now transmit them a report of the Secretary of State of such of them as have been attainable in the Department of State and are supposed to have entered into the views of the Senate.

TH. JEFFERSON.

DECEMBER 27, 1808.

To the Senate of the United States :

According to the request expressed by the Senate in their resolution of November 14, I now transmit a report of the Secretary of the Treasury and statement showing, as far as returns have been received from the collectors, the number of vessels which have departed from the United States with permission, and specifying the other particulars contemplated by that resolution.

TH. JEFFERSON.

DECEMBER 30, 1808.

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

At the request of the governor, the senate, and house of representatives of the Commonwealth of Pennsylvania, I communicate certain resolutions entered into by the said senate and house of representatives, and approved by the governor, on the 23d instant. It can not but be encouraging to those whom the nation has placed in the direction of their affairs to see that their fellow-citizens will press forward in support of their country in proportion as it is threatened by the disorganizing conflicts of the other hemisphere.

TH. JEFFERSON.

DECEMBER 30, 1808.

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

I lay before the Legislature a letter from Governor Claiborne on the

subject of a small tribe of Alabama Indians on the western side of the Mississippi, consisting of about a dozen families. Like other erratic tribes in that country, it is understood that they have hitherto moved from place to place according to their convenience, without appropriating to themselves exclusively any particular territory; but having now become habituated to some of the occupations of civilized life, they wish for a fixed residence. I suppose it will be the interest of the United States to encourage the wandering tribes of that country to reduce themselves to fixed habitations whenever they are so disposed. The establishment of towns and growing attachments to them will furnish in some degree pledges of their peaceable and friendly conduct. The case of this particular tribe is now submitted to the consideration of Congress.

TH. JEFFERSON.

Chapter 26

JANUARY 6, 1809.

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

I now lay before Congress a statement of the works of defense which it has been thought necessary to provide in the first instance for the security of our seaport towns and harbors, and of the progress toward their completion. Their extent has been adapted to the scale of the appropriation and to the circumstances of the several places.

The works undertaken at New York are calculated to annoy and endanger any naval force which shall enter the harbor, and, still more, one which should attempt to lie before the city. To prevent altogether the entrance of large vessels, a line of blocks across the harbor has been contemplated, and would, as is believed, with the auxiliary means already provided, render that city safe against naval enterprise. The expense as well as the importance of the work renders it a subject proper for the special consideration of Congress.

At New Orleans two separate systems of defense are necessary the one for the river, the other for the lake, which at present can give no aid to one another. The canal now leading from the lake, if continued into the river, would enable the armed vessels in both stations to unite, and to meet in conjunction an attack from either side. Half the aggregate force would then have the same effect as the whole, or the same force double the effect of what either can now have. It would also enable the vessels stationed in the lake when attacked by superior force to retire to a safer position in the river. The same considerations of expense and

importance render this also a question for the special decision of Congress.

TH. JEFFERSON.

JANUARY 13, 1809.

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

I now render to Congress the account of the fund established for defraying the contingent expenses of Government for the year 1808. Of the \$20,000 appropriated for that purpose, \$2,000 were deposited in the hands of the Attorney-General of the United States to pay expenses incident to the prosecution of Aaron Burr and his accomplices for treason and misdemeanors alleged to have been committed by them; \$990 were paid to the order of Governor Williams on the same account, and the balance of \$17,010 remains in the Treasury unexpended.

TH. JEFFERSON.

JANUARY 17, 1809.

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

I communicate to Congress certain letters which passed between the British secretary of state, Mr. Canning, and Mr. Pinkney, our minister plenipotentiary at London. When the documents concerning the relations between the United States and Great Britain were laid before Congress at the commencement of the session, the answer of Mr. Pinkney to the letter of Mr. Canning had not been received, and a communication of the latter alone would have accorded neither with propriety nor with the wishes of Mr. Pinkney. When that answer afterwards arrived it was considered that, as what had passed by conversation had been superseded by the written and formal correspondence on the subject, the variance in the two statements of what had verbally passed was not of sufficient importance to be made the matter of a distinct and special communication. The letter of Mr. Canning, however, having lately appeared in print, unaccompanied by that of Mr. Pinkney in reply, and having a tendency to make impressions not warranted by the statements of Mr. Pinkney, it has become proper that the whole should be brought into public view.

TH. JEFFERSON.

JANUARY 24, 1809.

To the Senate of the United States :

According to the resolution of the Senate of the 17th instant, I now transmit them the information therein requested, respecting the execution of the act of Congress of February 21, 1806, appropriating \$2,000,000 for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.

TH. JEFFERSON.

JANUARY 30, 1809.

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

I transmit to Congress a letter recently received from our minister at the Court of Saint James, covering one to him from the British secretary of state, with his reply. These are communicated as forming a sequel to the correspondence which accompanied my message to both Houses of the 17th instant.

TH. JEFFERSON.

FEBRUARY 18, 1809.

To the Senate of the United States :

I submit a treaty, concluded at Brownstown, in the Territory of Michigan, between the United States and the Chippewas, Ottawas, Potawattamies, Wyandots, and Shawnees, on the 25th day of November last, whereby those tribes grant to the United States two roads, therein described, for the decision of the Senate whether they will advise and consent to the ratification of it.

TH. JEFFERSON.

FEBRUARY 24, 1809.

To the Senate of the United States :

The Emperor of Russia has on several occasions indicated sentiments particularly friendly to the United States, and expressed a wish through different channels that a diplomatic intercourse should be established between the two countries. His high station and the relations of Russia to the predominant powers of Europe must give him weight with them according to the vicissitudes of the war, and his influence in negotiations for peace may be of value to the United States should arrangements of any sort affecting them be contemplated by other powers in the present extraordinary state of the world; and under the constant possibility of sudden negotiations for peace I have thought that the friendly dispositions of such a power might be advantageously cherished by a mission which should manifest our willingness to meet his good will. I accordingly commissioned in the month of August last William Short, formerly minister plenipotentiary of the United States at Madrid, to proceed as minister plenipotentiary to the Court of Saint Petersburg, and he proceeded accordingly; and I now nominate him to the Senate for that appointment.

TH. JEFFERSON.

FEBRUARY 25, 1809.

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

I now lay before Congress a statement of the militia of the United States according to the latest returns received by the Department of War.

TH. JEFFERSON.

PROCLAMATION.

(From Annals of Congress, Tenth Congress, second session, 462.)

WASHINGTON, December 30, 1808 .

The President of the United States to , Senator for the
State of .

Certain matters touching the public good requiring that the Senate
should be convened on Saturday, the 4th day of March next, you are
desired to attend at the Senate Chamber, in the city of Washington,
on that day, then and there to deliberate on such communications as
shall be made to you.

TH. JEFFERSON.