



**THE WORKS OF  
THOMAS  
JEFFERSON  
VOLUME 10**

# The Works of Thomas Jefferson

Volume 10

THOMAS JEFFERSON

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# ITINERARY AND CHRONOLOGY OF THOMAS JEFFERSON

1803-1807

- 1803.—July      At Washington.  
                    Frames Louisiana Amendment to the  
                    Constitution.
16.              Cabinet discuss Louisiana Treaty.  
                    Drafts "Queries" as to Louisiana.
22.              At Monticello.
24.              Makes informal reply to Ward  
                    Committee of Philadelphia.  
                    Appoints Monroe Minister to Great  
                    Britain.
- Oct. 1.          At Washington.
17.              Sends Third Annual Message.
20.              Louisiana Treaty ratified by Senate.
- Nov. ?          Frames rules of Public Etiquette.  
                    Drafts bill for government of  
                    Louisiana.
4.               Sends message on Barbary Powers.
14.              Transmits information concerning  
                    Louisiana.
30.              Transmits additional information  
                    concerning Louisiana.
- Dec. 5.          Sends message on Barbary War.
21.              Sends message on Spanish Claims.
24.              Replies to Address of Legislature of  
                    Tennessee.
- 1804.—Jan. 8.   Offers Monroe governorship of  
                    Louisiana.
18.              Sends message on taking possession of  
                    Louisiana.
26.              Called on by Burr.
- Feb. 18.          Cabinet discussion of Louisiana  
                    boundaries.  
                    Approves act organizing Louisiana and  
                    Orleans.

Apr. 6.	At Monticello.
17.	Daughter, Mary Eppes, dies.
1804.—May 1.	At Washington.
26.	Cabinet settle Tripoline terms.
	Offers Armstrong French mission.
	Appoints Monroe Minister to Spain.
Aug. 7.	At Monticello.
Oct. 6.	At Washington.
8.	Cabinet discuss Spanish affairs.
	Drafts bill for Harbor Protection.
Nov.	Re-elected President of United States.
8.	Sends Fourth Annual Message.
19.	Nominates Bowdoin Minister to Spain.
1805.—Feb. 2.	Electoral votes counted by Congress.
Mar. 2.	Attorney-General Lincoln resigns.
	Robert Smith appointed Attorney-General.
	Jacob Crowninshield appointed Secretary of Navy.
3.	Approves bill for Harbor Protection.
4.	Inaugurated as President.
13.	At Monticello.
April 19.	At Washington.
July 4.	Prepares Notes on Armed Vessels.
8.	Cabinet discuss neutral commerce.
20.	At Monticello.
Aug.	Prepares Notes on Conduct in 1780-1.
	Suggests alliance with Great Britain.
Oct. 11.	At Washington.
Nov. 12.	Cabinet discuss Spanish affairs.
14.	Cabinet frame terms for Spain.
19.	Cabinet modify Spanish terms.
Dec. 3.	Sends Fifth Annual Message.
4.	Drafts resolutions on Spain for Congress.
6.	Sends confidential message on Spain.
	Drafts bill for a naval militia.
	Drafts bill classifying militia.
Dec. 20.	John Breckenridge nominated Attorney-General.

1806.—Jan.	Sends message on Tripoline Affairs.
13.	
17.	Sends message on Neutral Commerce.
Feb. 6.	Sends confidential message on Great Britain.
8.	Drafts resolutions concerning Spain. Warned by Daveiss of Burr's plot.
19.	Sends message on Western Exploration.
24.	Aids Barlow to draft bill for a National University. Drafts bill for settling Orleans territory.
28.	Nominates Bowdoin and Armstrong joint commissioners to Spain.
1806.—Mar.	Pinkney selected by Cabinet for English mission.
14.	
15?	Has interview with Burr.
20.	Sends special message on Spanish Boundaries.
24.	Offers Cary commissionership to Spain. Sends confidential message on Great Britain.
25.	Cabinet decision on Spanish affairs.
Apr. 19.	Writes letter to Alexander of Russia. Nominates Monroe and Pinkney joint commissioners to Great Britain.
May 1.	Cabinet discuss <i>Leander</i> incident.
3.	Issues <i>Leander</i> proclamation.
10.	At Monticello.
June 7.	At Washington.
July 26.	At Monticello.
Oct. 4.	At Washington.
22.	Cabinet discuss Burr plot.
25.	Cabinet decision on Burr.
Nov. 8.	Orders to Wilkinson, <i>in re</i> Burr.
27.	Issues proclamation against Burr.
Dec. 2.	Sends Sixth Annual Message.
3.	Sends special message on Great Britain.

15. Message on distressed French prepared, but not sent.
20. Issues proclamation against *Cambrian*.
- 1807.—Jan. 1. Elected President of American Philosophical Society.
6. Burr expedition leaves Chickasaw Bluffs.
7. Great Britain adopts Orders in Council.
14. Aids Hening in preparation of Virginia statutes.
16. Randolph resolution *in re* Burr adopted.
17. Burr surrenders to Meade.
20. Appoints Rodney Attorney-General.
22. Sends message on Burr.
23. Senate passes bill to suspend Habeas Corpus.
26. House rejects bill to suspend Habeas Corpus.
28. Sends additional message on Burr.
31. Sends message on Cumberland Road.  
Drafts amendment to Volunteer Bill.
- Feb. 2. Cabinet council on British negotiations.
3. Notifies British negotiators of disapproval of treaty.
10. Sends message on Gunboats.
14. Sends reply to Massachusetts address.
19. Spain issues commercial decree.
28. Writes to King of Holland.
- 1807.—Feb.  
28. Burr arrested.
- Mar. 2. Signs bill to end slave trade.
3. British Treaty arrives.
21. Sends circular letter to State governors.
30. Burr trial begins.
- Apr. 1. Burr released on bail.  
Leaves Washington.  
Arrives at Monticello.



May 13.	Leaves Monticello.
17.	Arrives at Washington.
19.	Writes Short of his intention to refuse renomination.
20.	Sends new instruction to English negotiators.
29.	Receives French medal for design of mould-board.
June 1.	Frames tariff on French wines.
13.	Subpoenaed to attend Burr trial.
22.	<i>Chesapeake</i> frigate captured.
July 2.	Issues proclamation against British war-ships.
4.	Cabinet agrees to call Congress.
Aug. 1.	Leaves Washington.
5.	Arrives at Monticello.
Sept. 1.	Proposes to seize the Floridas.
	Burr acquitted.
9.	Leaves Monticello for Bedford.
17.	Arrives at Monticello.
30.	Leaves Monticello.
Oct. 3.	Arrives at Washington.
27.	Sends Seventh Annual Message.
30.	Burr trial ends.
Nov. 11.	Great Britain extends Orders in Council.
13.	Sends reply to Society of Friends.
18.	Sends reply to Baptists.
23.	Sends message on Burr Trial.
Dec. 7.	Sends confidential message on Great Britain.
10.	Sends reply to Assembly of Vermont.
	Sends reply to Legislature of New Jersey.
14.	Sends reply to Washington Society of Tammany
	Non-importation Act goes into effect.
17.	France issues supplementary decree concerning neutral commerce.
18.	Sends message on Commercial Depredations.

21. Sends reply to Baptist Association.
22. Embargo Act signed.

## CORRESPONDENCE AND OFFICIAL PAPERS

1803

### DRAFTS OF AN AMENDMENT TO THE CONSTITUTION. Ref. 002

*j. mss.*

[July, 1803.]

*First Draft*

The province of Louisiana is incorporated with the U. S. and made part thereof. The rights of occupancy in the soil, and of self government, are confirmed to the Indian inhabitants, as they now exist. Pre-emption only of the portions rightfully occupied by them, & a succession to the occupancy of such as they may abandon, with the full rights of possession as well as of property & sovereignty in whatever is not or shall cease to be so rightfully occupied by them shall belong to the U. S.

The legislature of the Union shall have authority to exchange the right of occupancy in portions where the U. S. have full right for lands possessed by Indians within the U. S. on the East side of the Missisipi: to exchange lands on the East side of the river for those of the white inhabitants on the West side thereof and above the latitude of 31 degrees: to maintain in any part of the province such military posts as may be requisite for peace or safety: to exercise police over all persons therein, not being Indian inhabitants: to work salt springs, or mines of coal, metals and other minerals within the possession of the U. S. or in any others with the consent of the possessors; to regulate

trade & intercourse between the Indian inhabitants and all other persons; to explore and ascertain the geography of the province, its productions and other interesting circumstances; to open roads and navigation therein where necessary for beneficial communication; & to establish agencies and factories therein for the cultivation of commerce, peace & good understanding with the Indians residing there.

The legislature shall have no authority to dispose of the lands of the province otherwise than as hereinbefore permitted, until a new Amendment of the constitution shall give that authority. Except as to that portion thereof which lies South of the latitude of 31 degrees; which whenever they deem expedient, they may erect into a territorial Government, either separate or as making part with one on the eastern side of the river, vesting the inhabitants thereof with all the rights possessed by other territorial citizens of the U. S. <sup>Ref. 003</sup>

### *Second Draft*

Louisiana, as ceded by France to the U S. is made a part of the U S. Its white inhabitants shall be citizens, and stand, as to their rights & obligations, on the same footing with other citizens of the U S. in analogous situations. Save only that as to the portion thereof lying North of an East & West line drawn through the mouth of Arkansa river, no new State shall be established, nor any grants of land made, other than to Indians in exchange for equivalent portions of land occupied by them, until authorised by further subsequent amendment to the Constitution shall be made for these purposes.

Florida also, whenever it may be rightfully obtained, shall become a part of the U S. Its white inhabitants shall thereupon be Citizens & shall stand, as to

their rights & obligations, on the same footing with other citizens of the U S. in analogous situations.

**TO HORATIO GATES** Ref. 004

*Washington* , July 11, '03.

*Dear General,*

—I accept with pleasure, and with pleasure reciprocate your congratulations on the acquisition of Louisiana: for it is a subject of mutual congratulations as it interests every man of the nation. The territory acquired, as it includes all the waters of the Missouri & Mississippi, has more than doubled the area of the U. S. and the new part is not inferior to the old in soil, climate, productions & important communications. If our legislature dispose of it with the wisdom we have a right to expect, they may make it the means of tempting all our Indians on the East side of the Mississippi to remove to the West, and of condensing instead of scattering our population. I find our opposition is very willing to pluck feathers from Monroe, although not fond of sticking them into Livingston's coat. The truth is both have a just portion of merit and were it necessary or proper it could be shewn that each has rendered peculiar service, & of important value. These grumblers too are very uneasy lest the administration should share some little credit for the acquisition, the whole of which they ascribe to the accident of war. They would be cruelly mortified could they see our files from April 1801, the first organization of the administration, but more especially from April 1802. They would see that tho' we could not say when war would arise, yet we said with energy what would take place when it should arise. We did not, by our intrigues, produce the war: but we availed ourselves of it when it happened. The other party saw the case now existing on which our representations were predicted, and

the wisdom of timely sacrifice. But when these people make the war give us everything, they authorize us to ask what the war gave us in their day? They had a war. What did they make it bring us? Instead of making our neutrality the grounds of gain to their country, they were for plunging into the war. And if they were now in place, they would not be at war against the Allies & disorganizers of France. They were for making their country an appendage to England. We are friendly, cordially and conscientiously friendly to England, but we are not hostile to France. We will be rigorously just and sincerely friendly to both. I do not believe we shall have as much to swallow from them as our predecessors had.

With respect to the territory acquired, I do not think it will be a separate government as you imagine. I presume the island of N. Orleans and the settled country on the opposite bank, will be annexed to the Mississippi territory. We shall certainly endeavor to introduce the American laws there & that cannot be done but by amalgamating the people with such a body of Americans as may take the lead in legislation & government. Of course they will be under the Governor of Mississippi. The rest of the territory will probably be locked up from American settlement, and under the self-government of the native occupants.

You know that every sentence from me is put on the rack by our opponents, to be tortured into something they can make use of. No caution therefore I am sure is necessary against letting my letter go out of your hands. I am always happy to hear from you, and to know that you preserve your health. Present me respectfully to Mrs. Gates, and accept yourself my affectionate salutations and assurances of great respect & esteem.

**TO THE SECRETARY OF THE TREASURY (ALBERT GALLATIN.)**

*j. mss.*

July 12, 1803.

It is difficult to see what Mr. Bond would be at. I suppose he aims at our citizen laws. There is a distinction which we ought to make ourselves, and with which the belligerent powers ought to be content. Where, after the commencement of a war, a merchant of either comes here and is naturalized, the purpose is probably fraudulent against the other, and intended to cloak their commerce under our flag. This we should honestly discountenance, and never reclaim their property when captured. But merchants from either, settled and made citizens before a war, are citizens to every purpose of commerce, and not to be distinguished in our proceedings from natives. Every attempt of Great Britain to enforce her principle of "once a subject and always a subject" beyond the case of *her own subjects* ought to be repelled. A copy of General Muhlenberg's letter, stating the fact of citizenship accurately, ought to satisfy Mr. Bond, unless he can disprove the fact: or unless, admitting the fact, he at once attacks our principle: on that ground we will meet his government.

As to the patronage of the Republican Bank at Providence, I am decidedly in favor of making all the banks Republican, by sharing deposits among them in proportion to the dispositions they show; if the law now forbids it, we should not permit another session of Congress to pass without amending it. It is material to the safety of Republicanism to detach the mercantile interests from its enemies and incorporate them into the body of its friends. A merchant is naturally a Republican, and can be otherwise only from a vitiated state of things. Affectionate salutations.

**TO THE SPECIAL COMMISSIONER ON SPANISH  
BOUNDARY (EPHRAIM KIRBY.)**

*j. mss.*

*Washington* July 15, 1803.

*Dear Sir,*

—I yesterday signed a commission appointing you one of the commissioners to receive & determine the titles of lands held on the East side of Pearl river. The place of sessions will be Fort Stoddart. I am happy in having in that commission the name of a person already so well known to the public as to ensure their confidence. The other commissioner will be Mr. Robert Carter Nicholas of Kentucky, son of the late George Nicholas of that state. I am desirous of appointing to the register's office, some worthy inhabitant of that part of the country, but I have never been able to get a recommendation of anyone. He should be of perfect integrity, good understanding, and, if a lawyer, so much the better. Under these circumstances I have thought it best to ask you to take charge of a blank commission, to be filled up by yourself as soon after your arrival there, as you can acquire information of the best character. Your own judgment will suggest to you the advantage of keeping it entirely secret that you have such a power, in order that you may obtain disinterested information. But I am obliged to impose on you another task, quite out of the line of your official duty, yet within that of a citizen of the U. S. We have had no means of acquiring any knowledge of the number, nature & extent of our settlements west of Pearl river: Yet it is extremely important that we should receive accurate information. I have therefore taken the liberty of stating some queries to which I will pray your attention, and that you will take all the pains you can to obtain for me full and faithful answers.

Ref. 005 I leave this place within a few days for Monticello to remain there through the months of August and September.



I pray you to accept my friendly salutations & assurances of great esteem & respect.

## **QUERIES AS TO LOUISIANA**

*j. mss.*

[July 15? 1803?]

1. What are the boundaries of Louisiana, and on what authority does each portion of them rest?

2. What is the distance from New Orleans to the nearest point of the western boundary?

3. Into what divisions is the province laid off?

4. What officers civil or military are appointed to each division, and what to the general government with a definition of their powers?

5. What emoluments have they, and from what source derived?

6. What are the annual expenses of the province drawn from the Treasury?

7. What are the nett receipts of the Treasury, & from what taxes or other resources are they drawn?

8. On what footing is the church & clergy, what lands have they and from what other funds are they supported?

9. What is the population of the province distinguishing between white and black, but excluding Indians, on the East side of the Mississippi? Of the settlement on the west side next the mouth? Of each district settlement in the other parts of the province? And what the geographical position and extent of each of these settlements?

10. What are the foundations of their land titles? And what their tenure?

11. What is the quantity of granted lands as near as can be estimated?

12. What is the quantity ungranted in the Island of New Orleans, and in the settlement adjacent on the west side?

13. What are the lands appropriated to the public use?
14. What buildings, fortifications, or other fixed property belong to the public?
15. What is the quantity & general limits of the lands fit for the culture of sugar? What proportion is granted & what ungranted?
16. Whence is their code of laws derived? A copy of it, if in print.
17. What are the best maps, general or particular, of the whole or parts of the province? Copies of them if to be had in print. <sup>Ref. 006</sup>

## TO WILLIAM DUANE

*j. mss.*

*Monticello* July 24, 1803.

*Dear Sir,*

—The address of the Ward committee of Philada on the subject of removals from office was received at Washington on the 17th inst. I cannot answer it, because I have given no answers to the many others I have received from other quarters. You are sensible what use an unfriendly party would make of such answers by putting all their expressions to the torture; and altho' no person wishes more than I do to learn the opinions of respected *individuals*, because they enable me to examine, and often to correct my own, yet I am not satisfied that I ought to admit the addresses even of those bodies of men which are organized by the Constitution (the houses of legislature for instance), to influence the appointment to office for which the Constitution has chosen to rely on the independence and integrity of the Executive, controlled by the Senate, chosen both of them by the whole union. Still less of those bodies whose organization is unknown to the

Constitution. As revolutionary instruments (when nothing but revolution will cure the evils of the state) they are necessary and indispensable, and the right to use them is inalienable by the people; but to admit them as ordinary & habitual instruments as a part of the machinery of the Constitution, would be to change that machinery by introducing moving powers foreign to it, and to an extent depending solely on local views, and therefore incalculable. The opinions offered by *individuals*, and of right, are on a different ground; they are sanctioned by the constitution; which has also prescribed, when they chuse to act in bodies, the organization, objects & rights of those bodies. Altho' this view of the subject forbids me, in my own judgment, to give answers to addresses of this kind, yet the one now under consideration is couched in terms so friendly and respectful, and from persons, many of whom I know to have been firm patriots, some of them in revolutionary times and others in those of terror, & doubt not that all are of the same valuable character, that I cannot restrain the desire they should individually understand the reasons why no formal answer is given: That they should see it proceeds from my view of the constitution and the judgment I form of my duties to it, and not from a want of respect & esteem for them, or their opinions, which given individually will ever be valued by me. I beg leave therefore to avail myself of my acquaintance with you, & of your friendly dispositions to communicate to them individually the considerations expressed in this letter, which is merely private and to yourself, and which I ask you not to put out of your own hands lest directly or by copy it should get into those of the common adversary, and become matter for those malignant perversions which no sentiments however just, no expressions however correct can escape.

It may perhaps at first view be thought that my answer to the Newhaven letter was not within my own rule. But that

letter was expressed to be from the writers individually, & not as an organized body chosen to represent and express the public opinion. The occasion too which it furnished had for some time been wished for, of explaining to the republican part of the nation my sense of their just rights to participation to office, and the proceedings adopted for attaining it after due inquiry into the general sentiment of the several states. The purpose there explained was to remove some of the least deserving officers, but generally to prefer the milder measure of waiting till accidental vacancies should furnish opportunity of giving to republicans their *due proportion* of office. To this we have steadily adhered. Many vacancies have been made by death and resignation, many by removal for malversation in office and for open, active and virulent abuse of official influence in opposition to the order of things established by the will of the nation. Such removals continue to be made on sufficient proof. The places have been steadily filled with republican characters until of 316 offices in all the U. S. subject to appointment and removal by me, 130 only are held by federalists. I do not include in this estimate the judiciary & military because not removable but by established process, nor the officers of the Internal revenue because discontinued by law, nor postmasters or any others not named by me. And this has been effected in little more than two years by means so moderate and just as cannot fail to be approved in future. Whether a participation of office in proportion to numbers should be effected in each state separately or in the whole states taken together is difficult to decide, and has not yet been settled in my own mind. It is a question of vast complications. But suppose we were to apply the rule of Pennsylvania distinctly from the Union. In the state of Pennsylvania 8 offices only are subject to my nomination and informal removal. Of these 5 are in the hands of republicans, 3 of federalists, to wit

<b><i>Republican.</i></b>		<b><i>Federal.</i></b>
The attorney	Dallas	Naval officer
Marshal	Smith	Surveyor
Collector	Muhlenberg	Commisr of
		Loans
Purveyor	Coxe	
Superintdt	Irving	
Mily Stores		

In the hands of the former is the appointment of every subordinate officer, not a single one (but their clerks) being appointable by the latter. Taking a view of this subject in the only year I can now come at, the clerk hire of the naval officer & surveyor is only 2196 D. that of the commr of loans 2500-4696. The compensation of the nav. off. & surveyor were 7651 D. in that year. The residue of custom house expenses were 46268 D. constituting the compensation and patronage of the collector, except about 1500 D. to the officers of the revenue cutter who are republican. The emoluments & patronage of the 5 other republican officers I have no materials for estimating; but they are not small. Considering numbers therefore as the ratio of participation, it stands at 5 to 3. But taking emolument and patronage as the measure, our actual share is much greater. I cannot therefore suppose that our friends had sufficiently examined the fact when they alleged that, in "Philadelphia public employment under the general government, in all it's grades, with scarcely an exception, is confined not to federalists merely, but to apostates, persecutors and enemies of representative government."

I give full credit to the wisdom of the measures persued by the gov'r. of Pennsylvania in removals from office. I have no doubt he followed the wish of the state: and *he* had no

other to consult. But in the general government each state is to be administered not on it's local principles, but on the principles of all the states formed into a general result. That I should administer the affairs of Massachusetts & Connecticut, for example, on federal principles, could not be approved. I dare say too that the extensive removals from office in Pennsylv. may have contributed to the great conversion which has been manifested among it's citizens. But I respect them too much to believe it has been the exclusive or even the principle motive. I presume the sound measures of their government, & of the general one, have weighed more in their estimation and conversion, than the consideration of the particular agents employed.

I read with extreme gratification the approbation expressed of the general measures of the present administration. I verily believe our friends have not differed with us on a single *measure* of importance. It is only as to the distribution of office that some difference of opinion has appeared. But that difference will I think be lessened when facts & principles are more accurately scanned, and it's impression still more so when justice is done to motives, and to the duty of pursuing that which on mature consideration is deemed to be right.

I hope you will pardon the trouble which this communication proposes to give you, when you attend to the considerations urging it. And that you will accept my respectful salutations & assurances of great esteem. <sup>Ref. 007</sup>

## **TO THE SECRETARY OF STATE (JAMES MADISON.)**

*j. mss.*

*Monticello* July 31, 03.

*Dear Sir,*

—I return you the petition of Samuel Miller with the pardon signed. Mr. Kelty had spoken to me on this subject and told me that he and Mr. Craunch should join in a recommendation. I wish Mr. Wagner would obtain this before he delivers the pardon. I return also Mr. King's letter which has really important matter, especially what respects the *mare clausum*, the abandonment of the colonial system, & emancipation of S. America. On the subject of our seamen as both parties were agreed against impressments at sea, and concealments in port, I suppose we may practice on those two articles as things understood, altho' no convention was signed. I see that the principle of free bottoms, free goods must be left to make its way by treaty with particular nations. Great Britain will never yield to it willingly and she cannot be forced.

I think I have selected a governor for Louisiana, as perfect in all points as we can expect. Sound judgment, standing in society, knolege of the world, wealth, liberality, familiarity with the French language, and having a French wife. You will perceive I am describing Sumpter. I do not know a more proper character for the place. I wish we could find a diplomatist or two equally eligible, for Europe. Accept my affectionate salutations.

## **TO JOHN DICKINSON**

*j. mss.*

*Monticello* Aug. 9, 1803.

*Dear Sir,*

—Your friendly favor of the 1st inst. is received with that welcome which always accompanies the approbation of the wise & good. The acquisition of New Orleans would of itself have been a great thing, as it would have ensured to our western brethren the means of exporting their produce: but that of Louisiana is inappreciable, because, giving us the

sole dominion of the Mississippi, it excludes those bickerings with foreign powers, which we know of a certainty would have put us at war with France immediately: and it secures to us the course of a peaceable nation.

The *unquestioned* bounds of Louisiana are the Iberville & Mississippi on the east, the Mexicana, or the Highlands east of it, on the west; then from the head of the Mexicana gaining the highlands which include the waters of the Mississippi, and following those highlands round the head springs of the western waters of the Mississippi to its source where we join the English or perhaps to the Lake of the Woods. This may be considered as a triangle, one leg of which is the length of the Missouri, the other of the Mississippi, and the hypotenuse running from the source of the Missouri to the mouth of the Mississippi. I should be averse to exchanging any part of this for the Floridas, because it would let Spain into the Mississippi on the principle of natural right, we have always urged & are now urging to her, that a nation inhabiting the upper part of a stream has a right of innocent passage down that stream to the ocean: and because the Floridas will fall to us peaceably the first war Spain is engaged in. We have some pretensions to extend the western territory of Louisiana to the Rio Norte, or Bravo; and still stronger the eastern boundary to the Rio Perdido between the rivers Mobile & Pensacola. These last are so strong that France had not relinquished them & our negotiator expressly declared we should claim them, by properly availing ourselves of these with offers of a price, and our peace, we shall get the Floridas in good time. But in the meantime we shall enter on the exercise of the right of passing down all the rivers which rising in our territory, run thro' the Floridas. Spain will not oppose it by force. But there is a difficulty in this acquisition which presents a handle to the malcontents among us, though they have not yet discovered it. Our



confederation is certainly confined to the limits established by the revolution. The general government has no powers but such as the constitution has given it; and it has not given it a power of holding foreign territory, & still less of incorporating it into the Union. An amendment of the Constitution seems necessary for this. In the meantime we must ratify & pay our money, as we have treated, for a thing beyond the constitution, and rely on the nation to sanction an act done for its great good, without its previous authority. With respect to the disposal of the country, we must take the island of New Orleans and west side of the river as high up as Point Coupee, containing nearly the whole inhabitants, say about 50,000, and erect it into a state, or annex it to the Mississippi territory: and shut up all the rest from settlement for a long time to come, endeavoring to exchange some of the country there unoccupied by Indians for the lands held by the Indians on this side the Mississippi, who will be glad to cede us their country here for an equivalent there: and we may sell out our lands here & pay the whole debt contracted before it comes due. The impost which will be paid by the inhabitants ceded will pay half the interest of the price we give: so that we really add only half the price to our debt. I have indulged myself in these details because the subject being new, it is advantageous to interchange ideas on it and to get our notions all corrected before we are obliged to act on them. In this idea I receive & shall receive with pleasure anything which may occur to you. Accept my affectionate salutations & assurances of my constant & great esteem & respect.

**TO THE SECRETARY OF STATE (JAMES MADISON.)**

*j. mss.*

*Monticello* Sept. 14, 03.

*Dear Sir,*

—I now return you the several papers received by the last post, except those soliciting office, which as usual, are put into my bundle of like papers. I think it possible that Spain, recollecting our former eagerness for the island of N. Orleans, may imagine she can, by a free delivery of that, redeem the residue of Louisiana: and that she may withhold the peaceable cession of it. In that case no doubt force must be used. However the importance of this measure, the time & the means, will be for discussion at our meeting on the 25th. In the meantime I think Clarke might be trusted with a general hint of the possibility of opposition from Spain, & an instruction to sound in every direction, but with so much caution as to avoid suspicion, and to inform us whether he discovers any symptoms of doubt as to the delivery, to let us know the force Spain has there, where posted, how the inhabitants are likely to act, if we march a force there, and what numbers of them could be armed & brought to act in opposition to us. We have time to receive this information before the day of ratification, and it would guide us in our provision of force for the object. Accept my affectionate salutations & respects.

**TO DOCTOR BENJAMIN RUSH**

*j. mss.*

*Washington Octr 4, 03.*

*Dear Sir,*

—No one would more willingly than myself pay the just tribute due to the services of Capt. Barry, by writing a letter of condolence to his widow, as you suggest. But when one undertakes to administer justice, it must be with an even hand, & by rule; what is done for one, must be done for every one in equal degree. To what a train of attentions

would this draw a President? How difficult would it be to draw the line between that degree of merit entitled to such a testimonial of it, & that not so entitled? If drawn in a particular case differently from what the friends of the deceased would judge right, what offence would it give, & of the most tender kind? How much offence would be given by accidental inattentions, or want of information? The first step into such an undertaking ought to be well weighed. On the death of Dr. Franklin, the King & Convention of France went into mourning. So did the House of Reps. of the U. S.: the Senate refused. I proposed to General Washington that the executive department should wear mourning; he declined it, because he said he should not know where to draw the line, if he once began that ceremony. Mr. Adams was then Vice President, & I thought Genl. W. had his eye on him, whom he certainly did not love. I told him the world had drawn so broad a line between himself & Dr. Franklin, on the one side, and the residue of mankind, on the other, that we might wear mourning for them, and the question still remain new & undecided as to all others. He thought it best, however, to avoid it. On these considerations alone, however well affected to the merit of Commodore Barry, I think it prudent not to engage myself in a practice which may become embarrassing.

Tremendous times in Europe! How mighty this battle of lions & tygers! With what sensations should the common herd of cattle look on it? With no partialities, certainly. If they can so far worry one another as to destroy their power of tyrannizing, the one over the earth, the other the waters, the world may perhaps enjoy peace, till they recruit again.

Affectionate & respectful salutations.

**THIRD ANNUAL MESSAGE** Ref. 008

*j. mss.*

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 interest you feel in these will supersede in your minds all private considerations.

Congress witnessed, at their last 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 while 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 two millions of dollars, 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. While 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 field 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 a 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 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 moderated prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect upon them, and is that which will best secure their peace and good will.