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The President's Cabinet in the development of American policy: April 30, 1789 - March 4, 1805

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BOSTON UNIVERSITY

GRADUATE SCHOOL

Thesis

THE PRESIDENT'S CABINET IN THE DEVELOPMENT OF
AMERICAN POLICY

April 30, 1789. - March 4, 1805.

by

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INTRODUCTION

The Cabinet is the President's council in a very peculiar sense. It exists only by custom. The meetings are secret and no record is kept of the transactions. Matters relative to the general policy of the administration are brought up for consideration at the cabinet meetings. American policy has been formulated as a result of what went on at cabinet meetings.

This thesis brings together material for the study of the Cabinet from 1789 to 1805, and gives concrete examples of the importance of the Cabinet. It is not an essay. The arrangement of the material is chronological. Primary material from the published letters and papers of men in immediate touch with affairs, the cabinet members, is presented. Only as much machinery as is needed for making clear the material is given.

From the material which has been brought together one gets a glimpse of cabinet meetings. The years 1791, 1792, and 1793 are especially fruitful due to Jefferson's papers. After Jefferson retired from Washington's cabinet, December, 1793, we can only use our imagination to picture the exact meetings. Most of the material from the year 1793 to the time Jefferson became President in 1801 are letters written between the President and the cabinet members. With the administration of Jefferson, we begin to have again accounts of cabinet meetings. But they are

very short and not numerous. Jefferson's administration was so stable and harmonious that the extracts of cabinet meetings lack the brilliancy and spice found in the former accounts.

President

GEORGE WASHINGTON

Vice-President

JOHN ADAMS

April 30, 1789, to March 4, 1793.

Secretary of State

THOMAS JEFFERSON, September 26, 1789.

Secretary of the Treasury

ALEXANDER HAMILTON, September 11, 1789.

Secretary of War

HENRY KNOX, September 12, 1789.

Attorney-General

EDMUND RANDOLPH, September 26, 1789.

President

GEORGE WASHINGTON

Vice-President

JOHN ADAMS

March 4, 1793, to March 4, 1797.

Secretary of State

THOMAS JEFFERSON, continued from last Administration.

EDMUND RANDOLPH, January 2, 1794.

TIMOTHY PICKERING, (Secretary of War), ad interim,
August 20, 1795.

TIMOTHY PICKERING, December 10, 1795.

Secretary of the Treasury

ALEXANDER HAMILTON, continued from last Administration.

OLIVER WOLCOTT, JR., February 2, 1795.

Secretary of War

HENRY KNOX, continued from last Administration.

TIMOTHY PICKERING, January 2, 1795.

JAMES McHENRY, January 27, 1796.

Attorney-General

EDMUND RANDOLPH, continued from last Administration.

WILLIAM BRADFORD, January 27, 1794.

CHARLES LEE, December 10, 1795.

I. INSTRUCTIONS TO THE CABINET

Washington, in April, 1791, set out upon a Southern tour which lasted for three months. The purpose of the journey was to stimulate by his presence the Union spirit among the citizens. On April 4, 1791, the President addressed a letter to the Secretaries of the Departments of State, Treasury and War, expressing a wish that if any series or important cases should arise, the Secretaries should hold a consultation. This is the first evidence of Cabinet meetings. Washington requested that the Vice-President should also be consulted. This was the only occasion on which that officer was ever requested to take part in a cabinet question.

Reference - Washington, Writings (Ford's ed.), XII. ,34.

Washington, Writings (Sparks's ed.), X. ,157.

Hamilton, Works (Hamilton's ed.), IV. ,146.

WASHINGTON TO SECRETARIES OF STATE, TREASURY, AND WAR.

Mount Vernon, April 4, 1791

Gentlemen:

As the Public service may require that communications should be made to me during my absence from the seat of government, by the most direct conveyances; and as, in the event of any extraordinary occurrence, it

will be necessary to know at what time I may be found at any particular place; I have to inform you, that, unless the progress of my journey to Savannah is retarded by unforeseen interruptions, it will be regulated, including days of halt, in the following manner:—I shall be on the 8th of April at Fredericksburg, the 16th at Halifax, the 18th at Tarborough, the 20th at Newbern, on the 24th at Wilmington, 29th at Georgetown, South Carolina; on the 2d of May at Charleston, halting there five days; on the 11th at Savannah, halting there two days. Thence, leaving the line of the mail, I shall proceed to Augusta; and according to the information which I may receive there my return by an upper road will be regulated.

The route of my return is at present uncertain, but, in all probability, it will be through Columbia, Camden, Charlotte, Salisbury, Salem, Guilford, Hillsborough, Harrisburg, Williamsburg, to Taylor's Ferry on the Roanoke, and thence to Fredericksburg by the nearest and best road.

After thus explaining to you, as far as I am able at present, the direction and probable progress of my journey, I have to express my wish, if any serious and important cases (of which the probability is but too strong) should arise during my absence, that the Secretaries of the departments of State, Treasury, and War may hold consultations thereon, to determine whether they are of such a nature as to demand my personal attendance at the seat

of government; and should they be so considered, I will return immediately from any place at which the information may reach me. Or, should they determine that measures relevant to the case may be legally and properly pursued without the immediate agency of the President, I will approve and ratify the measures which may be conformed to such determination.

Presuming that the Vice-President will have left the seat of government for Boston, I have not requested his opinion to be taken on the supposed emergency; should it be otherwise, I wish him also to be consulted.

IIA. LOAN FROM HOLLAND

William Short, the minister resident from the United States to Holland, arrived at Amsterdam in November, 1790. A part of his instructions was to open a loan. Bankers in Holland had from time to time loaned money to the United States government to meet the foreign debt. On December 2d, 1790, Short wrote to Hamilton that it was best to postpone opening the loan until the beginning of February, at which time such a loan would be desired on the market and greedily sought after. On April 10th, 1791, Short's letter was submitted by Hamilton to the Vice-President and the heads of the departments. Washington was on a Southern tour.

Previous to April 10th, Washington had instructed Hamilton that no succeeding loan was to be opened until the preceding loan had been submitted to him for approval. At the cabinet meeting on April 10th, it seemed desirable to take advantage of the favorable credit of the United States which existed at Amsterdam; Hamilton, therefore, advised and the others concurred to authorize Short to proceed upon a second loan. The February loan was for two million and a half of guilders at five per cent interest, and four and one half per cent charges. This was most advantageous, because the charges were a half per cent less than the last loan. The second loan was to be for three million of guilders provided the terms be not less advantageous than those announced in Short's letter.

IIB. INDIAN RELATIONS

Great Britain in 1791 was still holding the Northwestern posts which she had agreed by treaty to give up. Early in 1790 Major George Beckwith had been sent over as a diplomatic agent from Great Britain to make a commercial treaty and to hand over the posts. In the spring of 1791, it was reported the Indians were receiving ammunition from the British. Beckwith hinted the assertions might be unfounded, because the British government had a system of managing the Indians by distributing presents and goods. Members of Washington's cabinet, on April 17th, 1791, decided to assemble together the Six Nations of Indians for the purpose of cementing the existing friendship and of preventing them from joining the enemy. Col. Timothy Pickering was chosen to perform the business. Certain goods were to be presented at the treaty. Pensions not to exceed one hundred dollars were to be bestowed annually on four or five chiefs.

Reference - Jefferson, Works (Ford's ed.), VI. ,243.

Jefferson, Writings (Library ed.), I. , 178.

JEFFERSON TO THE PRESIDENT OF THE UNITED STATES

Philadelphia, April 17, 1791.

Sir: I had the honor of addressing you on the 2d, which I supposed would find you at Richmond, and again on the 10th, which I thought would overtake you at Wilmington.

The present will probably find you at Charleston.

According to what I mentioned in my letter of the 10th, the Vice-President¹, Secretaries of the Treasury and War and myself, met on the 11th. Col. Hamilton presented a letter from Mr. Short in which he mentioned that the month of February being one of the periodical months in Amsterdam, when from the receipt of interest and refunding of capitals, there is much money coming in there, and free to be disposed of, he had put off the opening his loan till then, that it might fill the more rapidly, a circumstance which would excite the presumption of our credit;—that he had every reason to hope it would be filled before it would be possible for him, after his then communication of the conditions, to receive your approbation of them, orders to open a second; which however should be awaited, according to his instructions; but he pressed the expediting the order, that the stoppage of the current in our favor might be as short as possible. We saw that if, under present circumstances, your orders should be awaited, it would add a month to the delay, and we were satisfied, were you present, you would approve the conditions, and order a second loan to be opened. We unanimously therefore advised an immediate order, on conditions the terms of the 2d. loan should not be worse than those of the 1st. Gen. Knox expressed an apprehension that the Six Nations² might be induced to join our enemies; there being some suspicious circumstances; and he wished to send Colonel

¹This is the only evidence of the Vice-President ever being at a cabinet meeting.

²The Six Nations included the Mohawks, Oneidas, Onondagas, Tuscararas, Cayugas and Senecas.

Pickering to confirm them in their neutrality. This he observed would occasion an expense of about two thousand dollars, as the Indians were never to be met empty-handed. We thought the mission adviseable. As to myself, I hope we shall give the Indians a thorough drubbing this summer, and I should think it better afterwards to take up the plan of liberal and repeated presents to them. This would be much the cheapest in the end, and would save all the blood which is now spilt; in time too it would produce a spirit of peace and friendship between us. The expense of a single expedition would last very long for presents, I mentioned to the gentlemen, the idea of suggesting through Col. Beckwith our knowledge of the conduct of the British officers in furnishing the Indians with arms and ammunition, and our dissatisfaction. Col. Hamilton said that Beckwith had been with him on the subject, and had assured him they had given the Indians nothing more than the annual present, and at the annual period. It was thought proper however that he should be made sensible that this had attracted the notice of government. I thought it the more material, lest, having been himself the first to speak of it, he might suppose his excuses satisfactory, and that therefore they might repeat the annual present this year. As Beckwith lodges in the same house with Mr. Madison¹, I have desired the latter to find some occasion of representing to Beckwith that though an annual present of arms and ammunition

¹James Madison was the administration leader in the House of Representatives.

be an innocent thing in time of peace, it is not so in time of war; that it is contrary to the laws of neutrality for a neutral power to furnish military implements to either party at war, and that if their subjects should do it on private account, such furniture might be seized as contraband; to reason with him on the subject, as from himself, but, so as to let him see that the government thought as himself did.

IIIA. INDIAN AFFAIRS

Attempts were made with the Northwestern Indians to open negotiations which might lead to peaceful arrangements. Col. Timothy Pickering, appointed commissioner for that purpose, met the Senecas and all the other tribes of the Six Nations (except the Mohawks) at Painted Post in the month of June, 1791. It was agreed that certain chiefs should come to Philadelphia during the time when Congress was in session.

As hostilities continued through the summer of 1791, Washington decided to try the effect of coercion. An army under Major-General Arthur St. Clair, Governor of the Northwest Territory from its organization, started out, on September 17th, 1791, on a campaign against the Indians. On November 4, 1791, St. Clair's army was severely defeated. The Indians were commanded by Simon Girty, a white man who the Indians considered as one of themselves.

The news of the defeat of St. Clair by the Indians pro-

duced a great deal of alarm. On January 9th, 1792 Captain Peter Pond and William Stedman were instructed to repair to Niagara and Detroit without letting known their business, until the proper time. At Detroit they were to assume the character of traders with the Indians. Learn the opinions of the Indians and endeavor to find out the numbers and tribes of the Indians who had been in the attack on General St. Clair.

Rev. Samuel Kirkland, a missionary, who had some knowledge of the language and customs of the Indians, was employed to persuade some of the chiefs of the Six Nations to repair to Genesee. In March, 1792 Kirkland wrote informing the Cabinet that the British at Niagara expected to run a new line between themselves and the Americans. Colonel Gordan was in command of the British at Niagara. Stedman and Pond sent reports that it was understood at Niagara Captain Stevenson had been sent by Simcoe, the Governor of Upper Canada, to settle the plan for a new line with Hammond, the British minister to the United States.

The British were anxious to act as mediator between the Indians and the United States. On March 9th 1792, the Cabinet voted never to allow British mediation.

IIIB. ST. CLAIR'S RESIGNATION

General St. Clair in January, 1792, resigned his military command, although he retained his civil governorship.

He resigned in the midst of an outburst of public sentiment against the government's policy in the Indian War. Washington was disposed to give the command to Henry Lee, a man who had distinguished himself as a partisan in the Southern campaign under Greene, and lately elected governor of Virginia. But as there threatened to be difficulty in persuading some of those destined for inferior commands to serve under Lee who had been their junior in the Revolutionary army, the command of the army was given to Anthony Wayne.

IIIC. POLICY OF EMPLOYING INDIANS

The policy of employing Indians against Indians was much discussed at Cabinet meetings. Finally, in March 1792 the President and the heads of the departments decided that if the young Indians could not be restrained from joining one side or the other, the United States would take them and employ them.

Reference - Jefferson, Anas (Sawvel's ed.), 57.

CABINET MEETING

Mar. 9, 1792. A consultation at (.). Present, Hamilton, Knox.

1. Subject

Kirkland's letter. British idea of a new line from Genesee to Ohio. See extract on another paper.

Deputation of Six Nations now on their way here. Their dispositions doubtful. Street (Samuel), a Connecticut man, a great scoundrel coming with them. One-fourth of the nation against us. Other three-fourth questionable.

Agreed they should be well treated, but not over-trusted.

Pond's report. Stedman's report. These two persons had been to Niagara, where they had much conversation with Colonel Gordan, commanding officer. He said he had relation of St. Clair's defeat from a sensible Indian, who assured him the Indians had 50 killed and 150 wounded. They were commanded by Simon Girty, a renegade white from Virginia or Pennsylvania. He said the Indians were right, that we should find them a powerful enemy, they were improving in war, did you ever before hear, says he, of Indians being rallied three times? (This rallying was nothing more than the returns on the three charges with bayonets made by our troops, which produced a corresponding retirement of the Indians, but not a fight). That we should never have peace of the Indians but through the mediation of Britain; that Britain must appoint one Commissioner, the United States one, the Indians one; a line must be drawn, and Britain guarantee the line and peace. Pond says the British have a prospect of settling one thousand families at Illinois; that

Captain Stevenson who was here some time ago, and who came over with Governor Simcoe was sent here by Hammond to confer about these matters. (Stevenson stayed here five days and we know was constantly with Hammond). Colonel Gordan refused to let Pond and Stedman go on. They pretended private business, but in reality had been sent by the President to propose peace to the North West Indians.

Hamilton doubts Pond's truth and his fidelity, as he talks of a close intimacy with Colonel Gordan.

Jefferson observed that whether Pond be faithful or false, his facts are probable, because not of a nature to be designedly communicated if false. Besides they are supported in many points from other questions.

It seems that the English exercise jurisdiction over all the country south of the Genesee, and their idea appears to have a new line along that river, then along the Alleghany to Fort Pitt, thence due west or perhaps along the Indian lines to the Mississippi, to give them access to the Mississippi. Hamilton here mentioned that, Hammond in a conversation with him had spoken of settling our uncertain boundary from the Lake of the Woods due west to the Mississippi by substituting from the Lake of the Woods in a straight line to the head of the Mississippi.

Agreed in a vote never to admit British mediation.

Hamilton proposed that a summary statement of all the facts we are possessed of relative to the aid by the British to the Indians be made and delivered to Pinckney¹ to form a representation on it to the city of London.

Jefferson observed it would be proper to possess Mr. Pinckney of all the facts that he might at all times be able to meet the British minister in conversation, but that whether he should make a representation or not, in form, depended on another question. Whether it is better to keep the negotiation here or transfer it there? for that certainly any proceeding there would slacken those here and put it in their power gradually to render them the principal. The President was of opinion the negotiation should be kept here by all means.

Shall anything be said here to Hammond? Jefferson, No. There is no doubt but the aids given by subordinate officers are with secret approbation of the court. A feeble complaint to Hammond then will not change their conduct and yet will humiliate us.

Question, proposed by the President, Shall a person be sent to the northwestern Indians by the way of Fort Pitt and Vincennes to propose peace? Knox observed that such a person could at this season be at Vincennes in twenty-five days and recommended one Trueman² and that he should, from Fort Washington take some Indian prisoners as a safeguard. Agreed, but the person to be further con-

¹Thomas Pinckney, the United States minister to England.

²Major Trueman perished by the hands of the Indians while employed on this mission of peace.

sidered of.

Question, Shall a second deputation be procured from the Indians now expected here, to go to same place on same object? Hamilton, No. It will show too much earnestness, Jefferson, No, for same reason, and because two deputations, independent of each other might counterwork each other. President, No, for the last reason.

Jefferson proposed taking a small post at Presque Isle.

1. To cut off communication between the Six Nations and Western Indians. 2. To vindicate our right by possession. 3. To be able to begin a naval preparation. Hamilton opposed. It will certainly be attacked by the English and bring on war. We are not in a condition to go to war. Knox as usual with Hamilton. President: Whenever we take a post at Presque Isle it must be by going in great force, so as to establish ourselves completely before an attack can be made, and with workmen and all materials to create a fleet instantler; and he verily believes it will come to that.

Brant¹ says he has resigned his English commission and means to become entirely an Indian and wishes to herd and unite all the Indians in a body.

The President's answer to St. Claire's letter of resignation considered. It was drawn by Knox. The passage was now omitted to which I objected in my note to

¹Joseph Brant, a half-breed, who was a Mohawk chief. He served as secretary to Sir Guy Johnson while General Superintendent of the Indians. At the outbreak of the Revolutionary War England won him to her side, later he gave up his English commission and joined the Indians.

the President of Mar. 2. Knox wished to insert something like an approbation of all his conduct by the President. Jefferson said if the President approved all his conduct it would be right to say so. The President said he had always disapproved of two things: 1. The want of information. 2. Not keeping his army in such a position always as to be able to display them in a line behind trees in the Indian manner at any moment.

Knox acquiesced and the letter was altered to avoid touching on anything relative to the action, unless St. Clair should choose to retain a clause acknowledging his zeal that day.

The future commander talked of.

President went over all the characters, viz:

Morgan. No head. Health gone. Speculator.

Wayne. Brave and nothing else. Deserves credit for Stony Point, but on another occasion run his head against a wall where success was both impossible and useless.

Irwin. Does not know him. Has formed a middling opinion of him.

Hamilton. (said) He never distinguished himself. All that he did during the war was to avoid any censure of any kind.

Wilkinson. Brave--enterprising too excess, but many unapprovable points in his character.

Lee. A better head and more resource than any of

them, but no economy, and being a junior officer, we should lose benefit of good seniors who would not serve under him.

Pickney. Sensible. Tactician but immersed in business. Has refused other appointments and probably will refuse this or accept with reluctance.

Pickens. Governor Pinckney recommends him for Southern command if necessary. Sensible, modest, enterprising and judicious. Yet doubtful if he is equal to command of 5000 men. Would be an untried undertaking for him.

Sumter. Knox intimated he must be commander-in-chief or nothing. Incapable of subordination. Nothing concluded.

Question proposed. Shall we use Indians against Indians and particularly shall we invite the Six Nations to join us.

Know agreed there were but thirty-six of them who joined the enemy last year, and that we could not count on more than the Cornplanter¹ and 200 to join us.

Jefferson. Against employing Indians. Dishonorable policy. He had rather let 36 take the other side than have 200 on ours.

Hamilton disliked employing them. No independence - barbarians - treacherous.

Knox, for employing 500.

¹Cornplanter was a friendly chief of the Senecas who undertook to act as a mediator with the hostile tribes.

President. They must be employed with us or they will be against us. Perhaps immaterial as to Six Nations but material as to Southern. He would use them to scour around the army at a distance. No small parties of enemy could approach through them to discover our movements. He would notwithstanding take some precautions by our own men for fear of infidelity. Expensive, discontented, insubordinate.

Conclusion. They shall not be invited; but to be told that if they cannot restrain their young men from taking one side or the other, we will receive and employ them.

Written this 10th of Mar., 1792.

IV. RESOLUTION OF HOUSE - ST. CLAIR

The subject of General St. Clair's defeat with the Indians was, in April 1792, referred by Congress to a special committee with powers to send for persons and papers. The committee called upon the War Department for all the papers relative to the expedition. Washington wished the advice of his cabinet, because this was the first time the House had called upon any department for any public paper. It was unanimously agreed by the Cabinet that the House had no power to call on the head of any department for any public paper, except through the President. The President could decide whether it was for the public good to furnish such

papers. The power to make such calls could not be delegated to any committee. The calls must be made by special resolution of the House. Here was the origin of the form of procedure in calling upon the President for public papers.

Reference - Cabinet Meeting: Jefferson, Anas (Sawvel's ed.), 70.

Jefferson, "Anas" in Works
(Ford's ed.), I., 214.

Cabinet Meeting: Jefferson, Anas (Sawvel's ed.), 71.

Jefferson, "Anas" in Works
(Ford's ed.), I., 215.

CABINET MEETING

March 31, 1792. A meeting at the President's; present, Thomas Jefferson, Alexander Hamilton, Henry Knox and Edmund Randolph. The subject was the resolution of the House of Representatives, of March 27th, to appoint a committee to inquire into the causes of the failure of the late expedition under Major General St. Clair with the power to call forth such persons, papers and records as may be necessary to assist their inquiries. The committee had written to Knox for the original letters, in-

structions, etc. The President had called us to consult, merely because it was the first example, and he wished that so far as it should become a precedent, it should be rightly conducted. He neither acknowledged nor denied, nor even doubted the propriety of what the House were doing, for he had not thought upon it, nor was acquired with subject of this kind: he could readily conceive there might be papers of so secret a nature, as that they ought not to be given up. We were not prepared, and wished time to think and enquire.

April 2, 1792. Met again at the President's on the same subject. We had all considered, and were of one mind, first, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public. Consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a department, who and whose papers were under the President alone, but that the committee should instruct their chairman to move the House to address the President. We had principally consulted the proceedings of the Commons in the case of Sir Robert Walpole, 13 Chandler's Debates. For the first point, see pages 161, 170, 172, 183, 187, 207; for the second, pages

153, 173, 207; for the third, 81, 173, appendix page 44; fourth, page 246. Note. Hamilton agreed with us in all these points, except as to the power of the House to call on Heads of departments. He observed, that as to his department, the act constituting it had made it subject to Congress in some points, but he thought himself not so far subject, as to be obliged to produce all the papers they might call for. They might demand secrets of a very mischievous nature. Here I thought he began to fear they would go on to examining how far their own members and other persons in the government had been dabbling in stocks, banks, etc., and that he probably would choose in this case to deny their power; and, in short, he endeavored to place himself subject to the House, when the executive should propose what he did not like, and subject to the executive, when the House should propose anything disagreeable. I observed here a difference between the British parliament and our Congress, that the former was a legislature, an inquest, and a council (S. C. page 91) for the King. The latter was, by the constitution, a legislature and an inquest, but not a council. Finally agreed, to speak separately to the members of the committee, and bring them by persuasion into the right channel. It was agreed in this case, that there was not a paper which might not be properly produced, that copies only should be sent, with an assurance, that if they

should desire it, a clerk should attend with the originals to be verified by themselves. The committee were Fitzsimmons, Steele, Mercer, Clarke, Sedgwick, Giles and Vining.

V. SPANISH AFFAIRS

On January 24, 1792, William Carmichael and William Short were appointed joint commissioners plenipotentiary on the part of the United States to the Court of Madrid. The commissioners were to treat with the subject of the navigation of the Mississippi and the limits of Florida. Don Joseph Jaudens and de Viar were the joint commissioners sent by the Court of Madrid to the United States. By October 1792, no progress had been made with Spain. The Spaniards had taken the Indians under their protection, and the settlers in Kentucky and Tennessee were being harried by Indian attacks. A war with the Indians would involve Spain itself.

The United States government was anxious to pursue a policy of peace. To accomplish this peace policy, Washington used neutrality. At a Cabinet meeting, on October 31, 1792, Hamilton suggested that the policy of independence of action be abandoned for an alliance. Hamilton favored England, as her schemes on the Northwest were conducted with more decency than those of Spain on the Southwest. But Washington thought such a remedy worse than the disease.

Reference - Jefferson, Anas (Sawvel's ed.), 92

CABINET MEETING

October 31st, 1792. I had sent to the President, Viar and Jaudenes's letter of the 29th instant whereupon he desired a consultation of Hamilton, Knox, E. Randolph, and myself, on these points: 1. What notice was to be taken hereof to Spain? 2. Whether it should make part of the communication to the legislature? I delivered my opinion, that it ought to be communicated to both Houses, because the communications intended to be made, being to bring on the question, whether they would declare war against any, and which of the nations or parts of the nations of Indians to the south, it would be proper this information should be before them, that they might know how far such a declaration would lead them. There might be some who would be for war against the Indians, if it were to stop there, but who would not be for it, if it were to lead to a war against Spain. I thought it should be laid before both Houses, because it concerned the question of declaring war, which was the function equally of both Houses. I thought a simple acknowledgement of the receipt of the letter should be made by me to the Spanish Charges, expressing that it contained some things very unexpected to us, but that we should refer the whole, as they had proposed, to the negotiators at Madrid.

This would secure to us a continuation of the suspension of Indian hostilities, which the Governor of New Orleans said he had brought about till the result of the negotiation at Madrid should be known; would not commit us as to running or not running the line, or imply any admission of doubt about our territorial right; and would avoid a rupture with Spain, which was much to be desired, while he had similar points to discuss with Great Britain.

Hamilton declared himself the advocate for peace. War would derange our affairs greatly; throw us back many years in the march towards prosperity; be difficult for us to pursue, our countrymen not being disposed to become soldiers; a part of the Union feeling no interest in the war, would with difficulty be brought to exert itself; and we had no navy. He was for everything which would procrastinate the event. A year, even, was a great gain to a nation strengthening as we were. It laid open to us, too, the chapter of accidents, which, in the present state of Europe, was a pretty pregnant one. That while, however, he was for delaying the event of war, he had no doubt it was to take place between us for the object in question; that Jealousy and perseverance were remarkable features in the character of the Spanish government, with respect to their American possessions; that so far from receding as to their claims against us, they had been strengthening themselves in them. He had no doubt the present communi-

cation was by authority from the court. Under this impression, he thought we should be looking forward to the day of rupture, and preparing for it. That if we were equal to the contest ourselves, it behooved us to provide allies for our aid. That in this view, but two nations could be named, France and England. France was too intimately connected with Spain in other points, and of too great mutual value, ever to separate for us. Her affairs, too, were such, that whatever issue they had, she could not be in a situation to make a respectable mediation for us England alone, then remained. It would not be easy to effect it with her; however, he was for trying it, and for sounding them on the proposition of a defensive treaty of alliance. The inducements to such a treaty on their part, might be, 1. The desire of breaking up our former connections, which we know they had long wished. 2. A continuance of the statusquo in commerce for ten years, which he believed would be desirable to them. 3. An admission to some navigable part of the Mississippi, by some line drawn from the Lake of the Woods to such a navigable part. He had not, examined the map to see how such a line might be run, so as not to make too great a sacrifice. The navigation of the Mississippi being a joint possession, we might than take measures in concert for the joint security of it. He was, therefore, for immediately sounding them on this subject through our

minister at London; yet so as to keep ourselves unengaged as long as possible, in hopes a favorable issue with Spain might be otherwise effected. But he was for sounding immediately, and for not slipping an opportunity of securing our object.

E. Randolph concurred, in general, with me. He objected that such an alliance could not be effected without pecuniary consideration probably, which we could not give. And what was to be their aid? If men, our citizens would see their armies get foothold in the United States with great jealousy; it would be difficult to protect them. Even the French, during the distress of the late war, excited some jealous sentiments.

Hamilton said, money was often, but not always demanded, and the aid he should propose to stipulate would be in ships. Knox non dissentients.

The President said the remedy would be worse than the disease, and stated some of the disagreeable circumstances which would attend our making such overtures.

Knox's indirect hints in favor of this alliance brought to my recollection his conversation of yesterday, and that he wished it.

Thomas Jefferson

VI. PROPOSED INDIAN TREATY

In September 1792, delegates from all the Northern

tribes of Indians met in a grand council for the purpose of considering the relations in which they stood to the American government. No white man was allowed to be present, except Simon Girty. After much deliberation, the Indians agreed to suspend hostilities during the winter, and in June 1793 to meet the United States in council at Sandusky. The proposed armistice did not prevent some hostilities from occurring during the winter. The Indians wanted the Ohio as the boundary, American settlers had already gone north of the Ohio. The British gave support and approval to the Indians. Governor Simcoe, commander of the King's forces in Upper Canada, offered to act as mediator between the Indians and the American government. The Americans were willing Governor Simcoe should attend the council, but not as a British agent. Rather than allow British mediation, the Cabinet, on December 10, 1792, proposed to reject meeting the Indians at the proposed council.

Reference - Jefferson, Anas (Sawvel's ed.) ,97.

CABINET MEETING

December 10, 1792. Present: Alexander Hamilton, General Knox, Edmund Randolph, and Thomas Jefferson, at the President's.

It was agreed to reject meeting the Indians at the proposed treaty, rather than to admit a mediation by Great Britain; but to admit the presence of Governor Sim-

coe, not as a party (if that was insisted on); and that I should make a verbal communication to Mr. Hammond, in substance, as on the back hereof, which I previously read to the President.

VII. INSTRUCTIONS TO COMMISSIONERS FOR A TREATY
WITH THE INDIANS

General Lincoln, Colonel Pickering, and Beverly Randolph were appointed commissioners for holding the proposed council at Sandusky which the Indians had promised to come to in June 1793. On February 22, 1793, Washington sent letters to the secretaries of departments and to the Attorney-General calling them to a Cabinet meeting on February 25th to discuss the Indian situation and to prepare instructions to the commissioners.

At the meeting on February 25th, the question whether or not the proposed council with the Indians ought to proceed came up for discussion. Governor Simcoe of Canada was doing all in his power to prevent the Indians from becoming friendly with the Americans. The fur trade was at stake. The British did not want the Indians to come under American influence. After much deliberation, it was unanimously agreed that the treaty ought to proceed.

Instructions to the commissioners were first drawn by the Cabinet, then submitted to the Senate for approval. The instructions were the following: 1. To confirm the boundary established by the treaties of Forts M'Intosh and

Harmar. By these treaties a certain large strip of land beyond the Ohio river was ceded. The Indians still claimed the Ohio as the true boundary line. 2. A guarantee of the United States of the right to soil to all the remaining Indian lands which had not been granted by former treaties. 3. If a relinquishment of any lands in the strip of land ceded by former treaties should be an ultimatum with the Indians, and a line could be agreed upon which would be free from dispute, the commissioners could in order to effect a peace make such relinquishment. 4. The United States cannot relinquish any land it has already granted. 5. The commissioners were authorized to offer \$50,000 down, and in addition, annual presents to the amount of \$10,000 a year.¹

The commissioners appointed to negotiate the treaty with the Indians were accompanied by a deputation of Quakers. The Quakers with the approbation of the Cabinet sent some of their members to contribute their influence to induce the hostile Indians to a peace.

Reference - Letter: Washington, Writings (Ford's ed.), XII., 273.

Washington, Writings (Sparks's ed.), X., 328.

Opinion: Jefferson, Works (Ford's ed.), VII., 248.

Hamilton, Works (Hamilton's ed.), IV., 340.

¹American State Papers, Indian Affairs, IV., 340.

WASHINGTON TO JEFFERSON

Philadelphia, February 22, 1793.

Sir,

The treaty, which is agreed to be held on or about the 1st of June next at the Lower Sandusky of Lake Erie, being of great moment to the interests and peace of this country, and likely to be attended with difficulties arising from circumstances not unknown to you, of a peculiar and embarrassing nature, it is indispensably necessary that our rights under the treaties, which have been entered into with the Six Nations and the several tribes of Indians now in hostility against us and the claims of others, should be carefully investigated and well ascertained, that the commissioners, who are appointed to hold it, may be well informed and clearly instructed on all the points that are likely to be discussed, thereby knowing what they are to insist upon, with or without compensation, and the amount of the compensation if any, and what for the sake of peace they may yield.

You are not to learn from me the different views, which our citizens entertain of the war we are engaged in with the Indians, and how much these different opinions add to the delicacy and embarrassments alluded to above, nor the criticisms, which more than probably will be made on the subject, if the proposed treaty should be unsuccessful.

Induced by these motives, and desirous that time may be allowed for a full and deliberate consideration of the subject before the departure of the commissioners, it is my desire that you will on the 25th day of this instant meet together at the war office, where the documents are, with such papers as you may be respectively possessed of, and as I shall cause to be laid before you, and then and there, or at such other place and time as you may agree upon, decide on all the points, which you shall conceive necessary for the information and instruction of the commissioners; and, having drawn them into forms, revise the same, and have them ready in a finished state for my perusal and consideration when I return, together with a digest of such references as shall be adjudged necessary for the commissioners to take with them.

As it has been suggested to me, that the society of Quakers are desirous of sending a deputation of their body to be present at the aforesaid treaty, which, if done with pure motives, and a disposition accordant with the sentiments entertained by government respecting boundaries, may be a means of facilitating the good work of peace, you will consider how far, if they are approved characters, they ought to be recognised in the instructions to the commissioners, and how proper it may be for them to participate therein, or be made acquainted therewith. I am, etc.

CABINET OPINION

Feb. 25, 1793

The President having required the attendance of the head of the three Departments, and of the Attorney-General, at his house, on Monday, the 25th of February 1793, the following questions were proposed, and answers given.

1. The Governor of Canada having refused to let us obtain provisions from that province, or to pass them along the water communication to the place of treaty with the Indians; and the Indians having refused to let them pass peaceably along what they call the Bloody path, the Governor of Canada at the same time proposing to furnish the whole provisions necessary, ought the treaty to proceed?

Answer Unanimously, it ought to proceed.

2. Have the Executive or the Executive and Senate together, authority to relinquish to the Indians the right of soil of any part of the land north of the Ohio, which has been validly obtained by former treaties?

The Secretary of the Treasury, the Secretary at War, & Attorney-General, are of opinion that the Executive & Senate have such authority, provided that no grants to individuals, nor reservations to States, be thereby infringed. The Secretary of state is of opinion they have no such authority to relinquish.

3. Will it be expedient to make any such relinquishment to the Indians, if essential to peace?

The Secretaries of the Treasury & War, & the Attorney-General, are of opinion it will be expedient to make such relinquishment if essential to peace, provided it do not include any lands sold or reserved for special purposes (the reservations for trading places excepted). The Secretary of state is of opinion that the Executive and Senate have authority to stipulate with the Indians, and that if essential to peace, it will be expedient to stipulate that we will not settle any lands between those already sold or reserved for special purposes, and the lines heretofore validly established with the Indians.

4. Whether the Senate shall be previously consulted on this point? The opinion unanimously is that it will be better not to consult them previously.

Thomas Jefferson

VIII. FRENCH APPLICATION

France had loaned the American Confederacy a large sum of money. This debt was taken over by the Federal government together with the other foreign debts. When Louis XVI was dethroned, no authority was left in France competent to give a discharge, so directions had been sent to Governor Morris, United States minister to France, to suspend payments on the account of the French debt. Loans had been

floated at Amsterdam, and the money had been sent to Governor Morris at Paris to pay the installments on the French debt.

On January 21, 1793, the King of France was put to death, and in February Mr. Ternant, the French minister to the United States, notified our Government, in the name of the Provisional Executive Council, that the French nation had formed itself into a Republic. Mr. Ternant also applied for money equivalent to three millions of livres to be furnished on the account of the French debt. The sum of money was to be spent in this country for provisions to be sent to France. On February 25, 1793, the Cabinet agreed to furnish a sum of about \$318,000. A sum which would take care of the arrears of interest due to France to the end of the year 1792.

Reference - Hamilton, Works (Hamilton's ed.), IV. ,339.

Jefferson, Works (Ford's ed.), VII. ,248.

CABINET OPINION

Feb. 25, 1793

The President desires the opinions of the heads of the three departments, and of the attorney-general, on the following question, to wit.

Mr. Ternant having applied for money equivalent to three millions of livres, to be furnished on account of

our debt to France at the request of the Executive of that country, which sum is to be laid out in provisions within the U. S. to be sent to France. Shall the money be furnished?

The Secretary of the Treasury stated it as his opinion, that making a liberal allowance for the depreciation of assignats, (no rule of liquidation having been yet fixed,) a sum of about \$318,000 may not exceed the arrearages equitably due to France to the end of 1792, and that the whole sum asked for may be furnished, within periods capable of answering the purpose of Mr. Ternant's application, without a derangement of the Treasury.

Whereupon the Secretaries of State & War and the Attorney General, are of opinion that the whole sum asked for by Mr. Ternant ought to be furnished; the Secretary of the Treasury is of opinion that the supply ought not to exceed the above-mentioned sum of \$318,000.

Alexander Hamilton

H. Knox

Edm. Randolph

IX. INDUCTION OF PRESIDENT INTO OFFICE

The proper procedure to be observed at the second inauguration of Washington, March 4, 1793, became a subject of consideration in the Cabinet. Jefferson and Hamilton thought it ought to be in private, and that Mr. Cushing,

one of the judges, should give the oath of office at the President's own house. Knox and Randolph dissented from this opinion, and advised that the ceremony should be in public. The President accepted the latter opinion. The oath was administered in the Senate chamber in the presence of the heads of departments, foreign ministers, and other public dignitaries.

References - Letter: Hamilton, Works (Hamilton's ed.), IV.,

341.

Washington, Writings (Ford's ed.), XII.,

264.

Cabinet Opinion: Hamilton, Works (Hamilton's ed.), IV., 342.

Cabinet Meeting: Jefferson, Anas (Sawvel ed.), 112.

Cabinet Opinion: Hamilton, Works (Hamilton's ed.), IV., 342.

WASHINGTON TO HAMILTON AND KNOX

February 27, 1793.

Sir:

As the day is near at hand when the President elect is to take the oath of qualification, and no mode is pointed out by the Constitution or by law, I could wish that you, Mr. Jefferson (Gen. Knox or Col. Hamilton), and Mr. Randolph, could meet to-morrow morning, at any place

which you may fix between yourselves, and communicate to me the result of your opinions as to time, place, and manner of qualification.

George Washington

P. S. Mr. Jefferson and Mr. Randolph have suggested the idea of meeting at the War Office, at nine o'clock to-morrow morning. If this is convenient and agreeable to you, you will be there accordingly; if otherwise, you will be so good as to let me know.

CABINET OPINION

February 27, 1793

If the qualification is to be in private, T. J., A. H., H. K., and E. R. are of opinion that Mr. Cushing should administer the oath to the President at his own house, where such officers, or others, as he may notify, will attend. T. J. and A. H. think that it ought to be in private.

CABINET MEETING

February 28, 1793. Knox, E. Randolph and myself met at Knox's where Hamilton was also to have met, to consider the time, manner, and place of the President's swearing in. Hamilton had been there before, and had left his opinion with Knox, to wit, that the President should ask a judge to attend him in his own house to administer the

oath, in the presence of the Heads of departments, which oath should be deposited in the Secretary of State's office. I concurred in this opinion. Randolph was for the President's going to the Senate chamber to take the oath, attended by the marshal of the United States, who should then make proclamation, etc. Knox was for this, and for adding the House of Representatives to the presence, as they would not yet be departed. Our individual opinions were written, to be communicated to the President, out of which he might form one. In the course of our conversation, Knox, stickling for parade, got into great warmth, and swore that our government must either be entirely new modeled, or it would be knocked to pieces in less than ten years; and that as it is at present, he would not give a copper for it; that it is the President's character, and not the written constitution, which keeps it together.

CABINET OPINION

March 1, 1793

It is our opinion,

1. That the President ought to take the oath in public.
2. That the time be on Monday next, at twelve o'clock in the forenoon.
3. That the place be the Senate chamber.

4. That the Marshal of the district inform the Vice-President, that the Senate chamber, being the usual place of the President's public acts, is supposed to be the best place for taking the oath, and that it is wished that the chamber be open.

5. That it may be informally notified to the Vice-President, Governor, and Foreign Ministers, that the oath is to be taken at the time and place above mentioned.

6. That Mr. Cushing be requested to attend, and administer the oath.

7. That the President go without form, attended by such gentlemen as he may choose, and return without form, except that he be preceded by the Marshal.

H. Knox.

Edm. Randolph.

X. FRENCH DEBT

Col. W. S. Smith was charged by the Provisional Executive Council of France to engage the United States to enter into arrangements for discharging the residue of the debt which they owed to France by payments of the installments not yet due. The President decided, on March 2, 1793, with the concurring opinions of the heads of the departments and the Attorney-General that the measure was out of order. Mr. Smith was informed that the measure did not consist with the arrangements of the government to adopt it.

Reference - Hamilton, Works (Hamilton's ed.), IV., 443.

CABINET OPINION

March 2, 1793.

The President communicated to the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Attorney-General of the United States, a letter from William S. Smith, Esq., of the 28th of February past, to the Secretary of the Treasury, with sundry papers, — No. 1, 2, and 3 and 4 relating to a negotiation for changing the form of the debt to France; and required their opinion what answer should be returned to the application.

The opinion unanimously is, that the Secretary of the Treasury shall inform Mr. Smith that the Government of the United States have made engaged payments to France to the extent which is at present consistent with their arrangements; and do not judge it advisable to take any measures on the subject of his application.

Th. Jefferson.

Alex. Hamilton.

H. Knox.

Edm. Randolph.

XI. FILIBUSTERS

Filibustering expeditions were to set out from Kentucky down the Mississippi to New Orleans. The expedi-

tions were not secret. Washington became alarmed at the prospect of having a breach of neutrality originate; he determined to stop the proposed expeditions. In March, 1793 letters were sent to Governor Shelby of Kentucky to stop the proposed expeditions. Orders were sent to General Wayne to station a body of troops at Massac in Kentucky for the suppression of any attempts for an expedition against Louisiana. Jefferson did not agree with the rest of the Cabinet that troops should be stationed at Massac. He thought a little explosion on the Mississippi would go a good way to convince Spain that it would be well to make a treaty with the United States. Such a treaty pertaining to the Mississippi, the United States had long been desiring.

Reference - Hamilton, Works (Hamilton's ed.). IV. ,343
Jefferson, Works (Ford's ed.), VII. ,257

CABINET OPINION

March 10, 1793

At a meeting of the heads of departments and the Attorney-General at the President's, on the 10th day of March, 1793,

The intelligence from Kentucky and the territory northwest of the Ohio was laid before them: whereupon it was advised,

1. That a proclamation issue against the expeditions

understood to be prepared in Kentucky for the invasion of the Spanish dominions.

2. That a representation be made to the Governor of Kentucky, upon the subject of his conduct, and giving information, under proper guards, of the steps which have been taken by government as to the Mississippi.

3. That a representation be also made to Congress; and,

4. That General Wayne be instructed to post, if compatible with his other operations, a body of troops at Massac, in order to intercept by force, if necessary, any body of men which may descend the river for the purpose of the invasion aforesaid. From this fourth opinion the Secretary of State dissents.

Alex. Hamilton

Edm. Randolph

H. Knox

XII. PROCLAMATION AND FRENCH MINISTERS

In April 1793, the declaration of war made by France against Great Britain and Holland reached the United States. Washington was at Mount Vernon on a visit. He hurried back to Philadelphia and immediately sent letters containing thirteen questions relative to the proper conduct of the United States in view of a European war to his cabinet advisors for their consideration.

The heads of the departments with the Attorney-General met on April 19th at the President's house and unanimously decided that a proclamation of neutrality¹ should be issued and that a minister from the French Republic should be received. On April 23rd, 1793, the President issued the Proclamation of Neutrality which declared that we were at peace with the belligerent powers. Edmond Charles Genet was the new French minister to the United States. Genet had already landed at Charleston, April 8th.

References - Letter: Washington, Writings (Ford's ed.), XII., 279.
Washington, Writings (Sparks's ed.), X., 337.
Hamilton, Works (Hamilton's ed.), IV., 359.
Questions: Washington, Writings (Sparks's ed.), X., 533.
Hamilton, Works (Hamilton's ed.), IV., 359.
Washington, Writings (Ford's ed.), XII., 279.
Cabinet Opinion: Jefferson, Works (Ford's ed.), VII., 280.
Hamilton, Works (Lodge's ed.), IV., 368.
Hamilton, Works (Hamilton's ed.), IV., 360.

WASHINGTON TO JEFFERSON

Philadelphia, April 18, 1793.

Sir,

The posture of affairs in Europe, particularly between France and Great Britain, places the United States in a delicate situation, and requires much consideration, as to the measures which it will be proper for them to ob-

¹The word neutrality is not used in the proclamation.

serve in the war between those powers. With a view to forming a general plan of conduct for the executive, I have stated and enclosed sundry questions, to be considered preparatory to a meeting at my house to-morrow, where I shall expect to see you at nine o'clock, and to receive the result of your reflections thereon. I am, etc.

QUESTIONS SUBMITTED BY THE PRESIDENT TO THE CABINET

Philadelphia April, 18, 1793

1. Shall a Proclamation Issue for the purpose of preventing interferences of the citizens of the United States in the war between France and Great Britain, etc? Shall it contain a declaration of neutrality or not? What shall it contain?

2. Shall a minister from the Republic of France be received?

3. If received, shall it be absolutely of with qualifications; and, if with qualifications, of what kind?

4. Are the United States obliged by good faith to consider the treaties heretofore made with France as applying to the present situation of the parties? May they either renounce them, or hold them suspended till the government of France shall be established?

5. If they have the right, is it expedient to do either, and which?

6. If they have an option, would it be a breach of neutrality to consider the treaties still in operation?

7. If the treaties are to be considered as now in operation, is the guarantee in the treaty of alliance applicable to a defensive war only, or to war either offensive or defensive?

8. Does the war in which France is engaged appear to be offensive or defensive on her part? Or of a mixed and equivocal character?

9. If of a mixed and equivocal character, does the guarantee in any event apply to such a war?

10. What is the effect of a guarantee such as that to be found in the treaty of alliance between the United States and France?

11. Does any article in either of the treaties prevent ships of war, other than privateers, of the powers opposed to France from coming into the ports of the United States to act as convoys to their own merchantmen? Or does it lay any other restraint upon them more than would apply to the ships of war of France?

12. Should the future regent of France send a minister to the United States, ought he to be received?

13. Is it necessary or advisable to call together the two Houses of Congress, with a view to the present posture of European affairs? If it is, what should be the particular object of such a call?

George Washington

CABINET OPINION

April 19, 1793

At a meeting of the heads of departments & the Attorney-General at the President's April 19, 1793, by special summons to consider the several questions previously communicated to them in writing by the President.

Qu. 1. Shall a Proclamation issue etc.? (See the questions).

Agreed by all that Proclamation shall issue, forbidding our citizens to take part in any hostilities on the seas, with or against any of the belligerent powers, and warning them against carrying to any such powers any of those articles deemed contraband according to the modern usage of Nations, and enjoining them from all acts and proceedings inconsistent with the duties of a friendly nation towards those at war.

Qu. 2. Shall a minister from the Republic of France be received? Agreed unanimously that he shall be received.

Qu. 3. If received, shall it be absolutely, etc.

This and the subsequent questions are postponed to another day.

Thomas Jefferson

CABINET OPINION

April 19, 1793

At a meeting of the Heads of Departments, and the Attorney-General, at the President's, April 19, 1793, to

consider the foregoing questions proposed by the President, it was determined by all, on the first question, that a proclamation shall issue, forbidding our citizens to take part in any hostilities on the seas, with or against any of the belligerent Powers; and warning them against carrying to any such Powers, any of those articles deemed contraband, according to the modern usage of nations; and enjoining them from all acts and proceedings inconsistent with the duties of a friendly nation towards those at war.

On the second question, "Shall a minister from the republic of France be received?" it was unanimously agreed that he shall be received.

The remaining questions were postponed for further consideration.

Alexander Hamilton

XIII. VESSELS FITTED OUT AS PRIVATEERS

The question of privateers was first brought before the Cabinet on May 7, 1793. Genet had caused privateers to be fitted out in American ports and had sent them out to sea under the French flag to attack British commerce along our coast. Washington hesitated about adopting any measure which would check ship-building in the United States. But finally it was agreed by the Cabinet to send out orders in the form of a circular letter to the proper authorities in

the seacoast towns to seize all vessels fitted out as privateers.

Reference - Washington, Writings (Sparks's ed.), X., 345.

Hamilton, Works (Hamilton's ed.), IV., 393.

WASHINGTON TO HAMILTON

Philadelphia, May 7, 1793.

Dear Sir,

As I perceive there has been some misconception, respecting the building of vessels in our ports, which vessels may be converted into armed ones; and as I understand from the Attorney-General, that there is to be a meeting to-day or to-morrow of the gentlemen on another occasion:¹ I wish to have that part of your circular letter, which respects this matter, reconsidered by them before it goes out.

I am not disposed to adopt any measure, which may check ship-building in this country; nor am I satisfied that we should too promptly adopt measures in the first instance, that are not indispensably necessary. To take fair and supportable ground I conceive to be our best policy, and it is all that can be required of us by the powers at war; leaving the rest to be managed according to circumstances and the advantages to be derived from them. I am, etc.

XIV. CREEK INDIANS

¹The trustees of the Sinking Fund composed of the Chief Justice, the President of the Senate, the Secretary of State, the Secretary of the Treasury, and the Attorney-General, met on May 7, 1793.

The Creek Indians edged on by the Spaniards were constantly in collision with the frontier settlers of Georgia. A small detachment of troops had been stationed in Georgia to keep peace on the Creek frontier. In May, 1793 Governor Telfair of Georgia sent letters to President Washington informing him that the Creek Indians were attacking the inhabitants of Georgia and that he wished more troops to be sent. At a Cabinet meeting on May 29, 1793, it was decided not to send an offensive expedition into the Indian territory but to increase the force for defensive purposes only. Diplomacy was used because it was a critical period. Relations with foreign powers were unsettled and the treaty with the Northern Indians was pending.

Reference - Jefferson, Works (Ford's ed.), VII., 347

Hamilton, Works (Hamilton's ed.), IV., 408

CABINET OPINION

May 29th 1793

The President of the United States having assembled the heads of the respective departments and the Attorney-General, laid before them for their advice thereon, sundry communications from the Governor of Georgia and others, relatively to the recent alarming depredations of the Creek Indians upon the State of Georgia.

Whereupon after the subject was maturely considered and discussed, it was unanimously advised,

That the Governor of Georgia be informed that from considerations relative to foreign powers, and the pending treaty with the Northern Indians, it is deemed advisable for the present, to avoid offensive expeditions into the Indian country. But from the nature of the late appearances, it is thought expedient to increase the force to be kept up for defensive purposes. The President therefore authorizes the calling into, and keeping in service, in addition to the troops heretofore stationed in Georgia, one hundred horse, and one hundred infantry, to be employed in repelling inroads, as circumstances shall require. As it does not yet appear that the whole nation of the Creeks is engaged in hostility, it is considered that this force will be sufficient for the object designated. The case of a serious invasion of the territory of Georgia by large bodies of Indians, must be referred to the provisions of the Constitution. The proceeding with efficacy in future, requires absolutely, that no unnecessary expense should be incurred in the meantime.

The above corps of horse to be raised for any period of time, not exceeding twelve months, as may be found most practicable subject to be dismissed at any time sooner, as the government may think fit. The infantry to be called into service, according to the course of the militia laws, endeavoring to secure their continuance in service for the like term.

That General Pickens¹ be invited to repair to the seat of government, for the purpose of information and consultation, for his expenses and loss of time to be allowed.

That a further supply of one thousand arms, with corresponding accoutrements, to be forwarded to the State of Georgia. Arms and accoutrements for the cavalry to be also provided and forwarded.

That an agent be sent to the Creeks, to endeavor to adjust the surrender of those Indians who have lately committed murders on the citizens of Georgia; to conciliate and secure such of the Indians as may be well-disposed to the United States, in the event of a war with the Creek nation; and, if possible, to prevent that extremity.

Th. Jefferson

H. Knox

Edm. Randolph

Alexander Hamilton

XV. SECRET INDIAN AGENT

The Chickasaws and the Choctaws who dwelt between the Tennessee and Mississippi rivers were friendly toward the white people. They had concluded an early peace with the Americans. The Creeks who lived on the Georgian frontier were unfriendly. Besides making war on the frontier settlers of Georgia, the Creeks made war on the Chickasaws. In

¹Brigadier General Andrew Pickens was appointed in 1792 to command the Southern Indians as an auxiliary force and other light troops against hostile tribes of Indians northwest of the Ohio.

the summer of 1793, the Choctaws were on the point of joining the Chickasaws against the Creeks. The Cabinet deliberated at a meeting on June 1, 1792 whether or not a secret agent should be sent to the Choctaws to persuade them to join the Chickasaws. Should the United States employ Indians against Indians? Randolph and Hamilton were opposed and Jefferson and Knox were for sending the secret Indian agent and employing the Indians. Washington sided with Hamilton and Randolph.

Reference - Jefferson, Works (Ford's ed.), VII. ,353

Hamilton, Works (Hamilton's ed.), IV. ,409

CABINET OPINION

June 1, 1793

That an agent be sent to the Choctaw nation, to endeavor secretly to engage them to support the Chickasaws in their present war with the Creeks—giving them, for that purpose, arms and ammunition sufficient; and that it be kept in view, that if we settle our differences amicably with the Creeks, we at the same time mediate effectually the peace of the Chickasaws and Choctaws; so as to rescue the former from the difficulties in which they are engaged, and the latter from those into which we may have been instrumental in engaging them.

Th. Jefferson, H. Knox.

Although I approve of the general policy of employ-

ing Indians against Indians, yet I doubt, greatly, whether it ought to be exercised under the particular existing circumstances with Spain; who may hold herself bound to take the part of the Creeks, and criminate the United States for some degree of insincerity.

Edm. Randolph.

My judgment balanced a considerable time on the proposed measure; but it has at length decided against it, and very materially, on the ground, that I do not think the United States can honorably or morally, or with good policy, embark the Chotaws in the war, without a determination to extricate them from the consequences, even by force. Accordingly it is proposed that, in settling our differences with the Creeks, "we mediate effectually the peace of the Chickasaws and Chotaws;" which I understand to mean, that we are to insist with the Creeks on such terms of peace for them as shall appear to us equitable; and if refused, will exert ourselves to procure them by arms. I ~~am~~ unwilling, all circumstances foreign and domestic considered, to embarrass the government with such an obligation.

Alexander Hamilton.

XVI. "POLLY" AND "CATHERINE"

The orders of the fifth of June, 1793, touching the seizure of privateers, which had been sent to all the Governors of the seaboard States had not been long with Gov-

ernor Clinton of New York before he put them into execution. A sloop, once known as the Polly, anchored in the port of New York had undergone some remarkable repairs. Her name had been changed to the Republican. She had mounted guns and her crew had been increased. She was just ready to go to sea as a French privateer when Governor Clinton heard about her. He ordered out a body of militia, sent them on board and seized the ship. Governor Clinton then sent a letter to the Secretary of State asking what should be done about the ship. The Cabinet on June 12th decided that the ship and the persons responsible for her should be dealt with according to law.

Mr. Hammond, the British minister, wrote to the Secretary of State desiring to know about the Catherine. The L'Ambuscade¹, a French privateer, captured the British brigantine Catherine and brought her into the port of New York. The Cabinet on June 12, 1793 rendered the same opinion concerning the Catherine as it did concerning the Republican.

Reference - Jefferson, Works (Ford's ed.), VII., 378.

Hamilton, Works (Hamilton's ed.), IV., 424.

CABINET OPINION

June 12, 1793.

The President having required the opinions of the heads of the three departments on a letter from Governor Clinton of the 9th inst., stating that he had taken pos-

¹The Embuscade or L'Ambuscade was the frigate in which Edmond Genet came to the United States.

session of the sloop Polly, now called the Republican, which was arming and equipping and manning by French and other citizens to cruise against some of the belligerent powers, and desiring what further was to be done, and they having met and deliberated thereon, are unanimously of opinion that Governor Clinton be desired to deliver over to the civil power the said vessel and her appurtenances to be dealt with according to law; and that the Attorney of the United States for the district of New York be desired, to have such proceedings at law instituted as well concerning the said vessel and her appurtenances, as against the persons, citizens, or aliens participating in the armament or object thereof, as he shall think will be most effectual for punishing the said offenders, and preventing the said vessel and appurtenances from being applied to the destined purpose; and that if he shall be of opinion that no judiciary process will be sufficient to prevent such application of the vessel to the hostile purpose intended, that then the Governor be desired to detain her by force till the further advice of the general government can be taken.

The President having also required the same opinions on the memorial of the British Minister on the 11th inst., on the subject of the British brigantine Catherine, captured by the French frigate the Embuscade within the limits of the protection of the United States, as is said,

and carried into the harbor of New York, they are of the opinion unanimously, that the Governor of New York be desired to seize the said vessel in the first instance, and then deliver her over to the civil power, and that the Attorney of the United States for the District of New York be instructed to institute proceedings at law in the proper court, for deciding whether the said capture was made within the limits of the protection of the United States, and for delivering her up to her owners if it be so decided; but that if it shall be found that no court shall take cognizance of the said question, then the said vessel to be detained by the Governor until further orders of the general government can be had thereon.

Th. Jefferson

H. Knox

Alexander Hamilton

XVII. FRENCH PRIVATEERS

Two letters were read and rough drafts of answers were approved at a Cabinet meeting on June 17th, 1793. The first letter was from Genet which had been sent to the Secretary of State on June 15th. The letter dealt with the seizure of the Polly by Governor Clinton in the port of New York. The other letter, which was also to the Secretary of State, was from George Hammond, the British minister. The subject of Hammond's letter was the two ships, the Citizen Genet and

the Sans Culottes which had been fitted out at Charleston as privateers to wage war on British merchantmen. Hammond desired to know if these two ships were to be allowed to return or to send their prizes into American ports.

Washington early in June had warned Genet that the sovereignty of a neutral jurisdiction must be respected, and that the privateer ships must report to the dominions of their own sovereign. To this command, Genet replied that under the treaties of 1778, French privateers and prizes had exclusive rights in our ports, and likewise under the treaties, the French government had a right to fit out privateers. Hammond, the British minister, took the stand that the Charleston privateers, armed with American means entirely and partly manned with Americans were American and not French privateers.

Reference - Jefferson, Works (Ford's ed.), VII., 395.

Jefferson, Writings (Library ed.), I., 358.

Hamilton, Works (Hamilton's ed.), IV., 434.

CABINET OPINION

June the 17th, 1793. At a meeting of the Heads of Department at the Presidents this day, on summons from him, a letter from Mr. Genet of the 15th inst. (addressed to the Secretary of State on the subject of the seizure of a vessel by the Governor of New York, as having been armed, equipped and manned in that part, with a design to

cruise on the enemies of France), was read, as also the draught of an answer prepared by the Secretary of State, which was approved.

Read, also, a letter of June 14th from Mr. Hammond to the Secretary of State, desiring to know whether the French privateers, the Citizen Genet, and Sans Culottes, are to be allowed to return or send their prizes into the ports of the United States. It is the opinion that he be formed they were required to depart to the dominions of their own sovereign, and nothing expressed as to their ulterior proceedings; and that in answer to that part which states that the Sans Culottes had increased its force in the port of Baltimore, and remained there in the avowed intention of watching the motions of a valuable ship now lying there, it be answered that we expect the speedy departure of those privateers will obviate the inconveniences apprehended, and that it will be considered whether any practical arrangements can be adopted to prevent the augmentations of the force of armed vessels.

Thomas Jefferson

Alexander Hamilton

Henry Knox

XVIII. SPANISH AFFAIRS

Negotiations with Spain for a settlement of the Florida boundary and the navigation of the Mississippi dragged

along. It was thought that Spain was trying to pick a quarrel with us. Letters written from her commissioners, Jaudenes and Viar, tended to drive matters to extremity. On June 20, 1793 Washington's Cabinet decided to send the full details of the proceedings in regard to the Southern Indians and the Spaniards to the United States commissioners, Charmichael and Short, at the court of Madrid, also to send a copy to Mr. Pinckney, United States minister to England, for use as he thought expedient.

Reference - Jefferson, Writings (Library ed.), I. ,360.

Jefferson, Works (Ford's ed.), VII., 406.

CABINET OPINION

June the 20th, 1793. At a meeting this day of the Heads of Department at the President's on summons from him, a letter from Messrs. Viar and Jaudines, dated June 18th, and addressed to the Secretary of State, was read; whereupon it is the opinion that a full detail of the proceedings of the United States with respect to the Southern Indians and the Spaniards be prepared, and a justification as to the particular matters charged in the said letter; that this be sent, with all the necessary documents, to our Commissioners at the court of Madrid, leaving to them a discretion to change expressions in it which to them may appear likely to give offence in the circumstances under which they may be at the time of re-

ceiving it; and that a copy be sent to Mr. Pinckney for his information, and to make such use of the matter it contains as to him should seem expedient; that an answer be written to Messrs. Viar and Jaudines informing them that we shall convey sentiments on the subject to their court through our commissioners at Madrid, and letting them see that we are not insensible to the style and manner of their communications.

A draught of a letter from the Secretary of State to Mr. Hammond asking when an answer to his letter of May 29th, 1792, might be expected, was read and approved.

Thomas Jefferson.

Alexander Hamilton.

Henry Knox.

XIX. GENET'S APPLICATION

When Genet arrived at Philadelphia, he sent a communication to the United States government to open negotiations for discharging the residue of the debt which they owed to France by an anticipated payment of the installments not yet due. Genet said that if the United States would advance the sum, every dollar of the amount would be invested in productions of the United States for the supply of the French dominions. Hamilton informed him that the treasury was empty. Genet then said that to any man who would sell him provisions or supplies, he would assign a part of the

debt money as payment for the goods. Merchants accepted this proposition. Goods were sent to St. Domingo. When, the next United States payment became due, Genet failed to pay the merchants. The Cabinet at a meeting, on July 5, 1793, unanimously agreed to pay the holders of the St. Domingo bills with money which would normally be paid to France in a later installment.

Reference - Jefferson, Works (Ford's ed.), VII., 436.

CABINET MEETING

July 5th 1793. A meeting desired by Alexander Hamilton at my office. Himself, Knox, and myself met accordingly.. He said that according to what had been agreed on in presence of the President, in consequence of Mr. Genet's declining to pay the \$45,000 at his command in the treasury, to the holders of the St. Domingo bills, we had agreed to pay the holders out of other money to that amount; that he found, however, that these bills would amount to \$90,000, and the question was whether he should assume \$90,000 to be paid out of the September installment. This, he said, would enable holders to get discounts at the banks, would therefore be equal to ready money, and save them from bankruptcy. Unanimously agreed to. We also agreed to a letter written by General Knox to Governor Mifflin, to have a particular inquiry made whether the Little Sarah is arming, etc., or not.¹ I read a letter

¹Hamilton had discovered the Little Sarah being equipped by Genet at the port of Philadelphia.

²For further development of this case see cabinet meeting of July 8, 1793.

from the President about the Swallow¹, letter of Marque, at New York complained of by the French Consul. Agreed as the case was new, to let it wait for the President. I read also Governor Lee's letter about the Governor of South Carolina's proclamation respecting pestilential disease in West Indies. We are all of opinion the evidence is too slight for interference, and doubt the power to interfere. Therefore let it lie.

XX. "LITTLE SARAH"

Despite the protests of the government, Genet had equipped various privateers. Finally, he undertook to fit out and equip a vessel under the very eyes of the federal authorities at Philadelphia. This vessel was the Little Sarah, a prize which had been sent in by the L'Ambuscade. This was discovered by Hamilton. Washington was at Mount Vernon on a short visit. The Cabinet asked Governor Mifflin to conduct an investigation. The governor sent Dallas, his secretary of State, to interview Genet to find out if the ship would go to sea. As Genet would give no distinct pledge, Mifflin ordered out a detachment of militia to seize the vessel. Jefferson in alarm went to see Genet to induce him to detain the Little Sarah, whose new name was the Little Democrat, until the President should return in a day or two. Genet declared that the ship was not yet ready for the sea and although she intended to drop a little way

¹Genet said the Swallow should be forced to depart from the port of New York. He complained on the grounds every English vessel so equipped was authorized to take prizes, and that was the same as taking them.

For cabinet decision on this case see meeting of August 5, 1793.

down the river to take on some supplies, she did not intend to go to sea. Jefferson had the troops withdrawn. Hamilton and Knox then proposed to erect a battery on Mud Island and to sink the Little Sarah, if she attempted to pass. Jefferson would not concur in this. The Little Sarah soon afterwards dropped down to Chester, far beyond the reach of any means which the government had to detain her.

Reference - Hamilton, Works (Lodge's ed.), V. ,3.

Jefferson, Works (Ford's ed.), VII. ,438.

Jefferson, Writings (Library ed.), I. ,363.

Jefferson, Anas (Sawvel's ed.), 131.

CABINET OPINION

At a meeting held at the State House of the City of Philadelphia.

July 8, 1793.

Present: the Secretary of State, the Secretary of Treasury, and the Secretary of War.

It appeared that a brigantine called the Little Sarah had been fitted out at the port of Philadelphia with fourteen cannon and all other equipments, indicating that she is intended (as a privateer) to cruise under the authority of France, and that she is now lying in the river Delaware at some place between this city and Mud Island;

that a conversation has been had between the Secretary of State and the Minister Plenipotentiary of France, in which conversation the Minister refused to give any explicit assurance that the brigantine would continue until the arrival of the President and his decision in the case, but made declarations respecting her not being ready to sail within the time of the expected return of the President, from which the Secretary of State infers with confidence, that she will not sail till the President will have an opportunity of considering and determining the case; that in the course of the conversation the minister declared that the additional guns which had been taken in by the Little Sarah were French property, but the Governor of Pennsylvania has declared that he has good ground to believe that at least two of her cannon were purchased here of citizens of Philadelphia. The Governor of Pennsylvania asks advice what steps, under the circumstances, he shall pursue?

The Secretary of the Treasury and the Secretary of War are of opinion that it is expedient that immediate measures should be taken provisionally for establishing a battery on Mud Island, under cover of a party militia, with discretion that if the brig Sarah should attempt to depart before the pleasure of the President shall be known concerning her, military coercion be employed to arrest and prevent her progress.

The Secretary of State dissents from this opinion.

XXI. PRIVATEERS AND PRIZES

President Washington arrived at Philadelphia on July 11, 1793. He immediately examined the papers relating to the Little Sarah affair. A Cabinet meeting was held on July 12th, at which it was resolved to refer to the judges of the Supreme Court the case of the Little Sarah, as well as of several other privateers and prizes. Genet and Hammond, for English privateers were likewise being fitted out in this country, were informed that all privateers which any of the belligerent powers had equipped within the United States should be detained in port until the judges of the Supreme Court reached decisions on the pending law questions.

Reference - Jefferson, Works (Ford's ed.), VII. ,444.

Jefferson, Writings (Library ed.), I. ,370.

COPY OF A MINUTE GIVEN TO THE PRESIDENT

July the 12th, 1793. At a meeting of the Heads of the Departments at the President's on summons from him, and on consideration of various representations from the Minister Plenipotentiary of France and Great Britain, on the subject of vessels arming and arriving in our ports, and of prizes;—it is their opinion that letters be written to the said ministers, informing them that the

Executive of the United States is desirous of having done what shall be strictly conformable to the treaties of the United States; and the laws respecting the said cases has determined to refer the questions arising therein to persons learned in the laws; that as this reference will occasion some delay, it is expected that in the meantime, the Little Sarah, or Little Democrat, the ship Jane, and the ship William, in the Delaware, the Citizen Genet and her prizes, the brig Fanny in the Chesapeake, do not depart till the further order of the President.

That letters be addressed to the Judges of the Supreme Court of the United States, requesting their attendance at this place on Thursday the 18th instant, to give their advice on certain matters of public concern, which will be referred to them by the President.

That the Governor be desired to have the ship Jane attended to with vigilance, and if she be found augmenting her force and about to depart, that he cause her to be stopped.

Thomas Jefferson.

Alexander Hamilton.

Henry Knox.

XXII. QUESTIONS ON PRIVATEERS SUBMITTED
TO THE SUPREME COURT

The Cabinet decided on July 12, 1793 to submit all the

questions relating to privateers and their prizes to the Justices of the Supreme Court.¹ The process of preparing a proper statement of each disputed point and compiling a list of the cases for the judges began on the 13th of July.

Reference - Jefferson, Writings, (Library ed.), I., 371.

Jefferson, Anas (Sawvel's ed.), 142.

Jefferson, "Anas" in Works (Ford's ed.), I., 289.

A RECAPITULATION OF QUESTIONS WHEREUPON CABINET
MEMBERS HAVE GIVEN OPINIONS

Q. Does the treaty with France leave us free to prohibit her from arming vessels in our ports? Thomas Jefferson, Hamilton, Knox, and Randolph — unanimous — it does. As the treaty obliges us to prohibit the enemies of France from arming in our ports, and leaves us free to prohibit France, do not the laws of neutrality oblige us to prohibit her? Same persons they do.

How far may a prohibition now declared be retrospective to the vessels armed in Charleston before the prohibition, to wit, the Citozen Genet and Sans Culottes, and what is to be done with these prizes? Thomas Jefferson, — It cannot be retrospective at all; they may sell their prizes, and continue to act freely as other armed vessels of France. Hamilton and Knox, — The prizes ought to be given up to the English, and the privateers suppressed. Randolph, They are free to sell their prizes, and the privateers should be ordered away, not to return

¹August 8, 1793, the justices refused to answer the questions on constitutional grounds. There was nothing left for the Cabinet to do but go ahead answer them.

here till they shall have been to the dominions of their own sovereign and there purged the illegality of their origin. This last opinion was adopted by the President.

Our citizens who have joined in these hostilities against nations at peace with the United States, are they punishable? E. Randolph gave an official opinion — they were. Thomas Jefferson, Hamilton and Knox joined in the opinion. All thought it our duty to have prosecutions instituted against them, that the laws might pronounce on their case. In the first instance, two only were prosecuted merely to try the question,¹ and to satisfy the complaint of the British men; and because it was thought they might have offended unwittingly. But a subsequent armament of a vessel at New York taking place with full knowledge of the prosecution, all the persons engaged in it, citizens and foreigners, were ordered to be prosecuted.

May the prohibition extend to the means of the party arming, or are they only prohibited from using our means for the annoyance of their enemies? Thomas Jefferson of opinion they are free to use their own means, i, e., to mount their own guns &c. Hamilton and Knox of opinion they are not to put even their own implements or means into a posture of annoyance. The President has as yet not decided this.

May armed vessels arriving here be prohibited to employ their own citizens found here as seamen or

¹Henfield and Singleterry, two American citizens, who enlisted on board the Citizen Genet at Charleston.

marines? Thomas Jefferson, — They cannot be prohibited to recruit their own citizens. Hamilton and Knox. — They may and ought to be prohibited. No decision yet by the President.

It appears to me the President wished the Little Sarah had been stopped by military coercion, that is, by firing on her; yet I do not believe he would have ordered it himself had he been here, though he would be glad if we had ordered it. The United States being a ship-building nation, may they sell ships, prepared for war, to both parties? or carry them for sale to the dominions of both parties; E. Randolph of opinion they could not sell them here; and that if they attempted to carry them to the dominions of the parties for sale, they might be seized by the way as contraband. Hamilton of same opinion, except that he did not consider them as seizable for contraband, but as the property of a power, making itself a party in the war by an aid of such a nature, and consequently that it would be a breach of neutrality.

Hamilton moves that the Government of France be desired to recall Mr. Genet¹; Knox adds that he be in the meantime suspended from his functions. Thomas Jefferson proposes that his correspondence be communicated to his Government with friendly observations. President silent.²

XXIII. ERECTING A BATTERY ON MUD ISLAND

Governor Mifflin of Philadelphia applied to Knox, the

¹See cabinet meeting of August 1, 1793 when the Cabinet unanimously agreed to have Genet recalled.

²Ford gives the following in a footnote: This is committed to writing the morning of the 13th of July. i.e. the whole page. T.J.

Secretary of War, for the loan of four cannons and some supplies for erecting a battery on Mud Island, for the purpose of sinking privateer ships if they attempted to pass while they were supposed to be detained in port. This brought up the whole question of the federal government furnishing cannons and military stores to the governors of the States. At a Cabinet meeting on July 15, 1793, Washington said that if Mifflin was given the cannons a dangerous precedent would be established. Jefferson concurred with the President and Hamilton and Knox dissented. Finally, as Knox had already given the cannons to Mifflin, Washington did not oppose the measure. The Cabinet agreed that the Executive had no power to furnish men or provisions for erecting batteries.

Reference - Jefferson, Writings (Library ed.), I. ,371.

CABINET MEETING

July the 15th 1793. Thomas Jefferson, Hamilton and Knox met at the President's. Governor Mifflin had applied to Knox for the loan of four cannons to mount at Mud Island. He informed him he should station a guard of thirty-five militia there, and asked what arrangement for rations the general Government had taken. Knox told him nothing could be done as to rations, and he would ask the President for the cannon. In the meantime, he promised him to put

the cannon on board a boat, ready to send off as soon as permission was obtained. The President declared his own opinion first and fully, that when the orders were given to the Government to stop vessels arming, etc., in our ports, even by military force, he took for granted the Government would use such diligence as to stop those projects in embryo, and stop them when no force was requisite, or a very small party of militia would suffice; that here was a demand from the Government of Pennsylvania to land four cannon under pretext of executing orders of the General Government; that if this was granted, we should be immediately applied to by every other Governor, and that not for one place only, but for several, and our cannon would be dispersed all over the United States; that for this reason we would refuse the same request to the Governors of the South Carolina, Virginia, and Rhode Island; that if they erected batteries, they must establish men for them, and would come on us for this, too. He did not think the Executive had a power to establish permanent guards; he had never looked to anything permanent when the orders were given to the Governors, but only an occasional call on small parties of militia in the moments requiring it. These sentiments were so entirely my own, that I did little more than combat on the same grounds the opinions of Hamilton and Knox. The latter said he would be ready to lend an equal number to every Government to carry into

effect orders of such importance; and Hamilton, that he would be willing to lend them in cases where they happened to be as near the place where they were to be mounted.

Hamilton submitted the purchase of a large quantity of saltpetre, which would outrun the funds destined to objects of that class by Congress. We were unanimous we ought to venture on it, and to the procuring supplies of military stores in the present circumstances, and take on us the responsibility of Congress, before whom it should be laid.

The President was fully of the same opinion.

In the above case of the cannon, the President gave no final order while I remained; but I saw that he was so impressed with the disagreeableness of taking them out of the boat again, that he would yield. He spoke sharply to Knox for having put them in that position without consulting him, and declared that, but for that circumstance, he would not have hesitated one moment to refuse them.

XXIV. FRANCE DESIRES TO HAVE TROOPS IN TENNESSEE

William Blount, the Governor of Tennessee, came to Philadelphia in the summer of the year 1793 to consult the federal government. Blount had become alarmed at the turn of affairs in the territory south of the Ohio. A war existed between the Chickasaw and the Creek Indians. A Mr. Florence had returned from France with the story that the

Executive Council in France had offered him a commission to embody troops in the Cumberland settlement, and had offered him a number of blank commissions for obtaining officers to lead the troops.

Reference - Jefferson, Anas (Sawvel's ed.), 146.

CABINET MEETING

July 18th, 1793. At a meeting at the President's Gen. Knox tells us Governor Blount (now in town) has informed him that when Mr. Florence was in France, certain members of the Executive Council enquired of him what were the dispositions of Cumberland settlement, etc., towards Spain? Mr. Florence told them unfriendly. They offered him a commission to embody troops there, to give him a quantity of blank commissions to be filled up by making officers of the Republic of France, those who should command and undertake to pay the expenses.

Mr. Florence desired his name might not be used. Blount added that Mr. Florence while in France pretended to be a great friend to their revolution though an enemy to it in his heart.

XXV. EQUIPMENT OF VESSELS IN THE PORTS OF THE UNITED STATES BY BELLIGERENT POWERS

The ship Jane was an English vessel which had been for many years employed in the commerce between Jamaica and the

United States. She had brought a cargo of goods from Jamaica to the United States, and was to carry back a cargo of flour. Knowing that a war existed between Great Britain and France and that our coast was lined with French privateers, the ship armed for her defense and took a letter of marque (a commission granted by Great Britain authorizing seizure in reprisal). The ship arrived here safely without any recounters. While the ship Jane was in our port, she took on more arms. The question whether a merchant vessel which had taken out a letter of marque was a privateer came before the Cabinet on July 29th, 1793. Also, whether merchant ships should depart with exactly the same equipment they came in with. The Cabinet agreed that merchant vessels were not privateers, and therefore could equip in the ports of the United States.

The question of the ship Jane helped to bring forth a set of eight rules embodying the policy of the government in regard to the equipment of vessels in the ports of the United States by belligerent powers. The administration had received many complaints and representations of both the English and the French ministers on alleged violations of neutrality. On July 29th, 1793, Washington sent a letter to his cabinet advisers consulting them on the expediency of arming and equipping vessels. On the same day, for that purpose a meeting of the Cabinet was held. Rules stating

the policy of the government were tentatively adopted. At a subsequent meeting on August 3rd, the rules were unanimously approved and signed, and on the next day issued by Hamilton as a Treasury circular to the collectors of the customs.

References - Letter: Washington, Writings (Ford's ed.), XII., 313.
Washington, Writings (Sparks's ed.), X., 361.
Hamilton, Works (Hamilton's ed.), V., 17
Meeting: Jefferson, Writings (Library ed.), I., 377.
Rules: Hamilton, Works (Hamilton's ed.), IV., 457.
Washington, Writings (Spark's ed.), X., 546.

WASHINGTON TO THE HEADS OF THE DEPARTMENTS
AND THE ATTORNEY-GENERAL
(Draft by Hamilton)

Philadelphia, July 29, 1793.

Gentlemen,

It will not be amiss, I conceive, at the meeting you are about to have to-day, to consider the expediency of directing the custom-house officers to be attentive to the arming or equipping of vessels, either for offensive or defensive war, in the several ports to which they belong, and make report thereof to the governor or some other proper officer.

Unless this, or some other effectual mode is adopted to check this evil in the first stage of its growth, the executive of the United States will be incessantly harassed with complaints on this head, and probably when it may be

difficult to afford a remedy. I am, etc.

CABINET MEETING

July the 29th, 1793. At a meeting at the President's on account of the British letter- of-marque, ship Jane, said to have put up waste boards, to have pierced two port holes, and mounted two cannon (which she brought in) on new carriages which she did not bring in, and consequently having sixteen, instead of Fourteen, guns mounted, it was agreed that a letter-of-marque, or vessel arme en guerre, and en merchandise, is not a privateer, and therefore not to be ordered out of our ports. It was agreed by Hamilton Knox, and myself, that the case of such a vessel does not depend on the treaties, but on the law of nations. Edmund Randolph thought, as she had a mixed character of merchant vessel and privateer, she might be considered under the treaty; but this being overruled, the following paper was written:

Rules proposed by Attorney General:

1st. That all equipments purely for the accommodation of vessels, as merchantmen, be admitted. (Agreed.)

2d. That all equipments, doubtful in their nature, and applicable equally to commerce or war, be admitted, as producing too many militia. (Agreed.)

3d. That all equipments, solely adapted to military objects, be prohibited. (Agreed.)

Rules proposed by the Secretary of the Treasury:

1st. That the original arming and equipping of vessels for military service, offensive or defensive, in the ports of the United States, be considered as prohibited to all. (Agreed.)

2d. That vessels which were armed before their coming into our ports, shall not be permitted to augment these equipments in the ports of the United States, but may repair or replace any military equipments which they had when they began their voyage for the United States; that this, however, shall be with the exception of privateers of the parties opposed to France, who shall not refit or repair. (Negatived-the Secretary of the Treasury only holding the opinion).

3d. That for convenience, vessels armed and commissioned before they come into our ports, may engage their own citizens, not being inhabitants of the United States. (Agreed.)

I subjoined the following:

I concur in the rules proposed by the Attorney-General, as far as respects materials or means of annoyance furnished by us; and I should be for an additional rule, that as to means or materials brought into this country, and belonging to themselves, they are free to use them.

RULES ADOPTED BY THE CABINET AS TO THE EQUIPMENT OF
VESSELS IN THE PORTS OF THE UNITED STATES BY
BELLIGERENT POWERS

August 3d, 1793

1. The original arming and equipping of vessels in the ports of the United States by any of the belligerent parties for military service offensive or defensive is deemed unlawful.

2. Equipment of merchant vessels by either of the belligerent parties, in the ports of the United States, purely for the accommodation of them as such, is deemed lawful.

3. Equipment, in the ports of the United States, of vessels of war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the seventeenth article of our treaty of amity and commerce with France.

4. Equipment in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature, as being applicable either to commerce or war, are deemed lawful, except those which shall be made prize, etc.

5. Equipment of any of the vessels of France in the ports of the United States, which are doubtful in their

nature, as being applicable to commerce or war, are deemed lawful.

6. Equipment of every kind, in the ports of the United States, of privateers of the powers at war with France, are deemed lawful.

7. Equipment of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful; except those stranded or wrecked, as mentioned in the eighteenth article of our treaty with France, the sixteenth of our treaty with the United Netherlands, the ninth of our treaty with Prussia; and except those mentioned in the nineteenth article of our treaty with France, the seventeenth of our treaty with the United Netherlands, the eighteenth of our treaty with Prussia.

8. Vessels of either of the parties not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engaged or enlist their own subjects or citizens, not being inhabitants of the United States; except privateers of the powers at war with France, and except those vessels which shall have made prize, etc.

The foregoing rules having been considered by us at several meetings, and being now unanimously approved, they are submitted to the President of the United States.

Thomas Jefferson

Alexander Hamilton

Henry Knox

Edmund Randolph

XXVI. GENET'S CONDUCT

Genet's conduct grew more and more distasteful. His correspondence grew every day more insolent. The necessity of some decided course was apparent. Washington, on July 25, 1793, sent a letter to Thomas Jefferson, the Secretary of State, in which he enclosed a letter from Colonel S. Smith of Baltimore giving information about the two privateers, the Citizen Genet and Sans Culotte fitted out at Charleston. He, also, advised that the Cabinet should meet and discuss the actions of Genet. Mr. Jefferson was instructed to get ready all the letters to and from Genet, and likewise those of Mr. Hammond, the British minister, who had written letters connected with the case. On July 31st Washington sent a letter to Jefferson in which he named August 1st as the day the Cabinet should assemble and discuss Genet's conduct.

Genet's correspondence was read over at the Cabinet meeting on August 1st. It was unanimously agreed to send a copy of the whole correspondence, with a full statement of Genet's conduct, to Gouverneur Morris, United States minister at Paris, to be laid before the Executive Council of France, with a letter requesting the recall of Genet. A decision was also made to write a letter to Genet, the same in sub-

stance with that written to Gouverneur Morris, and to let him know that his recall had been requested. It was proposed that the whole correspondence be published with a statement of the proceedings by way of an appeal to the people. This was defeated by the opposition of Jefferson and Randolph, although Hamilton advocated it and Washington was much inclined toward it.

In the course of the discussion whether or not an appeal should be made to the people, Knox, the Secretary of War, made an allusion to some recent libels. Washington became very much excited. He was provoked by a pasquinade called, "The Funeral of Washington", which represented the President as placed upon a guillotine in parody of Louis XVI, and by Freneau's "Gazette"¹ which bitterly assailed the administration and the neutral proclamation.

References - Letter: Washington, Writings (Sparks's ed.),
X. ,360.
Letter: Washington, Writings (Sparks's ed.),
X. ,361.
Meeting: Jefferson, Writings (Library ed.),
I. ,379.
Jefferson, Anas (Sawvel's ed.),
156.
Meeting: Jefferson, Writings (Library ed.),
I. ,380.
Jefferson, Anas (Sawvel's ed.),
157.

WASHINGTON TO JEFFERSON

Philadelphia, July, 25, 1793.

Sir,

¹Jefferson attacked Hamilton through the columns of Freneau's "National Gazette", Hamilton retaliated through Fenno's "Gazette of the United States."

Philip Freneau was formerly a classmate of Madison's. At the time of publication of the paper, Jefferson gave Freneau the place of translating clerk in his office.

A letter from Colonel S. Smith of Baltimore to the Secretary of the Treasury, giving information of the conduct of the privateers Citizen Genet and Sans Culotte, is sent for your perusal; after which it may be returned, because contained therein is a matter, which respects the treasury department solely.

As the letter of the minister of the Republic of France, dated the 22d of June, lies yet unanswered, and as the official conduct of the gentleman, relative to the affairs of this government, will have to undergo a very serious consideration (so soon as the special court at which the attorney-general is now engaged will allow him to attend with convenience), in order to decide upon measures proper to be taken thereupon, it is my desire that all the letters to and from that minister may be ready to be laid before me, the heads of departments, and the attorney-general, whom I shall advise with on the occasion, together with the minutes of such official oral communications, as you may have had with him on the subject of those letters. And as the memorials from the British minister and answers thereto are materially connected therewith, it will be proper, I conceive, to have these ready also. I am, etc.

WASHINGTON TO JEFFERSON

Philadelphia, July, 31, 1793.

Dear Sir,

As there are several matters, which must remain in a suspended state, perhaps not very conveniently, until a decision is had on the conduct of the minister of the French Republic, and as the attorney-general will, more than probably, be engaged at the Supreme court next week, it is my wish, under these circumstances, to enter upon the consideration of the letters of that minister tomorrow at nine o'clock. I therefore desire you will be here at that hour, and bring with you all his letters, your answers, and such other papers as are connected therewith.

As the consideration of this business may require some time, I should be glad if you and the other gentlemen would take a family dinner with me at four o'clock. No other company is or will be invited. I am, dear Sir, etc.

CABINET MEETING

August 1, 1793. Met at the President's to consider what was to be done with Mr. Genet. All his correspondence with me was read over. The following propositions were made: 1. That a full statement of Mr. Genet's conduct be made in a letter to G. Morris, and be sent with his correspondence, to be communicated to the Executive Council of France; the letter to be so prepared, as to serve for the form of communication to the Council.

Agreed unanimously. 2. That in that letter his recall be required. Agreed by all, though I expressed a preference of expressing that desire with great delicacy; the others were for peremptory terms. 3. To send him off. This was proposed by Knox; but rejected by every other. 4. To write a letter to Mr. Genet, the same in substance with that written to G. Morris, and let him know we had applied for his recall. I was against this, because I thought it would render him extremely active in his plans, and endanger confusion. But I was overruled by the other three gentlemen and the President. 5. That a publication of the whole correspondence, and statement of the proceedings, should be made by way of appeal to the people. Hamilton made a jury speech of three-quarters of an hour, as inflammatory and declamatory as if he had been speaking to a jury. E. Randolph opposed it. I chose to leave the contest between them. Adjourned to next day.

CABINET MEETING

August 2, 1793. Met again. Hamilton spoke again three-quarters of an hour. I answered on these topics. Object of the appeal.—The democratic society;¹ this the great circumstance of alarm; afraid it would extend its connections over the continent; chiefly meant for the local object of the ensuing election of Governor. If left alone, would die away after that is over. If opposed, if

¹Shortly after Genet's arrival in Philadelphia, in imitation of the Jacobin clubs of Paris, a Democratic Society was formed. The immediate object was the control of state politics, but it ended up by spreading French propaganda. Clubs were formed in all the chief centers.

proscribed, would give it importance and vigor; would give it a new object, and multitudes would join it merely to assert the right of voluntary associations. That the measure was calculated to make the President assume the station of the head of a party, instead of the head of the nation. Plan of the appeal.—To consist of facts and the decisions of the President. As to facts we are agreed; but as to the decisions, there have been great differences of opinion among us. Sometimes as many opinions as persons. This proves there will be ground to attack the decisions. Genet will appeal also; it will become a contest between the President and Genet—anonymous writers—will be same difference of opinion in public, as in cabinet—will be same difference in Congress, for it must be laid before them—would, therefore, work very unpleasantly at home. How would it work abroad? France—unkind—after such proofs of her friendship, should rely on that friendship, and her justice. Why appeal to the world? Friendly nations always negotiate little differences in private. Never appeal to the world, but when they appeal to the sword. Confederacy of Pilnitz was to overthrow the Government of France. The interference of France to disturb other governments and excite insurrections, was a measure of reprisal. Yet these Princes have been able to make it believed to be the system of France. Colonel Hamilton supposes Mr. Genet's proceedings here are in pursuance of that

system; and we are so to declare it to the world, and to add our testimony to this base calumny of the Princes. What a triumph to them to be backed by our testimony. What a fatal stroke at the cause of liberty; et tu Brute. We indispose the French Government, and they will retract their offer of the treaty of commerce. The President manifestly inclined to the appeal to the people. Knox in a foolish incoherent sort of a speech, introduced the pasquinade lately printed, called the funeral of George W——n, and James W——n, King and Judge, etc., where the President was placed on a guillotine. The President was much inflamed; got into one of those passions when he cannot command himself; ran on much on the personal abuse which had been bestowed on him; defied any man on earth to produce one single act of his since he had been in the Government, which was not done on the purest motives; that he had never repented but once the having slipped the moment of resigning his office, and that was every moment since; that by God he had rather be in his grave than in his present situation; that he had rather be on his farm than to be made Emperor of the world; and yet that they were charging him with wanting to be a King. That that rascal Freneau sent him three of his papers every day, as if he thought he would become the distributor of his papers; that he could see in this, nothing but an impudent design to insult him; he ended in this high tone. There was a

pause. Some difficulty in resuming our question; it was, however, after a little while, presented again, and he said there seemed to be no necessity for deciding it now; the propositions before agreed on might be put into a train of execution, and perhaps events would show whether the appeal would be necessary or not. He desired we would meet at my office the next day, to consider what should be done with the vessels armed in our ports by Mr. Genet, and their prizes.

XXVIIA. AN IMMEDIATE CONVOCAION OF CONGRESS

In the summer of the year 1793, the administration faced many serious problems. A war with the Creek Indians seemed inevitable, and a war with the Creeks would involve Spain. The United States was gradually being drawn into the European conflict by Genet's conduct, especially by his equipping of ships as privateers. The failure of the criminal persecution against Henfield was a severe blow to the prestige of the administration. In view of these disturbing problems, Washington thought of calling Congress together at an earlier date than that on which it was to meet by law. Knox, Randolph and Hamilton were against it; Jefferson was in favor of it. Congress was not called.

XXVIIIB. "L'AMBUSCADE" AND "BOSTON"

A fight took place, outside the bay of New York, be-

tween the L'Ambuscade, a French privateer, and the Boston, a British frigate, in response to a challenge sent by Captain Courtney of the Boston to Captain Bompard of the L'Ambuscade. The French captain won with the superior vessel, and Courtney was killed. At a cabinet meeting on August 3, 1793, Knox and Hamilton severely criticized Courtney for his indiscreet challenge.

References - Letter: Washington, Writings (Sparks's ed.), X. ,362.
Meeting: Jefferson, Writings (Library ed.), I. ,383.
Jefferson, Anas (Sawvel's ed.), 160.

WASHINGTON TO THE HEADS OF DEPARTMENTS AND
THE ATTORNEY-GENERAL

Philadelphia, August 3, 1793.

Gentlemen,

Fresh occurrences, but communicated through private channels, make it indispensable that the general principles, which have already been the subject of discussion, should be fixed and made known for the government of all concerned, as soon as it can be done with propriety.

To fix rules on substantial grounds, conformably to treaties and the laws of nations, is extremely desirable.

The verdict of the jury, in the case of Henfield¹, and the decision of yesterday respecting the French minister, added to the situation of Indian affairs, and the general complexion of public matters, induce me to ask your advice whether it be proper, or not, to convene the legislature

¹Gideon Henfield, an American citizen, enlisted on the French privateer, the Citizen Genet, and on complaint of the British minister his case came before the President. In spite of the strongest evidence, a verdict of acquittal was rendered by the court.

at an earlier day than that on which it is to meet by law; and, if it be thought advisable, at what time. I am, etc.

CABINET MEETING

August the 3d. We met. The President wrote to take our opinions, whether Congress should be called. Knox pronounced at once against it. Randolph was against it. Hamilton said his judgment was against it, but that if any two were for it, or against it, he would join them to make a majority. I was for it. We agreed to give separate opinions to the President. Knox said we should have had fine work, if Congress had been sitting these two last months. The fool thus let out the secret. Hamilton endeavored to patch up the indiscretion of this blabber, by saying "he did not know; he rather thought they would have strengthened the executive arm." It is evident they do not wish to lengthen the session of the next Congress, and probably they particularly wish it should not meet till Genet is gone. At this meeting I received a letter from Mr. Remson at New York, informing me of the event of the combat between the Ambuscade and the Boston. Knox broke out into the most unqualified abuse of Captain Courtney. Hamilton, with less fury, but with the deepest vexation, loaded him with censures. Both showed the most unequivocal mortification at the event.

XXVIII A. PRIVATEERS AND PRIZES

Every port along the coast where men and ammunition could be obtained by August 1793 swarmed with privateers. Besides the Sans Culotte and the Citizen Genet fitted out at Charleston, the Vangeur de la Bastille was equipped at the same port. The Roland was fitted out at Boston. The Little Sarah or Little Democrat was an English vessel captured by the frigate L'Ambuscade, the ship which Genet came to the United States on, and converted into a privateer at Philadelphia. The sloop the Polly was changed to a privateer the Republican at New York and seized by Governor Clinton.

The privateers captured many prizes. Among the prizes were the Lovely Lass, the Prince William Henry, the Jane¹, the brig Fanny² and the William³.

The English merchant ship the Swallow which had taken on a letter of marque and had come into the port of New York was not considered by the Cabinet to be a privateer.

XXVIII B. PROPOSED EXPEDITION FROM BALTIMORE TO ST. DOMINGO

France had sent two commissioners to the island of St. Domingo in April 1793 to save the colony for France. A civil war had resulted and ended in proclaiming the freedom of the slaves. Many white people had emigrated to Baltimore. On August 4th, 1793 Genet wrote a letter to the Secretary of State informing him that these emigrants were combining to form a military expedition against the French

¹See cabinet meeting of July 29, 1793.

²May, 8, 1793, the Sans Culotte captured the Fanny off Cape Henry. She was carried to Philadelphia and there reclaimed by the British minister.

³May 3, 1793, Citizen Genet captured the William off Cape Henry.

commissioners who were in power at St. Domingo. On August 5th the Cabinet agreed to send a letter to the Governor of Maryland requesting him to stop the expedition.

Reference - Jefferson, Works (Ford's ed.), VII. ,466.

CABINET OPINION

August 5, 1793.

At a meeting of the heads of departments and the Attorney-general at the Secretary of State's office Aug. 5, 1793.

The case of the Swallow letter of Marque, at New York, desired to be sent out of our ports, as being a privateer, it is the opinion that there is no ground to make any order on the subject.

The Polly or Republican, in the hands of the Marshal at New York, on a charge of having been armed in our ports to cruize against nations at peace with the U. S. it is the opinion there is no ground to make any new order in this case.

The Little Democrat, the Vainqueur de la Bastille, the Citizen Genet and the Sans Culottes, a letter to be written to Mr. Genet as was determined on the 3d. instant, and an instruction in conformity therewith be given to the Governors, Mr. Hammond to be informed thereof and to be assured the government will effectuate these former resolutions on this subject.

The Lovely Lass, the Prince William Henry, and the Jane of Dublin prizes to the Citizen Genet. Mr. Genet to be written to as was agreed on the 3d. instant.

The brig Fanny and the ship William reclaimed as taken within the limits of our protection, as it is expected that the court of Admiralty may very shortly reconsider whether it will take cognizance of these cases, it is thought better to take no new measure, therein for the present.

The Schooner fitting out at Boston as mentioned in a letter of Mr. Gore to Mr. Lear¹, the Governor of Massachusetts to be written to suppress her.

Mr. Delaney's letter of the 24th of July on the question whether duties are to be paid on prize goods landed for sale, it is the opinion the duties are to be paid.

A letter from Genet of the 4th of Aug. informing the Secretary of State that certain inhabitants lately arrived from St. Domingo are combining to form a military expedition from the territory of the U.S. against the constituted authorities of the s'd island, it is the opinion that the Governor of Maryland be informed thereof (because in a verbal communication to the Secretary of State Mr. Genet had named Baltimore as the place where the combination was forming) and that he be advised to take measure to prevent the same.

¹Tobias Lear was secretary to President Washington.

The Secretary of State and the Attorney General are of opinion that Mr. Hammond be informed that measures are being taken to procure restoration of the prizes the Lovely Lass, the Prince William Henry and the Jane of Dublin and in case that cannot be effected that the Government will take the subject into further consideration.

XXIX. RESTITUTION OF PRIZES

The Cabinet desiring to use all the means in its power to maintain a strict neutrality decided on August 15, 1793 to send a request to Genet to give up all the prizes captured by French privateers which had been fitted out in the ports of the United States after June 5th. This was the day on which Genet had been notified he could not equip French privateers within the United States. If he failed to give up the ships the United States government would compensate the owners of the ships and then look to the French government for indemnity. Genet was also told that the ports of the United States would no longer be open to any privateer and its prizes.

The Cabinet on August 15th agreed to send instructions to the Governors of the several States to use every means in their power to keep the neutrality of the United States.

Reference - Washington, Writings (Ford's ed.), XII., 316.

Washington, Writings (Sparks's ed.), X., 547.

Jefferson, Works (Ford's ed.), VII., 474.

CABINET OPINION

August 15, 1793.

That the Minister of the French republic be informed that the President considers the United States as bound by positive assurances, given in conformity to the laws of neutrality, to effectuate the restoration of, or to make compensation for, prizes which shall have been made of any of the parties at war with France, subsequent to the 5th day of June last, by privateers fitted out of their ports.

That it is consequently expected that he will cause restitution to be made of all prizes taken and brought in- to our ports subsequent to the above mentioned day by such privateers; in defect of which the President considers it as incumbent upon the United States to indemnify the owners of those prizes; the indemnification to be reimbursed by the French nation.

That besides taking efficacious measures to prevent the future fitting out of privateers in the ports of the United States, they will not give asylum therein to any which shall have been at any time so fitted out, and will cause restitution of all such prizes as shall be hereafter brought within their ports by any of the said privateers.

That instructions be sent to the respective Governors in conformity to the above communication.

The foregoing having been duly considered, and being now unanimously approved, they are submitted to the President of the United States.

XXX. LETTER TO MORRIS AGREED UPON

The Cabinet spent much time on the composition of the proposed letter to Gouverneur Morris, the United States minister at Paris, in regard to Genet's conduct and a request for his recall. The letter was written by Jefferson and then read and corrected paragraph by paragraph at a cabinet meeting on August 20, 1793.

Reference - Jefferson, Writings (Library ed.), I., 389.

Jefferson, Anas (Sawvel's ed.), 166.

CABINET MEETING

August the 20th 1793. We met at the President's to examine by paragraphs the draught of a letter I had prepared to Gouverneur Morris on the conduct of Mr. Genet. There was no difference of opinion on any part of it, except on this expression, "An attempt to embroil both, to add still another nation to the enemies of his country, and to draw on both a reproach which it is hoped will never stain the history of either, that of liberty warring on herself." Hamilton moved to strike out these words, "that of liberty warring on herself" He urged generally that it would give offence to the combined powers; that

it amounted to a declaration that they were warring on liberty; that we were not called on to declare that the cause of France was that of liberty; that he had at first been with them with all his heart, but that he had long since left them, and was not for encouraging the idea here, that the cause of France was the cause of liberty in general, or could have either connection or influence in our affairs. Knox, according to custom, jumped plump into all his opinions. The President, with a good deal of positiveness, declared in favor of the expression; that he considered the pursuit of France to be that of liberty, however they might sometimes fail of the best means of obtaining it; that he had never at any time entertained a doubt of their ultimate success, if they hung well together; and that as to their dissensions, there were such contradictory accounts given, that no one could tell what to believe. I observed that it had been supposed among us all along that the present letter might become public; that we had therefore three parties to attend to,—1st, France; 2d, her enemies; 3d, the people of the United States; that as to the enemies of France, it ought not to offend them, because the passage objected to, only spoke of an attempt to make the United States, a free nation, war on France, a free nation, which would be liberty warring against liberty; that as to France, we were taking so harsh a measure (desiring her to recall her Minister)

that precedent for it could scarcely be found; that we knew the Minister would represent to his Government that our Executive was hostile to liberty, leaning to monarchy, and would endeavor to parry the charges on himself, by rendering suspicions the source from which they flowed; that, therefore, it was essential to satisfy France, not only of our friendship to her, but our attachment to the general cause of liberty, and to hers in particular; that as to the people of the United States, we knew there were suspicions abroad that the Executive, in some of its parts, was tainted with a hankering after monarchy, an indisposition towards liberty, and towards the French cause; and that it was important, by an explicit declaration, to remove these suspicions, and restore the confidence of the people in their Government. Randolph opposed the passage on nearly the same ground with Hamilton. He added, that he thought it had been agreed that this correspondence should contain no expressions which could give offence to either party. I replied that it had been my opinion in the beginning of the correspondence, that while we were censuring the conduct of the French Minister, we should make the most cordial declarations of friendship to them; that in the first letter or two to the correspondence, I had inserted expressions of that kind, but that himself and the other two gentlemen had struck them out; that I thereupon conformed to their opinions in my subsequent

letters, and had carefully avoided the insertion of a single term of friendship to the French nation, and the letters were as dry and husky as if written between the generals of two enemy nations; that on the present occasion, however, it had been agreed that such expressions ought to be inserted in the letter now under consideration, and I had accordingly charged it pretty well with them; that I had further thought it essential to satisfy the French and our own citizens of the light in which we viewed their cause, and of our fellow feeling for the general cause of liberty, and had ventured only four words on the subject; that there was not from beginning to end of the letter one other expression or word in favor of liberty, and I should think it singular, at least, if the single passage of that character should be struck out.

The President again spoke. He came into the idea that attention was due to the two parties who had been mentioned, France and the United States; that as to the former, thinking it certain their affairs would issue in a government of some sort—of considerable freedom—it was the only nation with whom our relations could be counted on; that as to the United States, there could be no doubt of their universal attachment to the cause of France, and of the solidity of their republicanism. He declared his strong attachment to the expression, but finally left it to us to accommodate. It was struck out, of course, and the expressions of affection in the con-

text were a good deal taken down.

XXXI. GENET'S RECALL

The Cabinet on August 23, 1793 drew up a statement of the proceedings on the conduct of the French minister, Edmund Genet. All the members of the cabinet signed the statement.

Reference - Jefferson, Works (Ford's ed.), VIII, ,5.

Hamilton, Works (Hamilton's ed.), IV. ,468.

Washington, Writings (Sparks's ed.), X. ,548.

PROCEEDINGS ON THE CONDUCT OF THE FRENCH MINISTER

At a meeting of the heads of departments and the attorney-general at the President's on the 1st and 2d of August, 1793, on a review of the whole of M. Genet's correspondence and conduct, it was unanimously agreed, that a letter should be written to the minister of the United States at Paris, stating the same to him, resuming the points of difference, which had arisen between the government of the United States and M. Genet, assigning the reasons for the opinions of the former, and desiring the recall of the latter; and that this letter, with those which have passed between M. Genet and the Secretary of State, and other necessary documents, shall be laid by Mr. Morris before the executive of the French

government.

At a meeting of the same at the President's, August 15th, the rough draft of the said letter, having been prepared by the Secretary of State, was read for consideration; and it was agreed, that the Secretary of the Treasury should take measures for obtaining a vessel, either by hire or purchase, to be sent to France express, with the despatches when ready.

At a meeting of the same at the President's, August 20th, the said letter was read and corrected by paragraphs, and finally agreed to.

At a meeting of same at the President's, August 23d, it was agreed, that the proceeding letter should bear the date of the last document, which is to accompany it, to wit, August 16th; and the draft of a second letter to our minister at Paris was read, and unanimously approved, and to bear date this day.

Sealed and signed this 23d day of August, 1793.

Thomas Jefferson.

Alexander Hamilton.

Henry Knox.

Edmund Randolph.

XXXII. DISCUSSION OF TREATY WITH FRANCE

Two or three days after Genet's formal introduction (May 18, 1793), to the president, he communicated his

authority to propose a new treaty of commerce. The negotiation of a new commercial treaty was the most prominent feature of his instructions. To this proposal it was answered that nothing could be definitely concluded without the concurrence of the Senate. There the matter rested. In a Cabinet meeting on August 23, 1793, the treaty was discussed, but no action was taken upon the treaty. A request for Genet's recall had already been framed.

Reference - Jefferson, Writings (Library ed.), I. ,393.

Jefferson, Anas (Sawvel's ed.), 166.

CABINET MEETING

August the 23d, 1793. In consequence of my note of yesterday to the President, a meeting was called this day at his house to determine what should be done with the proposition of France to treat. The importance of the matter was admitted; and being of so old a date as May 22d, we might be accused of neglecting the interests of the United States, to have left it long unanswered, and it could not doubted Mr. Genet would avail himself of this inattention. The President declared it had not been inattention, that it had been the subject of conversation often at our meetings, and the delay had proceeded from the difficulty of the thing.

If the struggles of France should end in the old despotism, the formation of such a treaty with the pres-

ent government would be a matter of offence; if it should end in any kind of free government, he should be very unwilling, by inattention to their advances, to give offence, and lose the opportunity of procuring terms so advantageous to our country. He was, therefore, for writing to Mr. Morris to get the powers of Mr. Genet renewed to his successor. (As he had expressed this opinion to me the afternoon before, I had prepared the draught of a letter accordingly.) But how to explain the delay? The Secretary of the Treasury observed on the letter of the National Convention, that as it did not seem to require an answer, and the matters it contained would occasion embarrassment if answered, he should be against answering it; that he should be for writing to Mr. Morris, mentioning our readiness to treat with them, and suggesting a renewal of Mr. Genet's powers to his successor, but not in as strong terms as I had done in my draught of the letter—not as a thing anxiously wished for by us, lest it should suggest to them the asking a price; and he was for my writing to Mr. Genet now, an answer to his letter of May 22d, referring to the meeting of the Senate the entering on the treaty. Knox concurred with him, the Attorney General also,—except that he was against suggesting the renewal of Mr. Genet's powers, because that would amount to a declaration that we would treat with that government, would commit us to lay the subject before the Senate, and his principle had ever

been to do no act, not unavoidably necessary, which, in the event of a counter revolution, might offend the future governing powers of that country. I stated to them that having observed from our conversations that the propositions to treat might not be acceded to immediately, I had endeavored to prepare Mr. Genet for it, by taking occasion in conversations to apprise him of the control over treaties which our constitution had given to the Senate; that though this was indirectly done, (because not having been authorized to say anything official on the subject, I did not venture to commit myself directly,) yet, on some subsequent conversation, I found it had struck him exactly as I had wished; for speaking on some other matter, he mentioned incidentally his propositions to treat, and said, however, as I know now that you cannot take up that subject, till the meeting of the Senate, I shall say no more about it now, and so proceeded with other subjects which I do not now recollect. I said I thought it possible by recalling the substance of these conversations to Mr. Genet, in a letter to be written now, I might add that the Executive had at length come to a conclusion, that on account of the importance of the matter, they would await the meeting of the Senate; but I pressed strongly the urging Mr. Morris to procure a renewal of Genet's powers, that we might not lose the chance of obtaining so advantageous a treaty. Edmund Randolph had

argued against our acceding to it, because it was too advantageous; so much so that they would certainly break it, and it might become the cause of war. I answered that it would be easy, in the course of the negotiation, to cure it of its inequality by giving some compensation; but I had no fear of their revoking it, that the islanders themselves were too much interested in the concessions ever to suffer them to be revoked; that the best thinkers in France had long been of opinion that it would be for the interest of the mother country to let the colonies obtain subsistence wherever they could cheapest; that I was confident the present struggles in France would end in a free government of some sort, and that such a government would consider itself as growing out of the present one, and respect its treaties. The President recurred to the awkwardness of writing a letter now to Mr. Genet, in answer to his of May 22d; that it would certainly be construed as merely done with a design of exculpation of ourselves, and he would thence inculcate us. The more we reflected on this, the more the justice of the observation struck us. Hamilton and myself came into it—Randolph half for it, half against it, according to custom.

It was at length agreed I should state the substance of my verbal observations to Mr. Genet, in a letter to Mr. Morris, and let them be considered as the answer intended; for being from the Secretary of State, they might be con-

sidered as official, though not in writing.

It is evident that taking this ground for their future justification to France and to the United States, they were sensible they had censurably neglected these overtures of treaty; for not only what I had said to Mr. Genet was without authority from them, but was never communicated to them till this day. To rest the justification of delay on answers given, it is true in time; but of which they had no knowledge till now, is an ostensible justification only.

XXXIIIA. THE "ROLAND"

Early in August, 1793 the French vice-consul, Antoine Charbonet Duplaine, at Boston by the help of the Roland, a French privateer fitted out at Boston, rescued out of the hands of the United States marshal a vessel brought in as a French prize. The case came before the Cabinet on August 31st. It was agreed to have Christopher Gore, the district attorney of Massachusetts, prosecute Duplaine to the full extent of the law. In October, 1793 the vice-consul's exequatur was revoked. An attempt, however, to obtain an indictment against Duplaine failed because of public sympathy.

XXXIIIB. RIGHTS OF NEUTRALS VIOLATED

Not until August, 1793 did the Cabinet learn that on

June 8, 1793, the Pitt ministry had issued instructions to the British cruisers to seize and bring in all vessels bound for France with cargoes of corn, flour, and meal; even though both vessel and cargo should belong to a neutral nation. The object of this was to starve out France. By instructions American vessels, as distinguished from those of Denmark and Sweden, were declared liable to condemnation on the first attempt to enter a blockaded port. The French government had set the example by issuing a similar order on seizing neutral vessels on May 9th. This also was not learned by the Cabinet until August. The Cabinet on August 31st decided to take the matter of seizing neutral ships up with the Pitt ministry through Mr. Pinckney, the British minister to the United States, and with the French government through Mr. Morris, the United States minister at Paris.

Reference - Hamilton, Works (Lodge's ed.), V. ,58.

Hamilton, Works (Hamilton's ed.), IV. ,471.

Jefferson, Works (Ford's ed.), VIII. ,8.

CABINET OPINION

August 31, 1793.

At a meeting of the Heads of departments and Attorney General at the President's on the 31st day of Aug. 1793.

A letter from Mr. Gore to Mr. Lear dated Boston

Aug. 24 was read, stating that the Roland, a privateer fitted out at Boston, and furnished with a commission under the government of France, had sent a prize into that port, which being arrested by the Marshal of the district by process from a court of justice, was rescued from his possession by M. du Plaine, Consul of France, with an armed force from one of the ships of his nation, it is the opinion that the Attorney of the district be instructed to institute such prosecution as the laws will authorize against the said du Plaine; and to furnish to the government of the U. S. authentic evidence of the facts before mentioned, whereon if it shall appear that the rescue was made by the sd. du Plaine, or his order, it is the opinion that his Exequetur should be revoked.—Also that the Attorney of the district be desired to furnish copies of his applications or other correspondence with the Governor of Massachusetts relative to the several privateers and prizes which have been the subjects of his letters to Mr. Lear.

A letter from Mr. Maury, Consul for the U. S. at Liverpool, dated July 4, 1793, was read, conveying an inauthenticated copy of certain additional instructions from the court of St. James's to the commanders of their ships of war, dated June 8, 1793, permitting them to stop the vessels of neutral nations laden with corn, flour or meal and bound to any port of France, and to

send them into British ports, from whence they are not to be permitted to proceed to the port of any country not in amity with Gr. Britain. Whereupon it is the opinion that Mr. Pinckney be provisionally instructed to make representations to the British ministry on the sd. instruction as contrary to the rights of neutral nations and urge a revocation of the same and full indemnification to any individuals, citizens of these states, who may in the mean time suffer loss in consequence of the sd. instruction. Also that explanations be desired by Mr. Pinckney of the reasons of the distinction made in the 2d. Article of the sd. instructions between the vessels of Denmark and Sweden and those of the U. S. attempting to enter blockaded ports.

Information having been also received through the public papers of a decree passed by the National assembly of France revoking the principle of free ships making free goods and enemy ships making enemy goods, and making it lawful to seize neutral vessels bound with provisions to another country and to carry them into the ports of France, there to be landed and paid for, and also of another decree excepting the vessels of the U. S. from the operation of preceding decrees, it is the opinion that Mr. Morris be provisionally instructed, in case the first mentioned decrees have passed and not the exceptions, to make representations thereon to the French gov-

ernment as contrary to the treaty existing between the two countries and the decree relative to provisions contrary also to the law of nations and to require a revocation thereof and full indemnification to any citizen of these states who may in the mean time have suffered less therefrom, and also in case the sd. decrees and the exceptions were both passed that then a like indemnification be made for losses intervening between the dates of the sd. decrees and exceptions.

Thomas Jefferson

Alexander Hamilton

H. Knox

Edm. Randolph

XXXIVA. PROPOSED EXPEDITION AGAINST THE CREEK INDIANS

Governor Telfair of Georgia was very anxious to lead an expedition against the Creek Indians. The War Department backed by the Cabinet did not sanction this expedition. On August 31, 1793 the Cabinet voted to send a letter to Governor Telfair informing him that the President disapproved of an expedition against the Creek Indians, and that an offensive expedition, which would be considered as a declaration of war, was a matter for Congress to decide.

XXXIVB. COMMUNICATION FROM GENERAL WAYNE

Anthony Wayne commanded the troops on the Ohio. Pend-

ing negotiations with the Indians by a commission appointed by Washington, February 1793, his troops remained encamped in the vicinity of Cincinnati. Wayne, knowing that the failure of the commission would bring on an immediate attack on the frontiers, stood ready to advance. He sent a letter to the Secretary of War desiring to know if the militia from Fort Pitt and his own men should set out on an expedition to attack certain Miami towns. The Cabinet at a meeting on September 4, 1793 voted to advise against the expedition.

XXXIVC. FAILURE TO NEGOTIATE INDIAN TREATY

Letters from the commissioners appointed to negotiate a treaty with the Indians were read at a cabinet meeting on September 4, 1793. The Indians claimed the Ohio as the true boundary line. People had already settled north of the Ohio. The Indians sent a written document to the commissioners telling them they would accept the Ohio or nothing. Since the commissioners refused to concede the Ohio as the boundary, the negotiation was declared to be at an end.

XXXIVD. EXECUTIVE INTERFERENCE IN JUDICIARY CASES

The question of whether the federal executive should interfere in judiciary cases was considered by the Cabinet on September 4, 1793. All the cabinet members except

Jefferson agreed that a duty of the President was to see that the laws were executed.

XXXIVE. HAMILTON SUGGESTS FORTIFICATION OF RIVERS AND PORTS

Mr. Hamilton, Secretary of the Treasury, suggested to the Cabinet the fortification of the rivers and ports of the United States. The fortification of rivers and ports was a congressional matter; so the Cabinet, on September 4, 1793, voted to make preparatory surveys and then lay the subject before Congress.

Reference - Jefferson, Writings (Library ed.), I., 397.

Jefferson, Anas (Sawvel's ed.), 172.

CABINET MEETING

September 4, 1793. At a meeting held some days ago, some letters from Governor Matthews of Georgia were read, in which a consultation of officers, and a considerable expedition against the Creeks was proposed. We were all of opinion no such expedition should be undertaken. My reasons were that such a war might bring on a Spanish and even an English war that for this reason the aggressions of the Creeks had been laid before the last Congress, and they had not chosen to declare war, therefore the Executive should not take on itself to do it; and that according to the opinions of Pickens and Blount,¹ it was too late in the season.

I thought, however, that a temperate and concilia-

¹William Blount was the Governor of the Territory south of the Ohio (present state of Tennessee).

tory letter should be written to the Governor, in order that we might retain the disposition of the people of the State to assist in an expedition when undertaken. The other gentlemen thought a strong letter of disapprobation should be written. Such a one was this day produced, strong and reprehendatory enough, in which I thought were visible the personal enmities of Knox and Hamilton, against Telfair, Gun, and Jackson—the two last having been of the council of officers. The letter passed without objection, being of the complexion before determined.

Wayne's letter was read, proposing that six hundred militia should set out from Fort Pitt to attack certain Miami towns, while he marched against the principal towns. The President disapproved it, because of the difficulty of concerted movements at six hundred miles distance; because these six hundred men might, and probably would have the whole force of the Indians to contend with; and because the object was not worth the risking such a number of men. We all concurred. It appeared to me, further, that to begin an expedition from Fort Pitt, the very first order for which is to be given now, when we have reason to believe Wayne advanced as far as Fort Jefferson, would be either too late for his movements, or would retard them very injuriously. (Note.—The letters from the Commissioners were now read, announcing the refusal of the Indians to treat, unless the Ohio were made the bound-

ary; and that they were on their return.)

A letter from Governor Clinton read, informing of his issuing a warrant to arrest Governor Galbaud, at the request of the French Consul, and that he was led to interfere because the judge of the district lived at Albany. It was proposed to write to the Judge of the district, that the place of his residence was not adapted to his duties; and to Clinton, that Galbaud was not liable to arrest. Hamilton said, that by the laws of New York, the Governor has the powers of a justice of peace, and had issued the warrant as such.

I was against writing letters to judiciary officers. I thought them independent of the Executive, not subject to its coercion, and therefore, not obliged to attend to its admonitions.

The other three were for writing the letters. They thought it the duty of the President to see that the laws were executed; and if he found a failure in so important an officer, to communicate it to the legislature for impeachment.

Edmund Randolph undertook to write the letters, and I am to sign them as if mine. The President brought forward the subject of the ports, and thought a new demand of answer should be made to Mr. Hammond. As we had not Mr. Hammond's last answer (of June 20th) on that subject, agreed to let it lie over to Monday.

Hamilton proposed, that on Monday we should take into consideration the fortification of the rivers and ports of the United States, and that though the Executive could not undertake to do it, preparatory surveys should be made to be laid before Congress, to be considered on Monday.

XXXVA. GOVERNMENT THREATENS TO REVOKE THE EXEQUATUR

Genet, upon his arrival in America, April 1793, had commanded each French consul and vice-consul in the United States to act as a court of admiralty for the trial and condemnation of such prizes as the French privateers might bring into port. All through the summer this had been a cause of offense. On September 7, 1793 a circular letter was issued by the Cabinet to every French consul and vice-consul threatening to revoke the exequatur - the permission given on the part of the American government to exercise consular authority - of any officer who persisted in such usurpation of power.¹

XXXVB. CABINET CONSIDERS COMPLAINTS

By September, 1793 the Cabinet was called upon almost every day to give decisions on privateers and prizes in answer to complaints received from men in authority. Mr. Hammond, the British minister, was foremost in delivering complaints.

XXXVC. INEXECUTION OF BRITISH TREATY

¹In October, 1793 the French vice-consul at Boston, Duplaine, had his exequatur revoked.
See cabinet meeting of August 31, 1793 for the reason.

The British as late as 1793 had not carried out the provisions of the Treaty of 1783. The forts and trading posts in the Northwest Territory were still occupied by the English. On September 7, 1793 Washington and his Cabinet began to take definite steps on a course to be pursued in regard to the nonperformance of the treaty.

Reference - Jefferson, Works (Ford's ed.), VIII. ,22.

CABINET DECISIONS

September 7, 1793.

At a meeting at the President's Sept. 7, 1793.

A circular letter from the Secretary of State to the Consuls and Vice Consuls of France, informing them that their Exequaturs will be revoked if they repeat certain proceedings, also one to Mr. Genet covering a copy of the letter of the Secretary of State to Mr. Gouverneur Morris desiring the recall of Mr. Genet were read and approved.

A letter from the Governor of Georgia to the Secretary of State dated Aug. 21, 1793 was read communicating the demand by the Vice Consul of France in Georgia of certain individuals under prosecution in a court of justice. It is the opinion that he be answered that the law must take its course.

A memorial from Mr. Hammond dated Sept. 6. complaining of the capture of the British brig the William Tell by the French brig le Cerf, within the limits of the pro-

tection of the United States and the refusal of the French Minister and Consul to have the prize delivered into the hands of a Marshal charged with process from a court to arrest her, was read. It is the opinion that a letter be written to Mr. Genet calling for evidence in the cases of the vessels heretofore reclaimed and not yet finally decided on, and which were permitted to remain in the hands of the French Consuls in the mean time, informing him that the letter of June 25, was not intended to authorize opposition to the officers, or orders, of courts respecting vessels taken within the limits of our protection, that therefore the brig William Tell ought to be delivered into the hands of the officer charged to arrest her, and that in the event of the court's deciding that it has no jurisdiction of the case, as in that of the ship William whereon the letter of June 25, was replaced in the Consuls hands till the Executive shall have decided thereon.

A letter from Lieutenant Governor Wood dated Aug. 29, stating that the French vessel the Orion had arrived in Norfolk and had brought in the Sans Culottes as a prize, and doubting whether from the particular circumstances of this prize she came within the general orders theretofore given. It is the opinion that the situation of the Sans Culottes is the same in respect to England and France as any other French vessel not fitted in our ports, and therefore that the Orion is within the 17th article of

our treaty, and the rules heretofore given on that subject.

A memorial from Mr. Hammond dated Sept. 4, was read complaining of the long stay of the French fleet in New York, that a regular succession of them appears to be appointed for cruizing on the coasts, that a jurisdiction over prizes is exercised by the French Consuls, and desiring to be informed whether it be the intention of the Executive to permit this indefinitely. It is the opinion that Mr. Hammond be informed that effectual measures are taken to put an end to the exercise of admiralty jurisdiction by the French Consuls, that the French have by treaty a right to come into our ports with their prizes, exclusively, that they have also a right by treaty to enter our ports for any urgent necessity, that this right is exclusive as to privateers but not so as to public vessels of war and has therefore not been denied to British ships of war nor has the Executive as yet prescribed to either any limits to the time they may remain in their ports.

A letter from Mr. Bordman at Boston dated Sept. 4, was read complaining of the capture of the schooner Flora, an American vessel by the Roland, one of the illicit privateers. It is the opinion he must seek redress in the courts of law.

The draught of a letter to Mr. Pinckney on the additional instructions of the court of St. James's dated

June 8, 1793, was read and approved.

A question was proposed by the President, Whether we ought not to enquire from Mr. Hammond if he is prepared to give an answer on the subject of the inexecution of the treaty? It is the opinion that it will be better to wait the arrival of the next packet, then to make the application to Mr. Hammond, and if he be not prepared to answer, that Mr. Pinckney be instructed to remonstrate on the subject to the British court.

Th. Jefferson

H. Knox

Edm. Randolph

XXXVIA. GENET'S CONDUCT

So disturbing and insolent was Genet's correspondence and so open were his attempts to stir up the people, the state governments, and Congress, which was about to assemble, against the Executive; Washington proposed to the Cabinet, November 8, 1793, to discontinue his functions and order him away. Washington was very strongly in favor of dismissing Genet, Hamilton and Knox agreed with Washington, but the measure was defeated on November 18th by the strong opposition of Jefferson and Randolph.

XXXVIB. THE PRESIDENT'S SPEECH TO CONGRESS

The President's speech, which was delivered to Congress on December 3, 1793, received a good deal of prelim-

inary discussion in the Cabinet. The discussion was mainly on how the proclamation of neutrality should be designated. Washington had issued the proclamation of neutrality (April 22, 1793) at a time when Congress was not in session. Jefferson and Hamilton had long disagreed on the meaning and the effect of the proclamation. Knox as usual sided with Hamilton and Randolph with Jefferson. Hamilton defended the proclamation of neutrality and declared the President had a right to decide the question of neutrality. Jefferson argued the President had exceeded his power, because wherever a foreign nation was concerned the Executive should appeal to Congress for guidance. To appease both factions the President in his speech designated the proclamation of neutrality as "a declaration of the existing state of things."¹

The Cabinet also discussed whether the President's speech to Congress should contain a recommendation to fortify the principal harbors and establish a military school. Jefferson took a strong stand against both of these ideas. He considered the fortification inexpedient and the military school unconstitutional. In the final draught of the speech, the clause recommending the fortifications was left out; but that for the establishment of a military academy was put in, although it was put in the form of a question thereby letting Congress decide upon the constitutionality of the academy.

¹Richardson, Messages and Papers of the Presidents, I.,

THE PRESIDENT'S WRITTEN MESSAGE TO CONGRESS

Two days after the delivery of the oral speech, a written message was sent to both houses, December 5, 1793. The heads of this message were preliminarily discussed by the Cabinet on November 28th. All topics discussed were put into the message. They were the correspondence with Genet, the correspondence with the British minister, George Hammond, on the nonfulfillment of the treaty of peace, and the recent correspondence on the subject of the British order for the stoppage of ships loaded with food supplies. This last topic was opposed by Hamilton, Knox and Randolph. Washington decided to include the topic solely on the opinion of Jefferson.

References - Conferences: Jefferson, Anas (Sawvel's ed.), 174.
Jefferson, Writings (Library ed.), I., 402.
Meeting: Jefferson, Anas (Sawvel's ed.), 178.
Jefferson, Writings (Library ed.), I., 406.
Meeting: Jefferson, Anas (Sawvel's ed.), 180.
Jefferson, Writings (Library ed.), I., 409.
Meeting: Jefferson, Anas (Sawvel's ed.), 181.
Jefferson, Writings (Library ed.), I., 410.

CONFERENCES OF THE CABINET

November the 8th, 1793. At a conference at the President's, where I read several letters of Mr. Genet;

on finishing one of them, I asked what should be the answer? The President thereupon took occasion to observe, that Mr. Genet's conduct continued to be of so extraordinary a nature, that he meant to propose to our serious consideration, whether he should not have his functions discontinued, and be ordered away? He went lengthily into observations on his conduct, to raise against the Executive, 1, the People; 2, the State Governments; 3, the Congress. He showed he felt the venom of Genet's pen, but declared he would not choose his insolence should be regarded any further, than as might be thought to affect the honor of the country. Hamilton and Knox readily and zealously argued for dismissing Mr. Genet. Randolph opposed it with firmness, and pretty lengthily. The President replied to him lengthily, and concluded by saying he did not wish to have the thing hastily decided, but that we should consider of it, and give our opinions on his return from Reading and Lancaster.

Accordingly, November the 18th, we met at his house; read new volumes of Genet's letters, received since the President's departure; then took up the discussion of the subjects of communication to Congress. 1. The Proclamation. E. Randolph read the statement he had prepared; Hamilton did not like it; said much about his own views; that the President had a right to declare his opinion to our citizens and foreign nations; that it was not the in-

terest of this country to join in the war, and that we were under no obligation to join in it; that though the declaration would not legally bind Congress, yet the President had a right to give his opinion of it, and he was against any explanation in the speech, which should yield that he did not intend that foreign nations should consider it as a declaration of neutrality, future as well as present; that he understood it as meant to give them that sort of assurance and satisfaction, and to say otherwise now, would be a deception on them. He was for the President's using such expressions, as should neither affirm his right to make such a declaration to foreign nations, nor yield it. Randolph and myself opposed the right of the President to declare anything future on the question, shall there or shall there not be war, and that no such thing was intended; that Hamilton's construction of the effect of the proclamation, would have been a determination of the question of the guarantee, which we both denied to have intended, and I had at the time declared the Executive incompetent to. Randolph said he meant that foreign nations should understand it as an intimation to the President's opinion, that neutrality would be our interest. I declared my meaning to have been, that foreign nations should understand no such thing; that on the contrary. I would have chosen them to be doubtful, and to come and bid for our neutrality. I admitted the Presi-

dent, having received the nation at the close of Congress in a state of peace, was bound to preserve them in that state till Congress should meet again, and might proclaim anything which went no farther. The President declared he never had an idea that he could bind Congress against declaring war, or that anything contained in his proclamation could look beyond the first day of their meeting. His main view was to keep our people in peace; he apologized for the use of the term neutrality in his answers, and justified it, by having submitted the first of them (that to the merchants, wherein it was used) to our consideration, and we had not objected to the term. He concluded in the end, that Colonel Hamilton should prepare a paragraph on this subject for the speech, and it should then be considered. We were here called to dinner.

After dinner, the renvoi of Genet was proposed by himself. I opposed it on these topics. France, the only nation on earth sincerely our friend. The measure so harsh a one, that no precedent is produced where it has not been followed by war. Our messenger has now been gone eighty-four days; consequently, we may hourly expect the return, and to be relieved by their revocation of him. Were it now resolved on, it would be eight or ten days before the matter on which the order should be founded, could be selected, arranged, discussed, and forwarded. This would bring us within four or five days of the meet-

ing of Congress. Would it not be better to wait, and see how the pulse of that body, new as it is, would beat? They are with us now, probably, but such a step as this may carry many over to Genet's side. Genet will not obey the order, etc., etc. The President asked me what I would do if Genet sent the accusation to us to be communicated to Congress, as he threatened in the letter to Moultrie? I said I would not send it to Congress; but either put it in the newspapers, or send it back to him to be published if he pleased. Other questions and answers were put and returned in a quicker altercation than I ever before saw the President use. Hamilton was for the renvoi; spoke much of the dignity of the nation; that they were now to form their character; that our conduct now would tempt or deter other foreign Ministers from treating us in the same manner; touched on the President's personal feelings; did not believe France would make it a cause of war; if she did, we ought to do what was right, and meet the consequences, etc. Knox on the same side, and said he thought it very possible Mr. Genet would either declare us a department of France, or levy troops here and endeavor to reduce us to obedience. Randolph of my opinion, and argued chiefly on the resurrection of popularity to Genet, which might be produced by this measure. That at present he was dead in the public opinion, if we would but leave him so. The President lament-

ed there was not unanimity among us; that as it was, we had left him exactly where we found him; and so it ended.

CABINET MEETING

November the 21st, 1793. We met at the President's. The manner of explaining to Congress the intentions of the proclamation, was the matter of debate. Randolph produced his way of stating it. This expressed its views to have been, 1. to keep our citizens quiet; 2. to intimate to foreign nations that it was the President's opinion, that the interests and dispositions of this country were for peace. Hamilton produced his statement, in which he declared his intention to be, to say nothing which could be laid hold of for any purpose; to leave the proclamation to explain itself. He entered pretty fully into all the argumentation of Pacificus;¹ he justified the right of the President to declare his opinion for a future neutrality, and that there existed no circumstances to oblige the United States to enter into the war on account of the guarantee; and that in agreeing to the proclamation, he meant it to be understood as conveying both those declarations; viz. neutrality, and that the casus faederis on the guarantee did not exist. He admitted the Congress might declare war, notwithstanding these declarations of the President. In like manner they might declare war in the face of a treaty, and in direct infraction of it. Among other

¹A set of articles came out in the Federal newspapers defending the proclamation of neutrality under the name of Pacificus. Jefferson knew that Hamilton was Pacificus, so he attacked Hamilton under the signature of Helvidius.

positions laid down by him, this was with great positiveness; that the Constitution having given power to the President and Senate to make treaties, they might make a treaty of neutrality which should take from Congress the right to declare war in that particular case, and that under the form of a treaty they might exercise any powers whatever, even those exclusively given by the constitution to the House of Representatives. Randolph opposed this position, and seemed to think that where they undertook to do acts by treaty, (as to settle a tariff of duties,) which were exclusively given to the Legislature, that an act of the Legislature would be necessary to confirm them, as happens in England, when a treaty interferes with duties established by law. I insisted that in giving to the President and Senate a power to make treaties, the Constitution meant only to authorize them to carry into effect, by way of treaty, any powers they might constitutionally exercise. I was sensible of the weak points in this position, but there were still weaker in the other hypothesis; and if it be impossible to discover a rational measure of authority to have been given by this clause, I would rather suppose that the cases which my hypothesis would leave unprovided, were not thought of by the convention, or if thought of, could not be agreed on, or were thought of and deemed unnecessary to be invested in the Government. Of this last description, were treaties

of neutrality, treaties offensive and defensive, etc. In every event, I would rather construe so narrowly as to oblige the nation to amend, and thus declare what powers they would agree to yield, then too broadly, and indeed, so broadly as to enable the executive and Senate to do things which the Constitution forbids. On the question, which form of explaining the principles of the proclamation should be adopted, I declared for Randolph's, though it gave to that instrument more objects than I had contemplated. Knox declared for Hamilton's. The President said he had had but one object, the keeping our people quiet until Congress should meet; that nevertheless, to declare he did not mean a declaration of neutrality, in the technical sense of the phrase, might perhaps be crying peccavi before he was charged. However, he did not decide between the two draughts.

CABINET MEETING

November the 23d, 1793. At the President's. Present Knox, Randolph, and Th. Jefferson. Subject, the heads of the Speech. One was, a proposition to Congress to fortify the principal harbors. I opposed the expediency of the general Government's undertaking it, and the expediency of the President's proposing it. It was amended, by substituting a proposition to adopt means for enforcing respect to the jurisdiction of the United States within

its waters. It was proposed to recommend the establishment of a military academy. I objected that none of the specified powers given by the Constitution to Congress, would authorize this. It was, therefore, referred for further consideration and inquiry. Knox was for both propositions. Randolph against the former, but said nothing as to the latter. The President acknowledged he had doubted of the expediency of undertaking the former; and as to the latter, though it would be a good thing, he did not wish to bring on anything which might generate heat and ill humor. It was agreed that Randolph should draw the speech and the messages.

CABINET MEETING

November 28, 1793. Met at the President's. I read over a list of the papers copying, to be communicated to Congress on the subject of Mr. Genet. It was agreed that Genet's letter of August the 13th to the President, mine of August the 16th, and Genet's of November to myself and the Attorney General, desiring a prosecution of Jay and King¹ should not be sent to the legislature; on a general opinion, that the discussion of the fact certified by Jay and King had better be left to the channel of the newspapers, and in the private hands in which it now is, than for the President to meddle in it, or give room to a discussion of it in Congress.

¹John Jay and Rufus King heard at Philadelphia that Genet intended to appeal from the President to the people. They repeated the story and confirmed it in the newspaper. In a note to Randolph, Genet demanded that the Government prosecute Jay and King for libel.

Randolph had prepared a draught of the speech. The clause recommending fortifications was left out; but that for a military academy was inserted. I opposed it, as unauthorized by the Constitution. Hamilton and Knox approved it without discussion. Randolph was for it, saying that the words of the Constitution authorizing Congress to lay taxes, etc., for the common defence, might comprehend it. The President said he would not choose to recommend anything against the Constitution, but if it was doubtful, he was so impressed with the necessity of this measure, that he would refer it to Congress, and let them decide for themselves whether the Constitution authorized it or not. It was, therefore, left in. I was happy to see that Randolph had, by accident, used the expression "our republic," in the speech. The President, however, made no objection to it, and so, as much as it had disconcerted him on a former occasion with me, it was now put into his own mouth to be pronounced to the two Houses of legislature.

No material alterations were proposed or made in any part of the draught.

After dinner, I produced the draught of messages on the subject of France and England, proposing that that relative to Spain should be subsequent and secret.

Hamilton objected to the draught in toto; said that the contrast drawn between the conduct of France and England amounted to a declaration of war; he denied that

France had ever done us favors; that it was mean for a nation to acknowledge favors; that the dispositions of the people of this country towards France, he considered as a serious calamity; that the Executive ought not, by an echo of this language, to nourish that disposition in the people; that the offers in commerce made us by France, were the offspring of the moment, of circumstances which would not last, and it was wrong to receive as permanent, things merely temporary; that he could demonstrate that Great Britain showed us more favors than France. In complaisance to him I whittled down the expressions without opposition; struck out that of "favors ancient and recent" from France; softened some terms, and omitted some sentiments respecting Great Britain. He still was against the whole, but insisted that, at any rate, it should be a secret communication, because the matters it stated were still depending. These were, 1, the inexecution of the treaty; 2, the restraining our commerce to their own ports and those of their friends. Knox joined Hamilton in everything. Randolph was for the communications; that the documents respecting the first should be given in as public; but that those respecting the second should not be given to the legislature at all, but kept secret. I began to tremble now for the whole, lest all should be kept secret. I urged, especially, the duty now incumbent on the President, to lay before the legislature and the

public what had passed on the inexecution of the treaty, since Mr. Hammond's answer of this month might be considered as the last we should ever have; that, therefore, it could no longer be considered as a negotiation pending. I urged that the documents respecting the stopping our corn ought also to go, but insisted that if it should be thought better to withhold them, the restrictions should not go to those respecting the treaty; that neither of these subjects was more in a state of pendency than the recall of Mr. Genet, on which, nevertheless, no scruples had been expressed. The President took up the subject with more vehemence than I have seen him show, and decided without reserve, that not only what had passed on the inexecution of the treaty should go in as public, (in which Hamilton and Knox had divided in opinion from Randolph and myself,) but also that those respecting the stopping our corn should go in as public, (wherein, Hamilton, Knox, and Randolph had been against me). This was the first instance I had seen of his deciding on the opinion of one against that of three others, which proved his own to have been very strong.

XXXVIIA. ADDRESS OF CONSULAR COMMISSIONS

Genet did not hesitate to question the right of the United States government to do certain things. Jefferson, the Secretary of State, merely called attention to the fact that the address of consular commissions should be to the executive branch of the government and that the original commission

must be produced according to law before the exequatur could be issued. Genet was reluctant to this. December 3, 1793, he sent a letter to the Secretary of State questioning the right of address of consular commissions to the President. The Cabinet on December 7th decided to inform Genet that the address must be either to the United States or to the United States President.

XXXVIIB. ST. DOMINGO REFUGES

Genet sent petitions to the United States government requesting the government to refund the tonnage duties which St. Domingo refugees had to pay upon entering the United States. The individuals who fled from St. Domingo were often penniless after their flight. December 7, 1793, the Cabinet agreed that the legislature was the only authority that could grant the relief. The petitions therefore should be transmitted to the legislature through private hands.

Reference - Jefferson, Works, (Ford's), VIII., 88

CABINET DECISIONS

December 7, 1793.

At a meeting of the Heads of Departments and Attorney-General at the President's on the 7th of December, 1793.

Mr. Genet's letter of Dec. 3, questioning the right of requiring the address of consular commissions to the President, was read, it is the opinion that the address may be either to the United States or to the President of the United States, but that one of these should be insisted on.

A letter of James King was read, dated Philadelphia,

Nov. 25, 1793, complaining of the capture of his schooner Nancy by a British privateer and carried into New Providence, and that the court there has thrown the onus probandi on the owners, to show that the vessel and cargo are American property. It is the opinion that Mr. King be informed, that it is a general rule that the government should not interpose individually, till a final denial of justice has taken place in the courts of the country where the wrong is done; but that, a considerable degree of information being shortly expected relative to these cases, his will be further considered and attended to at that time.

The Secretary of State informed the President that he had received a number of applications from Mr. Genet, on behalf of the refugees of St. Domingo, who have been subjected to tonnage on their vessels and duties on their property, on taking asylum in the ports of this country, into which they were forced by the misfortunes of that colony. It is the opinion that the Secretary of State may put the petitions into the hands of a member of the legislature in his private capacity, to be presented to the legislature.

XXXVIII. WHISKEY INSURRECTION

The excise law of March 3, 1791 was especially distasteful in four counties of western Pennsylvania where whiskey was the ordinary medium of exchange in business

transactions. A reduction of the duties by the act of May 8, 1792 failed to curb the growing discontent. In July, 1794 attempts to serve writs by the district court of Pennsylvania brought on an insurrection. Governor Mifflin refused to call out the militia of Pennsylvania to suppress the insurrection. President Washington backed by his Cabinet issued, on August 7, 1794, a proclamation to the insurgents to disperse before September 1st. Three commissioners of peace on the part of the United States were appointed by the President, Governor Mifflin added two on Pennsylvania's behalf. The commissioners were sent to the insurgent counties with authority to arrange for a submission to the laws.

Reference - Hamilton, Works (Lodge's ed.), VI. ,388.

CABINET OPINION - HAMILTON AND KNOX TO WASHINGTON

Philadelphia, August 5, 1794.

Sir:

The draft of a proclamation and that of an instruction to the commissioners being both prepared we take the Liberty to suggest that we think a meeting to-morrow morning, at such hour as may be convenient to the President, may be advisable. The Secretary of State and Attorney General being out of Town, we cannot consult them, but we will engage the attendance of the Attorney-General, provisionally, by nine o'clock, and if the President con-

cludes on the meeting at that hour, he can have the Secretary of State apprised of it. We have the honor to be, etc.

A. Hamilton

H. Knox

XXXIX. RATIFICATION OF THE JAY TREATY

Washington on April 16, 1794 nominated John Jay, chief justice of the Supreme Court, as an envoy extraordinary to London to make a final attempt at a peaceful termination of disputes between England and the United States. The nomination was confirmed by the Senate, and in May Jay sailed for England. On June 15th Jay reached England. After four months of negotiation, a treaty was signed by Jay on November 19th. The treaty reached President Washington on March 7, 1795, four days after Congress had adjourned. The President called the Senate in special session, the treaty was submitted on June 18th. The Senate on June 24th advised the ratification of the treaty with a special reservation on the article which related to the West India trade. The resolution raised some questions in the President's mind. Would it be necessary to lay the additional article before the Senate? Could the treaty be finally ratified before the article was added to it? On June 29, 1795 Washington sent a circular to his cabinet advisers asking for their opinions on the questions.

Reference - Washington, Writings (Sparks's ed.), XI. ,37.

WASHINGTON TO RANDOLPH

Philadelphia, June 29, 1795.

Sir,

I enclose to you a copy of the resolution of the Senate, advising that the late treaty with Great Britain be ratified. Upon this resolution two questions arise.

First, is or is not that resolution intended to be the final act of the Senate; or do they expect, that the new article which is proposed shall be submitted to them before the treaty takes effect?

Secondly, does or does not the constitution permit the President to ratify the treaty, without submitting the new article, after it shall be agreed to by the British King, to the Senate for their further advice and consent?

I wish you to consider this subject as soon as possible, and transmit to me your opinion in writing, that I may without delay take some definitive step upon the treaty. I am, etc.

XL. PROCEEDINGS IN BOSTON RELATIVE TO THE JAY TREATY

The Jay treaty was not published until after the adjournment of the Senate which had been called into special session for the ratification of the treaty. When the treaty was published, it was received with disfavor by the

people. At a town meeting in Boston, the treaty was denounced as unworthy of ratification. A committee was appointed to state the objections in an address to the President. This address was dispatched to the President in the form of a letter from the selectmen of Boston. Washington upon receipt of the dispatch, July 18, 1795, immediately sent it to Randolph, the Secretary of State, to be deliberated upon by the Cabinet. The cabinet members drew up a letter which was sent by the President to the Boston selectmen on July 28, 1795.

References - Letter: Washington, Writings (Sparks's ed.),
XI. ,34.
Letter: Washington, Writings (Sparks's ed.),
XI. ,42.

WASHINGTON TO RANDOLPH

Baltimore, July 18, 1795.

Sir,

At this place, and in the moment I was about to step into my carriage, I was overtaken by an express bearing the enclosed despatches.

As the application is of an unusual and disagreeable nature, and moreover is intended, I have no doubt, to place me in an embarrassed situation, from whence an advantage may be taken, I forward it to you with a request, that you, the other two Secretaries, and the Attorney-General, will give it due consideration; and, if it be proper for me to return an answer, that one may be drawn, which will accord with the ideas of you all, if it can be done, and forward-

ed to me by post, that I may transmit it from Mount Vernon. In haste, I am, etc.

WASHINGTON TO THE SELECTMEN OF THE TOWN OF BOSTON

United States, July 28, 1795.

Gentlemen,

In every act of my administration, I have sought the happiness of my fellow citizens. My system for the attainment of this object has uniformly been to overlook all personal, local, and partial considerations; to contemplate the United States as one great whole; to confide, that sudden impressions, when erroneous, would yield to candid reflection; and to consult only the substantial and permanent interests of our country.

Nor have I departed from this line of conduct, on the occasion which has produced the resolutions contained in your letter of the 13th instant.

Without a predilection for my own judgment, I have weighed with attention every argument, which has at any time been brought into view. But the constitution is the guide, which I never can abandon. It has assigned to the President the power of making treaties, with the advice and consent of the Senate. It was doubtless supposed that these two branches of government would combine, without passion, and with the best means of information, those facts and principles upon which the success of our foreign

relations will always depend; that they ought not to substitute for their own conviction the opinions of others, or to seek truth through any channel but that of a temperate and well-informed investigation.

Under this persuasion, I have resolved on the manner of executing the duty before me. To the high responsibility attached to it, I freely submit; and you, Gentlemen, are at liberty to make these sentiments known as the grounds of my procedure. While I feel the most lively gratitude for the many instances of approbation from my country, I can no otherwise deserve it, than by obeying the dictates of my conscience. With due respect, I am, Gentlemen, etc.

XLI. CALL OF HOUSE FOR PAPERS ON THE BRITISH TREATY

The Jay treaty with its suspended article was ratified in London on October 28, 1795. On March 1, 1796 President Washington proclaimed the treaty as the law of the land and sent a copy of the treaty to the House. Upon the House fell the duty of making appropriations for carrying the treaty into effect. Livingston, a member of the party in the House who opposed the treaty, offered a resolution, March 2, 1796, requesting the President to lay before the House his instructions to Jay and the correspondence and other documents relating to the treaty. After a debate which lasted for three weeks the resolution was carried, March 24th. On March 25th

Washington sent a circular to the members of the Cabinet consulting them as to the right of the House to demand the papers and to the expediency of furnishing the papers even though the opinion might be that the House had no right to call for them.¹

Reference - Washington, Writings (Ford's ed.), XIII. ,176.

Washington, Writings (Sparks's ed.), XI. ,114.

Gibbs, Administrations of Washington and Adams,
I. ,310.

WASHINGTON TO PICKERING

Philadelphia, March 25, 1796.

Sir,

The resolution moved in the House of Representatives, for the papers relative to the negotiation of the treaty with Great Britain, having passed in the affirmative, I request your opinion.

1. Whether that branch of Congress has or has not a right, by the constitution, to call for those papers?

2. Whether, if it does not possess the right, it would be expedient under the circumstances of this particular case to furnish them?

3. And, in either case, in what terms would it be most proper to comply with, or to refuse, the request of the House?

These opinions in writing, and your attendance, will

¹President Washington did not furnish the papers.

be expected at ten o'clock tomorrow. I am, etc.

XLII. THE MOUNT VERNON CAPTURED BY THE "FLYING FISH"

An Englishman, Mr. Dunkinson, bought a ship called the Mount Vernon. He was not naturalized, so he could not obtain a register in his own name. The Mount Vernon was therefore registered in the builders name, Murgatroyd, and loaded in the names of Willings and Francis with British property. These circumstances were known by the Flying Fish, a French privateer. On June 9, 1796 the Flying Fish in American waters captured and took the Mount Vernon as a prize. Washington, on June 24, 1796, sent a letter to the Secretary of State requesting him and the other heads of the departments to meet and discuss the affair.

Reference - Washington, Writings (Sparks's ed.), XI. ,130.

WASHINGTON TO PICKERING

Mount Vernon, June 24, 1796.

Sir,

The information contained in a letter, of which the enclosed is a correct copy, with a reservation only of names agreeably to the request of the writer, may serve as a comment upon the conduct of the owner of the privateer Flying Fish, and as a developement also of the intentions of the French government, so far as it relates to the commerce of the United States with Great Britain.

The communications in the last number of the Aurora, that I have seen, afford still further evidence of this system, and are calculated most evidently to prepare the public mind for this event, at the same time that they labor to make it appear, that the treaty with that country is the cause of such conduct in France.

The source from whence the information comes cannot, as to its authenticity and knowledge of facts, be doubted; of course, if the persons through whom it has passed to the reciter are not mistaken in their details, the most entire credit is to be given to the account.

Under these impressions, and the serious aspect which they present, it is my request that you and the Secretaries of the Treasury and War would meet; consult the treaties, the laws of nations, and of the United States, which have any relation to the subject; and, after mature deliberation, report to me your opinions of the measures, which you conceive ought to be adopted under such information and circumstances particularly.

First, whether immediate explanation should be asked on this subject from the minister of the French Republic in Philadelphia; and in that case, which I am inclined to think is right, to proceed, without the delay of sending to me, to make the requisition accordingly, unless, from the tenor of the answer to the letter you had drafted before I left Philadelphia respecting the capture of the

Mount Vernon, it should in your judgments be unnecessary.

Secondly, whether there is power in the executive and, in that case, whether it would be expedient in the recess of the Senate, to send an extra character to Paris to explain the views of this government, and to ascertain those of France; and, in the affirmative of these, to suggest for my consideration the names of such persons as in your opinions are best qualified to subserve these purposes.

I shall expect to hear fully from you on this interesting subject, and shall only add, that if, in the investigation of it, my presence in Philadelphia is deemed necessary, or if any other occurrence should require my return before the time I had allotted for it, I can and will set out for that place as soon as I am advertised of the necessity. I am, etc.

XLIII. THE RECALL OF JAMES MONROE

It was the incident of the Mount Vernon captured by the French privateer the Flying Fish which accelerated the decision to recall Monroe. This clearly showed that the Directory in France were delaying a settlement of the disputes between the two countries. Causes of complaint had been heaping up against James Monroe, the American minister to France, for some time. He was charged with neglecting his duty, exceeding his powers, wilfully disregarding his instructions, misrepresenting the mission of Jay, and being

more in communication with the opposition than the administration. Washington on June 24, 1796 sent a letter to the heads of the departments concerning the Mount Vernon. On July 2nd the secretaries of the departments sent an opinion to Washington advising Mr. Monroe's recall. In August 1796 Monroe was recalled from France.

Reference - Washington, Writings (Sparks's ed.), XI. ,483.

Gibbs, Administrations of Washington and Adams,
I. ,366.

THE SECRETARIES OF DEPARTMENTS TO PRESIDENT WASHINGTON

Philadelphia, July 2, 1796.

Sir,

Agreeably to your directions, we have consulted together on the subject of your letter of the 24th of June; and we are of opinion, that a direct explanation should be asked of M. Adet, the minister of the French Republic, in the terms of the enclosed draft of a letter to him, which, as you desired, will be sent without delay. We are also of opinion, that the executive has not the power, in the recess of the Senate, to originate the appointment of a minister extraordinary to France; and that the recall of Mr. Monroe, by creating a vacancy can alone authorize the sending of a new minister to that country.

On the expediency of this change we are agreed. We think the great interests of the United States require, that they have near the French government some faithful

organ to explain their real views, and to ascertain those of the French. Our duty obliges us to be explicit. Although the present minister plenipotentiary of the United States at Paris has been amply furnished with documents to explain the views and conduct of the United States, yet his own letters authorized us to say, that he has omitted to use them, and thereby exposed the United States to all the mischiefs, which could flow from jealousies and erroneous conceptions of their views and conduct. Whether this dangerous omission arose from such an attachment to the cause of France, as rendered him too little mindful of the interests of his own country, or from mistaken views of the latter, or from any other cause, the evil is the same. We therefore conceive it to be indispensably necessary, that the present minister plenipotentiary of the United States at Paris should be recalled, and another American citizen appointed in his stead.

Such being our opinion, we beg leave to name for your consideration Patrick Henry and John Marshall of Virginia, and Charles Cotesworth Pinckney and William Smith of South Carolina; either of whom would, we believe, so explain the conduct and views of the United States, as to satisfy the French Republic, and thereby remove the danger of a rupture or inconvenient controversy with that nation; or, failing of this desirable effect, to satisfy the citizens of the United States, that the fault was not to be imputed

to their own government.

In confirmation of our opinion of the expediency of recalling Mr. Monroe, we think the occasion requires, that we communicate a private letter from him, which came to our hands since you left Philadelphia. This letter corresponds with other intelligence of his political opinions and conduct. A minister, who has thus made the notorious enemies of the whole system of government his confidential correspondents in matters, which affect that government, cannot be relied on to do his duty to the latter. This private letter we received in confidence. Among other circumstances, that will occur to your recollection, the anonymous letters from France to Thomas Blount¹ and others are very noticeable. We know that Montflorenc was the writer, and that he was the chancellor of the consul Skipwith;² and, from the connection of Mr. Monroe with those persons, we can entertain no doubt, that the anonymous letters were written with his privity.

These anonymous communications from officers of the United States in a foreign country, on matters of a public nature, and which deeply concern the interests of the United States in relation to that foreign country, are proofs of sinister designs, and show that the public interests are no longer safe in the hands of such men.

The information contained in the confidential communication you were pleased to make to us on the project of

¹Representative from North Carolina.

²James Monroe appointed Mr. Skipwith provisionally, consul for Paris when Mr. Duvernay did not arrive. Skipwith was Monroe's secretary.

the French government, relative to the commerce of the United States, is confirmed by the open publication of the same substantially and more minutely in the newspapers. Mr. Fenno's, in which it first appeared, we now enclose. Even the execution of the project appears to have been commenced.

The following article is in Mr. Fenno's paper of the 28th ultimo.

"New London, June 23d. -- Arrived brig Aurora, S. Wadsworth, of Hartford, in fourteen days from Port Paix. Left there sloop Crisis, Cook of Warwick, with mules; sloop Scrub, Williams, of Middletown; and a brig from Philadelphia; all carried in by French Privateers. It was not pretended to make prizes of them; but their cargoes were taken by the administration at their own price, and due-bills given therefor. Those, who go there to trade, and those carried in, are all treated alike. Captain Wadsworth received a due-bill for eleven thousand livres."

The foregoing we respectfully submit to the consideration and decision of the President of the United States.

Timothy Pickering, Secretary of
State.

Oliver Wolcott, Secretary of the
Treasury.

James McHenry, Secretary of War.

President

JOHN ADAMS

Vice-President

THOMAS JEFFERSON

March 4, 1797, to March 4, 1801.

Secretary of State

TIMOTHY PICKERING, continued from last Administration.

CHARLES LEE, (Attorney-General), ad interim,
May 13, 1800.

JOHN MARSHALL, May 13, 1800.

Secretary of the Treasury

OLIVER WOLCOTT JR., continued from last Administration.

SAMUEL DEXTER, January 1, 1801.

Secretary of War

JAMES McHENRY, continued from last Administration.

BENJAMIN STODDERT, (Secretary of the Navy), ad interim,
May 6, 1800.

SAMUEL DEXTER, May 13, 1800.

SAMUEL DEXTER, (Secretary of the Treasury), ad interim,
January 1, 1801.

Attorney-General

CHARLES LEE, continued from last Administration.

Secretary of the Navy

BENJAMIN STODDERT, May 21, 1798.

XLIV. QUESTIONS ON FRANCE

Mr. Pinckney, Monroe's successor, arrived in Paris early in December, 1796. The French Directory would not receive him and he left France on February 3, 1797. President Adams upon hearing the news decided to act. On March 25, 1797 Adams issued a proclamation convening Congress on May 15th. Before Congress met, April 14th, Adams sent to the heads of the departments fourteen questions concerning a French mission which they were to give written opinions upon.¹

Reference - Adams, Works, VIII. ,540.

FROM THE PRESIDENT

Philadelphia, April 14th, 1797.

The President of the United States requests the Secretary of the Treasury to take into his consideration the following questions, and make report of his opinion in writing, viz:-

1st. Whether the refusal to receive Mr. Pinckney, and the rude orders to quit Paris and the Territory of the Republic, with such circumstances of indignity, insult, and hostility, as we have been informed of, are bars to all further measures of negotiation? or in other words, will a fresh mission to Paris be too great an humiliation of the American people in their own sense and that of the world?

2d. If another mission be admissible, can any part,

¹A very lengthy opinion by Mr. Wolcott on these questions is found in Gibbs, Administrations of Adams and Washington, I., 502-517.

and what parts or articles of the treaty of amity and commerce with Great Britain be offered to France or ultimately conceded to that power in case of necessity if demanded by her?

3d. What articles of the treaty of alliance and of the treaty of commerce with France, should be proposed to be abolished?

4th. Whether it will be prudent to say anything concerning the consular convention with that power, and if it will, what alterations in it should be proposed?

5th. Whether any new articles, such as are not contained in either of our treaties with France or England, shall be proposed, or can be agreed to, if proposed by the French government?

6th. What documents shall be prepared to send to France, as evidence of insults and injuries committed against the commerce of the United States by French ships of war or privateers, or by French Commissioners, agents, officers, or citizens?

7th. In what terms shall remonstrances against spoliation of property, capture of vessels, imprisonment of masters and mariners, cruelties, insults and abuses of every kind to our citizens, be made.

8th. In what terms shall restitution, reparation, compensation, and satisfaction, be demanded for such insults and injuries?

9th. Shall demand be made of payment to our citizens for property purchased by the French government in Europe, or in the East or West Indies?

10. Shall demand be made of the French government of payment for vessels and cargoes captured and seized, whether by ships of war or private ships?

11th. Shall any commission of inquiry and examination like that with England be agreed to?

12th. What articles in the British treaty can be offered to France without compensation, and what with compensation, and what compensation shall be demanded?

13th. Shall a project of a new treaty, abolishing the old treaties and consular convention, be proposed to France?

14th. Shall such a project, with a project of instructions to the minister, be proposed and laid before the Senate for their advice and consent before they be sent to Europe.

John Adams

XLV. ENVOYS TO FRANCE

Adams in his address to Congress, on May 15, 1797, expressed his intention to send a new mission to France. Congress supported Adam's recommendation to send three commissioners to France. The names of three Federalists, Charles C. Pinckney, Francis Dana, and John Marshall were sent by Adams to the Senate and approved by the Senate. Adams who was

opposed to three Federalists had wanted to appoint Elbridge Gerry, a Republican, who was more in accord with the feelings of France, but the Cabinet had not sanctioned the nomination. Dana declined to serve, Adams then insisted upon Gerry; and, on June 20th, Gerry was appointed. Adams immediately wrote a letter to Gerry in which he told Gerry that he would have nominated him at first if he had not been overruled by the Cabinet.

Reference - Adams, Works, VIII. ,546.

JOHN ADAMS TO ELBRIDGE GERRY

Philadelphia, June 20, 1797.

My Dear Friend,---I have this moment written a message to the Senate, nominating you to be an envoy extraordinary to the French republic. Knowing, as I did, Mr. Dana's aversion to the sea, and his continual dread of his mother's fate, I was always apprehensive he would decline, and should have nominated you at first, if I had not been overruled by the opinions of many gentlemen, that Mr. Dana's experience in this line, and especially his title of chief justice, would be great advantages in France, as well as among our people in America. I know you must make a sacrifice, but I sincerely hope you will not disappoint me. I should be very happy to see you here, before you embark. Mr. Marshal accepts, and will be here in a week from this day.

The voyage, I am confident, will be for your health. My compliments to Mrs. Gerry. Tell her she must not object. If she cannot accompany you, she must sacrifice a little, as Mrs. Adams did before for six years. I pray you to let me hear from you as soon and as often as possible.

I am your sincere friend,

John Adams.

XLVI. ADAMS CONSULTS HIS CABINET ON COURSE PROPER
IN CASE ENVOYS FAIL

The American commissioners arrived in Paris on October 4, 1797. In January news reached America of the change in the French government. At the head of the new administration stood Talleyrand, as Minister of Foreign Affairs. Adams did not know what action had been taken upon the envoys by the French government; but thinking that the special embassy might not accomplish its purpose, he sent a request, on January 24, 1798, to the cabinet officers to consider the state of foreign relations especially with France, and to answer certain questions as to measures to be taken.

Reference - Adams, Works, VIII. ,561.

Gibbs, Administrations of Washington and Adams,
II. ,10.

ADAMS TO THE HEADS OF DEPARTMENTS

Philadelphia, January 24, 1798.

The President of the United States requests the Secretary of State, the Secretary of the Treasury, the Secretary War, and the Attorney-General, to take into their consideration the state of the nation, and its foreign relations, especially with France. These, indeed, may be so connected with those with England, Spain, Holland, and others, that perhaps the former cannot be well weighed without the other. If our envoys extraordinary should be refused an audience, or, after an audience, be ordered to depart without accomplishing the objects of their mission,

1. They may repair to Holland; or, 2. Two of them may return home, leaving one abroad; or, 3. All of them may return to America.

In the first case, will it be prudent to call them all home? and, in the second, to recall the one?

In any of these three cases, what will be necessary or expedient for the executive authority of government to do here?

In what manner should the first intelligence be announced to Congress; by message, or speech?

What measures should be recommended to Congress? Shall an immediate declaration of war be recommended or suggested? If not, what other system shall be recommended more than a repetition of the recommendations heretofore repeatedly made to both houses? Will it in any case,

and in what cases, be advisable to recommend an embargo?

What measures will be proper to take with Spain? What with Holland? What with Portugal? But, above all, what will policy dictate to be said to England, and how shall it be said? by Mr. King?¹ by packet, or any ordinary conveyance; or by some special treaty, and confidential messenger? Will it not be the soundest policy, even in case of a declaration of war on both sides, between France and the United States, for us to be totally silent to England, and wait for her overtures? Will it not be imprudent in us to connect ourselves with Britain, in any manner that may impede us in embracing the first favorable moment or opportunity to make a separate peace? What aids or benefits can we expect from England by any stipulations with her, which her interest will not impel her to extend to us without any? On the brink of the dangerous precipice on which she stands, will not shaking hands with her necessitate us to fall with her, if she falls? On the other hand, what aid could we stipulate to afford her, which our own interest would not oblige us to give without any other obligation? In case of a revolution in England, a wild democracy will probably prevail for as long a time as it did in France; in such case, will not the danger of reviving and extending that delirium in America, be increased in proportion to the intimacy of our connection with that nation?

John Adams

¹Rufus King, minister plenipotentiary to England.

XLVII. DESPATCHES FROM FRANCE

The commissioners, Pinckney, Marshall, and Gerry met in Paris in October 1797. On the 4th of March, 1798, President Adams received despatches covering events up to the first of the year. A hasty examination showed that they were unfavorable. Without waiting for a full translation, Adams sent, on the next day, a message to Congress announcing the receipt of despatches from the commissioners and giving an indication of what might be expected. In preparation for a message to Congress, the President, March 13, 1798, consulted his cabinet as to whether or not he should disclose to Congress the names of the persons specified in the despatches as Messrs. X., Y., and Z., and whether he ought to recommend in his message an immediate declaration of war.

Reference - Adams, Works, VIII. ,568.

TO THE HEADS OF DEPARTMENT

Philadelphia, March 13, 1798.

Will it be advisable to present immediately to Congress the whole of the names of the persons employed by the minister Talleyrand to exhibit and enforce his requisitions for a bribe, under an injunction of secrecy as to that particular?

Ought the President, then, to recommend, in his mess-

age, an immediate declaration of war?

John Adams

XLVIII. ADAMS CONSULTS CABINET MINISTERS
AS TO CONTENT OF SPEECH TO CONGRESS

October 10, 1798, Adams sent letters to his cabinet officers consulting them as to the content of his speech which he would give to Congress in December.¹ He also asked their opinions whether Congress should meet somewhere else besides Philadelphia. An epidemic of yellow fever had visited Philadelphia in the summer of 1798.

References - Letter: Adams, Works, VIII. ,604.

Letter: Gibbs, Administrations of Washington and Adams, II. ,168.

TO C. LEE, ATTORNEY-GENERAL

Quincy, October 10, 1798.

The session of Congress approaches faster than I can prepare for it in the afflicted state of my family and tottering state of my frame. I request you to consider whether Congress can meet in Philadelphia with safety to their persons, and also to write me your sentiments of the particulars which ought to be inserted in the speech. I shall be obliged, by the long continued sickness of Mrs. Adams and her consequent weakness, to remain here till the last moment, and set out only soon enough to meet Congress on the first Monday in December, which will make it desirable to me to receive your sentiments as early as possible,

¹Wolcott in November sent a long letter to Adams. The language recommended to be used respecting France was adopted almost verbatim by Adams in his December address. But in reference to another mission to France, Adams cleverly changed the words to open a door for sending

that I may make some arrangements in season.

John Adams

TO OLIVER WOLCOTT

Quincy, October 10, 1798.

Sir,

It is time to consider whether it will be prudent for Congress to meet in Philadelphia, and also what communications and recommendations will be necessary in the address to both Houses. I request you to turn your thoughts upon these subjects, and write me your opinions as early as may be. I have the honor to be, sir, your most obedient.

John Adams

XLIX. RANK OF MAJOR GENERALS

George Washington on July 17, 1798 accepted the rank of Lieutenant General in the provisional army which was being raised. He accepted with the understanding that he would have a share in the naming of the other officers. On the same day of Washington's acceptance, the Senate confirmed a list arranged by him which named Alexander Hamilton, Charles Pinckney and Henry Knox for Major Generalships, ranking in the order named. A serious dispute arose. Knox in the Revolutionary War had ranked above Hamilton. Knox's friends claimed he was first because of Revolutionary

another mission to France. The letter is printed in Gibbs, Administrations of Washington and Adams, II., 168. The address to Congress is printed in Richardson, Messages and Papers of the Presidents, I., 271.

priority. Others who were friendly toward Hamilton said he was first because the rank should be according to the order in which the names were sent to the Senate.

Knox appealed to the Secretary of War, James McHenry, August 5, 1798. The President, August 29th, decided the old rank should be followed. The appointments to be made as arranged; but the commissions to be dated on different days. General Knox's commission on the first day, General Pinckney's on the second, and Hamilton's on the third. Washington, September 16th, wrote to the Secretary of War charging the President with failure to carry out the agreement between them. Washington wrote to Adams intimating that if Hamilton were placed below Knox, he would resign. September 30th, Adams returned the commissions to the Secretary of War all dated the same day.

October 13, 1798, the Secretary of War submitted all the correspondence on the subject to the other Secretaries. On the same day the Secretaries gave a written opinion that the rank as proposed by Washington and used in the order of nomination of the Senate was the proper one.

Reference - Gibbs, Administrations of Washington and Adams, II., 102.

TO THE SECRETARY OF WAR

Trenton, October 13th, 1798.

The undersigned Secretary of State, Secretary of the Treasury, and Secretary of the Navy, have considered the

questions upon which the Secretary of War has requested their opinions in his note, dated the 13th of October, 1798, and submit the following observations to his consideration:

It appears that the President of the United States, by a letter dated the 6th day of July, 1798, directed the Secretary of War to proceed to Mount Vernon, and announce to General Washington his appointment to be the Commander-in-Chief of the new army, and to obtain his advice in the formation of a list of officers; that General Washington accepted the commission, upon two conditions, one of which was, that the principal officers should be persons whom he should approve; that he advised the appointment of Alexander Hamilton to be Inspector General, with the rank of Major General, and of Charles Cotesworth Pinckney, and Henry Knox to be Major Generals; that this arrangement was approved by the President, at least, in respect to the characters designated; that in the nominations to the Senate, and in the advice and consent of that body, the arrangement proposed by General Washington was pursued; that since the appointments have been made the President has doubted the propriety of the arrangement in respect to the relative rank of the three generals, before named; that in his letter of August 29th to the Secretary of War, the President expressed his willingness to decide the question of rank by dating General Knox's commission on the first day,

General Pinckney's on the second, and General Hamilton's on the third; that the Secretary of War transmitted to the President on the 18th of September the three commissions, dated according to the foregoing suggestion, and that on the 30th of September they were returned by the President, executed by him, and all dated on the same day.

The only inference which we can draw from the facts before stated, is, that the President consents to the arrangement of rank as proposed by General Washington and pursued in the order of nomination and appointment by the President and Senate.

This being the conclusion which we make, it is our opinion that the Secretary of War ought to transmit the commissions, and inform the generals that in his opinion the rank is definitively settled according to the original arrangement.

We are of opinion that it will not be respectful to the President to address him again on the subject which appears to have been attended with difficulties in his mind, and the discussion of which can produce no public advantage. We also think that no communication of our sentiments will be necessary, unless the Secretary of War shall discover hereafter that we have mistaken the President's intentions, in which case it will be proper that we should share in the censure.

We are respectfully your obedient serv'ts,

Timothy Pickering

Oliver Wolcott

Ben. Stoddert

I. FRENCH AFFAIRS

The joint embassy of Gerry, Pickering and Marshal ended on April 16, 1798. Gerry alone remained to negotiate with Talleyrand, August 8, 1798, Gerry himself left France. In October 1798 Adams at Quincy received two letters from William Vans Murray, the American minister at the Hague. Mr. Murray reported that he was assured by M. Pichon, the French Secretary of Legation at the Hague, that Talleyrand was willing to resume diplomatic relations with the United States if a minister were sent. On view of the nearness of the assembling of Congress, Adams on October 20, 1798, wrote to Pickering,

the Secretary of State, to get advice from the heads of the departments on three questions. 1. Ought we to declare war on France if she did not declare it on us? 2. Should a new minister be sent? 3. Should the papers sent by Mr. Gerry be laid before Congress? On connection with the second question, Adams mentioned names worthy of consideration for a new embassy.

Reference - Adams, Works, VIII. ,609.

TO T. PICKERING, SECRETARY OF STATE

Quincy, October 20, 1798.

Dear Sir,—There are many things which deserve to be maturely considered before the meeting of Congress. I shall mention two or three at present, concerning which I pray you to take as early measures as possible to obtain the advice of the heads of departments. One of them is, whether it will be expedient for the President to recommend to the consideration of Congress a declaration of war against France. This question supposed that France shall not have declared war against the United States. Otherwise, I suppose there will be no room for a question.

Another inquiry is, whether any further proposal of negotiation can be made with safety; and whether there will be any use or advantage, in Europe or America, by uniting minds more in our favor, by any such measure. In

a message to both Houses of Congress, on the 21st day of June last, the President expressed his opinion of the impropriety of sending any ministers to France, without assurances that they shall be received. In this opinion he perseveres. But the question is, whether, in the speech, the President may not say, that in order to keep open the channels of negotiation, it is his intention to nominate a minister to the French republic, who may be ready to embark for France, as soon as he, or the President, shall receive from the Directory satisfactory assurances that he shall be received and entitled to all the prerogatives and privileges of the general law of nations, and that a minister of equal rank and powers shall be appointed and commissioned to treat with him. If any measure of this kind should be thought admissible, who shall be the man? Patrick Henry? Judge Patterson? Mr. Senator Ross? Mr. Senator Stockton? I mention these, because, while they are staunch Americans, they have not been marked or obnoxious to the French. No public speeches have been printed of theirs, which have been pointed against the French. Or shall we fix upon a man without regard to this, as Bayard, of Delaware, Harper, Sitgreaves, etc., or shall we fix upon one in Europe, as King, Smith, or Murray?¹

Another thing I wish to be considered is, whether it will not be necessary to lay before Congress all the pa-

¹Four months later the cabinet officers complained of Adams's sudden determination in the nomination of Mr. Murray as United States minister to France. The nomination of Murray was the most disputed question during his administration.

pers sent from Mr. Gerry by Mr. Humphreys; and, if it will, I pray you to have copies of them made for both Houses.

I have the honor to be, etc.

John Adams

LI. THE PROJECT OF A TREATY WITH FRANCE

President Adams in his December speech to Congress professed himself willing, on the assurance of a proper reception to send a minister to France. On January 15, 1799 Adams addressed a note to the Secretary of State to consult the other heads of departments to prepare the draught of a project of a treaty in expectation that a treaty would be offered by France.¹

Reference - Adams, Works, VIII. ,621.

Gibbs, Administrations of Washington and Adams, II. ,187.

TO T. PICKERING, SECRETARY OF STATE

January 15, 1799.

The President of the United States requests the Secretary of State to prepare the draught of a project of a treaty and a consular convention, such as in his opinion might at this day be acceded to by the United States, if proposed by France. It is his desire that the Secretary of State would avail himself of the advice and assistance

¹The project of a treaty which might serve as a basis of negotiation would hasten matters.

Here was the President asking the cabinet officers to prepare a treaty one month before Murray was nominated minister to France, yet they professed surprise when he was nominated.

of all the heads of department in the formation of this composition, to be completed as soon as the pressure of other business of more immediate necessity will permit. The necessity of inviolable confidence will be obvious.

LII. ST. DOMINGO COMMERCE

On 1795 the French part of the island of St. Domingo came under the influence of a negro chieftain, Toussaint L'Ouverture. Congress by the Act of June 1798 prohibited intercourse with the French dominions. February 9, 1799 Congress put a clause into the Act of June 1798 by which the President was authorized, whenever he deemed expedient, to discontinue the restraints as regarded the whole or any part of the dominions of France. On March, 1799, Dr. Edward Stevens was appointed a consul general for the island of St. Domingo. He was to be a sort of ambassador to Toussaint.

Soon after Dr. Stevens sailed, General Maitland arrived from England. General Maitland in conjunction with Liston, the English Ambassador, proposed an arrangement with the United States as to the trade of the island of St. Domingo. Adams was in Quincy at the time. Owing to the fact that General Maitland was departing immediately for St. Domingo, the papers were drawn by Pickering with the approval of the other cabinet officers without referring them to Adams, May 1, 1799, the President in a letter to Pickering stated he approved of the negotiation.

Toussant complied with the conditions of the British and American agreement. Adams on the 15th of June signed a proclamation, which Pickering had drawn up, permitting the renewal of commerce with St. Domingo. The proclamation was issued by the President on June 26th.

Despatches from Dr. Stevens and Maitland showed the proclamation to be incorrect concerning the time of opening the ports of Cape Francois and Port-au-Prince, to vessels sailing from the United States. Adams, therefore, on July 2, 1799 by a letter authorized Pickering with the consent of the heads of the departments to make the necessary changes in the proclamation.

References - Letter: Adams, Works, VIII. ,639.

Letter: Adams, Works, VIII. ,657.

Letter: Adams, Works, VIII. ,661.

TO PICKERING, SECRETARY OF STATE

Quincy May, 1, 1799.

Sir,—I received your favor of the 23d and have read all the papers inclosed with attention and much satisfaction. With the No. 3, "Observations," etc., I was particularly pleased.

I can see no rational objection to any of the seven articles ultimately signed by all the heads of department, unless it be the 6th.

When I first read this, I was apprehensive that some

embarrassment might soon arise in consequence of it. We have given our word that the commerce should be open by proclamation as soon as privateering should be suppressed in the island, and the fulfillment of our promise may be claimed. But, on further consideration, I hope and presume that General Maitland will settle this point, without any difficulty to us. I am very glad that you did not detain General Maitland till you could hear from me. Upon the whole, I think the negotiation has been conducted with caution and prudence, and the result has my fullest approbation.

TO PICKERING, SECRETARY OF STATE

Quincy, June 15, 1799.

Sir,—I received yesterday your important letter of the 7th. The form of a proclamation is sufficient, I believe, for the purpose, and I have signed it, that it may be completed and published at a proper season without loss of time.

I am glad the heads of department did not form a definitive opinion on the very important question whether it will be expedient to review the commerce, without a concurrence of the British. My judgment inclines the same way at present with theirs; but we had better wait for further information. I am afraid that the jealousy and avidity of the English will do an injury to themselves, as well as to us; but we cannot help it. My opinion is that, if the

powers of St. Domingo will not admit British ships of war or commerce into their ports, the British government ought to be contented with sufficient assurances of the neutrality of that island, during the war between England and France, and not insist on defeating the connection between the United States and St. Domingo. It is my earnest desire, however, to do nothing without the consent, concert, and cooperation of the British government in this case. They are so deeply interested that they ought to be consulted, and the commerce of the island is not worth to us the risk of any dispute with them. No time ought to be lost in transmitting to Dr. Stevens instructions concerning the part he is to act, and the language he ought to hold. I fully agree with you and the heads of department, in the opinion of the propriety of the sentiments suggested by you to be communicated to him. Dr. Steven's letters, public and private, have opened the politics of St. Domingo in a very intelligible manner. The whole is so natural that it is easily to be believed.

TO PICKERING, SECRETARY OF STATE

Quincy, July 2, 1799.

Sir,—I thank you for the favor of your letter of 24th June, and the copies inclosed of despatches from Stevens and Maitland, which I suppose it is unnecessary for me to return. The necessary alterations in the proclamation will, of course, be made by you, with the advice

of the heads of department. Harmony with the English, in all this business with St. Domingo, is the thing I have most at heart. The result of the whole is, in my mind, problematical and precarious. Toussaint has evidently puzzled himself, the French government, the English cabinet, and the administration of the United States. All the rest of the world know as little what to do with him as he knows what to do with himself. His example may be followed by all the islands, French, English, Dutch, and Spanish; and all will be one day played off against the United States by European powers. I think we have committed one great mistake in exchanging prisoners with Guadaloupe. We have lent a thousand men to that island some of whom have been taken three times by our cruisers. We should soon exhaust the islands of seamen, if we brought all to America.

LIII. NEGOTIATION OF COMMERCIAL TREATY WITH RUSSIA

After the breaking off of negotiations with France, the Russian minister at London suggested to the American minister, Mr. Rufus King, that Russia would negotiate a commercial treaty with the United States. In consequence of this suggestion, Adams nominated and the Senate confirmed, February 1799, Rufus King to negotiate a treaty of commerce with Russia.¹ The Cabinet drew up the instructions which King was to use in his negotiation. Adams in a

¹Nothing came out of the negotiation. United States treated with France, Russia was unwilling to enter into a commercial treaty with the United States.

letter to Pickering, May 13, 1799,, approved the instructions with a minor correction.

Reference - Adams, Works, VIII. ,646.

TO PICKERING, SECRETARY OF STATE

Quincy, May 13, 1799.

Sir,—I have received your favor of the 6th, and considered the copy of instructions to Mr. King, which have been examined and unanimously approved by the heads of department. I am very well satisfied with them, on the whole, though I wish that in the tenth article you would introduce another idea in corroboration. As "a principal means of annoying a maritime nation would be our privateers," so our strongest motive, and fullest justification for using it, would be that our extensive commerce, spreading and branching all over the seas, is more exposed than that of any other nation to depredations, both of pirates and maritime powers.

I pray you to send a copy of these instructions to Mr. Adams at Berlin, and give him fresh instructions to agree with Prussia and Sweden both, in this instruction relative to the article of contraband of war, or to agree to the old article of contraband in our former treaties with those powers. I am determined to make no farther difficulty with either of these powers about the article of contraband, provided they will agree to the old one.

As I presume you have a copy of your draught of instructions to Mr. King, I shall keep the one you inclosed to me.

John Adams

LIV. FRIES'S RIOT

On March 1799, in the counties of Northampton, Bucks, and Montgomery in eastern Pennsylvania a violent protest was made against the direct taxes which Congress had levied on houses. The rioters were lead by John Fries. The militia of Pennsylvania came in and put down the insurrection. Fries and the ringleaders were arrested by the marshal, tried on the charge of high treason, pronounced guilty, and sentenced to be hanged in April 1800.

Petitions for mercy for the rioters were sent to Adams. August 14, 1799, Adams forwarded the petitions to Pickering, the Secretary of State, for consideration by the heads of departments. September 9, 1799, Pickering communicated the opinion of the heads of the departments to Adams. The opinion was that no pardon nor any answer should be given to the petitions.¹

References - Letter: Adams, Works, IX. ,15.

Letter: Adams, Works, IX. ,21.

TO PICKERING, SECRETARY OF STATE

Quincy, August 14, 1799.

¹After second trials, petitions were again sent to Adams. The President pardoned the men.
See letters for May 20th and 21st, 1800 which were written by the secretaries and the President.

Inclosed are four petitions for mercy. One from Conrad Marks, Frederick Heyney, Anthony Stahler, John Getman, Valentine Kuder, Jacob Kline, David Schaffer, and Philip Desh; another from George Schaffer, Daniel Schwartz, Henry Stahler, Christian Rhodes, and Henry Schaffer; a third from Jacob Eyerman and John Everhart; and a fourth from John Fries; all supported by numerous petitioners in their behalf.

I wish Dr. Priestley could see these petitions, and be asked to consider whether it would be a pleasant thing to have an equal number of his neighbors in Northumberland brought by his exertions and example in to a situation equally humble. I pray you to communicate these petitions to the heads of department, and especially to the attorney-general. I wish all to consider whether it is proper that any answer should be given, by me or my order, to any of them. I think it may be said that these people are brought to humble themselves "in dust and ashes before their offended country." That repentance, however, which, in the sight of an all penetrating heaven, may be sufficiently sincere to obtain the pardon of sins, cannot always be sufficiently certain in the eyes of mortals to justify the pardon of crimes.

TO PICKERING, SECRETARY OF STATE

Trenton, September 9, 1799.

Sir,—I have the honor to inclose the opinions of the Attorney-General and heads of departments on the petitions of John Fries and others, insurgents in Bucks and Northampton counties in Pennsylvania, that no pardon should now be granted, nor any answer given.

I am revising the draught of instructions for the envoys to France, and making the alterations which have been agreed on. I expect to transmit them to you by tomorrow's mail; and am, with great respect, etc.

Timothy Pickering.

LV. THE NEW ENVOYS TO FRANCE

At a time when the country was preparing for war, February 18, 1799, Adams sent to the Senate the nomination of William Vans Murray to be minister to France. The Federalists were shocked. Finally, the Federalists suggested that three commissioners be sent instead of one. Adams consented to this arrangement and Chief Justice Ellsworth, Patrick Henry and Murray were agreed upon. Patrick Henry refused to serve and William R. Davie, Governor of North Carolina, was selected. On May 1799 word was received from Talleyrand that the commissioners would be received by him. September 11, 1799, news reached America of the Revolution in France (June 18th) and the change in the Directory which might alter France's attitude toward the United States. Members of Adams's cabinet suggested in letters sent to

Adams that the mission be suspended. Adams on September 21, 1799 sent a letter to the heads of departments requesting them and the three commissioners to meet him at Trenton about October 15th. Pickering, The Secretary of State, sent a reply to Adams accepting the plan.

Adams called his Cabinet together on the evening of October 15, 1799. The instructions to the commissioners which Pickering had prepared were gone over, corrected and agreed upon. The next morning Adams sent official orders to Pickering for the envoys to depart immediately.¹

References * Letter: Adams, Works, IX. ,34.

Letter; Adams, Works, IX. ,36.

Letter: Adams, Works, IX. ,39.

Gibbs, Administrations of Washington and Adams, II., 268.

TO THE HEADS OF DEPARTMENT

Quincy, September 21, 1799.

I pray you to write me no letters to reach Quincy or Boston after the 29th. On next Monday, sen'night, I shall set out for Trenton, and reach it at latest by the 15th of October. I also request that you would write to the Attorney-General and the American commissioners to meet us all at Trenton at as early a day, after the 15th, as you shall judge proper. I also desire that all this may be kept as secret as possible, that my journey may meet as little interruption as possible. I shall come

¹The Cabinet had not thought Adams would use the instructions or send the mission. The long struggle of the three cabinet members to overrule Adams was terminated. From October 16th commenced their secret cabal supported by Hamilton to set him aside at the next election.

The envoys sailed on November 3rd.

alone. Mrs. Adams will follow me soon enough to go with me to Philadelphia.

John Adams

T. PICKERING TO JOHN ADAMS

Trenton, September 24, 1799.

Sir,—The subject of the proposed mission to France is so important, that, whether it proceed or be suspended, your decision will certainly be the result of your mature consideration. But as the idea has occurred to you of coming to Trenton, and you have intimated that you would do it, if judged best, I have consulted my colleagues, and they concur with me in opinion that it will be an eligible step. Governor Davie will probably be here the first week in October, and Judge Ellsworth will doubtless be ready to meet him; or if you should conclude to come on, the judge would certainly be gratified in waiting to accompany you.

Governor Davie, having relinquished his government and made arrangements for the voyage to Europe, will probably be better satisfied, after making the long journey from North Carolina, to return home again, if the further suspension of the mission take place, after a personal interview with you and his colleague; and your final determination relative to the mission will doubtless give more general satisfaction to the community at large, when accompanied with these solemnities.

If, however, the news expected from Europe should be of a nature, not only to strengthen your reasons for the temporary suspension which you have already deemed expedient; but if new facts should be decisive of the course proper to be pursued, the trouble of your journey may be saved.

These observations are most respectfully submitted to your consideration by

Sir, your most obedient servant,

Timothy Pickering.

TO T. PICKERING, SECRETARY OF STATE

Trenton, October 16, 1799.

Sir,--I request you to order fair copies of the instructions, as corrected last evening to be prepared and delivered to Judge Ellsworth and Governor Davie, with another for Mr. Murray, without loss of time, and to write a letter to those gentlemen, as envoys extraordinary to the French republic, expressing, with the affectionate respects of the President, his desire that they would take their passage for France on board the frigate the United States, Captain Barry, now living at Rhode Island, by the 1st of November, or sooner, if consistent with their conveniences. Captain Barry will have orders to land them in any port of France which they may prefer, and to touch at any other ports which they may desire. The President's best wishes for their health and happi-

ness, as well as for an honorable termination of their mission, will attend them. As their visit to France is at one of the most critical, important, and interesting moments that ever have occurred, it cannot fail to be highly entertaining and instructive to them, and useful to their country, whether it terminates in peace and reconciliation, or not. The President sincerely prays God to have them in his holy keeping.

I am, Sir, etc.

Hohn Adams,

LVI. ADAMS CONSULTS CABINET OFFICERS CONCERNING CONTENT
OF SPEECH TO CONGRESS

The new Congress was to meet on December 2, 1799. The President a few weeks previous to the session, October 18th, required of the heads of departments a report of the topics proper for his speech. The topics considered were Fries's insurrection, the revival of trade with St. Domingo, the departure of the envoys to France, and the suspension of the claims commissioners under the Jay treaty.

References - Letter: Adams, Works, IX. ,40.

Letter: Gibbs, Administrations of Washington and Adams, II. ,298.

FROM THE PRESIDENT

Trenton, October 18, 1799.

Sir,

I beg leave to solicit your sentiments on the communication of information or recommendations necessary or expedient to be made to Congress at their approaching session. Your observations on the state of the nation at large, the state of Europe, the mission to France, the rebellion in Pennsylvania, the negotiations with St. Domingo, the interruption of the board or boards of commissioners, and every other subject, especially in every thing in the Treasury Department, will be agreeable, and very much oblige your faithful humble servant.

John Adams

TO T. PICKERING, SECRETARY OF STATE

Trenton, October 18, 1799.

As the session of Congress draws nigh, I pray you to favor me with your sentiments concerning the communications necessary to be made to Congress of the state of the nation, and particularly a concise narration of the proceedings with St. Domingo and the Isle of France. It may be doubtful, however, whether any thing need be said on the last. A very succinct account of the invitation of the French Directory to our envoys, of the subsequent change, and the short pause made on this side the water in consequence of it, may be proper; and very explicit declarations that no relaxation will take place in any executive part of government in consequence of the mission,

till we know its result, either in preparations for defence by sea and land, or in the employment of the means already provided by the legislature. In short, whatever is thought proper to be mentioned to Congress from the full consideration of the state of the nation, in all its relations, will be received from the Secretary of State with great pleasure by his faithful, humble servant.

John Adams.

LVII. FAILURE OF CLAIMS COMMISSIONS UNDER JAY TREATY

The 6th and 7th articles of the Jay treaty which was concluded with Great Britain on November 19, 1794, provided for two claims commissions to be set up, one in Philadelphia and the other in London. By November 1799, the London commission had paid awards for American spoliation amounting to about half a million dollars. The commission at Philadelphia considering British debts was about to make a report which would swamp the United States treasury. Adams learned of it and ordered the American commissioners to withdraw. There were five commissioners on the board, two British, two American, and the fifth commissioner or umpire had fallen by lot to the British. The London commission upon hearing of the fall of the Philadelphia commission came to an end.

Discussions on the suspension of the commissions were

held by the heads of the departments on November 13th and 14th. December 7, 1799, the President sent a letter to Pickering, Secretary of State, calling his cabinet officers to a cabinet meeting, on December 11th, to discuss a draft of a project of an explanatory article on the subject of British debts and a letter to Mr. Rufus King, United States minister to Great Britain, to accompany the article if decided upon.

References - Memorandum: Gibbs, Administrations of Washington and Adams, II. ,306.

A MEMORANDUM BY OLIVER WOLCOTT

"Nov. 13th and 14th, 1799. Required to meet the heads of departments, at the President's on the subject of the suspension of the boards of commissioners under the British treaty.

The opinion and advice given by me was: That copies of every paper which had been exchanged between the commissioners, with the letter of the Attorney General to the President, and a copy of the journal of the board should be immediately sent to Mr. King.

That a paper should be prepared and sent to Mr. King with the documents above-mentioned, which should state the objections of the American government against the principles assumed by the majority of the board; distinguishing such of their principles as are considered

doubtful, and such as it is expedient to submit to, for the purpose of effecting an amicable adjustment, from the principles which the American government will resist at every hazard.

That Mr. King be required to press the adoption of an explanatory article, or of a system of instructions to the board, and in case of success, instructing him to propose the appointment of a new board, two of the members to be appointed by Great Britain, and two by the United States.

That endeavors be made to agree upon one British subject of eminent character, for the 5th commissioner or umpire.

If all the commissioners could be named by concert, it would be best, but as this appears difficult on account of the distance of the two countries from each other, it may be engaged that both parties will endeavor to appoint distinguished men of fair and impartial character.

A report on this subject was made to the President, Dec. 11th, 1799."

TO T. PICKERING, SECRETARY OF STATE

Philadelphia, December 7, 1799.

The Attorney-General has left with me, and I now send to you, a project of an explanatory article or treaty, and a project of a letter to Mr. King, desiring

an ultimatum. There is no business before the government, at this time, of more importance than this, and I pray you to turn your attention to it, and prepare a draught of a letter to Mr. King, to be considered, if possible, on Monday evening at six o'clock, at my chamber, when I ask the favor of your company, with all the heads of department.

LVIII. JOHN RANDOLPH'S LETTER TO THE PRESIDENT

John Randolph of Roanoke, as he liked to call himself, was a new member of the House of Representatives which assembled on December 2, 1799. In January Randolph in a House debate spoke of the army and navy as "a handful of ragamuffins" who were eating up the people's substance under pretext of protecting them from foreign foes. A few days after, two or three young officers insulted him at the theatre. The next day Randolph addressed a letter to Adams demanding that this insult to the independence of the legislature be redressed by the Executive. The President referred the letter to the heads of the departments. They gave an opinion on January 13th that the letter ought to be laid before the public.¹

Reference - Adams, Works, IX. ,46.

TO THE PRESIDENT

Philadelphia, January 13, 1800.

¹President Adams finally reffered the letter to the House of Representatives.

We have by the President's direction considered Mr. Randolph's letter, and we are of opinion that the public interest requires that the contemptuous language therein adopted requires a public censure.

If such addresses to the chief Magistrate remain unnoticed, we are apprehensive that a precedent will be established, which must necessarily destroy the ancient, respectable, and urbane usages of this country.

Timothy Pickering.

Oliver Wolcott.

James McHenry.

Ben. Stoddert.

LIX. ADAMS PROPOSES A GAZETTE
AND PRINTER FOR THE GOVERNMENT

President Adams on April 23, 1800 sent a letter to the heads of departments desiring their opinions on the subject of a gazette and printer in the service of the government. There is no evidence of the Cabinet discussing the matter or of such an organ being formally established.¹

Reference - Adams, Works, IX. ,50.

Gibbs, Administrations of Washington and Adams, II. ,345.

TO THE SECRETARY OF STATE, AND HEADS OF DEPARTMENT

Gentlemen,—The President of the United States proposes

¹A newspaper, the National Intelligencer, became the official organ of the Jefferson administration. The National Intelligencer was privately owned.

to the heads of department a subject, which although at first view it may appear of inconsiderable moment, will upon more mature reflection be found to be of some difficulty, but of great importance to the honor, dignity, and consistency of the government.

In every government of Europe, I believe, there is a gazette in the service of the government, and a printer appointed, acknowledged, and avowed by it—in every regular government, at least. The Gazette of France, before the revolution, answered the same purpose with the London Gazette in England. Mr. Strahan is appointed the King's printer by patent, and is the editor of the London Gazette. This Gazette is said by lawyers and judges to be prima facie evidence in courts of justice, of matters of State and of public acts of the government. As it is published by the authority of the crown, it is the usual way of notifying such acts to the public, and therefore is entitled to credit in respect to such matters. It is a high misdemeanor to publish any thing as from royal authority which is not so. The Gazette is evidence of the Kings's proclamations; even the articles of war, printed by the King's printer, are good evidence of those articles. Addresses of the subjects, in bodies or otherwise, to the King, and his answers are considered as matters of State when published in the Gazette, and are proved by it, prima facie, in the King's courts in Westminster Hall. The

Gazette is said to be an authoritative means of proving all acts relating to the King and the State. Justice Buller asserts, that every thing which relates to the King, as King of Great Britain, etc., is in its nature public, and that a gazette which contains any thing done by his Majesty in his character of King, or which has passed through his Majesty's hands is admissible evidence in a court of law to prove such thing. Without running a parallel between the President of the United States and the King of England, it is certain that the honor, dignity and consistency of government is of as much importance to the people in one case as the other. The President must issue proclamations, articles of war, articles of navy, and must make appointments in the army, navy, revenue, and other branches of public service; and these ought all to be announced by authority in some acknowledged gazette. The laws ought to be published in the same. It is certain that a President's printer must be restrained from publishing libels, and all paragraphs offensive to individuals, public bodies or foreign nations; but need not be forbid advertisements. The gazette need not appear more than once or twice a week. Many other considerations will occur to the minds of the secretaries. The President requests their opinion,

1. Whether a printer can be appointed by the President, either with or without the advice and consent of the Sen-

ate?

2. Whether a printer can be obtained, without salary or fees, for the profit which might be made by such a gazette?

3. Where shall we find such a printer?

It is certain that the present desultory manner of publishing the laws, acts of the President, and proceeding of the Executive departments, is infinitely disgraceful to the government and nation, and in all events must be altered.

LX. FRIES PARDONED

John Fries, the leader of the rebellion in eastern Pennsylvania,¹ March 1799, with Frederic Heyney, and John Getman were sentenced to be hanged in April, 1800. A new trial on some supposed informality in the first was granted them just before the day upon which they were to be hanged. At the second trial they were again convicted of treason and sentenced to be hanged in May, 1800. Petitions for pardon were sent to President Adams. On May 20th Adams sent to the heads of departments a list of questions concerning whether Fries and the other two men ought to be executed. The heads of the departments in a letter to the President, on May 20th, urged that as these cases were the first of their kind in the history of the nation a stern example ought to be made by the execution of the men. Adams went against the opinion

¹For more about Fries's Riot see letters for August 14, 1799, and September 9, 1799.

of his cabinet members and on May 21st pardoned the three men.

References - Letter: Adams, Works, IX. ,57.

Opinion: Adams, Works, IX. ,59.

Letter: Adams, Works, IX. ,60.

TO THE HEADS OF DEPARTMENT

Philadelphia, May, 20, 1800.

1. Among the three criminals under sentence of death, is there any discrimination in the essential circumstances of their cases, which would justify a determination to pardon or reprieve one or two, and execute the other?

2. Is the execution of one or more so indispensably demanded by public justice and by the security of the public peace, that mercy cannot be extended to all three, or any two, or one?

3. Will the national Constitution acquire more confidence in the minds of the American people by the execution than by the pardon of one or more of the offenders?

4. Is it clear beyond all reasonable doubt that the crime of which they stand convicted, amounts to a levying of war against the United States, or, in other words, to a treason?

5. Is there any evidence of a secret correspondence or combination with other anti-federalists of any denomin-

ation in other States in the Union, or in other parts of this State, to rise in force against the execution of the law for taxing houses, etc., or for opposing the commissions in general in the execution of their officers?

6. Quo animo was this insurrection? Was it a design of general resistance to all law, or any particular law? Or was it particular to the place and persons?

7. Was it any thing more than a riot, high-handed, aggravated, daring, and dangerous indeed, for the purpose of a rescue? This is a high crime, but can it strictly amount to treason?

8. Is there not great danger in establishing such a construction of treason, as may be applied to every sudden, ignorant, inconsiderate heat, among a part of the people, wrought up by political disputes, and personal or party animosities?

9. Will not a career of capital executions for treason, once opened, without actual bloodshed or hostility against any military force of government, inflict a deep wound in the minds of the people, inflame their animosities; and make them more desperate in sudden heats, and thoughtless riots in elections, and on other occasions where political disputes run high, and introduce a more sanguinary disposition among them?

10. Is not the tranquillity in the western counties, since the insurrection there, and the subsequent submiss-

ion to law, a precedent in favor of clemency?

11. Is there any probability that a capital execution will have any tendency to change the political sentiments of the people?

12. Will not clemency have a greater tendency to correct their errors?

13. Are not the fines and imprisonments, imposed and suffered, a sufficient discouragement, for the present, of such crimes?

May not the long imprisonment of Fries, the two solemn, awful trials, his acknowledgment of the justice of his sentence, his professions of deep repentance, and promises of obedience, be accepted, and turned more to the advantage of government and the public peace, than his execution?

John Adams.

THE HEADS OF DEPARTMENT TO THE PRESIDENT

Philadelphia, May 20, 1800.

Having considered the questions proposed by the President for our consideration, we respectfully submit the following opinions.

That the intent of the insurgents in Pennsylvania, in 1798, was to prevent the execution of the law, directing the valuation of houses and lands, and the enumeration of slaves, in the particular district of country where

they resided. That we know of no combination in other States, and presume that no combination, pervading the whole State of Pennsylvania, was actually formed. We believe, however, that if the government had not adopted prompt measures, the spirit of insurrection would have rapidly extended.

We are of opinion that the crime committed by Fries, Heyney, and Getman, amounted to treason, and that no danger can arise to the community from the precedents already established by the judges upon this subject. We cannot form a certain judgment of the effect upon public opinion, of suffering the law to have its course, but we think it must be beneficial, by inspiring the well disposed with confidence in the government, and the malevolent and factious with terror.

The Attorney-General and the Secretary of the Navy, however, believe that the execution of one will be enough for example, the great end of punishment, and that Fries deserves most to suffer; because, though all are guilty, and all have forfeited their lives to the justice of their country, he was the most distinguished in the commission of the crime. The Secretary of the Treasury perceives no good ground for any distinction in the three cases, and he believes that a discrimination, instead of being viewed as an act of mercy, would too much resemble a sentence against an unfortunate individual. He also

believes that the mercy of government has been sufficiently manifested by the proceedings of the Attorney of the United States, and that the cause of humanity will be most effectually promoted by impressing an opinion that those who are brought to trial, and convicted of treason, will not be pardoned.

Charles Lee.

Oliver Wolcott.

Ben. Stoddert.

The Attorney-General and Secretary of the Navy beg to leave to add, as their opinion, that it will be more just and more wise that all should suffer the sentence of the law, than that all should be pardoned.

Ben. Stoddert.

Charles Lee.

TO C. LEE, SECRETARY OF STATE, PRO TEM.

Philadelphia, May 21, 1800.

Sir,—I received yesterday the opinion of yourself, the Secretary of the Treasury, and the Secretary of the Navy, on the case of the prisoners under sentence of death for treason, formed, as I doubt not, under the full exercise of integrity and humanity. Nevertheless, as I differ in opinion, I must take on myself alone the responsibility of one more appeal to the humane and generous natures of the American people.

I pray you, therefore, to prepare for my signature, this morning, a pardon for each of the criminals, John Fries, Frederic Heyney, and John Getman.

I pray you, also, to prepare the form of a proclamation of a general pardon all treasons, and conspiracies to commit treasons, heretofore committed in the three offending counties, in opposition to the law laying taxes on houses, etc., that tranquillity may be restored to the minds of those people, if possible.

I have one request more; that you would consult the judge, and the late and present attorneys of this district, concerning the circumstances of guilt and punishment of those now under sentence for fines and imprisonment, and report to me a list of the names of such, if there are any, as may be proper objects of the clemency of government.

With great esteem, I am, etc.

John Adams.

President

THOMAS JEFFERSON

Vice-President

AARON BURR

March 4, 1801, to March 4, 1805.

Secretary of State

LEVI LINCOLN, (Attorney-General), ad interim,
March 4, 1801.

JAMES MADISON, March 5, 1801.

Secretary of the Treasury

SAMUEL DEXTER, continued from last Administration.

ALBERT GALLATIN, May 14, 1801.

Secretary of War

HENRY DEARBORN, March 5, 1801.

Attorney-General

LEVI LINCOLN, March 5, 1801.

Secretary of the Navy

BENJAMIN STODDERT, continued from last Administration.

HENRY DEARBORN, (Secretary of War), ad interim,
April 1, 1801.

ROBERT SMITH, July 15, 1801.

LXI. THE BARBARY STATES

The northern coast of Africa was ruled by Moslem sovereigns who recognized no law of nations upon the seas. For years Great Britain had purchased immunity from the four Barbary Powers, Morocco, Algiers, Tunis and Tripoli, by the payment of an annual tribute. With American independence, our vessels and crews were exposed to the menaces. Washington during his administration entered into agreements with the Barbary Powers and Adams kept up the sending of the tribute. Jefferson was determined to use force instead of money in his dealings with the so-called pirates.

The rulers of Tripoli, Tunis and Algiers all asked for more money than their treaties called for. Jefferson, May 15, 1801, proposed two questions in cabinet meeting. 1. Shall the swardron now at Norfolk be ordered to cruise in the Mediterranean? 2. How far could an American commander go in waging war? It was thought that they could resist attack even without a constitutional declaration of war by Congress and might sink and destroy the attacker. The Cabinet voted that the President should send a letter to the Bay of Tripoli, and the United States should send the annual tribute in the form of stores.

CABINET MEETING

May 15, 1801. Shall the swardron now at Norfolk be ordered to cruise in the Mediterranean. What shall be the object of the cruise.

Lincoln. Our men of war may repel an attack on individual vessels, but after the repulse, may not proceed to destroy the enemy's generally.

Gallatin. To declare war and to make war is synonymous. The executive can not put us in a state of war, but if we be put into that state either by the decree of Congress or of the other nation, the command and direction of the public force then belongs to the executive.

Smith. If a nation commences war, the executive is bound to apply the public force to defend the country.

Dearborne. The expedition should go forward openly to protect our commerce against the threatened hostilities of Tripoli.

Madison. That the cruise to be undertaken, and the object openly declared to every nation. All concur in the expediency of cruise.

Whether the Captains may be authorized, if war exists, to search for and destroy the enemy's vessels wherever they can find them? All except Mr. L. agree they should; M. G. and S. think they may pursue into the harbours, but M. that they may not enter but in pursuit.

A letter to the Bay of Tripoli by the President, send a years tribute in form of stores by a ship. Send 30,000 D. by frigates on the idea that the commuting of stores to Money has been settled.

LXII. BRITISH DEBTS

After the failure of the claims commissions, November 1799, sitting under the 6th and 7th articles of the Jay treaty, the Adams administration renewed negotiation with England on the subject of British debts. Rufus King, the United States minister to Great Britain, was in the process of concluding an agreement with Great Britain to discharge the liabilities assumed by the Jay treaty by a gross sum payable in three annual installments when Jefferson was elected president.

June 13, 1801, Jefferson and his cabinet officers voted to inform Mr. King that it was their wish that he carry out the instructions given him by Adams.

Reference - Jefferson, Anas (Sawvel's ed.), 216.

Jefferson, "Anas" in Works (Ford's ed.), I. 368.

CABINET MEETING

June 13, 1801. At a meeting with the four secretaries at the Secretary of State's office. Unanimously agreed that Mr. King shall be informed that we desire he should conclude the negotiations on the subject of the Sixth Article, as he had begun under former orders, for the sum in gross which he has offered, to wit, 506 thousand pounds sterling and no more. Afterwards agreed to 600,000 because King had offered it.

LXIII. NAVY REDUCTION

A treaty or convention of peace between France and the United States was signed at Paris, September 30, 1800. The American Senate ratified the convention, February 18, 1801. No longer was there the same need for keeping so many public vessels. Upon the recommendation of the Secretary of the Navy, Congress passed a Navy Bill for the reduction of the navy, March 3, 1801. The act named thirteen of the largest and best ships to be retained, six of which were to be kept constantly in commission. With the rest of the ships, the President was authorized to do as he judged best. The captains of the navy were to be reduced from fifteen to nine.

The act was passed the day before John Adams retired from office. As soon as Jefferson found a Secretary of the Navy, which proved to be rather a hard undertaking, he set about to undertake the task of reducing the navy. At a cabinet meeting on October 22, 1801 the names of the navy captains were voted upon and six captains were eliminated. The cabinet also voted to have a check up made on the gallees and to have the gallees ready for sale when Congress met unless otherwise determined.

Reference - Jefferson, Anas, (Sawvel's ed.), 216.

Jefferson, Anas in Works, (Ford's ed.), I. 369.

CABINET MEETING

October 22, 1801. Present four Secretaries. Captains of navy reduced from 15 to 9, by a vote on each

man struck off. Those struck off are Mr. Niel of Boston, Decatur of Pennsylvania, Rogers of Maryland, Tingey of Columbia, S. Barron of Virginia, Campbell from South Carolina, but a northern man. The retained are Nicholson and Preble of Maryland, Morris and Bainbridge of New York, Truxton of Jersey, Barry, Delaware and Murray of Pennsylvania, and James Barron of Virginia.

A state of the gallies to be called for and be ready for sale at meeting of Congress unless contrary determined.

Spain to be addressed in a firm but friendly tone on the depredations at Algiers. Not to order convoys for our vessels against Spain.

LXIV. THE TRIPOLITAN WAR.

The Pacha of Tripoli, May 14, 1801, ordered the consular flagstaff to be cut down, which was his formal declaration of war. Samuel Smith, as acting Secretary of the Navy, without knowing war had actually begun, ordered Commodore Dale with a squadron of three frigates and a sloop of war to make a naval demonstration along the Barbary coast. One of the vessels on the way met and destroyed a Tripolitan corsair. Tunis and Algiers were so inspired by the naval demonstration that they decided to accept the donations their treaties called for.

Jefferson in his speech to Congress, December 1801, mentioned the Barbary affairs. Congress voted a declaration of

war against Tripoli.

The heads of departments, at a meeting on January 18, 1802, decided to offer peace to Tripoli on easy terms, continue the tribute to Algiers, and recommend to Congress the appropriation of \$400,000 for the naval business for the year 1802 and \$500,000 for naval contracts.

Reference - Jefferson, Anas (Sawvel's ed.), 216.

Jefferson, "Anas" in Works (Ford's ed.), I. ,369

CABINET MEETING

January 18, 1802. Present the four Secretaries and Attorney General. Agreed to offer peace to Tripoli on easiest terms, to continue tribute to Algiers, to send two frigates and schooner immediately. If war with Tripoli continues, two frigates there constantly and one for relief, 400,000 dollars to be appropriated for the whole naval business of the year, including navy yards on which little is to be done, and 500,000 dollars to pay contracts due and becoming due this year. Execution of French treaty to be retained by Executive.¹

Thomas Jefferson.

¹The ratification of the convention of 1800 with France was exchanged, July 31, 1801. The question arose whether Jefferson or the Senate should proclaim the French treaty.

LXV. TRIPOLI AND MOROCCO

Commodore Richard V. Morris had been sent out to the Mediterranean with a squadron to relieve Commodore Richard Dale. The object was to keep Tripoli blockaded. The vessels did not go in a body but proceeded one after another from May, 1801 to September, 1801.

At a Cabinet meeting, October 21, 1802, plans were made for reducing the ships in the Mediterranean during the winter. The President and the Chesapeake were to be recalled home as the service of the men on the ships expired in December. The New York and the John Adams were to be left during the winter.

A question pressing the United States, in October, 1802 was what to do to secure peaceful relations with Morocco, another of the Barbary Powers. The cabinet members agreed to offer Morocco a sum of money.

References - Jefferson, Anas (Sawvel's ed.), 217.

Jefferson, "Anas" in Works (Ford's ed.), I. 370.

CABINET MEETING

October 21, 1802. Present, the four Secretaries. 1. What force shall be left through the winter in the Mediterranean? 2. What negotiations, what presents shall be proposed to Morocco?

Answer. I. The two largest frigates, President and

Chesapeake, the time of whose men is out in December, ought to be called home immediately.

The two best frigates, the New York and John Adams, which are smallest also, and the men engaged till August next, to remain through the winter, even if peace be made with Tripoli.

The Adams whose times are up in April, to remain through the winter, or come away according to appearances with Morocco.

Answer 2. Forbid Simpson to stipulate any presents, or payments at fixed periods, but allow him to go as far as 20,000 dollars to obtain a firm establishment of the State of peace with Morocco.

Shall the expenses of transporting our abandoned seamen home, by the Consul (?) Lee, be paid by us and out of what fund?

Unanimously that it must be paid and out of the contingent fund of 20,000 dollars.

LXVI. TRIPOLI

Congress in February, 1803 voted to build four small vessels to aid in the blockade of Tripoli. These were rapidly completed and dispatched as fast as they were ready to the Mediterranean. April 8, 1803, the question came before the Cabinet whether the command which had been given to the Chesapeake and John Adams to return should be countermanded

till the four vessels arrived. It was voted not to change the orders.

Commodore Richard Morris in command of the large fleet in the Mediterranean had not by April 1803 made a close and vigorous blockade of Tripoli. He had not accomplished anything except worrying the Barbary pirates a little. April 8, 1803, the Cabinet deliberated upon whether or not Morris should be recalled and an inquiry into his conduct be made. It was agreed that there was not sufficient ground to recall him.¹

The expense of keeping ships in the Mediterranean to blockade Tripoli was by April 1803 beginning to be felt by the United States. Jefferson and his cabinet decided to buy peace of Tripoli, April 8, 1803.

LXVIB. LOUISIANA

By the treaty of San Ildefonso, October 1, 1800, Spain agreed to cede Louisiana to France. In November, 1802 news reached Jefferson that the Spanish authorities at New Orleans had withdrawn the right of deposit. Jefferson in his annual message to Congress, December, 1802, said that the transfer of Louisiana to France would mean a change in our foreign affairs. On motion of General Samuel Smith, January 11, 1803, the House voted to appropriate two million dollars for the purchase of New Orleans. On the same day Jefferson nominated and the Senate confirmed the nomination of James Monroe as minister extraordinary to France and

¹August 31, 1803, Morris received a letter from the Secretary of the Navy dated June 21st ordering him to return at once to the United States. He arrived November 21st. Morris was called to account for his proceedings in the Mediterranean. His commission was revoked.

Spain to cooperate with Robert Livingston, the minister to France, in buying the island of New Orleans. Monroe sailed March 8, 1803.

On April 8, 1803 Jefferson asked his Cabinet what instructions should be given to Monroe in case France should be hostile. An alliance with England was proposed and three inducements which might be offered to England were suggested. A majority of the cabinet members agreed to instruct Monroe and Livingston that if France should obstinately refuse to sell, they were to enter into negotiations for an alliance with England with the view of preventing France from taking possession of Louisiana and ultimately securing it for the United States.

Reference - Jefferson, Anas (Sawvel's ed.), 218.

Jefferson, "Anas" in Works (Ford's ed.), I. 371.

CABINET MEETING

April 8, 1803. Present four Secretaries and Attorney General.

1. Is there sufficient ground to recall Morris and institute inquiry into his conduct? Unanimous, not.

2. Shall Morris be ordered home in the returning vessel and leave some other officer in command? Unanimous not.

3. Shall the return of the Chesapeake and Adams be countermanded till the four small vessels arrive? Unani-

break out again. Jefferson, May 7, 1803, in view of a war between France and Great Britain put four questions before his cabinet. All the questions dealt with what the United States should do if war was declared between France and England.¹ The aim of the United States was to secure New Orleans.

Reference - Jefferson, Anas (Sawvel's ed.), 219.

Jefferson, "Anas" in Works (Ford's ed.), I. 372.

CABINET MEETING

May 7, 1803. Present four Secretaries and Attorney General.

On the supposition that war between England and France is commenced or whenever it shall commence.

1. Shall we issue a proclamation of neutrality?

Unanimously, not.

Its object as to our citizens is unnecessary, to wit the informing them that they are to observe the duties of neutrality, because the late instance is so recent as to be in their minds. As to foreign nations, it will be assuring them of our neutrality without price, whereas France may be willing to give New Orleans for it, and England to engage a just and respectful conduct.

2. Sea letters to be given even on the present apparent probability of war.

3. Customhouse officers to attend to the having our seamen furnished with certificates of citizenship in bon-

¹May 18, 1803, England formally declared war on France.

afide cases.

4. New Orleans, although no specific opinion is asked because premature till we hear from our Ministers, see the complexion and probable course and duration of the war, yet the opinion seems to be that we must avail ourselves of this war to get it.

Whether, if negotiation fails, we shall take it directly or encourage a decline of independence and then enter into an alliance. We have time enough to consider. We all deprecate Great Britain's taking possession of it. We all agree we should not commit ourselves by a convention with France, accepting merely our right of deposit, or any improvement of it short of the sovereignty of the island of New Orleans, or a portion sufficient for a town to be located by ourselves.

LXVIII. LOUISIANA TREATY

Early in May 1803, a treaty and two conventions dated April 30, 1803 were signed at Paris for the purchase of Louisiana by the United States. July 16, 1803, Jefferson held a cabinet meeting. Several matters were agreed upon.

1. The President to issue a proclamation calling Congress to a special session on October 17th for the ratification of the treaty.
2. The news of the purchase of Louisiana be officially communicated to the American press.
3. The Secretary of State to write a letter to the American

consul at New Orleans informing him of the substance of the treaty. 4. If immediate possession of New Orleans should be necessary, order Governor Clayborne to do so. 5. Order down troops from Fort Adams to get the Spanish troops out immediately. 6. Write letters of congratulation to Monroe and Livingston for their excellent service.

LXVIII B. EDWARD LIVINGSTON

When Jefferson came into office, March 4, 1801, he removed most of the Federal attorneys and marshals of the United States courts and replaced them by Republicans. Edward Livingston, a Republican was appointed attorney for the Southern District of New York. In 1803 Livingston became a defaulter to the government for a large amount of money, through the failure of a speculating friend to whom he had trusted government money in his possession. July 16, 1803, the Cabinet voted to remove him as Attorney for the District of New York.

LXVIII C. EAST AND WEST FLORIDA

No sooner was the Louisiana Purchase made than a dispute arose as to how much territory the United States had purchased. The transfer was to be the territory which France had acquired from Spain. East Florida could not then be in the purchase; but Monroe and Livingston believed that West Florida was included. July 16, 1803, the Cabinet

decided to instruct Monroe to arrange for a purchase of the Floridas from Spain and thus gain a clear title.

Reference - Jefferson, Anas (Sawvel's ed.), 220.

Jefferson, "Anas" in Works (Ford's ed.), I. 373.

CABINET MEETING

July 16, 1803. Present the four Secretaries.

The cession of Louisiana being to be ratified by October 30, shall Congress be called, or only Senate, and when?

Answer unanimous, Congress on the 17th of October.

A Proclamation to issue, a copy to be enclosed to every member in a letter from the Secretary of State mentioning that the call three weeks earlier than they had fixd was rendered necessary by the treaty, and urging a punctual attendance on the first day.

The substance of the treaty to be made public, but not the treaty itself.

The Secretary of State to write to our Consul at New Orleans, communicating the substance of treaty and calling his attention to the public property transferred to us, and to archives, papers and documents relative to domain and **sovereignty** of Louisiana and its dependencies. If an order should come for immediate possession, direct Governor Clayborne to go and take possession and act as Governor and intendant under the Spanish laws, having everything to go on as heretofore, **only himself** performing functions

of Governor and intendant, but making no innovations, nor doing a single act which will bear postponing.

Order down two or more companies from Fort Adams and get the Spanish troops off as soon as possible. Write to Livingston and Monroe, approving their having treated for Louisiana and the price given, and to say we know of no reason to doubt ratification of the whole. Mr. Gallatin disapproves of this last as committing ourselves or the Congress. All the other points unanimous.

Edward Livingston to be removed from the Office of Attorney for the United States In New York for malversation.

Mr. Madison not present at this last determination.

Monroe to be instructed to endeavor to purchase both Floridas if he can, West if he cannot East at the prices before agreed upon, but if neither can be procured, then to stipulate a plenary right to use all the rivers rising within our limits and passing through theirs. If he should not be gone to Madrid leave it discretionary in him to go there, or to London or to stay at Paris as circumstances shall appear to him to require. We are more indifferent about pressing the purchase of the Floridas, because of the money we have to provide for Louisiana, and because we think they cannot fail to fall into our hands.

Jefferson on October 3, 1803 sent the project of his October 14th Congressional message to Albert Gallatin, the Secretary of the Treasury, for consideration and correction by him and the heads of the other departments.

Reference - Gallatin, Writings, I. ,154.

JEFFERSON TO GALLATIN

October 3, 1803.

Th. Jefferson asks the favor of Mr. Gallatin to examine with vigor the enclosed project of the message to Congress and to note on a separate paper the alterations he thinks advantageous. As it is to go through the hands of the other gentlemen of the Cabinet, his immediate attention is desirable. He also asks the favor of Mr. Gallatin to meet the heads of Department here to-morrow at ten o'clock.

LXX. FORCIBLE POSSESSION OF NEW ORLEANS

Spain seriously remonstrated against the cession of Louisiana to the United States. October 4, 1803, the Cabinet members unanimously agreed to make provision for forcible possession of New Orleans.

Reference - Jefferson, Anas (Sawvel's ed.), 222.

Jefferson, "Anas" in Works (Ford's ed.), I. 375.

CABINET MEETING.

October 4, 1803. Present Secretaries of State, Treasury, War.

Will it be advisable for forcible possession of New Orleans to be taken if refused. Unanimous, it will. Should we now prepare force so as to have it ready the moment Congress authorizes it? Unanimous, it will.

What force? Four hundred regulars from Fort Adams, 100 regulars from Chickasaw Bluffs and Massac, 500 militia of Mississippi territory, boatmen and sailors.

LXXI. ADMINISTRATION OF LOUISIANA

According to the proclamation which Jefferson had issued, Congress met on October 17, 1803. On the 20th of October the Senate, by a vote of 24 to 7, ratified the treaty. The House declared in favor of the treaty on October 25th, by a vote of 90 to 25. Congress then passed an act which placed the government of the new territory in the hands of the President.

October 29, 1803, Jefferson wrote to Gallatin, the Secretary of the Treasury, calling him and the other members of the Cabinet to a meeting on the next day to decide upon the instructions to be sent to Governor Clayborne, of the Mississippi territory, and General Wilkinson, who commanded the United States troops on the Western frontier. These two men were to receive Louisiana from the French prefect, Laussat.

Reference - Jefferson, Works, (Ford's ed.), X. ,45.

Gallatin, Writings, I. ,161.

TO THE SECRETARY OF THE TREASURY

October 29, 1803.

I must ask the favor of you to meet the heads of departments here to-morrow at 12 o'clock and afterwards to dine with us. The object is to decide definitely on the arrangements which are to be despatched westwardly the next day. General Dearborn and myself had concluded to submit to the meeting a plan little different from that suggested in your letter of yesterday. To wit, to send orders to Clayborne and Wilkinson to march instantly five hundred regulars (which are prepared) from Fort Adams, and one thousand militia from the Mississippi Territory (if the information from Laussat to them shall indicate refused from Spain). To send hence on the same day a call on the Governor of Tennessee for two thousand volunteers, and of Kentucky four thousand, to be officered, organized, accoutred, and mustered on a day to be named, such as that Clayborne and Wilkinson might by that day send them information whether they would be wanted, and to march or do otherwise accordingly. I had since thought myself to propose that, on receiving information that there would be resistance, they should send sufficient parties of regulars and militia across the Mississippi to take by surprise New

Madrid, St. Genevieve, St. Louis, and all the other small posts, and that all this should be made as much as possible the act of France, by including Laussat, with the aid of Clark, to raise an insurrection force of the inhabitants, to which ours might be only auxiliary. But all this, with much more, is to be considered to-morrow. Affectionate salutations.

Thomas Jefferson.

LXXII. LOUISIANA BOUNDARIES

When Claiborne received Louisiana on behalf of the United States, December 20th, 1803, the eastern boundary was the Mississippi river from its source to the parallel of thirty-one degrees. But where the source of the Mississippi river was no man knew, and what became of the eastern boundary below the thirty-one degrees was a disputed factor. The southern boundary was the Gulf, but whether it went to the Sabine or the Rio Bravo was a question also for dispute.

Jefferson decided to have James Monroe go to Madrid to settle the Louisiana boundaries and to negotiate for the purchase of the Floridas. On February 18, 1804 the Cabinet drew up tentative instructions to be given to Monroe.

Reference - Jefferson, Anas (Sawvel's ed.), 228

Jefferson, "Anas" in Works (Ford's ed.), I., 69.

CABINET MEETING

Feb. 18, 1804. Present the four Secretaries and Attorney General.

It is agreed we shall consider the settlement on the Mining from Iberville up to our line, as our territory as to importations and exportations through the Mississippi making Baton Rouge a port of delivery. So also as to what shall come through Pontchartrain that the Militie of Colour shall be confirmed in their ports and treated favorably til a better settled state of things shall permit us to let them neglect themselves.

That an intimation shall be given by Clayborne to Morales that his continuance in that territory is not approved by the Government.

That the remaining Spanish troops shall be desired to withdraw.

That Fort Stoddart shall be a port of entry. That Monroe shall be instructed to negotiate as to our lines with Spain, and the extension of territory.

Eastward, viz: 1.--To the Perdido. 2.--To Apalachicola, 3.--All East Florida. That according to the greater or less extent he may give of the following equivalents. 1. Relinquish our right from the Rio Bravo, eastwardly towards the Mexican river. 2. Stipulate that a band of country of given breadth shall be established between our white settlements to be unsettled by either party for a term of years. 3. One million dollars. As to Stevens's

accounts, opinions seem not to be satisfactorily formed except by Mr. Gallatin that there is no fund applicable and Mr. Madison that the foreign intercourse fund is applicable; with this last I concur.

LXXIII. TRIPOLINE TERMS

May 26, 1804, the Cabinet drew up the terms of peace which were offered the Bashaw of Tripoli on August 9, 1804.¹
Reference - Jefferson, *Anas* (Sawvel's ed.), 229.

Jefferson, "Anas" in Works (Ford's ed.), 382.

CABINET MEETING

May 26, 1804. Present the Secretaries and Atty. Genl.

What terms of peace with Tripoli shall be agreed to? If successful, insist on their delivering up men without ransom, and reestablishing old treaty without paying anything. If unsuccessful, rather than have to continue the war, agree to give 500 D. a man. (having first deducted for the prisoners we have taken) and the sum in gross & tribute before agreed on. Shall anything be furnished to the Ex-Bashaw to engage cooperation? Unanimously 20,000. D. Whether we shall prohibit our merchant vessels from arming to force a trade in St. Domingo as requested by Pichon? Unanimously not.²

¹The Bashaw demanded \$500 per head for every captive he had. Peace was not made until June 3, 1805.

²The practice of American vessels going armed for their defense was still kept up after the difficulties with France were settled. This was especially so with St. Domingo. France had issued very strict prohibitions against armed vessels trading with St. Domingo. M. Pichon, the French minister, protested to Jefferson.

LXXIV. SPANISH AFFAIRS

The 6th article of the treaty of 1795 with Spain provided for a claims commission to settle the claims incurred during the days of the United States trouble with France. Spaniards had seized American vessels and had permitted French privateers to seize American vessels in Spanish waters. For depredations by vessels under the Spanish flag a liability had been admitted. A convention negotiated in 1802 provided for a joint board of commissioners to be established for adjudicating claims. Pinckney, United States minister at Madrid and Don Pedro de Cevallos the Spanish foreign minister, were the negotiators of the convention. But the acquisition of Louisiana and the claim to a part of Florida growing out of it had prevented the ratification of the convention.

February, 1804, Congress passed the Mobile Act. An act which laid and collected duties on imports and tonnage within the limits of Louisiana. The eleventh section of this law authorized the President to erect Mobile and its neighborhood into a separate collection district. The Spaniards regarded Mobile as in West Florida and not in Louisiana. Don Carlos Martinez d'Yrujo protested bitterly against the act. Jefferson, May 20, 1804, issued a proclamation erecting the disputed territory into a collection district. Some months later Yrujo published a letter which he had written to the Secretary of State which contained

undiplomatic language.

October 8, 1804, the Cabinet at a meeting agreed to take up with Yrujo the subject of the claims commission, to explain again to Yrujo the Mobile Act and the Presidential Proclamation, and to write Yrujo of the impropriety of his publishing his letter which he had written to Madison.

Reference - Jefferson, Anas (Sawvel's ed.), 231.

Jefferson, "Anas" in Works (Ford's ed.), I.,
383.

CABINET MEETING

October 8, 1804. Present the four Secretaries. Yrujo's and C. Pinckney's communications submitted.

Cevallos' first condition as to giving time for commencement of commission. All agree we may fix a day with Yrujo not exceeding 6 months hence. Say nothing which shall weaken our claims under the sixth article and repeat the explanation of the fourth and eleventh articles of the Act of Congress already given him and communicate the Act of the President defining the district.

A letter to be written to Yrujo on the impropriety of his publishing his letter to the Secretary of State.

End of Primary Material.

COMPOSITION OF THE CABINET

Today the heads of the departments who give unreserved support to the policy of the President make up the Cabinet. There is nothing except tradition to prevent the President from inviting any one to be present at a meeting of the Cabinet and taking part in the deliberations. We might have had permanently the Vice-President in the Cabinet instead of the Attorney-General. The first meeting of the Cabinet which we have evidence of is for April 11, 1791. The President away on a southern tour wrote to the three secretaries requesting them to hold consultation on any serious or important business. In the letter the President mentioned consulting the Vice-President if he were still in Philadelphia, but he did not mention consulting the Attorney-General. April 11, 1791, a meeting was held which the Vice-President attended. This was the only occasion upon which the Vice-President was present ~~was present~~ at a cabinet meeting.¹ A year later, March 31, 1792, Randolph's name appears in the list of those present at a cabinet meeting. From that time on the Attorney-General became an established member of the Cabinet.²

The Cabinet has not always been composed of the members from one party. Washington tried the novel experiment of a coalition cabinet. He called to his aid men of different political views, associating Alexander Hamilton with Thomas Jefferson. Of the other two members of his

¹Vice-President Coolidge sat in President Harding's Cabinet. The above statement refers to the period from 1789 to 1805.

²The Department of Justice was not established by law until 1870.

cabinet, one, Knox, was a follower of Hamilton and the other, Randolph, was a follower of Jefferson. Jefferson described this cabinet as a "cockpit".

The last two years of his administration Washington settled down to a party cabinet. John Adams kept on the ministers of his predecessor, being in accord with their opinions, for they and he belonged to the full-grown Federalist party. But before he quitted office he had quarrelled with most of them. The conditions demanded that he get new instruments more in accord with his own views.

Jefferson, the third President, was a through-going party leader, who naturally chose his ministers from his own political adherents.

PROCEDURE IN CABINET MEETINGS

The minor business in each department is done by the head of the department on consideration with the President alone, but all matters of importance or difficulty are generally submitted to all the heads of the departments comprising the Cabinet. The subject is discussed and then the vote is taken, on which the President counts himself but one. All during the time when Jefferson and Hamilton were pitted against each other, each with his own supporter; Washington reached his decisions by cabinet polls. Adams and Jefferson likewise used the rule of majority vote with the unrestrained right of the final decision.

The evidence shows that of the important questions in

Washington's administration Hamilton and Jefferson in the Cabinet were on opposite sides 17 times. Of these 17 issues Randolph opposed Jefferson 6 times, issues 3, 9, 10, 11, 15, and 17. Knox never opposed Hamilton. Jefferson scored 10 victories, issues 2, 4, 5, 6, 7, 8, 12, 13, 16, and 17. Hamilton gained 6 victories, issues 1, 3, 9, 10, 11, and 15.

1. Jefferson favored taking a small post at Presque Isle to cut off communication between the Six Nations and the western Indians, March 9, 1792.¹

2. Hamilton wanted to seek an alliance with England on the Mississippi, October 31, 1792.

3. Jefferson was against stationing troops at Massac to interrupt filibustering expeditions down the Mississippi to New Orleans, March 10, 1793.

4. Hamilton favored erecting a battery on Mud island to sink the Little Sarah if she attempted to pass, July 8, 1793.

5. Jefferson was against restitution to England of prizes taken by French privateers on the high seas, the privateers having been fitted out in American ports, July 13, 1793.

6. Jefferson supported the measure that belligerent vessels were free to use their own means for arming and could employ their own citizens found here as seamen, July 13, 1793.

7. Hamilton favored the measure to loan government

¹All dates used in this part of the thesis refer to the cabinet meeting for that date.

cannons to the Governors of the states for use against the privateers, July 15, 1793.

8. Jefferson was against publishing the correspondence of Genet and making it the basis of an appeal to the nation, August 2, 1793.

9. Jefferson supported the proposition to convene Congress immediately, August 3, 1793.

10. Hamilton opposed the retention of six words in Jefferson's letter to Gouverneur Morris at Paris asking for the recall of Genet, August 20, 1793.

11. Hamilton favored the proposition of the Executive writing letters to judiciary officers, September 4, 1793.

12. Jefferson was against dismissing Citizen Genet without awaiting his recall, November 8, and 18, 1793.

13. Hamilton opposed Jefferson on the expressions to be used in the President's speech to Congress in explanation of the neutrality proclamation, November 18, 1793.

14. Jefferson was against Hamilton's project of fortifications of rivers and harbors, September 4, 1793.

15. Hamilton was in favor of a military academy, November 28, 1793.

16. Jefferson wanted to communicate to Congress the documents on the inexecution of the British treaty, November 28, 1793.

17. Jefferson wanted to communicate to Congress the documents on the restraining of the United States com-

merce to the ports of Great Britain, November 28, 1793.

There are cases where the votes were of no significance beyond securing a mere expression of opinion. An example is the following case:

Washington solely on the opinion of Jefferson in opposition to Hamilton, Knox and Randolph communicated to Congress the correspondence on the subject of the British order for the stoppage of vessels loaded with corn and flour, November 28, 1793.

The Secretary of State today is the senior member of the Cabinet. This came about by a gradual process. In the first years of Washington's administration all the secretaries were treated as equals. The first evidence of a President writing to the Secretary of State to summon a cabinet meeting instead of sending letters to all the secretaries or one letter to the heads of departments is on July 29, 1793 when Washington wrote to Jefferson. By July 18, 1795 the practice of the Secretary of State being the President's summoner was fairly well established. Adams in most every case wrote directly to the Secretary of State.

PROCLAMATIONS AND MESSAGES

All the Presidents consulted their cabinet advisers as to the content of proclamations and messages to Congress. In some cases the President accepted almost

verbatim the words of the cabinet member or members. The President's proclamations are issued and his addresses are delivered to Congress, the President's name is affixed to the document, little do we know the part the Cabinet plays.

April 19, 1793, the Cabinet not only advised the issuance of a proclamation but submitted definite suggestions as to the content. The proclamation which Washington issued is the same in substance.

Hamilton, August 5, 1794, advised Washington that he had the draft of a proclamation prepared to be issued to the whiskey insurgents of Pennsylvania. Washington, August 7, 1794, issued the proclamation which Hamilton had drawn up.

June 15, 1799, Adams signed a proclamation which Pickering had written permitting the renewal of commerce with St. Domingo. The President issued the proclamation on June 26, 1799.

The President's cabinet takes no active part in the process of legislation, but indirectly the Cabinet helps to shape the legislation. The President's message to Congress which the constitution requires that he give, has a tremendous influence in shaping the legislation of the land. Evidence shows that in all three Presidents considered, the messages were largely shaped by the cabinet members. The following examples prove the fact:

1. The Cabinet spent four meetings discussing the

contents of Washington's speech to Congress, December 3, 1793, and his written message to Congress, December 5, 1793. The Cabinet agreed to have Edmund Randolph draw up the documents according to their agreements. The cabinet meetings are for November 8, 21, 23, and 28, 1793.

2. Adams, October 10, 1798, sent letters to his cabinet advisers consulting them as to the content of his December speech to Congress. Wolcott sent him in November a letter. The President adopted almost verbatim the language recommended to be used respecting France.

3. October 18, 1799, Adams consulted his cabinet on the content of his December speech to Congress.

4. Jefferson, October 3, 1803, sent a ready made congressional message to Gallatin for consideration and correction by him and the other cabinet members.

THE CABINET AND THE HOUSE

Having no legal existence or warrant, the Cabinet is not subjected as such to congressional control. There were those in March 1792 in the House who greatly desired to hear on its floor both Hamilton and Knox to give information that would assist the investigation of the causes of the failure of General St. Clair's expedition against the Indians. The practice of the Government was determined permanently when the Cabinet, April 2, 1792, refused to permit the head of any department to appear

before Congress. In connection with the same case, another precedent was established when the Cabinet voted that the House had no right to call on the head of a department for papers except by special resolution which must be addressed to the President. The President could decide whether it was for the public good to furnish the papers. In the St. Clair case the papers were furnished.

In March 1796, the House passed a resolution requesting the President to lay before the House his instructions to Jay which were used in negotiating the British treaty. Washington did not furnish the papers.

THE CABINET AND THE SENATE

The constitution says, "He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties provided two thirds of the Senators present concur." After studying the Cabinet for four administrations, I feel that for that period of history the word advice should be omitted. The cabinet members either collectively or individually drew up the instructions which the negotiators used in making treaties.

1. Instructions to the commissioners, Lincoln, Pickering, and Randolph, for a treaty with the Indians, February 25, 1793.

2. Instructions to Rufus King, May 13, 1799, for a

commercial treaty with Russia.

3. Instructions to Murray, Ellsworth and Davie, October 16, 1799, for negotiating a treaty with France.

The Cabinet even went so far as to make the complete draught of a treaty. January 15, 1799, Adams asked the Secretary of State to prepare the draught of a project of a treaty with France.

THE CABINET ACTS WITHOUT THE PRESIDENT

The Cabinet was not afraid to act alone, then inform the President afterwards. This shows the important place which the Cabinet plays in our government.

1. April 17, 1791, the Cabinet agreed to instruct William Short to open a new loan at Holland.

2. The Cabinet concluded a British-American agreement with Maitland and Liston for commerce with St. Domingo, May 1, 1799, Pickering informed Adams what the Cabinet had done.

A SECRETARY OF STATE NOT MASTER IN OWN DEPARTMENT

Things normally appertaining to the State Department were not done by Jefferson. Hamilton concerned himself with Indian affairs. April 11, 1791, Hamilton said he had discussed with Colonel Beckwith, the British representative, the subject of the Indians receiving ammunition from the British.

The conduct of foreign affairs should be the chief

duty of the State department. The United States in 1793 followed a policy of strict neutrality. It is evident that Jefferson was partial to France. The following examples prove his attachment to France.

1. July 13, 1793, Jefferson believed France had the right to sell prizes taken by French privateers instead of restoring them to Great Britain.

2. July 13, 1793, Jefferson thought that France was free to use her own means for arming vessels and could recruit her own citizens found here.

3. Jefferson was against publishing Genet's correspondence and making it the subject of an appeal to the people, August 2, 1793.

4. The expressions in the letter which Jefferson had written to Morris asking for Genet's recall were "a good deal taken down", August 20, 1793.

5. November 18, 1793, Jefferson says, "France, the only nation on earth sincerely our friend."

6. November 28, 1793, Jefferson's expressions on France were "whittled down."

Hamilton was a British sympathizer. The measures favoring France which Jefferson supported Hamilton opposed. Hamilton was the one in the Cabinet who made Jefferson whittle down and take down the expressions which showed partiality toward France. Washington was the only member of the Cabinet who was neutral. I found

no evidence which reveals that Washington favored either Great Britain or France.

Randolph, November, 1793, was given the difficult task of outlining the President's message to Congress. As it had to deal chiefly with foreign affairs in general and Genet in particular, this properly should have devolved on the Secretary of State.

THE CABINET RECEIVES GREAT POWER

Tremendous power was given to the Cabinet when the judges of the Supreme Court assumed the position that they would not give opinions even to the President, except in the decision of actual cases. The Cabinet had to define the acts of the belligerent powers that were to be prohibited, August 3, 1793. Washington's request for the opinion of the judges of the Supreme Court was important in determining the functions of the Supreme Court. The Cabinet immediately adopted the power which the Supreme Court decided it did not have.

DID THE CABINET INFLUENCE AMERICAN POLICY
FROM 1789 TO 1805?

My work on the Cabinet would not be complete without answering the question, Did the Cabinet influence American policy from 1789 to 1805? My answer is in the affirmative. The Cabinet did just as much to shape American policy as the President did. The word cabinet is used here both as a collective and an individual factor. The material which has been brought together on the Cabinet does not readily present direct examples to show the influence of the Cabinet on American policy; but when one considers that for the most part the executive was transformed into a directory, one can see the influence of the Cabinet.

The only time when the executive was not a directory was during the time of the personal rule of John Adams, the time when there was a bitter feud between Adams and his Cabinet. Even then the Cabinet did not lose its influence. Adams's Cabinet worked zealously to put the United States into the French "war" of 1799. The Cabinet in general favored an immediate declaration of war. Adams did not surprise his Cabinet in 1799 when he sent the three envoys to France. They knew of his intention to send the envoys, but they professed complete surprise because they desired a war with France. Adams had suggested the name of William Vans Murray to the Cabinet, October 20, 1798. He had asked the Cabinet to draw up the project of a treaty with France,

January 15, 1798, He had asked the Cabinet for and they had compiled a set of instructions for the envoys, October 16, 1799. All this time the Cabinet was urging Congress and the people to prepare for war with France.

The Cabinet of Adams had much to do with the destruction of the Federalist party. The bitter feud between Adams and his Cabinet was added to the other causes at work which destroyed the Federalist party.

The Presidents weighed the ideas of the Cabinet against their own ideas and then made decisions. The final decision rested with the President, all three Presidents took the final decision. The cabinet members themselves recognized the fact that the President would make the final decision. The cabinet opinions contain the following expressions: "This last opinion was adopted by the President," July 12, 1793. "The President has as yet not decided this," July 12, 1793. "No decision yet by the President," July 12, 1793. "However, he (the President), did not decide between the two draughts," November 18, 1793.

The reason why the United States was able to keep neutral in 1793 is not because Washington was President but because of the Cabinet. Hamilton with his henchman, Knox, was a British sympathizer while Jefferson with his follower, Randolph, was a French sympathizer. One side tended to balance off the other. The Cabinet in 1793 did more to keep us neutral than the President did. In regard to the neutral-

ity proclamation (April 19, 1793) itself, the Cabinet gave to the President pretty definite suggestions as to what it should contain, April 19, 1793. The proclamation as issued by Washington is the same in content.

Edmond Genet came to the United States to draw the United States into an entangling alliance with France. There is not a question in my mind but what he would have succeeded if Hamilton had not been a cabinet member and against France, Jefferson was certainly willing. Genet was able to accomplish what he did because Jefferson was in the Cabinet. Hamilton and Knox would have liked to have erected a battery on Mud island to sink the Little Sarah, but Jefferson would not consent, July 8, 1793. Washington was away from the capitol at the time. The President did not involve himself much in the Genet episode, it was the Cabinet, Hamilton and Jefferson, which was involved.

I believe that the fact that Jefferson with his French leanings was in the Cabinet from September 26, 1789 to December 31, 1793 was a big reason why we could not settle our difficulties with Great Britain. When Jefferson quit the Cabinet the immediate effect was to give new vigor to efforts at reaching a settlement with Great Britain. Only four months after Jefferson's retirement from the Cabinet, Jay was nominated envoy extraordinary to England, April 16, 1794.

When the President was away from the capitol, the Cabinet swung into action and took up the duties of the executive. In one case the action of the Cabinet was in direct contrast to that which the President would have taken. Adams's Cabinet concluded a British-American agreement for commerce with St. Domingo, May 1, 1799. President Adams was at Quincy away from the seat of government when the representatives of Great Britain proposed an agreement with the United States for commerce with St. Domingo, his Cabinet accepted the agreement. This project did not please Adams who approved of consulting Great Britain in all matters but at the same time keeping disentangled from her schemes.

All in all the Cabinet did influence American policy. The President and the Cabinet kept all things great and small under their counsel and worked together side by side shaping and building American policy.

SUMMARY

The Cabinet from 1789 to 1805 was composed for the most part of men who had the same political leanings as the president. Washington was the only president who tried the novel experiment of a coalition Cabinet. In this Cabinet Jefferson and Hamilton were at sword's point on the majority of questions. Jefferson the Secretary of State was not always master in his own department.

Two procedures tending to separate the executive from the legislative branch in our government, which were adopted by the Cabinet in Washington's first administration, have become precedents. They are as follows:

1. The Cabinet does not appear upon the floor of Congress.
2. The House has no right to call on the head of a department for papers except by special resolution which must be addressed to the President. If the President regards these demands as reasonable and compatible with public interest, he complies with them.

The Cabinet in the first four administrations in history usurped the power which the constitution gives to the Senate to advise the President in making treaties. Instructions which the negotiators used in making treaties were drawn either collectively or individually by the Cabinet.

The influence of the Cabinet from 1789 to 1805 was tremendous. Except during the personal rule of John

Adams, the executive was transformed into a directory. When the presidents were away from the capitol, the Cabinet swung into action and took up the duties of the executive. The Cabinet did just as much to shape and build American policy from 1789 to 1805 as the President did.

Most historians tell us that Adams surprised his Cabinet when he sent the three envoys to France in 1793. The material presented in this thesis shows that the Cabinet knew of Adams's intention to send William Vans Murray to France one year before he was actually sent.

The reason why the United States was able to keep neutral in 1793 is not because Washington was president but because of the Cabinet. Hamilton favored England and Jefferson favored France. One side tended to balance off the other. The fact that Jefferson with his French leanings was in the Cabinet from September 1789 to December 1793 was a big reason why we could not settle our difficulties with Great Britain until the Jay treaty.

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