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71-4

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V. In dealing with the question of Berlin  
+ Milan decrees, it will be necessary to  
keep in view both their municipal and their  
international aspect; so much insisted  
upon by Amos 438

V. Also, it will be necess. to point out  
that the municipal execution was found  
upon countries, nominally & formally  
independent, by the power of Napoleon  
Does not this raise the question, regarded  
as one of warfare, from municipal to  
international. In this connection refer  
to my own Sea Power Vol II p. 311.

Also great care must be taken to  
distinguish belligerent and neutral  
rights, and to point out right of  
self preservation

Monroe  
to  
Foster  
A.S.P

new  
System  
of  
Warfare  
p. 439



Napier

Speech of Chief of Fr. Govt on the 17<sup>th</sup>

Speech

of last month (? Mr. May, or June, 1811) to deputies  
of Hamburg &c. (13 + in discuss not appealed)

Hand this up

A.S. P. III. 436

Attention must also be drawn to  
the fact that a nation acting under the  
motive of self preservation — or of high  
policy, which takes short of self preservation  
in that it aims only to avert great,  
though not vital, injury — will endeavor  
to justify its actions as far as possible  
on technical grounds of legality

Technical grounds and motives of high  
policy

Non-Im-  
portation  
Law

Went into effect against G. B. Feb. 2  
1811, by proclama<sup>n</sup>; Compromised by  
Act Cong. Mar. 2. 1811 p 440

Question be-  
tween Fr +  
G. B

"The quest<sup>n</sup> bet. Fr. & G.B. is t of an honest  
struggle against lawless efforts of an ambit.  
tyrant, and it can but be the wish of  
every independ. nat. as to result. x x x

Foster D  
Monroe  
July 26  
1811

"G.B. never contend<sup>d</sup> that Br. merch. voss  
sh<sup>d</sup> be all<sup>d</sup> to trade with her goods, or that Br.  
prop<sup>y</sup> sh<sup>d</sup> be all<sup>d</sup> entering into the ports, as you  
w<sup>d</sup> infer; such pretens. w<sup>d</sup> be prepost<sup>s</sup>. But  
G.B. does cont<sup>d</sup> against the syst<sup>m</sup> of terror put  
in pract. by Fr., by wh. usurp<sup>d</sup> author<sup>y</sup> wherever  
her arms or terrib<sup>l</sup>ty of nats will smother her  
to ext. her impl. she makes it a crime to  
ment. count<sup>s</sup> as well as to indiv<sup>s</sup>, that  
by sh<sup>d</sup> poss. acts, however acq<sup>d</sup>, wh. may  
have been once prod. of Eng. industry or of  
Br. soil. Against such abom<sup>l</sup> and ex-  
tra<sup>v</sup>. pretens. every feeling must revolt,  
and the honor which than int. of G.B. engages  
her to oppose it



BLK. of  
May, 1806

"The BLK of May, 1806, was not announced until Mr. Fox had sat. himself, by a Com<sup>rs</sup> with Board Army, that Ad<sup>m</sup> poss<sup>ly</sup> means, & w<sup>l</sup> employ Am, of watching whole coast, from Foster. Brest d'Elbe, & w<sup>l</sup> employ Am. x x x It was supported, both in intent<sup>n</sup> & in fact, by an adeq. nav. force. This was the just<sup>n</sup> of that blk. till O.I.C. was issued"

A.S.P. III. 436

Ibid

Per contra Monroe replies, refers.

Monroe to BLK of May, 1806: "That an adeq. nav. force was actually applied, & cont<sup>d</sup>, in the req<sup>d</sup> strictness, until that blk was comprised in and superses. by O.I.C. of Nov. of following year, or even until the Tr. Dec. of same year, will not, I presume, be alleged."

Ibid 439

Am. Legal  
Opinions

Hunt up

The Non-Importation "Act" is a direct  
meas. agst Br. trade, enacted at a time  
(Mar 2. 1811) when no legal auth<sup>ty</sup> in U.S.  
app<sup>r</sup> ready to contest statd. that of a  
repeal of the Fr. Decrees, on wh. was  
founded Pres<sup>t</sup>'s proclam. of Nov. 2, and,  
conseq., to dispute the justice of of. pro-  
clam. itself "

Foster to Monroe 446

To this Monroe makes no reply

Foster's  
View of Acts  
of Am  
Congress

"I w. o believed, and my Gov. has bel<sup>d</sup>,  
that the Am. Legis<sup>s</sup> had in view, in the  
provis<sup>ns</sup> of their Law as it respects Fr., not  
only her deeds of violence on the Seas, but  
o the nov. and extraord. pretens. and pract<sup>s</sup>  
of her Gov., wh. infringed or men<sup>t</sup>. Rts<sup>s</sup>" 446

Monroe  
Replies

To this Monroe replies, in several  
places to this effect: "It is not material



to wh. extent, or by wh. pers<sup>ns</sup>, the trade to  
be int. is prohib<sup>d</sup>. If the Pers<sup>ns</sup> who prohib.  
are at war with G. B., the prohib<sup>n</sup> is a  
nec. conseq<sup>ce</sup> of the state. If at peace,  
tis, to own act; and whether it be volum.  
or compulsive, by alone are answerable  
for it. If an act be taken at misty. or  
under impl. of G., the most it can be  
said is, that it justs reprisals ag<sup>st</sup>  
Gm by sim<sup>il</sup> meas. On no princ. where  
can it be said to give any sanction to  
the conduct of G. B. to neutrals."

A. S. P. III, 445

How perfectly logical & true;  
and of what avail in the face of  
such facts!

Argument

The endless argt. to and fro, depends upon

bet. Monroe whether Decrees had been repealed, or not

o Foster

Foster makes the point that they are void! . Monroe replies that they repeal acts upon one of two condns viz: 1. G. B. violates O. I. C., or that U. S. resists them by maintaining her neut. Rts, and that she had done so by reviv. of Non-Intercourse with G. B. Since then G. B. has not condemned? except by municip. regns, wh. dont concern G. B. Foster replies that Am vess. have been seized, and sequestered, and that, so released, they have been so on ground of Non-Import. Act, not on ground that Decs. are repealed.

— Ot there are no seizures on high seas in virtue of Decs, he attributes 20 failures of Fr. Cruisers, wh. makes not worth Nap's while to try and maintain that



Foster's aspect of his deceits. By smothering his  
Statement in case of the very few vessels brought in  
of mat he loses little, ~~to~~ and gives U.S. impress<sup>n</sup>  
Issues that the Decs are revoked; but he saves  
at Stalker his own post. by attributing the relax<sup>n</sup>  
& America's Act, not to his own Revoc<sup>n</sup>.

Foster then proceeds to argue in  
strong and moving terms the general  
scope of Nap's Policy, and the im-  
perative necessity laid upon G. B.  
to resist it, and his regrets that U.S.  
has been misled, deceived, and supported by  
warfare against Br. Com.

This must be read (pp. 449-451)  
and it will be interesting to see his instructions  
from Br. Gov<sup>t</sup>, letters of his Chief to  
him 1811-12

Mem

by  
Myself

I must here seize certain facts  
and ideas for future reference

1 In the first place I was certainly  
for a long time under the impression  
that the Br. Objection to the validity  
of the Br. Revocation of Decrees was  
because they were conditional; &  
I did not for some time understand  
that the point was raised that  
they were to be unconditional,  
not only as to U.S., but as to all  
neutrals. See as to this distinctly  
Foster & Mowbray III. 469; but see  
also Mowbray & F. p. 460, et seqq

2 I must perhaps develop the  
character of Colonial regulations in 18<sup>th</sup>  
Century briefly but succinctly, and  
thence trace general course of Am



Mem. for Myself trade and trade regulations, municipal and internal, the material of export and import, the regulations of our own country and of foreign states, particularly G. B. to which Nelson's controversy in W. I. was related.

This will tend to make clear to the mind of readers that whatever may be said of the O. I. C. and Decrees as being point measures, that as towards U. S. they tended to impose upon us colonial restrictions

3 In impressment of Slaves must go at least as far back as 1790 (Gov. Morris) and must ascertain also whether in the Russian Armament of 1788

Mean the same difficulty arose, as it naturally  
for would. In these cases, however, as when  
deputy did not follow, impress was confined  
to Br. streets, or to ships in Br. ports,  
where it was an abuse of municipal  
authority, whereas after 1793 it became  
a question of visiting Am. ships, and  
a violation of international rights

4 State Papers of course go no farther  
back than 1789 so that for the  
period of 1783-1788 I must go to other  
sources. How about Am. Archives?



Opposed Am & Br views

British  
Views

"I beg leave again to state Dyar, Esq.,  
At it is not the oper<sup>n</sup> of A Fr Dec. upon  
Br-trade with Ens. of G. B. It has ever formed  
Subj. of discuss. bet. us, and it is A oper<sup>n</sup> of  
Ass dec. upon G. B., through neut. Commerce only,  
wh. has been really A pt. at issue. Had Am.  
resist<sup>d</sup> A effect of Ass dec. in A  $\circ$  extent  
upon her neut. Rts., we sh<sup>d</sup> never have had a  
diff. upon A subj.; but while Fr. Cruisers cont<sup>d</sup>  
to Capt. her ships under A oper<sup>n</sup>, she (Am)  
seems to have been sat. if Ass ships were  
released by Impl mandates, issued as the  
occasion arose; and she (Am) has chosen  
to call municipal an unexampled  
assumpt<sup>n</sup> of authority by Fr. in Countries  
not under Fr. jurisdiction, and  
exp. invaded for the purpose of preventing  
A trade with Eng upon prin. direct  
appeal to [America], if they sh<sup>d</sup> be

enforced against America x x x

"It was Fr., and after<sup>2</sup> Am, that connected the op. against Rt of Blk with the  
abusing out of Os 1 C. You well know  
Bl, if these 2 ops had not been united  
together, O. I. C. w<sup>d</sup> hv. been revoked in 1810<sup>3</sup>"

Ev seqq

Foster to Monroe A.S.P. III. 470

Am. View

After summary of arguments already ta-  
mination done:

"It has become, indeed, suff<sup>t</sup> certain, that Com.  
of U.S. is to be sacf<sup>d</sup>, not as interfering w<sup>th</sup> beliej.  
Rts. of G. B., not as supplying wants of her  
Emp., wh. she herself supp., but as inter-  
fer. w<sup>th</sup> monopoly wh. she covets for her  
own Com. & Nav. She carries on war agst. <sup>Europe</sup> the  
Com. of a friend, that she may better carry on  
Com. with an En.; a Com. polluted by & for-  
genis & perjuries wh. are, for most part



# Castlenagh

only passports by wh. it can succeed

Madison's Mess. June 1. 1812 A.S.P. III. 406

Castlenagh.

Emphatic "I cannot refrain fr. express my surprise,  
& Categorical At as a cond<sup>n</sup> prelim. even to a suspens<sup>n</sup> of  
Assassin of hostils., Gov. of U.S. sh<sup>d</sup> hv. thought fit to demand  
Rt. of Impress<sup>t</sup> that the Br. Gov. sh<sup>d</sup>. desist fr. its ancient  
and acc<sup>d</sup> pract. of impress<sup>s</sup> Br. Steamers fr.  
merch<sup>t</sup> ships of for. state, simply on assen.  
A law sh<sup>d</sup>. hereafter be passed, to prohibit  
Employ<sup>t</sup> of Br. sea. in pub. or count<sup>y</sup> service  
of that state.

"Br. Gov. now as heretofore, is ready to  
rec. &c prop<sup>ns</sup> to check abuses &c; but  
they cannot consent to suspend the ex-  
ercise of right upon wh. nav. strength of  
Emp. mainly depends, until &c

Castlenagh & Russell, Aug. 29. 1812

A.S.P. III. 590

## Castleragh

Our Gov, a month only (July 27) after declaring war sent Dr Russell a prop. for suspens<sup>n</sup> hostils. Russell on Feb Sep. 16. 1812 had an interview with Castleragh. The latter, after summing up previous sug<sup>s</sup>ts., dwelling partic<sup>ly</sup> upon that of Monroe & Pick with Holland & Auckland, "who, by doctrine maintained in Opp<sup>n</sup> were bound by all the force of consist. to do everything, & & wh. nat. of subj. w<sup>d</sup> admit, & yet had failed," said:

"You are not aware of gr. Sensibility and zeal of peop. of Eng. on this subj; & no Adm<sup>r</sup>. c<sup>t</sup>. expect to remain in p<sup>r</sup>. of wh<sup>o</sup> consent to renounce Rt. of Imp<sup>r</sup>, or to susp. practice, without cert<sup>y</sup> of arrang<sup>t</sup>. wh. sh<sup>d</sup> obviously be calc<sup>d</sup>. most unequivocally to secure it. Whether such arrang<sup>t</sup>. can be made devised is



## Castroville & Russell

extremely doubtful"

To wh. Russell replied:

"If peop. of Eng. were so zeal. and sensit<sup>ve</sup>  
w<sup>th</sup> regard to exerc. of its harsh pract., wh.  
ought to be feelings of peop. Am. wh. were  
victims of it? In U.S. its pract. of Imp<sup>t</sup>.  
was consid<sup>d</sup> as bearing strong resembl. to slave  
trade; aggravated in some of its features,  
as neg. w<sup>th</sup> punch<sup>d</sup>, already deprived of liberty,  
& his slavery & exile were at least mitigated  
by his exemption from danger, by the int<sup>d</sup>.  
forbear<sup>ance</sup> of his taskmaster, and the  
Consciousness that, if no longer able to  
associate with the dear & dear, he was  
not compel<sup>d</sup> to do Am. injury; while Am.  
cit is torn, without price, at once from  
thess<sup>d</sup> freedom, & o<sup>th</sup> char<sup>ts</sup> of social life,  
subj<sup>d</sup> to Mil law, expos<sup>d</sup> to incess<sup>t</sup>  
perils, & forced at times to hazard

life in' disposing or destroying themselves & Country  
men

& c & c

A.S.P. III. 594

Embargo  
of Am  
Ships

Immediately upon receipt of Am. Decl<sup>n</sup>  
of War, O.I.C. was issued, July 31, 1812  
for Embargo and detention of 0 Am.  
Ships

Ibid 595

Ground  
Taken by  
U.S.  
about  
Impress<sup>n</sup>?

"The Pract. decision that the War should  
exist bet. our countries sh<sup>d</sup> be termin<sup>d</sup> on  
such cond<sup>s</sup> as may sec. a solid and du-  
rable peace. To accomp. As st. Obj. it is  
rec. that int. of Impress<sup>n</sup> sh<sup>d</sup> be sat. arrang<sup>d</sup>  
It is willy that G. B. sh<sup>d</sup> be sec<sup>d</sup>.  
ag<sup>t</sup> the evils of wh. she complains

596



A Hark Back to 1784-90

Sale of  
Prizes

Remember & note that by  
treaty of 1778 France ed. sell her  
prizes in our ports, Y. B. not  
V. also A.S.P. I. 22

Duties of U.S.

to themselves sh. we be withheld, if not absol. lost, by  
a report of weakness. If we desire to  
avoid insult, we must be ready to repel it;  
if we desire to sec. peace, it must be  
known that we are at all times ready  
for war

Wash: Ibid

Meeting to

Y. Morris

as to

W. I. Trade

In treating Subj of Treaty of Com-  
merce, let it be strongly imp<sup>d</sup> upon  
ye. mind, that prior. of carrying our  
products in our vess. to & fr ids,  
and bringing in return prods. of the  
ids. to our own ports is regarded here

as of highest import; and you will be caught  
not to counten. any idea of our dispensing w<sup>th</sup>  
Am in a treaty

I. 122

Quests  
unfulfilled  
in Treaty  
of 1783

There were on Br. side, the non-delivery  
of the western posts, and the non-return  
of negroes taken away.

On our part, apparently, the failure was  
not on part of port, as such, but of India  
And to pay debts to Br. subj.

Had

Impress  
of Seamen

Morris's Interview with Duke of Leeds, p. 123-5  
Cutting's accts, 1790 p. 131.

Encourage  
to Am Shipping

In the critical conj<sup>ct</sup> of Europe (Dec. 1790)  
"we shall not overlook the tendency of war, among  
nats. most concl. in act. Com. w<sup>th</sup> Br. country, to  
abridge it means, and thereby at least enhance price  
of transporting its (our) val. prod. to the proper



markets. It may be expect<sup>d</sup> to find apt  
Encourag<sup>t</sup>. embarr<sup>st</sup>, from the writings by such en-  
a courag<sup>t</sup> to our own nat<sup>n</sup>. as well under  
Am. Shipping Com. and agric. has depend<sup>t</sup> on for. botts.  
We may fail us at the most interesting  
moments."

Wash<sup>n</sup>. Dec. 1790 A.S.V. I. 14

Restrictions Morris points out to Pitt and says that  
on Br. Comm. M. R. of U.S. had shown good disposit<sup>n</sup> to  
B. by not passing<sup>1790</sup> a bill laying  
restrictions of Br. vess. 125-

See Bill introd. Feb. 21. 1791 128

Br. Pride The charac. of this nat. is pride; when  
follows, that, if by an brought to see.  
a bit of the self-import, they will  
readily add some to see.

Suppl. of  
Ann.  
on G. B.  
1790

"I told him that I did not presume to judge  
of st. wick of Eur. pot<sup>s</sup>, but x x I was led to  
supp. At by cd. not act w<sup>th</sup> same decis. Energy  
towards the neighbors which by doubt of our  
conduct. He said I was puff<sup>er</sup> st., &  
said so in manner wh. show<sup>d</sup> that he had  
bn. felt during late efforts (with G. & Fr.)  
I x x prayed him. to consid. At in a war bet.  
G. B. and Bourbons, we can give W. I. to  
whom we please, without engag. in war  
ourselves."

Morris Ann points out the many  
ways in wh we cd inj. G. B. by munic-  
cipal Regns

"The Min we. not treat w<sup>th</sup> us at present,  
unless by cd. see the way to off. and def.  
Alliance. x x x Ph<sup>d</sup> was brk out, Anti-Ann  
party will agree to almost any terms. They not see  
of dose, but taste, wh. they nauseate



Proclam. In explaining the intention & purpose  
of H. M. to enact Act. in matter of import. of Tobacco,  
Regulate Trade the Pr. Mini. says it arises from fraud  
wt U. S. in tobacco Import. and says that he has  
no intimation of project of Procl<sup>n</sup> or  
Hunt up O. I. C. regulating Comm. intercourse bet.  
G. B. & U. S.

A. S. P. 136

N. B. Dont forget to read and analyze  
Com<sup>l</sup> Relations Carefully Jefferson reports on Com-  
mercial Relations of U. S. in V & I  
A. S. P.

Ibid Referring to this report it is evident that  
the date, Dec. 16, 1793, permitted it to  
deal only with the condno anterior & out-  
break of war between G. B. and France.  
It declares, therefore, ante bellum condno  
Among these to be noted:

Comm<sup>d</sup>

In France, "our ships are free to carry

Woods of timber all for goods, wh. may be carried other

U.S. in or own, or any other ves., except tobaccos,

Ante 1793 nor of our own growth

"During the former Gov, our ships were freely sold in the ports, and converted into national bottoms. The First Ass. took for our ships as priv."

Fr. W. I. "Our ves are as free as the own to carry our Commod<sup>s</sup> to the, and to bring away sugar & molass."

G. B. Besides many details, with these "Our ships, the punch<sup>d</sup> and nav<sup>d</sup> by the own subj<sup>s</sup>, are not permit<sup>d</sup> to be used, even in the trade w<sup>th</sup> us.

The Nav. Act (12 Car 2, i.e. 1672) prohibits "our ves. by a standing law from carrying G. B. any of our own products to G. B.



A subseq Act (no date) has author? Exec. To  
Restrictions permit carriage of our own products in  
on our own bottoms, at its (Exec's) sole discre.;  
Am. Comm and its permis. has been given from yr 2 yr  
Acte 1793 by proclan, but subg to be withdrawn on  
the single will." Instance of Renewal of Nav  
act. in our partic, See A.S.P. I. 135-6.

To other Stats, the privs. are extended  
by a standing law

"The greater pt of wh. they rec. fr. us  
is re-exported to ovr counts." Instance  
given from Br. talks

Br. W. I      Br. W. I      G. B. "admits when Ids.  
certain arts (spec<sup>d</sup>) by proclan, as  
above, reneweth from yr 2 yr, but  
limited always to our yr"

"The does not permit our vess. to  
carry bds our own goods. Our vess. alone  
may take it fr. us, and bring us in exch.

rum, molasses &c.

"Our cities cannot reside as merchants or factors, in any P. W. I.

Summary

Jefferson's Summ<sup>n</sup> is worth observing.

First, in Europe:

"Our breads are at most times under prohib<sup>t</sup> duties in Eng, and consid<sup>d</sup> derided on re-<sup>ex</sup>-port from Spain & the Colonies.

"Our Tobacco heavily dut<sup>d</sup> in Eng, Sweden, Fr., & prohib<sup>t</sup> in Spain & Port.

x y x y x y

"Our vessels are denied natural<sup>n</sup> in G. B., and of late in Fr.

"Second, in W. I

"All intercourse prohib<sup>t</sup> with posse<sup>s</sup> Sp. & Port.

"Salted pro<sup>vis</sup> & fish prohib<sup>t</sup> by Eng.

"Certain restrict<sup>ions</sup> in France (2.V)



Summary

Restrictions

Am. Comm.

Ante. 1793

"Third, in Art. 1. Nav.":

"Our own carr<sup>ts</sup> of our own tobacco is  
near<sup>ly</sup> destr<sup>oyed</sup> in Sweden, & lately in Fr.

"We can carry no art<sup>icles</sup>, not of our  
own product, to the ports in Eur.; and  
not even our own prod. when Am.  
possess<sup>es</sup>.

A.S.P. I. 300-302

Charac. of

Am. Comm.

1793

"Our Comm is of charac. & entitled  
to fav<sup>or</sup> in most counts. Commod<sup>ities</sup> we  
off<sup>er</sup> are 1 either necess. of life, or 2,  
mats for manuf., or 3 low cost subj. for  
revenue; and we take in exch<sup>ange</sup> either  
manuf<sup>actures</sup>, or more luxuries. Such cus-  
tomers my reason<sup>ably</sup> expect welcome to  
in every market & demand wh. we<sup>re</sup>  
w<sup>ell</sup> wealth & pop<sup>ulation</sup>, must soon fr. em-  
ploy<sup>ment</sup>. At the whole industry of any  
nat., in any one line of supply

Import.  
of Am.  
Nav<sup>n</sup>.

"Our Nav<sup>n</sup> involves still higher consid<sup>n</sup>.  
As a branch of industry, tis vital,; but as  
a resource of defence, essential

Commod.  
Value

"Its value, as a branch of industry,  
is enhanced by its depend<sup>n</sup> of so many other  
branches upon it." (V. seqq)

Militar<sup>y</sup>  
Import  
for

"But it is as a resource of defence  
that our Nav<sup>n</sup> we admit without respect  
nor forbearance" V. seqq

Defence

"The carriage of our own Commod.  
if once estab<sup>d</sup>. in another Channel, cant  
be resumed in a moment we may desire.  
If we lose seamen & artists wh. it now  
occups., we lose pres<sup>t</sup> means of war. def.  
(V. seqq)

Jefferson favors amercash negot<sup>n</sup> if  
pres; if further, then retali<sup>n</sup> and re-  
ciprocit<sup>y</sup>. This is int<sup>s</sup>, as in line of  
subseq. policy



Results After enumerating various for. restrict<sup>ns</sup>  
to Am<sup>y</sup> and suggesting means of retain<sup>ing</sup>, Juff<sup>'s</sup> says.

For Restrict<sup>ns</sup> "The ext<sup>ns</sup>. of some of the prinis. by  
U. B. has already lost us, in our com.  
w<sup>th</sup> G. B. and her poss<sup>ns</sup>, bet. 800 & 900  
Losses by U. B. vessels, of near 40,000 tons, accord. to  
statements from off<sup>l</sup> material, in G. B.

By have coup<sup>ed</sup>. This involves prop-  
Juff's port<sup>l</sup> loss of seamen, shipwrecks, &  
Message Message ships<sup>l</sup>, & is too serious to admit  
Dec. 16. 1793 forbear. of some effect<sup>l</sup> unity."

xxxxx "It is not to mod<sup>er</sup> &  
just. of oth<sup>rs</sup>. we are to trust for  
fair & = access to market w<sup>th</sup> our  
own products, or for our due share in  
transport<sup>ns</sup> of Am; but to our own  
means of independ<sup>ent</sup>. & firm will to use  
Am. w<sup>th</sup> do not incur. of discrimin<sup>ent</sup> ment  
conced<sup>ed</sup>

Jeffers  
Messure  
Dec. 30  
1793

Under this date Jeffers comments on  
Cong. further improv. of recent measures  
of Fr. G. B., & Spain - Results of war  
These I have seen. The prin. pt. to be  
here noted is that the Fr. Decree of  
Mar. 26. 1793 permits import. and ex-  
port. U.S. & W.I of articles not pre-  
viously granted, but add? to those  
permitted by Royal Decree of Aug. 30. 1784

A Spanish ordinance about Comm.  
of Louisiana & Fla., in consequence of war  
with Fr., may be noted.

In this Rep. Jeff notes as overlooked  
in that of Dec 16 the following

Slight  
Fav<sup>r</sup> Mod  
if<sup>n</sup>  
G. B.  
in 1788

"An Act of Br. Parl. (28 Geo III  
c. 12. 1788.) to prevent prodams. (4<sup>th</sup>)  
by <sup>direct</sup> regulating ~~our~~ intercourse with W. I. and a  
standing law." Indirect or circum. not applied

Ibid, 306



Embargo

Resolution of Cong. Mar 26. 1794

of 1794

imposed Embargo. A.S.P. I. 429

Occas. Relax<sup>ns</sup>

Sept. 709

The Embargo ceased day before yesterday, i.e. on May 25. 94. Ibid p. 474

Jay's Treaty

Jay's mission had 3 objects

& Mission

1. "Vex<sup>ns</sup> & Spoil<sup>ns</sup> Com<sup>ts</sup> on our Com. by author<sup>y</sup> of Inst<sup>ns</sup> issued by Br. Gov."

3. Princ<sup>l</sup>

2. "Conclus<sup>n</sup> of all pts. of diff. bet. U.S.

Objects

& G.B. concerning Treaty of Peace (1783)

3. "In case two preced<sup>ts</sup> pts. sh<sup>d</sup> be so  
account<sup>d</sup> as to prom. cont. of tranquill.

bet. U.S. & G.B., the sub<sup>j</sup>. of Com<sup>ts</sup>.

Treaty may be listened to by you, or  
even broken to Br. Min<sup>rs</sup>."

Under this 3<sup>d</sup> head 19 great obj<sup>s</sup> are  
enumerated, but x x x "it is not expected  
th<sup>t</sup> Treaty can be effect<sup>d</sup> with so great  
latitude of adv<sup>s</sup>."

Trade with Br W.I.

"Of the existing footing of our Comm. & nav<sup>n</sup> in Br. Em. Downs et. be added prior of Carrys directly from U.S. to Br. W.I, in our own bottoms, fruits or of certain deperid bottoms, the [same] arts wh., by act Parl, 28 Geo III, may be carried thro in Br. bottoms," and similarly in return from W.I. to U.S., "As w<sup>t</sup> form an accept<sup>d</sup> basis for a treaty for a term not exceed<sup>s</sup> 15 yrs; & it w<sup>d</sup> be advisable to conclude Treaty upon that basis. But such a treaty must, instead of usual clause Comm<sup>n</sup>? rat<sup>n</sup>, containing following" Q.V.

"But if a T. of Com. cant be formed upon basis as set adv. as As, You are not to conclude or sign any." If anything diff<sup>t</sup> can be arr<sup>d</sup> with Br. Gov. transmit for consid<sup>n</sup> in Wash<sup>n</sup>.



Tay's Mission

Imminently

Dangerous  
Relations, in

1794

Tay instructed: "You are to keep alive  
in mind of Br. Min. that opin<sup>n</sup>. wh. the  
solemnity of spec<sup>t</sup>. Miss<sup>n</sup> must nat<sup>ly</sup> in-  
spire, of a strong agition inspired in people  
of U.S., by disturb<sup>d</sup> Cou<sup>nt</sup>. of Friends bet. Am  
and G. B; to repel war, for wh. we are  
not disposed, & wd wh. necess. for vindic.  
our <sup>honors</sup> honor, but alone can, drive  
us; to prevent Br. Min<sup>s</sup>, sh<sup>d</sup> by be  
resolved on war, fr. carry<sup>s</sup> wd Am Br.  
Nat.; & at same time, & assert w<sup>th</sup>  
dignity & firmness, our Rts, & our title  
to repar<sup>n</sup>: for past inj<sup>s</sup>."

Again: "It may be observed here  
xxx At U.S. history At sincere love of  
peace, by being nearly in state of war,  
yet any. & obviate absol. war by friendly  
advances; & if desire of G. B. to be in

harmony with U.S. be = sincere, she will  
readily discover. Wh. kind of sense? will at  
length arise, when the trade is plundered, the  
resources wasted in Indian war; many cities  
exposed? & cruelty of savages; the Rts by  
Treaty denied; and those of G. B. enforced  
in our courts

"But you will consider the injury &  
infract<sup>n</sup> of a Treaty as standing on distinct  
grounds from vexat<sup>n</sup> & spoliat<sup>n</sup>; so that no  
adjust<sup>n</sup> of former is to be influenced by latter"  
Ibid. p. 473

Since Instructions conclude: "You will  
Quâ consider ideas herein expressed, as recommend<sup>n</sup>  
Nons only, wh. in yr. discret<sup>n</sup> you may modify,  
as seems most beneficial to U.S., exc. in 2 following  
cases, wh. are immutab<sup>l</sup>

1 The Br. Min<sup>ry</sup> will doubtless be solicit<sup>d</sup>  
& detach us fr. Fr. & may prob. make some



Jay's Mission

Since our treaty & that effect. You will inform  
 Genl Am Gov. of U.S. will not derogate fr.  
 our treaties & Engage<sup>ts</sup> with Fr., & H. expec.  
 ho. shown At we can be honest in our duties  
 in & Br. nat, without lay ourselves under any  
 Jay's partic restraints as to other Nats.; and  
 Instr<sup>ons</sup> 2 that no treaty of Com. be cancell<sup>d</sup> or  
 sign<sup>d</sup> contrary to foregoing provis

A.S.P. 1. 474

Br. Jay, writing to Randolph June 1. 1795  
 Feeling from N.Y., upon as follows & certain  
 towards U.S. questions

When Jay arr<sup>d</sup>. "In my opin<sup>n</sup>, the views of G. B., wh. I  
 arr<sup>d</sup>. here, had been, & then were, so far host. to  
 us as they had been view<sup>d</sup>. so by pop. indic<sup>ns</sup>  
 of a despot<sup>ism</sup> in its country to aid Fr. in war  
 agst. her

Sale of Priz<sup>es</sup> in Am<sup>erica</sup> "As to postponing prohib<sup>ition</sup> to sell prize,  
 until after prest. war, G. B. insisted that

Sale  
of Ft  
Prizin

As to sale of prizes, see A.S.P. I. 651, Wh. Ft. Min. only argues  
At Ft is implied in T. of 1778, Wh. U.S. Secy State complains. R. V.

as they asked no right fr. us but Wh. by his Ft & ex-  
pect fr. neut. nat., so no draws from line  
of impartiality (not stip<sup>d</sup>. by our treaty treaties)  
cd. poss. be adm<sup>d</sup>. "

Cf. also I. 668 As to this 1 Wash<sup>g</sup>. (p. 22) says "the sale  
of prizes perm<sup>d</sup>. by 5<sup>th</sup> treaty of Com with Ft. &  
be brought into ports" it not be forbidden; 2  
Jay's T. only stip<sup>s</sup>. that it shall not be perm<sup>td</sup> to  
for private xxx to sell wh. by hv. taken, nor in  
any other manner directly same." (p. 524

Date of Evac<sup>s</sup>. Posts 3 Evacuation of posts at a more early  
period (than June, 1796) was unattainable"  
for reasons given (on p. 503)

W. I. Trade 4. As regards W. I. trade, the Congress  
of Wh. J. had reg<sup>d</sup>. as a compensation for many  
ills - e.g. negroes &c (v. 518) and "compensation for  
detention (part?) of posts (v. 511): J. admits,  
as is clear, that art.<sup>s</sup> imp<sup>d</sup>. from W. I. could  
not be re-exp<sup>d</sup>. from U.S. at any pt. of world; but



## Jay's Mission

Treaty - he consented that we may carry on from <sup>W.I.</sup> to  
Step<sup>n</sup> Europe. By this he can only mean that the  
as W.I. Treaty does not prevent our doing so; the  
Trade U.S. w. not permit<sup>d</sup> by Rule of 1756.

This treaty therefore took fr. us Rt. to  
imp. + exp. fr. W.I. prod.

"The article" he says was off<sup>d</sup>. as a  
priv. or boon"

Jay's letter to Randolph A.S.P. 1. 579-20

Durat<sup>n</sup> of Treaty First ten arts. viz: Evac. of Posts, Boundary  
Commis<sup>ns</sup>, Sett Commis<sup>ns</sup>, Commis<sup>ns</sup> on Prizes  
claimed wrongful, Holding of Property,  
Security for Debts, and regul<sup>ns</sup> about trade  
with N.W. Indians. To be permanent  
All other Arts except 12<sup>th</sup> (W.I. trade)  
for twelve years.

Art. 12 to expire two years after  
date of signing of peace with the Concl<sup>ts</sup>

the for pres. war

P. 525

Treaty Art. 13 permits trade to and from  
as Br. E. I. and U.S.; but direct trade  
Br. only, not to carry the produce of E. I.  
E. I. to any country but Am. Excluded  
also fr. coasting trade, but to carry  
orig. cargo from one E. I. port to another  
is not coasting

p. 523

Year The general tenor of the current.  
Pain. treaty was to confine trade to and  
of pro- from depend. ofly. B. to British  
sailing merchant ships, except to the country  
Br. to wh. a for. merchant ship belonged. In  
Spain the W. I. even this relax<sup>n</sup> was limited  
by new treaty & was under 70 tons



## Tariff Treaty

Trade fr.

Br. Ids

I do not find any limit<sup>n</sup> upon Am. ships proceeding from Br. ports & other ports in Europe, and vice versa from cont<sup>l</sup> ports & G. B.

U.S.

Goods

or Ship's

On the other hand, the Treaty provided that until the time of a future agreement, inasmuch as it provides, the U.S. will not impose any new or add<sup>l</sup> tonnage duties on Br. vessels, "nor increase the now existing diff. bet. dues payable on imports in Br. or in Am. Vess." i.e. discriminating duties shall not be increased p. 523

Contraband

Proves on contraband admit such to be naval material of all sorts, except unwrought iron & fir planks, &c. only fit for merchant vessels.

Also art. about proves as Contraband

The As regards Commerce, U.S. gained little  
Gains except that the conditions of trading with G. B.  
of now depended upon a formal treaty,  
U.S. instead of upon an Annual Proclam<sup>n</sup>;  
that the E. I. as before practised was  
now confirmed; and that the W. I. trade  
was achieved

Commerce. To obtain this much was conceded,  
of E. g. contraband and power over discrimi-  
U.S. nating duties; much was not obtained,  
E. g. Neutral flag recognition; and  
Import - the conclusion indicates the vast import-  
of ance then attributed (and with) to  
W. I. W. I. trade, both in Europe & Am.



Effect of War upon U.S. 1795  
In contrast w<sup>th</sup> Europe, "S<sup>r</sup>. fast<sup>est</sup> country  
has enjoy'd great tranqu<sup>lity</sup> & S<sup>r</sup>. Africa,  
Comm., & manuf<sup>y</sup>, prosper beyond former  
ex.; the prohibitions of S<sup>r</sup>. trade (to pre-  
vent cont. of wh. very pt.<sup>o</sup> remonet. has  
been made) being overbalanced by aggr.  
benefits wh. it derives fr. S<sup>r</sup>. vent. pos<sup>s</sup>.  
Genl. Prosp<sup>y</sup> "Our country exhibit<sup>s</sup> a spect. of  
nat<sup>l</sup>. happ., never surpassed, if  
ever before =<sup>d</sup>

Wash. Advers Dec. 8. 1795 A.S.P. I. 28

Portuguese  
Portu<sup>g</sup>.  
of Am<sup>er</sup>  
Ship  
The interfere<sup>nce</sup>  
w<sup>th</sup> her  
327

"The friends of Mr. Mont F. May has been  
Mr. manuf<sup>y</sup> in check<sup>s</sup> pass. of Alg. Corsairs  
into the O. She has also furnish<sup>ed</sup> occas<sup>l</sup>.  
convoys to vess. of U.S., even wh. bound  
to other ports than her own.

Wash<sup>g</sup>. Mer. Feb. 28/95 p. 469

## Portugal & Algiers

Algerians  
Cruisers They do not come out at all, wh. by know  
vess. are cruising for Am. By paper 3 cruises  
a yr. bet. Apr. & Nov., wh. by say up. When  
not captured within straits, they row N<sup>W</sup>ly to  
Channel, & W<sup>ly</sup> to W<sup>l</sup> Id<sup>s</sup>

By an al protest at war w<sup>th</sup> Russ, Aust.  
Port., Naples, Sard<sup>a</sup>, Genoa, & Malta

Port has singly, for sev<sup>l</sup> yrs. past,  
kept a cruise bef. Its. of Sic., and by It  
means hr. conf<sup>l</sup> Alg. closely within.

But 2 of Ar was hr. on. out of It<sup>s</sup> in  
5 yrs. Sh<sup>d</sup> Port make peace, & & A  
Att. will at once become a prin. scene of  
Ar piracies; Ar. peace w<sup>th</sup> Spain Nav?  
nd. their prof<sup>ts</sup> in Med. cruises below  
expense of Equip<sup>t</sup>.



## Jay's Treaty

Date of Passd in 12<sup>th</sup> year of Charles II  
Name Wh. dates from Ex<sup>o</sup> of Charles I, in  
Act Jan<sup>y</sup>, 1649; and takes effect from  
Dec. 1, 1660

Terms of See also the Terms of Act  
Act A. S. P. II. 103

E. 1. Opined that before Jay's Treaty their  
Trade was carried on "by sufferance" (II. 111)  
in wh. "Am. carriers for Ind. market consist  
of wms usually taken on b<sup>d</sup> at Mad., and  
of var. oth<sup>r</sup> wts., sometimes coll<sup>d</sup> in Am.,  
and freq punch<sup>d</sup> on out<sup>g</sup> pass. in Ind. or  
elsewhere. This was faulty in sh. trade stood  
wh. treaty was made. Obj. of T. was to correct  
faults into Rt. x x x

"Am vessels sh take on b<sup>d</sup> goods in Br. Ind  
are reg<sup>d</sup> & sent direct to Am; but never  
has been understood that wgs must be

desert from Am. & Br. Terrs." Their w<sup>d</sup> depart  
Expected Receipts 11. 111

It appears that this view was adm<sup>d</sup> by the  
Gov., and Am. vass. h<sup>d</sup> Pt. to collect such corps on  
outward voyage, returning to Am. desert

11. 114

Further  
Restrict<sup>ns</sup> on Am  
Const<sup>ns</sup> of Trade  
It is difficult to perhaps make a dis-  
turb the network of embarrass<sup>ts</sup> woven  
round trade. The priv. granted by treaty to  
Am. vass. to trade with G. B. in Eur. seems  
to have been conf<sup>d</sup> to Am. built vass., with  
crews  $\frac{3}{4}$  Am subj<sup>s</sup>, and to arts. prod<sup>d</sup> in U.S.  
Kings objections seem to have been ruled. The  
Bd. of Trade ruled that the gen<sup>l</sup> priv. of Bill  
(with variety of except. in fav. Am) was to put Am  
upon foot<sup>s</sup> of most fav<sup>d</sup> Eur. Stat. That permitting  
to Am built (or prize) ships has been estab<sup>d</sup> by  
U.S.C., by wh. heretofore trade with Am. has been reg<sup>d</sup>  
and Pt, under its restrict<sup>ns</sup>, a trade has annually inc<sup>d</sup>



It is now (1797, July) carried on entirely  
in Am. bottoms "

A. S. P. II. 112

I cannot find out exactly, or clearly  
stated, whether Am. ships, covered by  
the treaty bring goods from, say,  
Prussia or Spain, or Portugal,  
the produce of those countries  
Board of Trade

Embargo  
of  
1794

"You (Mouroe) know enough of hist. of As  
business to declare that Embargo was levied at  
G. B. & ws. made genl. merely because, if part  
apst her, it wd be amounted to a cause of war;  
and also, that was not contd, merely because  
twas reported injur<sup>s</sup> to Fr."

Randolph. Just<sup>ms</sup> D Mouroe, Jun. 10. 94 11.669

"However a Transport<sup>n</sup> in or ships, of goods  
belonging to subjs of a Bell<sup>t</sup>. Pow<sup>r</sup>, mt. prove  
a moment<sup>s</sup> adv. to or merch<sup>ts</sup>, it must be  
injur<sup>s</sup> to or genl. int<sup>t</sup>. I take it for granted  
that or shippy is not suff<sup>t</sup> to pursue fisheries  
& carry or own prod. to market. But if it  
were, I sh<sup>d</sup> consid. Ass as a prob. employ<sup>ts</sup>,  
& I sh<sup>d</sup> reason thus: By putting  $\frac{1}{2}$  man<sup>rs</sup>  
employ<sup>d</sup> in transp<sup>s</sup> or own products into the  
next carrying trade,  $\frac{1}{2}$  Ass products must  
remain on hand, or be transp<sup>d</sup> by Bell<sup>t</sup>.



Your. Morris

pass, & in either case or. agric. int. must  
suff: for, as to other needs, the ships will  
be emp<sup>d</sup>. in some next carrying trade.

Now, if the seas<sup>s</sup> be just, on ground that we  
have a suff<sup>y</sup>. of ships, how much more  
in the fact of an insuff<sup>y</sup>. But, it may be  
said, that next. carry. Trade, by giving encourg<sup>t</sup>.  
to our ships, w<sup>l</sup>. g<sup>o</sup>th<sup>y</sup> inc. amt. I an-  
swer, of our fictit<sup>s</sup> ships, yes; of re-  
al ships, no; and much<sup>r</sup> will stand

if we be not townas enough, the inc  
fct. of re. our Commod<sup>s</sup> will, in war, be  
a suff<sup>t</sup>. encourg<sup>t</sup>, & draw in at Chen<sup>l</sup>. as  
much of a nat<sup>l</sup>. strength and wealth as is  
Consist<sup>t</sup>. w<sup>o</sup> g<sup>o</sup>th<sup>y</sup> welfare, & more, perhaps,  
if we extend re. views to all moral eff<sup>t</sup>  
of Com<sup>s</sup>, espec. wh. it engages a dispo-  
sition. pt. of Commun<sup>y</sup>. If our nat<sup>y</sup> be  
= a emp<sup>t</sup>, our Com<sup>s</sup>. can give it,

any one w<sup>d</sup>. be doubly pernic<sup>ious</sup>? First,  
because, throwing surplus out of employ<sup>ment</sup>. w<sup>d</sup>. occas.  
w<sup>d</sup>. be owners in gen<sup>eral</sup>, since by w<sup>d</sup>. be forced  
work each other, till, by ruin of some,  
<sup>to</sup> things w<sup>d</sup>. w<sup>d</sup>. be nat. local. Secondly  
because x x x no man will contend that we  
sh<sup>d</sup>. have our fields untilled, & that  
populous countries in carrying trade.

x x x x x

Had<sup>st</sup> said thus much as to that, I  
come now to be direct<sup>ly</sup>. — an American Marine  
x x x I think we sh<sup>d</sup>. not follow Europe<sup>an</sup> ex.  
of bl<sup>ack</sup> ships to lie idle, until a war calls  
them into action, at a gr<sup>eat</sup>. vic. of exp<sup>ense</sup>,  
& by gr<sup>eat</sup>. inj<sup>ury</sup> to Com<sup>merce</sup>. x x x It is possible  
that, placed as we are, sh<sup>d</sup>. I think,  
make permiss<sup>ible</sup> prov<sup>ision</sup> for every ship that is  
built; & the fleet sh<sup>d</sup>. be annually manned  
vict<sup>ual</sup>ed, & equip<sup>ped</sup>, & sh<sup>d</sup>. cruise during fair



Gov. Morris

G. Morris season. I believe we do now maintain 12  
on S. of line, perhaps 20, with due proportion  
Effect of a of frigs & smaller vessels. And I am told?  
Navy. certain that, with U.S. of Am. pursue  
a just & liberal conduct, with no sail of  
line at sea, no nation on earth will dare  
insult them. I believe also, that, not to  
mention indiv (private) losses, 5 yrs  
of war will involve more national exp.  
than support of peace for 20 yrs.  
One thing I am thoroughly convinced of,  
that, if we do not render ourselves respected  
we shall continue to be insulted. And  
let it not be supposed that a remedy  
for our weakness can be found in  
Conventions with other powers & presence  
ment. In such Conventions are always dupes, &  
weakest will go to wall." Cited Hall. in Armd. Serv. 1780

A.S.P. I 409

French views of Treaty of 1778. Adet

Propriety  
of Fr.  
Decrees

As regards neut. flag & En's goods. "The Rep. calls for ex<sup>n</sup> of 2<sup>d</sup>. Art. of T. of 1778, wh says it Fr + U.S. neut. engage not to grant partic fav<sup>r</sup>, as to neut. or com, wh. sh<sup>d</sup>. not immed. become common to oth. party. Gov. of U.S. hv<sup>g</sup>, by T of London, sact<sup>d</sup> to Eng. freedom of flag, the property of the En. of Eng., and nav. stores, Fr by her treaty is auth<sup>d</sup> to claim same adv., to use it, + U.S. hv. no Rt to complain"

I. E. U.S. by conceding that Neut. Flag did not cover the goods gave an adv. to G. B., wh Fr. was justified in assuming to herself by 2<sup>d</sup>. Art (just quoted) altho in another art<sup>le</sup> the two countries had expressly stip<sup>d</sup>. that the neut. flag sh<sup>d</sup>. cover goods.

A.S.P. 1. 582.



Nearness

"Because of Br. aggress<sup>ns</sup> on O. com.

of War

prepar<sup>ns</sup> for war were commenced, and the demand

in 1794

Satt<sup>n</sup> for O. was the leading obj. of J's miss<sup>ns</sup> to London. Satt<sup>n</sup> was demanded; + arrangements agreed on for sending it on now in ex<sup>n</sup> at London

Peckering A.S.P. I. 567

Arts of

For Arts 17 + 22 of Treaty of 1778

Fr. Treaty

See A.S.P. I. 562

Sale

"That sales of Fr. prizes be. vn. permit<sup>d</sup> at all, be. vn. owing to indulg<sup>nc</sup> of Gov. This indulg. was. cont<sup>d</sup> until it interf<sup>d</sup> w<sup>th</sup> a new post<sup>ve</sup> oblig<sup>n</sup>; an oblig<sup>n</sup> precisely same as Fr. Contract. Eight yrs. subseq<sup>t</sup> to her treaty with us, and w<sup>th</sup> same par<sup>ts</sup> as Fr. + U.S. alike engag<sup>d</sup> to permit. us. in. of G.B. to arm priv<sup>ly</sup> in their ports, or to sell the prizes there, or in any way exalt<sup>n</sup> O. Peckering, Ibid p. 574

Construction of  
Treaty

The Fr. constituted Art. 17, Art. 17, Art. 17: "If nat<sup>l</sup> ship of  
war, en<sup>d</sup> of Fr., ho, at any time, or in any pt.

1778

French

of globe, made prize of Fr. vess., such ship is to be  
all<sup>l</sup> no shelter or ref. in o<sup>r</sup> ports, unless driv<sup>n</sup> in by  
stress weath<sup>r</sup>, and then she is to be made dep<sup>t</sup> as soon  
as poss.

D.  
U.S.

"Const<sup>n</sup> of Ex. of U.S. was Art. 17: That priv<sup>l</sup> only  
of end of Fr., were absol. excl<sup>d</sup> fr. o<sup>r</sup> ports, (except  
as above stress weath<sup>r</sup>); while nat<sup>l</sup> ships war of any  
o<sup>r</sup> nat., were entitled to an asylum in o<sup>r</sup> ports,  
except<sup>d</sup> those wh. sh<sup>d</sup> be made prize of people or  
prop<sup>y</sup> of Fr., con<sup>s</sup> in w<sup>o</sup> the prize."

Pickens, *Ibid*, 565

50

"Fr, Eng, & all o<sup>r</sup> nati., no R<sup>t</sup> to cruise on  
Jefferson o<sup>r</sup> coast. . . . To render Art. more adv., Fr by  
Sep. 9 secur<sup>d</sup> to herself, by T., w<sup>o</sup> us, (as she has done,  
1793 also, by T w<sup>o</sup> G. B., in result of war w<sup>o</sup> us, or  
w<sup>o</sup> any o<sup>r</sup> nat.) two spec<sup>l</sup> R<sup>s</sup>: 1<sup>st</sup> Adm<sup>n</sup>"



# Const<sup>n</sup> of Treaty of 1778

Am. for her prizes & profits in our ports. As, by 17 & Const<sup>n</sup> 22 Art<sup>s</sup>, is secur<sup>d</sup> when exclus. of her sh<sup>ps</sup>, as is of T. of 1778 done for her in like case by G. B., were her prizes war w<sup>th</sup> us, inst<sup>d</sup> of w<sup>th</sup> G. B. 2 Adm<sup>n</sup> for her pub. vess. war into our ports, in case of stress w<sup>th</sup>, pirates, ev<sup>t</sup> or other urgent necess, to repair &c. This not exclus.; as we are bound by T & ~~excl~~ rec. pub. armed vess. of Fr., & are not bound to excl<sup>d</sup> Ass<sup>ts</sup> of her sh<sup>ps</sup>, Exce. her more denied Rt. of asylum, in o<sup>r</sup> ports to pub. armed vess. of your nat.

x x x x

As then, pub. ships war of each enjoy a priv. = in o<sup>r</sup> ports: 1 in cases of urgent necess. 2, in cases of Conven. or comf<sup>t</sup>; 3, in time they choose to contin. x x x And so adm<sup>n</sup> of prizes & profits of Fr. is exclus, yet as is effect of T, made long ago for val. consid<sup>s</sup>, and w<sup>th</sup> a view to prevent ev<sup>t</sup>, nor a q<sup>st</sup> on

Deliver of Posts

not in partic, but all in great, & may be  
faithfully obs<sup>d</sup>, without offence & any; & we mean  
to obs<sup>d</sup> it. The same exclus. art. has been  
step<sup>d</sup>, as before obs<sup>d</sup>, by G. B. in h<sup>l</sup> T with  
H

A. S. P. 1. 176. Jeff<sup>ers</sup> at Br. Min

H. Stern  
as to Com  
Comm  
Note with Ref. to Br. Condemns. under  
Rule of 1756, H. Decree of March 26. 1793  
Enlarging scope of Royal "Arret" of 1784  
Aug. 30

Med I. 245, 246.

Delivery of  
Posts by  
G. B. 1796  
"The period during late sess<sup>n</sup> at wh. app<sup>n</sup>  
was pass<sup>d</sup>, for carry<sup>d</sup> into eff<sup>t</sup> the T. of annuity,  
Comm, and nav<sup>y</sup>, bet. U. S. & N. B. M., nec<sup>s</sup>.  
procrast<sup>d</sup> except<sup>n</sup> of posts step<sup>d</sup> to be deliv<sup>d</sup>,  
beyond the date assign<sup>d</sup> for At event (June 1. 1796)  
As soon as Gov. Gen. of Can. c<sup>d</sup> be addressed w<sup>th</sup> pro-  
priet<sup>y</sup> on sub<sup>j</sup>, arrears were cordially & promptly  
concl<sup>d</sup> for Br. evac<sup>n</sup>, & U. S. took poss<sup>n</sup> of it



Deliver  
of  
books

1796

"prin<sup>l</sup> of Am, comprhend<sup>g</sup> Oswego, Niagara,  
Detroit, Michilimackinac, and Fort Miami"  
- Washington's Message, Dec. 7, 1796 A.S.P. 1, 30

Lack of

Bread

France

"The distress of people, on acct. of scarc. of Brod.  
since April 7, has been like that of besieged town.  
By 'lv. bn. const<sup>n</sup>' on allow, wh. w<sup>o</sup> latterly reduced  
to 203, & sometimes less, per bim. My  
fam<sup>y</sup>, of 14 persons, is all<sup>d</sup> 2 lbs of bread  
per day. At a gr<sup>t</sup>. exp - nearly \$40 in  
specie per bbl - I am suppl<sup>d</sup>!"

Mouron, May 17, 1795

Ibid 705

Cont<sup>n</sup> of

U.S.

in 1793

"No casus foederis had arisen upon o<sup>r</sup>.  
all<sup>u</sup> with Fr. We had not, no ho. we yet (June  
1, 1795) been req<sup>d</sup> to ex. A. guarantee; & ∴ it  
is unnecc. to spk about it

"Had we indult<sup>d</sup> our sensibility for A  
crisis hanging over France, and assoc<sup>d</sup> or.

Pol. Condition of U.S. at Outbreak of War, 1793

inj<sup>s</sup> w<sup>o</sup> hrs, rashness of step w<sup>d</sup> hv. bn. prov<sup>o</sup>  
An infant country, deep in debt; neces<sup>d</sup> to  
borrow in Eur.; w<sup>o</sup>ut manf<sup>s</sup>; w<sup>o</sup>ut land or  
nav. force; w<sup>o</sup>ut compet<sup>o</sup> of arms or amm<sup>s</sup>;  
w<sup>o</sup> comm. closely connect<sup>d</sup> beyond Atl; w<sup>o</sup>  
cut<sup>o</sup> of revenues for prod<sup>o</sup>, and dimin<sup>o</sup>  
of its own; w<sup>o</sup> Const<sup>o</sup> little more than 4  
yrs. old; in a state of probat<sup>o</sup> (i.e. Const) &  
not exempt fr. foes; such a country ca. hv.  
no greater curse than war. It may w<sup>o</sup> its  
policy be bn. ad<sup>o</sup> by Cong, by People, &  
by G. himself

"Had we bn. act<sup>o</sup> G. w<sup>d</sup> hv. bn. deficient  
of its prov<sup>o</sup>, except by matches, & its  
pay<sup>o</sup> & its w<sup>d</sup> hv. bn. suspended

"Proclam. of Neut<sup>o</sup> ∴ 1<sup>st</sup> imp<sup>o</sup> step"

Randolph to Monroe, A.S.V.-I. 706



Commerce with France 1789-93

Reduct<sup>m</sup> "Our commerce with Fr. W. I. W. never  
by Fran adm<sup>t</sup> amerciation during my (Jefferson's) stay  
upon in Fr. A temple of St per<sup>d</sup> did not all. even  
Am A essay; & it was as much as we c<sup>d</sup>. do to hold  
Comm A ground, giv<sup>n</sup> us by Marshal de Castries'  
arret, adm<sup>t</sup>s us d to the arts. w<sup>th</sup> such promise  
As to both the branches of Com, viz: w<sup>th</sup> Fr &  
w<sup>th</sup> her. colo., we had hoped by w<sup>th</sup> pursue the  
own progr<sup>s</sup> of art<sup>s</sup> Am by T, and w<sup>th</sup> we  
c<sup>d</sup>. draw it T. to its place "

Jeff<sup>n</sup> writes again, July 9, 1792, to Fr.  
Min.: "I sh<sup>d</sup> fail in duty to<sup>d</sup> my nat.,  
Sir, & I sh<sup>d</sup> off<sup>r</sup> but feel the test." of A attack:  
I be. for so many y<sup>rs</sup> now? to you., if I  
were to discuss the discont<sup>t</sup>, wh. decrees of  
Const<sup>t</sup> Ass, infring<sup>n</sup> syst<sup>m</sup> Comm. estat<sup>d</sup> bet.  
Fr. & U.S. before y<sup>r</sup>. 1789, have excited in Am

A.S.P. 1. 707

Great announce next<sup>t</sup> of a T. of Com. wh. seems  
to be fallen thro.

Fr. Con- " The very decree of Feb. 19, 1793, libel'd as  
cessions in it was in lang., manif<sup>d</sup> that the nec<sup>t</sup> & exist<sup>n</sup> was  
1793 was chf. cause in dictat<sup>d</sup> concess<sup>ns</sup>; for Fr.  
Dut & War Cols. cd. not be fed w<sup>o</sup>out supplies fr. U.S.;  
and suspens<sup>n</sup> of law of May 15, 1791, (nav. act  
of Fr.) wh. h. prohibit<sup>d</sup> Am<sup>s</sup> fr. introd<sup>n</sup>, selling  
& arming fr. vess. in Fr., & fr. employ<sup>n</sup> priv<sup>s</sup>  
all! & Acc. hmit in suspens<sup>n</sup> of Rep.,  
was calc<sup>d</sup>. (intend<sup>d</sup>?) to crowt. O. ships, and Fr.  
Priv<sup>s</sup> "

708

Desire to Randolph An shows that obj. of Fr. Govt  
Involvement was to draw U.S. into active war. "Let me obs.  
U.S. in War in passing fr. M. Gruit & M. Fauchet, At his  
Arrest to withdraw the priv<sup>s</sup> in Dec. of March 26  
1793, and Dec. cess<sup>n</sup>, are strong evid<sup>n</sup> of desire  
of negot<sup>n</sup> being more An purely Comm<sup>n</sup>?"

709



Diff's bet. U.S. & G.B.

Summary

" From Docs accomp<sup>d</sup> the Mess. of Dec. 5  
of 1793, these subj<sup>s</sup> emerge, as depend<sup>t</sup> for adjust<sup>t</sup>.

Diff's w<sup>o</sup> bet. U.S. & G.B.

1 The mix<sup>n</sup> of 7<sup>th</sup> art. of T. of Peace, in  
1794 carry<sup>d</sup> away negroes & o<sup>r</sup> prop<sup>t</sup> of Am inhab<sup>t</sup>,  
& A not withdraw<sup>d</sup> Garrison from A posts w<sup>o</sup>in  
U.S.

Am<sup>er</sup>ican

2 Req<sup>s</sup> on pt<sup>t</sup> of Br. Gov., w<sup>o</sup> respect to

Compl<sup>t</sup>

Comm. of 2 countries, wh., if recip. adopted,  
w<sup>o</sup>l<sup>d</sup> mate. inj. into of A 2 nats; & an  
overture fr. Mr. Jeff<sup>n</sup>, as far back as Nov.  
1791, to conclude or neg<sup>t</sup> arrange<sup>t</sup> wh. m<sup>t</sup>  
fix com. bet A 2 countries on prins. of  
recip. adv.

3 Ascent. of true River St Croix (E)

4 Add<sup>d</sup> Inst<sup>n</sup> of June 8, 1793, wh. made  
propos<sup>s</sup>, to a cert. o, Contract<sup>d</sup>; & letter to  
Mr. Pinkney fr. State Dept in conseq

5 O<sup>r</sup> mess. of Br. Gov, in violat<sup>n</sup> ment Rts.

6 Impresst. Am. seamen.

7 "Br. complaints of infract<sup>n</sup> of Arts 4, 5,  
+ 6, of T relat. to omis<sup>n</sup> of Cong. to enforce  
Compl<sup>ts</sup> Am; the repeal of laws wh. exist<sup>d</sup> antec<sup>d</sup> to  
to Pacific<sup>n</sup>; the enact<sup>d</sup> of laws subseq. to  
peace in contrav<sup>n</sup> of Treaty; and decis<sup>ns</sup>  
of State Courts upon ques<sup>ns</sup> of Rts of Br. sub<sup>js</sup>."

A.S.P. I. 710

To these add injuries to Am. trade since  
outbreak of war, on same page 710

Policy  
of Wash. "The policy of A Exec. is approved to be  
to pursue peace "with unswerving zeal,  
before A last resource, wh. br. so oft be source  
of nat<sup>n</sup>, & sh. not fail to check adv<sup>d</sup> prosp<sup>t</sup> of  
U.S., sh<sup>d</sup> be countemp<sup>d</sup>." Hence Tanj's  
Mission

700 710



U.S. Dissensions of Comml. Treaty with  
G. B. (as with G.)

Dissension of "A.T. of Com. with G. B. has for many y<sup>rs</sup> been  
U.S. for Com.?" pushed by U.S. Witness press fit by  
Comml. T. old Cong. & Mr. Adams to negot. it. Witness  
1783-94 clamors ag<sup>t</sup> her for declin<sup>g</sup> it. Witness  
arg<sup>t</sup>. drawn fr. France for a more em<sup>ph</sup>. Gov., wh.  
sh<sup>d</sup>. wishin' dead of repris<sup>l</sup>. Witness bill  
pass<sup>d</sup>. by N. R. at an early sess<sup>n</sup>, discom<sup>in</sup>.  
bet. nats. hav<sup>g</sup>. us Com<sup>l</sup>. T. w<sup>th</sup> us, & France  
wh. had. What, too, was Rep<sup>t</sup>. of late Sec<sup>y</sup>.  
State, but a plan for forc<sup>g</sup>. Br. Gov. ind<sup>l</sup>. T.  
of Com. x x x The want of a T. of Com. was  
the final aim. wh. prop<sup>d</sup>. up the elev<sup>n</sup>.  
of propos<sup>d</sup>. distinct<sup>n</sup>. of duties, & carried  
thru one of 6 resolves.

A. S. P. I. 711.

"Br. statesmen hav. for many y<sup>rs</sup> been con-  
scious th<sup>t</sup> G. B. enjoys an immense harvest  
from its loose set<sup>t</sup>. Our own states<sup>m</sup>. hav. uncess.  
lamented it & sought a remedy"

Adams Minist? D. G. B.

Comm. Measures 1785-86

Adams reached London from Holland  
May 26. 1785, and was persecuted by  
the King four days later

Mr. Maister 233

Mr. Maister gives the impression  
(so far) that the Nav. Act "forbode Am.  
merchants & ships D. G. B. the products of  
land and sea. Remittances of rice, tobacco,  
ships, whale oil & fish were no longer rec?"

Is this accurate, or does it compress  
information in other than Br. volumes?

Ibid, 238

Br. Restrict.

The various British acts had probably  
better be sought in McPherson

Am. Retal.

Apr. 15, 1785 a meeting of Bost. merchants  
sent two petitions one to Cong. one to State Leg;  
in addition to wh. they pledged themselves not to buy  
goods from Br. merchants & factors in Boston



## Impost + Comm. Regul<sup>n</sup>.

The impost was a graduated tax & belaid on certain kinds of imports.

The great question was whether & whether the laying of such a tax & Congress - the & question of state Rts.

A movement began in Maryland and Virginia, due to the initiation of Madison, by which Com<sup>rs</sup> from <sup>the two</sup> each state met & resolved to meet yearly for arranging & regulate jurisdiction over the River Potomac. In the course of their investigation they were struck with the necessity for joint legislation on comm<sup>l</sup> matters, for new trade brought through regulation & uniformity; and they recommended that two Com<sup>rs</sup> should be appointed & report the details of such a system the next year.

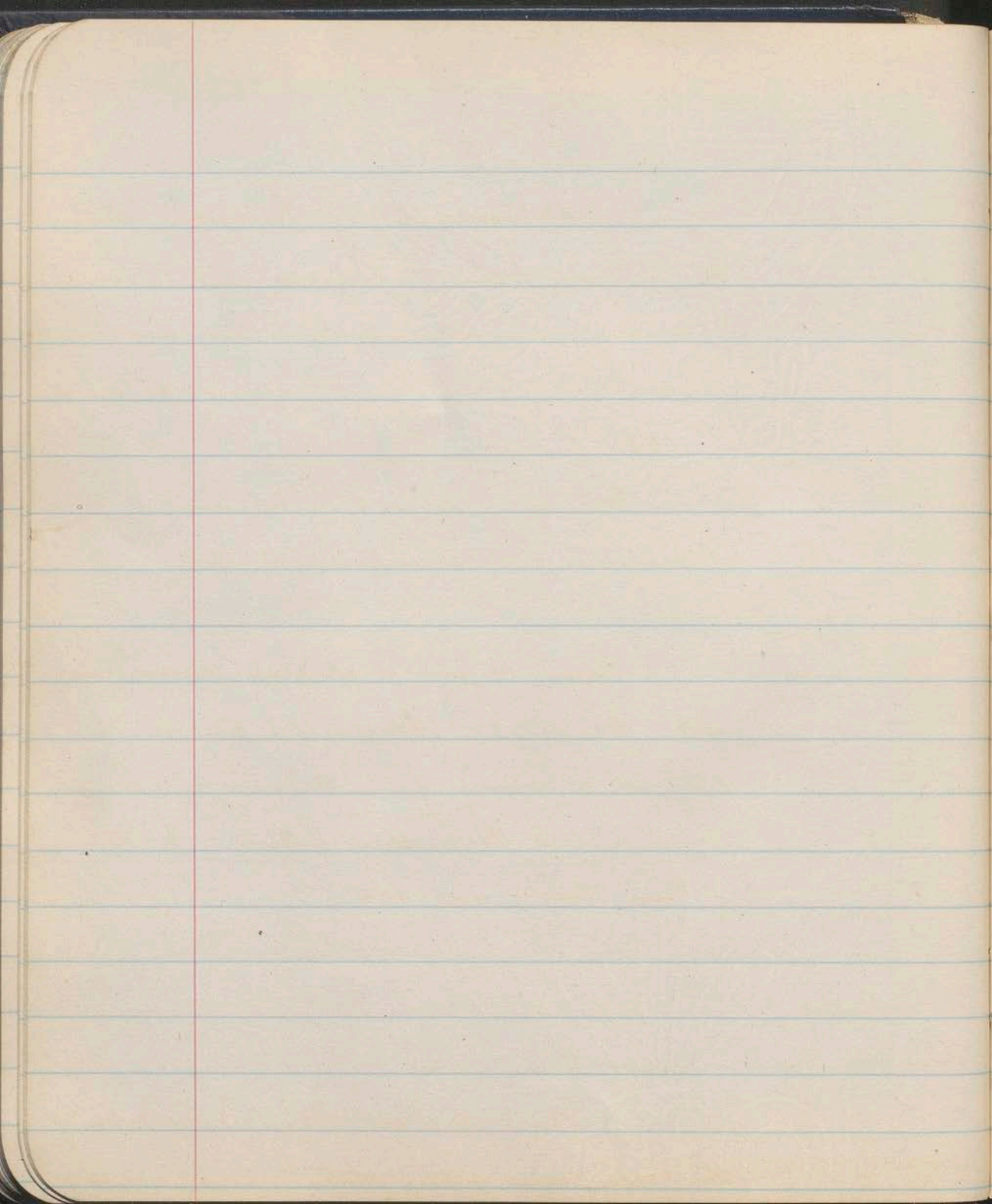
Maryland adopted this resolution,

## Gradual Movement of a Common Council Reg.

but also went further, by extending it to an invitation to two more states, viz: Penna. & Delaware "to join V<sup>a</sup> & M<sup>a</sup> in a common system of Council policy." This resolution passed in Nov<sup>r</sup> 1785, and so came before the V<sup>a</sup> Legislature. There Madison, who had seen a resolution, & came upon Congress power to levy an impost, defeated by a proviso extending such power only to 13 years, proposed a substitute, which however was moved by Tyler, because Madison's antecedents made Legislation less amenable to his leadership. The substitute was to extend this invitation to all the states.

The result was a call for a Trade Commission to meet at Annapolis, and which did meet





# State Papers - Naval Affairs

Gun Boats  
Arguments  
for

The argument of Jefferson, with two letters, from S. Barron and T. Turgis (Feb. 1807) and two from Hor. Gates and Jas. Wilkinson (Oct, Nov, 1804) will be found P. 163

Reference must be made also to Jefferson's Presidential Messages.

Arguments  
against

These begin to appear immediately after Madison's Administration had brought a change of influence in Secy's Office. See Hamilton's letters, p. 194 (June, 1809) and 200

The Influence of  
Maritime Com-  
merce on the  
Formation of the  
Union

Langdon Chesnut, in Report of Commission speaks of Mar. Commerce as that interest, and object of Govt, "which above all others laid foundation of the happy union of these states"



## Naval Affairs

Doubts as to Security of Union  
Navy  
Dec. 29 1798

If we do not profit by exper<sup>ce</sup>, & trust ourselves in pos<sup>n</sup>. to resist insult, and in lack of a firmish oppos<sup>n</sup>, nothing is more likely than that in  $\frac{1}{2}$  doz. yrs, some occas<sup>n</sup>. may be present for a repet<sup>n</sup>. of the mortifying obs<sup>n</sup>. In a more & still more interesting view of the subj., mutual safety was a lead<sup>g</sup>. motive, & must ever remain a strong cement of U. Union. Whether the secur<sup>y</sup> can be afford<sup>d</sup>, unless able to cover U. own coast, & whether the Union of all the St<sup>s</sup>. can long be preserved? without it, are quest<sup>ns</sup> wh. merit most serious consid<sup>n</sup>. of Am<sup>n</sup>. legislators

Cf also p. 75

Had we poss<sup>d</sup>. the force (12, 74<sup>5</sup>, or many frigates & 20 or 30 smaller vessels) a few years ago, we prob<sup>ly</sup> sh<sup>d</sup> not have lost, by depend<sup>g</sup> on U. trade, four times the sum necess<sup>y</sup>. to be created & maint<sup>d</sup> it, dur<sup>g</sup>. the whole time was

A. S. P.

Foreign Affairs

may exist in Eur

N. A. p 65

Summary of  
Acts

The report of Com. following this contains  
a summary of Acts passed in conseq. of French  
aggressions,

68

The Geo. Washington sailed from Phil<sup>a</sup>.  
in August last, (1802) with tributary stores  
for Algiers

N. A.

In Adams's Speeches as Pres<sup>t</sup>. I  
find no reference to the claims of special  
interest add<sup>d</sup>. This well known views

F. A.

Jefferson

Dec. 1801

When we consid. the Gov<sup>t</sup> is chg<sup>d</sup>. w<sup>o</sup>  
only the external and mutual relations of the St<sup>s</sup>.;  
the St. should have princip<sup>l</sup>. care of its persons, prop<sup>ty</sup>  
& reput<sup>n</sup>, const<sup>n</sup>. & gr<sup>o</sup>. field of human concerns  
(no mention of Commerce &c) we may well



A. S. P.

F. A.

Jefferson

Dec. 1801

doubt whether  $\sigma$ . org<sup>zn</sup> is not too complex?  
too expensive

58

A small force will prob<sup>ly</sup> cont. to be  
Jefferson's ideas want<sup>d</sup> for act<sup>l</sup> service, in Med<sup>n</sup>. Matron  
of preparation ann<sup>l</sup> sum beyond  $\sigma$  you (Cong) may think  
for naval war proper & approp. to nav. prep<sup>ns</sup>, w<sup>ch</sup> perhaps  
Dec. 1801 be better employ<sup>d</sup> in prov<sup>ng</sup>  $\sigma$ re art<sup>s</sup> w<sup>ch</sup> may  
be kept without waste or consump<sup>n</sup>, & be  
in readiness when any exig<sup>nc</sup> calls  $\sigma$ n into  
use. Progress to be made in prov<sup>ng</sup>  
matt<sup>rs</sup> for 74's, as prov<sup>d</sup> by law

59

Argument for

Gunboats

Jefferson

Nov. 1804

p. 64

The act of Cong, of Feb. 28, 1803, for  
bldg & employ<sup>ng</sup> a n<sup>o</sup> of G. B's, is now in course  
of exec<sup>n</sup>. to & ext<sup>d</sup>.  $\sigma$ re prov<sup>d</sup> for. The obstruct<sup>n</sup> w<sup>ch</sup>  
vers of  $\sigma$ s so<sup>l</sup> Const<sup>n</sup>. offer to nav. enterprise  
for  $\sigma$ . seaport T's, & util<sup>ty</sup> tw<sup>o</sup> supp<sup>ts</sup>  
w<sup>ch</sup>in  $\sigma$ . waters & aut<sup>h</sup> of  $\sigma$  laws, &

promptness w<sup>th</sup> wh. by will be manned by a seamen  
& militia of the pl. in the moment by an wanting, &  
facil<sup>y</sup> of the assemb<sup>y</sup> for diff<sup>t</sup>. pts of the coast to  
Jefferson any pt. when by an req<sup>d</sup> in fort. force & ord<sup>s</sup>,  
on & Econ<sup>y</sup> of the maint<sup>ce</sup> & preserv<sup>n</sup>. fr. decay, when  
Gunboats not in actual service, & the competence of our finances  
1804 to the defensive ~~proo<sup>n</sup>~~ proo<sup>n</sup>, about any new business,  
are consid<sup>rs</sup> wh. will hv. due weight w<sup>th</sup> Cong. in  
decid<sup>g</sup> on exped<sup>cy</sup> of add<sup>g</sup> to the n<sup>o</sup>, fr. 9<sup>th</sup> to 17<sup>th</sup>, as  
exp<sup>ce</sup> shall test the util<sup>y</sup>, until all o<sup>r</sup>. imp<sup>t</sup>.  
harbors, by the best and aux<sup>y</sup> means, shall be secured  
ag<sup>st</sup> invas<sup>n</sup> & oppos<sup>n</sup> to laws

p. 64

the first obj. is to place the Seaport T<sup>s</sup>  
Ibid out of danger of insult. Meas<sup>s</sup> hv. been tak<sup>n</sup> for  
Dec. 3, furnish<sup>g</sup> the w<sup>th</sup> heavy cannon for service of  
1805 land batt<sup>ies</sup>. In aid of the it is desirable to  
hv. competent n<sup>o</sup>. of G. B<sup>s</sup>; & the n<sup>o</sup>. to be compet<sup>t</sup>  
must be consid<sup>ed</sup>.

67



Jefferson. Consider Prov<sup>n</sup> has been made, under former  
 Act towards ~~authorities~~ from Cong. of mat<sup>ls</sup> for const<sup>n</sup> of  
 Navy - four ships of war of 74 guns. These mat<sup>ls</sup> are  
 Dec. 1805 on hand, subj to further will of Legis.

67

Gun Boats

Dec. 2

1806

The G. B's, authorized by an act of 8  
 last sess<sup>n</sup>, are so adv<sup>d</sup> that they will be  
 ready for service next spring. Circ<sup>l</sup> permit<sup>t</sup>  
 us to allow time neces. for the more ext<sup>ns</sup>  
 const<sup>n</sup>. A much larger n<sup>o</sup> will be want<sup>d</sup>.  
 Is an approp<sup>n</sup> in view?

68

Mediterranean  
Fund

Dec. 2. 1806

The duties compos<sup>d</sup> of a Med<sup>n</sup> fund will  
 cease by law at <sup>end of</sup> pres<sup>t</sup>. session.

Recommends a short continuation of  
 the fund

69

Jeffersons  
Message  
Oct. 27.

1807

The Message of 1807 Commemorate the  
Chesapeake outrage and the Orders in  
Council, and says

The appropri<sup>ns</sup> of last session for the defence  
of o<sup>r</sup>. seaport Ts and harbors were made under  
expect<sup>n</sup>. At a contin. of o<sup>r</sup>. peace w<sup>d</sup>. permit us  
Gun Boats to proceed acc<sup>dy</sup> to o<sup>r</sup>. Conv<sup>ce</sup>. N. Y.,  
Chesapeake Bay, & N. O. are most open and  
most likely & need protect<sup>n</sup>. The G. B's already  
provid<sup>d</sup>. h<sup>v</sup>. : on Chespy assigned to these stat<sup>ns</sup>

71

Gun Boats

Nov. 8

1808

Of the G. B's author<sup>z</sup>d by act of Dec. last, it  
has been thought nec<sup>y</sup> to b<sup>ld</sup> only 103 in the  
present year. These, of use already prov<sup>d</sup>.,  
are sufft. for waters most expos<sup>d</sup>, & the  
residue will req. little time for Constr<sup>on</sup>  
when demand success.

72