

COPYRIGHT NOTICE:

**Edited by Barbara B. Oberg. Thomas Jefferson:**

**The Papers of Thomas Jefferson, Volume 31:**

**The 1 February 1799 to 31 May 1800**

is published by Princeton University Press and copyrighted, © 2004, by Princeton University Press. All rights reserved. No part of this book may be reproduced in any form by any electronic or mechanical means (including photocopying, recording, or information storage and retrieval) without permission in writing from the publisher, except for reading and browsing via the World Wide Web. Users are not permitted to mount this file on any network servers.

For COURSE PACK and other PERMISSIONS, refer to entry on previous page. For more information, send e-mail to [permissions@pupress.princeton.edu](mailto:permissions@pupress.princeton.edu)

# THE PAPERS OF THOMAS JEFFERSON



## To Elisha Boudinot

SIR

Philadelphia Feb. 1. 99.

A friend of mine at Hanau in Germany, Baron Geismar, owning some shares (I believe three) in a copper mine in your neighborhood, has desired and authorised me to have them sold. having applied to the honourable mr Stockdon to recommend me to some person whom I might address for this purpose he was kind enough to permit me to use his name in addressing you. under that sanction I presume to write this letter. I am anxious to know for how much they can be sold, per share? and whether the sale could be made with a reservation to me, till I shall return home & be able to consult a former letter of Baron Geismar's which I left there, to declare the sale then to be off or on? my reason for the latter proposition is that till I can see that letter again, I do not recollect how much these shares cost baron Geismar, & I should be unwilling to sell them to a loss. I have moreover left at home a blank power of attorney sent me to insert in it the name of the person whom I shall authorize to convey the shares & recieve the money. the paiment of the purchase money should be made quite easy, provided the principal were secured, and a recurrence to the delays of the law rendered unnecessary. I shall return home in March and could send a decision on the sale in all April. the circumstances of this case and my situation must be my apology for presuming to give you this trouble, and for asking information from you. accept assurances of the respect with which I am Sir

Your most obedt. servt

TH: JEFFERSON

RC (NNPM); addressed: "Elisha Boudinot esq. Newark"; franked and postmarked; endorsed.

Elisha Boudinot (1749-1819), younger brother of Elias Boudinot, practiced law in Newark, New Jersey, and was elected

to the state supreme court in 1798 (*A History of the City of Newark, New Jersey: Embracing Practically Two and a Half Centuries, 1666-1913*, 3 vols. [New York, 1913], 2:603-10; *General Catalogue of Princeton University, 1746-1906* [Princeton, 1908], 18).

The letter from BARON GEISMAR that prompted the inquiry above was likely one of 11 July 1798, now missing but recorded in SJL as received on 22 Jan. 1799. Much of Geismar's correspondence with TJ has not been located (see note to TJ to Van Staphorst & Hubbard, 30 Apr. 1798).

The COPPER MINE had been opened in northern New Jersey earlier in the century by Arent Schuyler. In the 1750s Schuyler's son installed a steam-driven pumping system, using machinery and

expertise from England, to keep the mine from flooding. The operation fell into disuse until a group of investors formed the New Jersey Copper Mine Association in the mid-1790s to rehabilitate and develop the mine, offering 640 shares to raise capital (Thomas Oliver Perry, "The Eagle's Nest: The History of the Schuyler Copper Mine, North Arlington, New Jersey" [M.A. thesis, University of Delaware, 1966], 69-71, 98-101; Collamer M. Abbott, "Colonial Copper Mines," WMQ, 3d ser., 27 [1970], 299-301).

## From Aaron Burr

DEAR SIR,

Albany 3. Feby. 99

Being last fall in Ontario County, I spent a day in examining the records to discover the Situation of R.M.'s property. I find that every acre of his land hath been conveyed between the Months of January & July 98 &, as far as I can learn, for good considerations.

An attachment, for the benefit of *all* the Creditors, issued in March 98 & if prosecuted must exclude any creditor from a partial benefit. In August last, I obtained a Judgt. agt. R.M. at the Suit of a Creditor in N. York for about 50,000 Dolls. which Judgment I have no doubt the Creditor would sell for 2/ in the pound. When I commenced the suit of Mr. Currie I did not suspect the Conveyances which I have since discovered.

The hope of any recovery now appears to me so very remote as not to be worth the expense of the attempt,—For the present therefore I have suspended the pursuit. The Controversy between the attachment & my Judt. will be decided on the 14 March: if in favor of the Judt., I shall sell by execution, the Conveyances notwithstanding, & if the product should exceed the demand, of which I have no hope, shall endeavor to seize the residue for the benefit of Messs. Currie & Burwell—You shall be advised of the result.

The Virginia and Kentucky resolutions have been laid before our legislature, but have not as yet been acted on, in either house. In our Senate they would be rejected about 32 to 8—& probably with marks of indignation: In the H. of assembly they would also be rejected by a Majority of 4 or 5—Under circumstances so inauspicious, I have not thought it discreet to urge a determination in either house. We have now under Consideration two or three laws which are very important even politically considered & are in a good Way; but all

hope of success in these would Vanish on the revival of a party discussion—

Our Vehement federalists, many of them at least, begin to halt & to doubt & even to enquire—25 million of british debts—6 Million per ann. for a fleet & as much more for an Army, begin to exite examination to which the land tax gives impulse. Considerable changes will probably take place in this State within two Years—Some Symptoms are already obvious even to you at a distance—

Always respectfully & sincerely Your friend and Ob st

A BURR.

I thank you particularly for those parts of your letters which are not on business

RC (DLC); at foot of text: “Hon. Th Jefferson”; endorsed by TJ as received 9 Feb. and so recorded in SJL.

R.M.: Robert Morris.

On 12 Jan. 1799 Governor John Jay sent the VIRGINIA AND KENTUCKY RESOLUTIONS to the New York Senate with a one-sentence message noting simply that the resolutions had been sent to him for transmittal to the legislature. That same day the senate referred the resolutions to a committee of the whole but took no further immediate action. The assembly, of which Burr was a member, did not receive Jay’s message and the resolves from the senate until 30 Jan. When the legislature did turn its attention to the resolutions in mid-February, Burr attempted to prevent any consideration of

them. That effort and an attempt to delay consideration beyond the end of the legislative session both failed, and when Federalists condemned the Virginia and Kentucky measures Burr and others tried without success to include a statement affirming the right of citizens and their representatives to protest acts of the federal government (Kline, *Burr*, 1:393-5; *Journal of the Senate of the State of New-York; At their Twenty-Second Session, Second Meeting, Began and Held at the City of Albany, the Second Day of January, 1799* [Albany, 1799], 15).

The TWO OR THREE LAWS that Burr hoped to see passed were probably a large measure for a uniform system of taxation, an abolition act, and a bill for relief of insolvent debtors (Kline, *Burr*, 1:382-4).

## From John Cleves Symmes

SIR/

Cincinnati the 3rd. of February 1799

It becomes my duty, and I hope it may also tend to my Interest, to renew my prayer to the Senate of the United States for their countenance to my claims, and permission for me to proceed with my payments into the treasury of the Nation, in discharge of that balance which I owe the United States on the Miami purchase.

Greatly as I have been embarrassed on that subject, and disappointed in the receipts of Money owing to special causes which I need not here ennumerate, I conceive it fully in my power, notwith-

standing, to pay the last shilling due on my contract.—This I humbly beg leave to do: The assent of Congress to this Measure will put it immediately in my power to fulfil all the Obligations laid on me by the contract: The means are within my reach: And would Congress be pleased to authorise the secretary of the treasury to receive the Money, I flatter myself that it will soon be paid.

To attempt here an Illustration of the merits of my claim would seem superfluous: If it yet remains incumbent on me to develop that subject, I humbly ask for an opportunity of doing it before a tribunal of law or equity where I may enjoy those privileges which a defendant in a cause of the smallest moment, cannot by the laws of the land be refused.

It is a painful reflection to me sir, to discover in the Senate the smallest hesitation on the question of allowing to me and my fellow settlers the enjoyment of that Country we have so dearly earned, and fertilized with our blood; were it possible that the Honble. Members of the Senate could place themselves in our late situation and recall to their view the once dreary wilds of this Country; the yelling savages that haunted every corner of that wilderness; the bleeding father or husband that lay gasping his last breath beneath the barbarous foot, and ruthless knife of the Indignant Indian; the screeches and moans of the widow'd wife and orphan children; I am certain, not a voice would be heard in your honorable house that would not exclaim “let them keep the land on payment of the contract price.”

Your Honble. house, sir, in 1792. as well as the house of Representatives did more than this, in favor of the early settlers at Muskingum—they, with a generous humanity decreed one hundred thousand acres gratis to the Ohio company as a bounty or reward to those men at Marietta who had hazarded their lives in the settlement of that part of the Territory. Sir, we do not ask for a bounty like this, yet cannot see why we have not equal Merit. but we hope to be successful in importuning that favor which we conceive to be a right, ie. the privilege of paying our debts. but if our money must be still refused, then we pray the privilege of attempting the establishment of our claim before a tribunal of law or equity—arbitration or commissioners, if a compromise cannot be effected between agents appointed for the purpose, by Congress on one part, and myself and associates on the other, with whom I may plead or confer on an equal floor, and maintain my pretensions, or make concessions as my claim may appear on investigation, more or less worthy.

Surely sir, it will be admitted, that I had some agency in the origin of the contract: may I not then, with propriety plead my right to be

heard on the question of its dissolution?—to Urge that contracts made in good faith shall not be arbitrarily annulled,—that the right of trial by jury is inalienable and cannot be denied—that a defendant has a right to be heard by counsel when his property is impleaded—that no intendment can be set up of my having relinquished the contract, unless a deed by which I have abandoned it can be shewn equally solemn and valid with that by which it was created—that a third party, when rights are severed, cannot be committed by the act of the other two.—how much less then shall two of the parties to a deed tripartite be concluded by the act of the third. It is with reluctance sir, I can be persuaded that my prayer for the establishment of my claim, will not be attended to by your honorable house, and that I shall not be yet allowed to pay for the residue of the Miami purchase at the contract price.

It is a mortifying truth sir, that at the time when I entered into contract with the United States in 1788. the price then stipulated to be paid per acre for the land was considered by the sellers as well as the buyers, as a very high price. and several years afterwards a price much below was proposed by the secretary of the treasury as adequate to the value of the unappropriated land in this country; nor did he err in his report—neither was the house of representatives precipitate in their approbation of his report, and passing a bill for the purpose of carrying it into effect.

The propriety of Mr. Hamiltons report and consequent bill in the house of Representatives, appears from many incontestable facts,—was not the whole country of Genesee about the same time sold at a much smaller price. and have not uninhabited lands been ever at Market from 1788 to the present time at a price much below that which I am willing to pay the United States? are not Military lands now selling in the Metropolis at one half that price? May not new lands be had much cheaper at this moment at the Wabash; Illinois; Natchez, Georgia; Tennessee and Cumberland as well as in the Military district? Why then sir, should two thirds of a dollar be thought a price too small for the lands bordering on the great Miami River; surely sir, it can be for no other reason, than, because purchasers under the contract, have rendered it a cultivated country—have by their hazard and toil given to it an increased value—but, for our enterprize and industry, these very lands might be at this Moment an unnoticed article in the Markets of the United States, at half the Contract price

I have the honor to be most respectfully Sir Yours &c.

JOHN C SYMMES

RC (DNA: RG 46, Senate Records, 5th Cong., 3d sess.); at foot of text: "Mr. Jefferson"; endorsed by TJ; on separate page, on verso of an unrelated cover addressed to Samuel Livermore, is Senate clerk's endorsement that on 30 Dec. 1799 the letter was "Read & to lie." Recorded in SJJL as received 30 Mch. 1799.

The subject of Symmes's 15 Oct. 1788 CONTRACT with Congress was a tract of one million acres of land north of the Ohio River and east of the Great Miami River. A statute of 12 Apr. 1792 made the Little Miami River the eastern limit of the tract, which was to run as far north as necessary to encompass the one million acres. However, surveys completed the next year found that the land, if bounded according to that law, would include only about half of the expected one million acres. In 1794 the president signed a patent giving Symmes and his associates claim to less than 250,000 acres. Symmes subsequently ceased making payments, denied that he had agreed to the reduction of the grant's size, and insisted that the tract be surveyed according to the provisions of the original contract. The situation was further complicated by his sales of land outside the patent. In 1797 the House of Representatives, after soliciting a report on the contract from the attorney general and receiving a memorial from Symmes, passed a bill to grant him lands that were included within the bounds of the 1793 survey but not in the grant of 1794. In March 1797 that bill failed in the Senate, which had received

memorials on the subject from Symmes and others. By an act that became law on 2 Mch. 1799, before TJ received the letter above, some people who had contracted with Symmes to buy land outside the limits of his patent received a pre-emption right to purchase title from the government (ASP, *Public Lands*, 67-8, 75-7, 104-6, 127-31; U.S. Statutes at Large, 1:728-9; JHR, 2:467, 521, 581, 627, 629, 702, 704, 715; JS, 2:333, 334, 342; Vol. 22:8-9, 282).

An act of Congress of 21 Apr. 1792 confirming the 1787 land contract of the OHIO COMPANY of Associates granted that company an additional 100,000 acres with the provision that it be distributed as a free BOUNTY in 100-acre lots to settlers (U.S. Statutes at Large, 1:257-8).

The price STIPULATED TO BE PAID by Symmes's original contract with Congress was two thirds of a dollar per acre. In his July 1790 REPORT on vacant lands, Alexander Hamilton recommended thirty cents an acre. The House of Representatives retained that price in a BILL passed in February 1791 to provide for a general land office. The Senate postponed the measure to the next session (ASP, *Public Lands*, 75; Syrett, *Hamilton*, 6:504; JHR, 1:348, 354, 381, 399).

The Fifth Congress ended on 3 Mch. 1799 and TJ was in Monticello when the above letter came to his hands. On 30 Dec., his first day back in the presiding chair and four weeks after the convening of the Sixth Congress, he transmitted the letter to the Senate (JS, 2:611; 3:3, 15; MB, 2:1000, 1012).

## From James Wood

SIR.

Richmond 4th. February 1799.

I have had the honor of your Letter of the 24th. Ultimo with the inclosure, [no]tifying [the] death [of] Mr. Tazewell. I delayed answering your letter until this time, in expectation that a temporary Appointment wou'd be made by the Executive—I am now inclined to think that none will take place, before a permanent One is made by the Legislature; the Board were equally divided as to two Gentlemen

5 FEBRUARY 1799

who were Nominated, and my Own Opinion being that I had no power to give a Credential to either, under the Law prescribing the form to be Observed where a temporary Appointment shou'd be made by the Executive. I have the honor to be with due Consideration.

Sir Yr. Mo. Obt. Servt.

JAMES WOOD.

RC (DNA: RG 46, Senate Records, 5th Cong., 3d sess.); damaged along fold; addressed: "The Honble. Thomas Jefferson Esqr. Vice President of the United States Philadelphia"; franked; postmarked 5 Feb. 1799; endorsed by Senate clerk.

## To James Madison

Feb. 5. 99.

I wrote you last on the 30th. Jan. since which yours of the 25th. is recieved. at the date of my letter I had only heard the bill for the eventual army read once. I concieved it additional to the *Provisional* army &c. I must correct the error. the bill for the Provisional army (about 10,000. men)<sup>1</sup> expires this session without having been carried into execution. the eventual army (about 30,000) is a substitute. I say *about* 30,000 because some calculate the new establishment of a regiment we are now passing to a little over, & some a little under 1000. officers & privates. the whole land army contemplated is the *existing* army 5000. the *additional* army 9000. the *eventual* army 30000. and the *volunteer* army, the amount of which is not known. but besides that it is 44,000. men, and nobody pretends to say that there is from any quarter the least *real* danger of invasion. these may surely be set down at 500. dollars per annum a man, though they pretend that the existing army costs but 300. the reason of that is that there are not actually above 3000. of them, the 5000 being merely on paper. the bill for continuing the suspension of intercourse with France & her dependencies is still before the Senate, but will pass by a very great vote. an attack is made on what is called Toussaint's clause, the object of which, as is charged by the one party and *admitted* by the other, is to facilitate the separation of the island from France. the clause will pass however by about 19. to 8. or perhaps 18. to 9. Rigaud at the head of the people of colour maintains his allegiance. but they are only 25,000 souls, against 500,000. the number of the blacks. the treaty made with them by Maitland is (if they are to be separated from France) the best thing for us. they must get their provisions from us. it will indeed be in English bottoms, so that we shall lose the carriage. but the English will probably forbid them

the ocean, confine them to their island, & thus prevent their becoming an American Algiers. it must be admitted too that they may play them off on us when they please. against this there is no remedy but timely measures on our part to clear ourselves by degrees of the matter on which that leven can work.—the opposition to Livermore was not republican. I have however seen letters from New Hampshire from which it appears that the public sentiment there is no longer progressive in any direction, but that at present it is dead water. that during the whole of their late session not a word has been heard of Jacobinism, disorganization &c no reproach of any kind cast on the republicans. that there has been a general complaint among the members that they could hear but one side of the question, and a great anxiety to obtain a paper or papers which would put them in possession of both sides. from Massachusets & R.I. I have no information. Connecticut remains rivetted in her political & religious bigotry.—Baldwin is elected by the legislature of Georgia a Senator for 6. years in the room of Tatnal, whose want of firmness had produced the effect of a change of sides.—we have had no report of Yard's being dead. he is certainly living.—a piece published in Bache's paper on *foreign influence*, has had the greatest currency & effect. to an extraordinary first impression, they have been obliged to make a second, & of an extraordinary number. it is such things as these the public want. they say so from all quarters, and that they wish to hear *reason* instead of *disgusting blackguardism*. the public sentiment being now on the creen and many<sup>2</sup> heavy circumstances about to fall into the republican scale, we are sensible that this summer is the season for systematic energies & sacrifices. the engine is the press. every man must lay his purse & his pen under contribution. as to the former it is possible I may be obliged to assume something for you. as to the latter, let me pray & beseech you to set apart a certain portion of every post-day to write what may be proper for the public. send it to me while here, & when I go away I will let you know to whom you may send so that your name shall be sacredly secret. you can render such incalculable services in this way as to lessen the effect of our loss of your presence here. I shall see you on the 5th. or 6th. of March. affectionate salutations to mrs Madison & yourself. Adieu.

RC (DLC: Madison Papers); addressed: "James Madison junr. near Orange court house"; franked and post-marked. PrC (DLC).

For passage of the legislation continuing the suspension of INTERCOURSE

WITH FRANCE, see TJ to Monroe, 23 Jan. On 5 Feb. the Senate defeated, by a 10 to 17 vote, a motion to expunge ROUSSAINT'S CLAUSE. The next day the bill was approved, 18 to 10 (JS, 2:578, 580). André RIGAUD controlled the southern part of Saint-Domingue until he was

defeated by Toussaint in July 1800. On 31 Aug. 1798 Thomas MAITLAND, British commanding officer at Saint-Domingue, entered into a secret convention with Toussaint agreeing to withdraw British forces from the island in exchange for Toussaint's promise not to attack Jamaica and to open the ports under his control to English vessels. In early December Rufus King sent a copy of the convention to Pickering (King, *Life*,

2:475-7; Washington, *Papers, Ret. Ser.*, 3:413-14; Madison, *Papers*, 17:227n; Palmer, *Stoddert's War*, 153-4; DeConde, *Quasi-War*, 132-3).

PIECE PUBLISHED IN BACHE'S PAPER: see Madison to TJ, 12 Jan. 1799.

<sup>1</sup> Words in parentheses interlined by TJ. Closing parenthesis supplied.

<sup>2</sup> TJ here canceled "favorable."

## To Martha Jefferson Randolph

MY DEAR MARTHA

Philadelphia Feb. 5. 99.

I wrote to mr Randolph on the 30th. of Jan. having just then recieved his of the 19th. it was not till yesterday that I learned from the Post office that our post now departs on Wednesday morning from this place. my letters hitherto have been written for Thursday morning, so that you will have recieved them a week later. tell mr Randolph that the day on which I wrote to him, but after I had sealed my letter, a bill was brought in to raise 30. regiments of infantry cavalry & artillery, on the event of an invasion or in case of imminent danger of invasion in the opinion of the President. regiments are now proposed to be about 1000. our land army will then be the *existing* army 5000. the additional army 9000, this *eventual* army 30,000. (instead of the Provisional one of 10,000 the act for which is expired) and the *volunteer* army, which is now to be formed into brigades & divisions & to be exercised. we have no particular information as to the price of tobo. but generally that that as well as all other produce is higher in England than ever known. the immense quantities of paper which their circumstances have forced them to create are now sensibly felt in the enlivening effect which always takes place in the first moment in the delusive shape of prosperity. they are accordingly now singing Hosannas for the unparalleled rise of their finances, & manufactures. we shall catch a little of the benefit in the beginning as their paper money price for tobo. will be hard money to us. but it will soon be fetched up as their paper money price for manufactures will be a hard money price to us. we ought to prepare against being involved in their embarassments by setting in by times to domestic manufacture.—Jupiter with my horses must be at Fredericksburg on Tuesday evening the 5th. of March. I shall leave this place on the 1st. or 2d. you will recieve this

5 FEBRUARY 1799

the 14th. inst. I am already lighthearted at the approach of my departure. kiss my dear children for me. inexpressible love to yourself & the sincerest affection to mr Randolph. Adieu.

RC (NNPM); at foot of text: "Mrs. Randolph." PrC (MHi); endorsed by TJ in ink on verso.

sent TJ a copy of his letter to Alexander Garrett dated 4 Feb. For the contents, see Notes on Postal Service between Philadelphia and Charlottesville, printed at 13 Mch. 1799.

I LEARNED FROM THE POST OFFICE: Joseph Habersham, postmaster general,

## To John Wayles Eppes

DEAR SIR

Philadelphia Feb. 7. 99.

Yours of Jan. 20. & 24. are duly recieved. in the former you mention the receipt of £40. for me, and Maria's of the next day says that mr Eppes expected to receive £30. more for me at the ensuing Cumberland court. not having heard from mr Randolph on the subject of the hire of your negroes, I was in the moment of receiving your letter, just about to inclose you a draught on George Jefferson for £100. on account. instead of this I have now written to him to answer your draught for one or two hundred dollars which with the £40. you have, & either with or without the £30. as the case may be, will make you up the hundred pounds. whatever this may be less than<sup>1</sup> the valuation shall be paid up on my return. I shall offer your lands to my correspondent at £6000. they ought not to sell for less, and I have hopes you will get it. a bill is passing the Senate for an *eventual* army of 30,000 men (instead of the *provisional* one of 10,000 which had not been raised) and in addition to the *existing* army of 5000, the *additional* one of 9000. & the *volunteer* one, of we do not know how many. 2. millions of dollars more are to be borrowed to carry the act into execution. a bill is also brought into the Senate to retaliate on any French citizens who are or may fall into our hands, if the French should put to death or imprison any of ours impressed on board the vessels of their enemies & which may be taken by them. no trial of any kind is provided. the President alone is to judge & execute. though the measures of the government are still measures of provocation, yet a depression of spirits in that party is evident. they are much less insolent & abusive than at the last session. the public mind is evidently & rapidly turning against them, & they are sensible of it.—I inclose you a copy of mr Nicholas's pamphlet. let mr Eppes have the reading of it. Adieu.

Yours affectionately

TH: JEFFERSON

RC (ViU); at foot of text: "J. W. Eppes." PrC (MHi); endorsed by TJ in ink on verso. Enclosure: *Letter from George Nicholas, of Kentucky, to His Friend, in Virginia. Justifying the Conduct of the Citizens of Kentucky, as to Some of the Late Measures of the General Government; and Correcting Certain False Statements, Which Have Been Made in the Different States, of the Views and Actions of the People of Kentucky*, first published in Lexington, Kentucky in 1798 and reprinted by James Carey in Philadelphia in early 1799 (see Evans, Nos. 34235, 35973; see also John C. Ogden to TJ, 7 Feb. 1799).

I HAVE NOW WRITTEN TO HIM: TJ to George Jefferson, 7 Feb. 1799.

MY CORRESPONDENT: William Short (Short to TJ, 6 Aug. 1798).

The bill giving the president power to RETALIATE against FRENCH CITIZENS was brought in by Benjamin Goodhue on 5 Feb. in response to Adams's message of 28 Jan., enclosing the 29 Oct. 1798 edict of the French Directory which declared that France would treat citizens of neutral countries as pirates if they served on enemy vessels, specifically those of England and Russia. "An act vesting the power of retaliation, in certain cases, in the President of the United States" was

passed by a 22 to 2 margin a week later, although the debate revealed that France had rescinded the edict against which the bill was aimed. In response to a 14 Feb. request by the House for any information he had received on a suspension of the arrêt , Adams sent the House an extract of a letter from Rufus King to Pickering of 28 Nov. 1798, which reported that a second arrêt  had postponed the execution of the first. In his message, however, Adams reminded the House that even if the edict of 29 Oct. were rescinded, the arrêt  of 2 Mch. 1797, which directed that American seamen be treated as pirates if found on board ships of the enemies of France, was still in effect (*Message from the President of the United States, Communicating to the House Such Information as He Has Received Touching a Suspension of the Arrete of the French Republic* [Philadelphia, 1799]; see Evans, No. 36554). On 2 Mch. 1799, the day before adjournment, the House passed the bill by a 56 to 30 vote. The president signed it the next day (JS, 2:574, 578, 583; JHR, 3:476, 478-9, 515; ASP, *Foreign Relations*, 2:238-9; Duvergier, *Lois*, 11:10-11, 47; U.S. Statutes at Large, 1:743; TJ to Madison, 12 Feb.).

<sup>1</sup> Preceding three words interlined in place of "differ from."

## To Mary Jefferson Eppes

Philadelphia Feb. 7. 99.

Your letter, my dear Maria, of Jan. 21. was recieved two days ago. it was, as Ossian says, or would say, like the bright beams of the moon on the desolate heath. environed here in scenes of constant torment, malice & obloquy, worn down in a station where no effort to render service can avail any thing, I feel not that existence is a blessing but when something recalls my mind to my family or farm. this was the effect of your letter, and it's affectionate expressions kindled up all those feelings of love for you and our dear connections which now constitute the only real happiness of my life. I am now feeding on the idea of<sup>1</sup> my departure for Monticello which is but three weeks distant. the roads will then be so dreadful, that, as to visit you even by the direct route of Fredsbg & Richmond, would add 100. miles to

7 FEBRUARY 1799

the length of my journey, I must defer it in the hope that about the last of March or first of April, I may be able to take a trip express to see you. the roads will then be fine. perhaps your sister may join in a flying trip, as it can only be for a few days. in the mean time let me hear from you. letters which leave Richmond after the 21st. inst. should be directed to me at Monticello. I suppose you to be now at Montblanco and therefore do not charge you with the delivery of those sentiments of esteem which I always feel for the family at Eppington. I write to mr Eppes. continue always to love me, & to be assured that there is no object on earth so dear to my heart as your health & happiness, and that my tenderest affections always hang on you. Adieu my ever dear Maria.

TH: JEFFERSON

RC (Florence P. Kennedy, Washington, D.C., 1962); signature clipped, supplied from PrC; addressed: "Mrs. Maria Eppes." PrC (ViU: Edgehill-Randolph Papers).

<sup>1</sup> TJ here canceled "returning home."

## To George Jefferson

DEAR SIR

Philadelphia Feb. 7. 99.

I wrote you last on the 31st. ult. since which yours of the 29th. is come to hand, as also a letter from mr B. Clarke my manager at Poplar Forest giving me a statement of the weights of my tobacco there, of which I inclose you a copy. there are 20. hhds. averaging 1509½ lb making in the whole 30,190. I rely on Clarke's diligence that it will be down with you by the first opportunity.—I shall desire mr Eppes, my son in law, to draw on you for from one to two hundred dollars, which be pleased to honour. having occasion for 5. bushels of clover seed, half white & half red, I have enquired the price here, & find that red is at 11. D. the bushel & white 16. be so good as to enquire if they are to be had at Richmond & on better terms, and if they are, send up that quantity for me. I shall be here till the last day of this month, therefore have time to hear from you on the last subject, which, if I am to send the seed from hence, should be known to me immediately. be so good as to send me a copy of the pamphlet Curtius, printed at Richmond. I am with great esteem Dear Sir

Your friend & servt

TH: JEFFERSON

P.S. from Albemarle there will be about 20,000 lb tobo. and pretty certainly of a better quality than the Bedford.

7 FEBRUARY 1799

PrC (MHi); at foot of text: "Mr. George Jefferson"; with enclosure letter-pressed on same sheet (see below); endorsed by TJ in ink on verso.

The letter from Bowling CLARKE of 20 Jan., recorded in SJL as received by TJ on 6 Feb., has not been found.

PAMPHLET CURTIUS: on 30 Nov. 1798 the *Virginia Argus* published the first of five essays addressed to congressional candidate John Marshall by John Thomson, a young Republican lawyer from Petersburg, using the pen name "Curtius." In late 1798 Richmond newspaper editor Samuel Pleasants published the essays as *The Letters of Curtius*,

*Addressed to General Marshall*. In the missives, Thomson described Marshall as the leader of the Federalist Party in Virginia, a party which was attempting "to erect a monarchy or aristocracy upon the ruins of our free constitution" through pro-British, anti-French policies. For the role of this pamphlet in Marshall's congressional campaign, see Marshall, *Papers*, 3:497-8. Thomson died in early 1799 at the age of 21. In 1804 Pleasants reprinted the pamphlet and added a biographical sketch of Thomson (*Virginia Argus*, 18 Jan. 1799). For the 1804 pamphlet, see Sowerby, No. 3526.

E N C L O S U R E

Tobacco Statement

No. 95.	131.	1527.
96.	131.	1546.
100.	131.	1569.
101.	131.	1607
177	131.	1425
186.	131.	1615
217	131.	1507
218	131.	1633.
121.	131.	1496.
122	131.	1395
138.	131.	1536
131.	131.	1624.
329.	131.	1474.
328.	131.	1443
219.	131.	1609
356.	131.	1419
490	131	1294
401	131	1610
402	131	1384
403	131	<u>1477</u>
		30190

20. hhds. average 1509 $\frac{1}{2}$

PrC (MHi); letterpressed perpendicularly below postscript and signature of covering letter above.

## From John C. Ogden

SIR.

Litchfield Connecticut Feby 7th 1799

I knew that you would pardon a liberty I take in sending this, with its Contents—Since my arrival in this Town I have found the Superior Court in session, and a large number of my old acquaintance. I am a lodger in an inn, which is the home also of Gideon Granger Esqr. of Suffield in this State, who is attending the court as a lawyer.

My acquaintances all agree that the rancor of party against those called republicans has cooled, since the eight per-cent. premium for the loan. The people are more moderate, and susceptible of proper impressions.

Many publications in the Aurora have reached Connecticut, within four weeks, which have opened the eyes of the dispassionate. My friends in Philadelphia furnished me with many publications upon our affairs as a nation, in particular with Mr Gallatins book upon foreign intercourse. These have been already put into such hands by me, as will circulate them into various parts of the State. It is to be lamented that Mr Nicholas's pamphlet was not finished by Mr James Carey before I left the city, as I should have brought a number for my countrymen here. If the gentlemen of my acquaintance accord with me in opinion, they will pass immediately to me whatever they think to be useful. They may depend that nothing shall be lost. My residence will be here until the rising of Congress in March. It will confer a favor, if they will honor me with their communications without hesitation or reserve.

The register is sent, that as large catalogues, of our citizens as possible may be appealed to, in order to find such persons as may be proper from their offices or principles to receive information, by letters or otherwise—As the press is shackled, there can be no immorality, in putting the party who are thus unjust and arbitrary, to the expence of receiving information, by letters for which they must pay postage—A repetition of such addresses, will lead to the opening of the presses sooner than argumentation, upon the liberty, & privilege, of a free press.

The dot in the list of representatives is for firm republicans and the -m, for moderate men. Communications to such ought to be franked—When my acquaintance arrives from the cell he would gladly devote a large part of his time to enlightening the people of Connecticut.

Mr Granger is possessed of a large estate, but owes the State for



Treaty (Hartford *American Mercury*, 26 Apr., 3, 10, 17 May 1798; Brigham, *American Newspapers*, 1:73).

Ogden may have called on TJ at Monticello in November 1798, but they may also have had an INTERVIEW in Philadelphia sometime between TJ's arrival on Christmas Day and the first couple of days of January, since TJ knew by 3 Jan., perhaps directly from Ogden, that Adams had rejected the petitions on Lyons's behalf with the comment that "penitence must precede pardon" (note to Stevens Thomson Mason to TJ, 23 Nov. 1798; TJ to Madison, 3 Jan. 1799).

Ogden's mother-in-law was Mary Clap WOOSTER, the widow of David Wooster, who was widely criticized for his command of American forces in Quebec in 1775-76 and died in battle at Danbury,

Connecticut, in 1777. Before the Revolution David Wooster had been a merchant and the collector of customs at New Haven. Ogden had worked for Wooster and married the Woosters' daughter. At least a portion of Ogden's resentment of entrenched political power in Connecticut originated in his failure to attain the collectorship previously held by his father-in-law. Ogden used the pages of the *Aurora* in 1799 to argue that by giving the collector's office to their cronies, the Trumbull and Wolcott families had deprived General Wooster's family of an important and rightful source of income (Alan V. Briceland, "The Philadelphia *Aurora*, the New England Illuminati, and the Election of 1800," *PMHB*, 100 [1976], 9-11, 16-17; *ANB*, 16:634; 23:868).

## From James Madison

DEAR SIR

Feby. 8. 1799

I did not receive your last favor of the 16th. Ulto. till the Mail after it was due, with the further delay of its coming by the way of Charlottesville. The last Mail brought me not a single Newspaper, tho' it was before in arrears. That there is foul play with them I have no doubt. When it really happens that the entire mass cannot be conveyed, I suspect that the favorite papers are selected, and the others laid by; and that when there is no real difficulty the pretext makes room for the same partiality. The idea of publishing the Debates of the Convention ought to be well weighed before the expediency of it, in a public as well as personal view be decided on. Besides the intimate connection between them, the whole volume ought to be examined with an eye to the use of which every part is susceptible. In the Despotism at present exercised over the rules of construction, and the Counter reports of the proceedings that would perhaps be made out & mustered for the occasion, it is a problem what turn might be given to the impression on the public mind. But I shall be better able to form & explain my opinion by the time, which now approaches when I shall have the pleasure of seeing you. And you will find the advantage of looking into the Sheets attentively before you finally make up your own. I have had a glance at Gerry's communications & P's Report on it. It is impossible for any man of candor not to see in the former,

an anxious desire on the part of France for accomodation, mixed with the feelings which Gerry satisfactorily explains. The latter displays a narrow understanding and a most malignant heart. Taken however in combination with preceding transactions it is a link that fits the chain. The P. could not do less in his Speech than allow France an option of peace, nor his Minister do more than to insult & exasperate her if possible into a refusal of it.

Inclosed is a letter to Barnes with two orders which I hope will suffice both for you & him. Should there be any deficit I can now make it up here on your return where possibly it may be more convenient for you to receive it. I inclose also a few more observations which are submitted to your discretion, under the usual reservation. They were sketched prior to the arrival of P's Report, to which they may appear to have reference; or they might have assumed still more of that aspect. The impression of your Seals have not been very distinct, but there has been no other suspicious circumstance attending them. I put into the letter to Barnes, the last of them that you may judge yourself of the appearance—If you find it not inconvenient in your Strolls to buy me a cheap diamond<sup>x</sup> & bring it with you, I shall be obliged to you to take that trouble. An indifferent one which I borrowed was lost, and I wish to replace it.

<sup>x</sup>for Cutting Glass.

RC (DLC: Madison Papers); endorsed by TJ as received 19 Feb. and so recorded in SJL. Enclosed letter to John Barnes with orders not found; for other enclosure, see note below.

For the publication of Elbridge GERRY'S COMMUNICATIONS with Talleyrand, written after the departure of envoys John Marshall and Charles C. Pinckney, and Timothy Pickering's REPORT, delivered as a critical response to it, see TJ to Monroe, 23 Jan. 1799.

The OBSERVATIONS enclosed by Madison were printed in the Philadelphia *Aurora* as "Political Reflections" under the signature "A Citizen of the United States" on 23 Feb. In the essay Madison

cautioned that it was difficult to obtain authentic news from France because it usually came through England or Germany and was "consequently adulterated with all the exaggerations & perversions which the most raging hostility can infuse." He warned of dangers that war, or the threat of war, posed to all representative governments, the United States as well as France, and observed "that *there never was a people whose liberties long survived a standing army.*" Madison noted that the division of power between the federal and state governments in the United States was one safeguard to liberty which the consolidated French government did not possess (Madison, *Papers*, 17:237-43).