Author's Preface

The materials for this volume are principally derived from the posthumous works of Mr. Jefferson himself. These works were received with extraordinary approbation by one great portion of the public, as was the case indeed with everything which ever came from that remarkable man; and by another considerable portion with a corresponding degree of dissatisfaction, always to be expected from the well-known opinions of the author on certain fundamental points upon which a strongly marked division of public sentiment has prevailed since the foundation of the federal government.

These works, *The Memoirs, Correspondence and Private Papers of Thomas Jefferson,* edited by his grandson, Thomas Jefferson Randolph, extend through four large octavo volumes of about 500 pages each, nearly the whole of which is occupied with the correspondence of the author, public and private. And taken as a whole, it comprises the richest autobiographical deposit and one of the most valuable publications ever presented to the world. It is written in a style of unrivaled felicity and supplies the record of many important transactions connected with our government, of which few authentic memorials have been preserved. But it is in the light of its private revelation, making its disclosures from the inmost recesses of the mind and character of the man, that its most distinguishing excellence consists. We have here the ungarbled contents of the cabinet of the author, gradually accumulating through an era among the most momentous in the annals of the world, and in which he was himself a principal actor, incessantly placed in the most trying situations which it afforded. This vast collection of letters, compiled from the unrevised manuscripts of the writer, thrown off on the spur of the occasion in the freedom of unrestrained confidence, and spreading over a period of fifty years, have opened the folding-doors to the character of Mr. Jefferson and introduced us into the sanctuary of his most secret meditations. They derive essential importance from the fact that at the time they were written, the author had no conception of their ever being made public.[note]

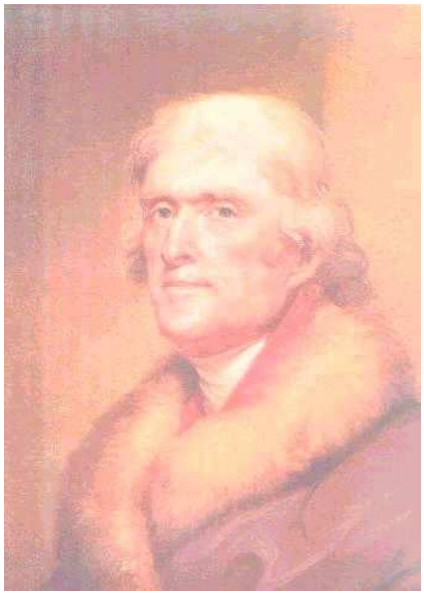
It would undoubtedly be a happy circumstance for this country and for the mass of mankind, besides serving to enhance the reputation of the author, if these works could obtain a circulation which should place them in the hands of every reader; for if anything could give stability to those principles which form alike the basis of his renown and the elements of the splendid structure of free government which he was instrumental in establishing, it would be such an extensive dissemination of his writings. Unfortunately, however, the form in which they have appeared is not the most advantageous to the accomplishment of this desirable purpose. The publication is too voluminous, and consequently too expensive, to admit of a general circulation; nor is the mode of arrangement the best adapted to its reception into ordinary use as a work of reference.

These considerations have suggested the plan of the present undertaking, which aspires to no higher claims than that of an analytic and, it is hoped, a well-assorted generalization of the original publication. It has been the leading object of this compilation to condense the most valuable substance of the four within the compass of one volume, and to supply what are presumed to be essential wants of the former, by interweaving a connected narrative of the author's life. The more important political papers of Mr. Jefferson contained in the original works have been copied into this, or their substance faithfully stated, and many others of importance that have been procured from other sources are likewise introduced.

The selections from his private correspondence are dispersed through the volume with reference to the topic under consideration, more than to the order of time; and in making the quotations from this department, it has been the object to bring the greatest quantity of useful matter within the smallest space. Parts of letters, therefore, are usually introduced -- rarely the whole of any one -- but sufficient to give the full sense of the

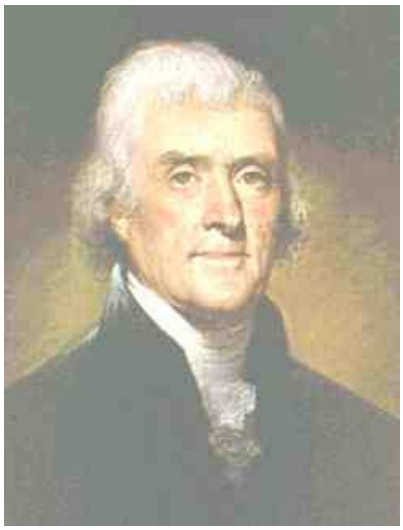
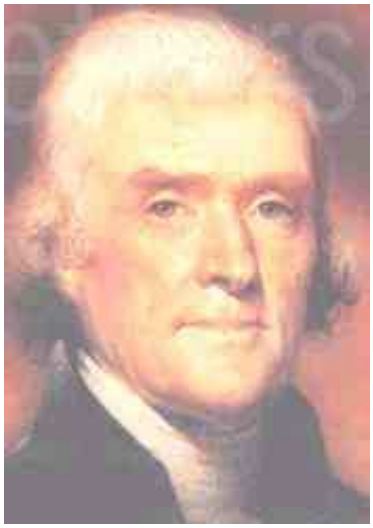
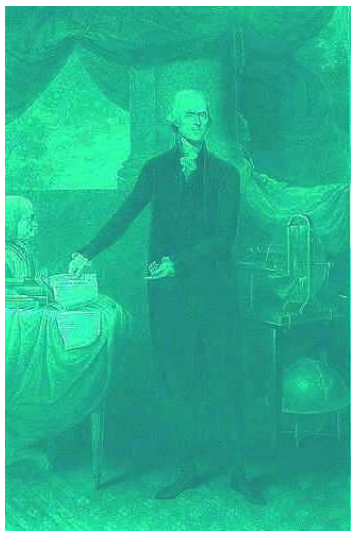
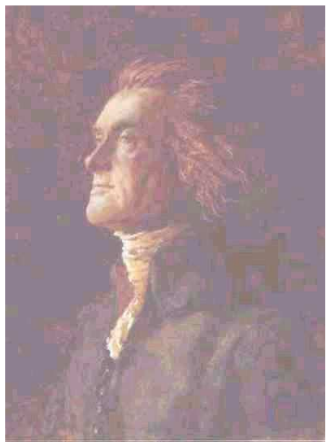
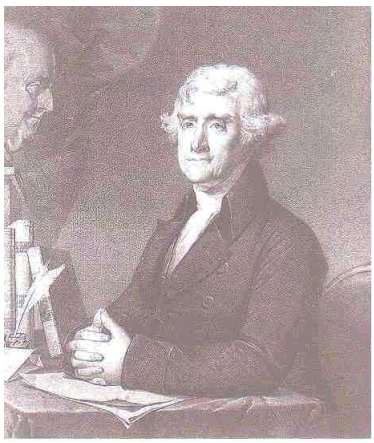
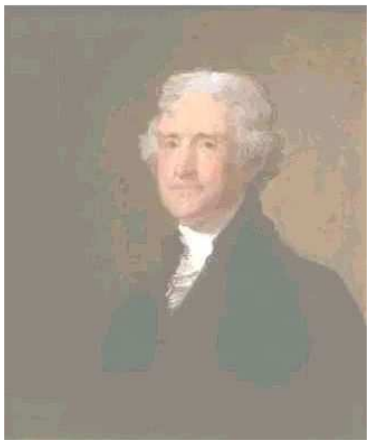
writer on any required point, avoiding all extraneous observations. The historical and biographical portions of the work have also been derived, in great part, from this pregnant source. In some cases, the very language of the author has been adopted without invariably noting it with the usual mark of credit. In such cases, however, the style of the sentiment will be sufficiently distinguishable to place it where it belongs. Some parts of the narrative may appear overwrought with eulogy; it is indeed a difficult matter to commemorate the deeds of so distinguished a benefactor of the human race without yielding in some degree to the influence of a passion which those deeds are so justly calculated to inspire; and the writer does not scruple to admit that he has less endeavored to restrain his own grateful feelings, than to infuse them into the minds of his readers.

Portraits of Thomas Jefferson



This portrait of Thomas Jefferson was painted by
Rembrandt Peale in January 1805.

Other Pictures of Thomas Jefferson

1. Early Years

Thomas Jefferson was born April 13, 1743 (April 2, old style), on the farm called Shadwell, adjoining what is now Monticello, in the county of Albermarle, Virginia. The date of his birth was unknown to the public until after his decease. Repeated attempts had been made to ascertain it by formal applications to him on various occasions, both by individuals and public bodies; but from scruples of a patriotic nature, he always declined revealing it and enjoined the same privacy upon his family. The principles which determined him on this subject were the great indelicacy and impropriety of permitting himself to be made the recipient of a homage, so incompatible with the true dignity and independence of the republican character, and the still greater repugnance which he should feel at seeing the birthday honors of the Republic transferred in any degree, to any individual.

Soon after his inauguration as President in 1801, he was waited on by the Mayor and Corporation of the city of Washington, with the request that he would communicate the anniversary of his birth, as they were desirous of commemorating an event which had conferred such distinguished glory upon

their country. He replied, "The only birthday which I recognize is that of my country's liberties." In August, 1803, he received a similar communication from Levi Lincoln on behalf of a certain association in Boston, to which he replied: "Disapproving myself of transferring the honors and veneration for the great birthday of our Republic to any individual, or of dividing them with individuals, I have declined letting my own birthday be known, and have engaged my family not to communicate it." (ME 10:416) This has been the uniform answer to every application of the kind.

On the paternal side, Mr. Jefferson could number no titles to high or ancient lineage. His ancestors, however, were of solid respectability and among the first settlers of Virginia. They emigrated to this country from Wales, and from near the mountain of Snowden. His grandfather was the first of whom we have any particular information. He had three sons: Thomas, who died young; Field, who resided on the waters of the Roanoke and left numerous descendants; and Peter, the father of the subject of these memoirs, who settled in Albermarle county, on the lands called Shadwell. He was the third or fourth settler in that region of the country. They were all gentlemen of property and influence in the colony.

But the chief glory of Mr. Jefferson's genealogy was the sturdy contempt of hereditary honors and distinctions with which the whole race was imbued. It was a strong genealogical feature, pervading all the branches of the primitive stock and forming a remarkable head and concentration in the individual who was destined to confer immortality upon the name. With him, indeed, if there was any one sentiment which predominated in early life and which lost none of its rightful ascendency through a long career of enlightened and philanthropic effort, it was that of the natural equality of all men in their rights and wants, and of the nothingness of those pretensions which "are gained without merit and forfeited without crime." The boldness with which, on his first entrance into manhood, he attacked and overthrew the deep rooted institutions of Primogeniture and Entails forms a striking commentary upon this attribute of his character.

An anecdote is related by Mr. Madison, which is no less apposite and striking. During the infant stages of our separate sovereignty, the slowness with which the wheels of government moved and the awkwardness of its forms were everywhere the prominent topics of conversation. On one occasion at which Mr. Jefferson was present, a question being started concerning the best mode of providing the executive chief, it was among other opinions gravely advanced that an hereditary determination was preferable to any elective process that could be devised. At the close of an eloquent effusion against the agitations and animosities of a popular choice and in favor of birth as, on the whole, affording a better chance for a suitable head of the government, Mr. Jefferson with a smile remarked that he had heard of a University somewhere in which the Professorship of Mathmatics was hereditary!

His father, Peter Jefferson, was born February 29th, 1708, and in 1739 married Jane Randolph, of the age of 19, daughter of Isham Randolph, one of the seven sons of that name and family settled in Dungeoness in Goochland county, who trace their pedigree far back in England and Scotland, "to which," says Mr. Jefferson, "let every one ascribe the faith and merit he chooses." He was a self-educated man, but rose steadily by his own exertions and acquired considerable distinction. He was commissioned jointly with Joshua Fry, professor of mathematics in William and Mary College, to designate the boundary line between Virginia and North Carolina, and was afterwards employed with the same gentleman to construct the first regular map of Virginia. He died August 17, 1757, leaving a widow with six daughters and two sons, Thomas being the elder of the sons. To both the sons he left large estates; to Thomas the Shadwell lands, where he was born, and which included Monticello; and to his brother the estate on James river, called Snowden, after the reputed birthplace of the family. The mother of Mr. Jefferson survived to the fortunate year of 1776, the most memorable epoch in the annals of her country and in the life of her son.

At the age of five, Thomas was placed by his father at an English school, where he continued four years, at the expiration of which he was transferred to a Latin school, where he remained five years under the tuition of Mr. Douglass, a clergyman from Scotland. With the rudiments of the Latin and Greek languages, he acquired at the

same time a knowledge of the French. At this period, his father died, leaving him an orphan only fourteen years of age and without a relative or friend competent to direct or advise him.

An interesting reminiscence of this critical period of his boyhood and of the simple moral process by which he subdued and wrought into instruments of the greatest good the perilous circumstance of his position is contained in an affectionate letter, written more than fifty years afterwards to his grandson, then in Philadelphia. It is replete with sound admonition, applicable to every condition of youth, besides affording an insight into the juvenile mind and habits of the writer.

> "Your situation, thrown at such a distance from us and alone, cannot but give us all great anxieties for you. As much has been secured for you by your particular position and the acquaintance to which you have been recommended as could be done towards shielding you from the dangers which surround you. But thrown on a wide world, among entire strangers, without a friend or guardian to advise, so young too, and with so little experience of mankind, your dangers are great, and still your safety must rest on yourself. A determination never to do what is wrong, prudence, and good humor, will go far towards securing to you the estimation of the world. When I recollect that at fourteen years of age, the whole care and direction of myself was thrown on myself entirely, without a relation or friend qualified to advise or guide me, and recollect the various sorts of bad company with which I associated from time to time, I am astonished I did not turn off with some of them and become as worthless to society as they were. I had the good fortune to become acquainted very early with some characters of very high standing, and to feel the incessant wish that I could ever become what they were. Under temptations and difficulties, I would ask myself what would Dr. Small, Mr. Wythe, Peyton Randolph, do in this situation? What course in it will ensure me their approbation? I am certain that this mode of deciding on my conduct tended more to its correctness than any reasoning powers I possessed. Knowing the even and dignified line they pursued, I could never doubt for a moment which of two courses would be in character for them. Whereas, seeking the same object through a process of moral reasoning, and with the jaundiced eye of youth, I should often have erred. From the circumstances of my position, I was often thrown into the society of horse-racers, card-players, fox hunters, scientific and professional men, and of dignified men; and many a time have I asked myself in the enthusiastic moment of the death of a fox, the victory of a favorite horse, the issue of a question eloquently argued at the bar or in the great council of the nation, Well, which of these kinds of reputation should I prefer? That of a horse-jockey? a fox-hunter? an orator? or the honest advocate of my country's rights? Be assured, my dear Jefferson, that these little returns into ourselves, this self-catechizing habit, is not trifling nor useless, but leads to the prudent selection and steady pursuit of what is right." (to Thomas Jefferson Randolph, Nov. 24, 1808, ME 12:196)

On the death of his father, Mr. Jefferson was placed under the instruction of the Rev. Mr. Maury, to contemplate the necessary preparation for college. He continued with Mr. Maury two years; and then, in 1760, at the age of seventeen, he entered the college of William and Mary, at which he was graduated, two years after, with the highest honors of the institution.

While in college he was more remarkable for solidity than sprightliness of intellect. His faculties were so even and well-balanced, that no particular endowment appeared pre-eminent. His course was not marked by any of those eccentricities which often presage the rise of extraordinary genius, but by the constancy of pursuit, that inflexibility of purpose, that bold spirit of inquiry and thirst for knowledge which are the surer prognostics of future greatness. His habits were those of patience and severe application, which, aided by a quick and vigorous apprehension, a talent of close and logical combination, and a retentive memory, laid the foundation sufficiently broad and strong for those extensive acquisitions which he subsequently made. The mathematics were his favorite study, and in them he particularly excelled. Nevertheless, he distinguished himself in all the branches of education embraced in the established course of that college. To his devotion to philosophy and science, he united an exquisite taste for the fine arts. In those of architecture, painting, and sculpture, he made himself such an adept as to be afterwards accounted one of the best critics of the age. For music he had an uncommon

passion; and his hours of relaxation were passed in exercising his skill upon the violin, for which he evinced an early and extravagant predilection. His fondness for the ancient classics strengthened continually with his maturity, insomuch that it is said he scarcely passed a day in after-life without reading a portion of them. The same remark is applicable to his passion for mathematics. He became so well acquainted with both the great languages of antiquity as to read them with ease; and so far perfected himself in French as to become fluent with it, which was, subsequently, of essential service to him in his diplomatic labors. He could read and speak the Italian language and had competent knowledge of the Spanish. He also made himself master of the Anglo-Saxon, as a root of the English, and "an element in legal philology."

The acquaintances he happily formed in college probably determined the cast and direction of his ambition. These were the first characters in the whole province, among whom he has placed on record the names of three individuals who were particularly instrumental in fixing his future destinies: viz., Dr. Small, one of the professors in college "who made him his daily companion"; Gov. Fauquier, "the noblest man who had ever filled that office, to whose acquaintance and familiar table" he was admitted; and George Wythe, "his faithful and beloved mentor in youth and his most affectionate friend through life."

> "It was," says he, "my great good fortune, and what probably fixed the destinies of my life, that Dr. William Small of Scotland was then professor of mathematics, a man profound in most of the useful branches of science, with a happy talent of communication, correct and gentlemanly manners, and an enlarged and liberal mind. He most happily for me became soon attached to me, and made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science, and of the system of things in which we are placed. Fortunately, the philosophical chair became vacant soon after my arrival at college, and he was appointed to fill it *per interim;* and he was the first who ever gave, in that college, regular lectures in Ethics, Rhetoric, and Belles Lettres." (Autobiography, 1821, ME 1:3)

To Governor Fauquier, with whom he was in habits of intimacy, is also ascribed a high character. With the exception of an unfortunate passion for gaming, he was everything that could have been wished for by Virginia under the royal government. "With him," continues Mr. Jefferson, "and at his table, Dr. Small and Mr. Wythe, his *amici omnium horarum,* and myself, formed *a partie quarree,* and to the habitual conversations on these occasions, I owed much instruction."

George Wythe was emphatically a second father to young Jefferson. He was born about the year 1727, on the shores of the Chesapeake. His education had been neglected by his parents, and himself had led an idle and voluptuous life until the age of thirty; but by an extraordinary effort of self-recovery at that point of time, he overcame both the want and the waste of early advantages. He was one of the foremost of the Virginia patriots during the revolution; and one of the highest legal, legislative, and judicial characters which that State has furnished. He was early elected to the House of Delegates, then called the House of Burgesses, and continued in it until transferred to Congress in 1775. He was one of the signers of the Declaration of Independence, of which he had been an eminent supporter. The same year, he was appointed by the Legislature of Virginia one of the celebrated committee to revise the laws of the State. In 1777, he was chosen Speaker of the House of Delegates, and the same year was appointed Chancellor of the State, an office which he held until his death in 1806, a period of thirty years.

> "No man," says Mr. Jefferson, "ever left behind him a character more venerated than George Wythe. His virtue was of the purest tint; his integrity inflexible, and his justice exact; of warm patriotism, and, devoted as he was to liberty and the natural and equal rights of man, he might truly be called the Cato of his country, without the avarice of the Roman; for a more disinterested person never lived. Temperance and regularity in all his habits gave him general good health, and his unaffected modesty and suavity of manners endeared him to everyone. He was of easy elocution, his language chaste, methodical in the arrangement of his matter, learned and logical in the use of it, and of great urbanity in debate; not quick of apprehension, but, with a little time, profound in penetration and sound in conclusion. In philosophy

he was firm, and neither troubling nor perhaps trusting anyone with his religious creed, he left the world to the conclusion that that religion must be good which could produce a life of such exemplary virtue. His stature was of the middle size, well formed and proportioned, and the features of his face were manly, comely, and engaging. Such was George Wythe, the honor of his own, and the model of future times." (Notes for Biography of George Wythe, ME 1:169)

2. After College

Immediately on leaving college, Mr. Jefferson engaged in the study of the Law under the direction of Mr. Wythe. Here, it is said, he became thoroughly acquainted with the civil and common law, exploring every topic and fathoming every principle. Here also, he is said to have acquired that facility, neatness, and order in business, which gave him, in effect, "the hundred hands of Briareus." With such a guide, and in such a school, all the rudiments of intellectual greatness could not fail of being stirred into action. The occasion was not long wanting to display the master passion of his nature in bold and prominent relief.

At the time when his faculties were being strengthened by manhood, an incident occurred that fixed them in their meditated sphere, and kindled his native ardor into a flame.

That was the celebrated speech of Patrick Henry on the memorable resolutions of 1765 against the Stamp Act. Young Jefferson listened to the "bold, grand, and overwhelming eloquence" of the orator of nature, the effect of which seems never to have lost its sorcery over his mind. More than fifty years afterwards, he reverts to it with all the vividness of the first impression. "He appeared to me," says he, "to speak as Homer wrote." (Autobiography, ME 1:5) The effect was indeed tremendous. It struck even that veteran and dignified assembly aghast. The resolutions were moved by Henry and seconded by Mr. Johnson. They were resisted by the whole monarchical body of the House of Burgesses as a matter of course. Besides, they were deemed so ill advised in point of time as to rally in opposition to them all the old members, including such men as Peyton Randolph, Wythe, Pendleton, Nicholas, Bland, etc. -- honest patriots whose influence in the House had till then been unbroken. "But," says Jefferson, "torrents of sublime eloquence from Henry, backed by the solid reasoning of Johnson, prevailed. The last, however, and strongest resolution was carried but by a single vote. The debate on it was most bloody. I was then but a student and stood at the door of communication between the house and the lobby during the whole debate and vote; and I well remember that after the numbers on the division were told and declared from the chair, Peyton Randolph, the Attorney-General, came out at the door where I was standing and said as he entered the lobby, 'by ----, I would have given 500 guineas for a single vote: for one vote would have divided the House, and Robinson was in the chair,' who he knew would have negatived the resolution." It was in the midst of this magnificent appeal that Henry is said to have exclaimed in a voice of thunder, "Caesar had his Brutus -- Charles the First his Cromwell -- and George the Third -- ("Treason," cried the Speaker -- "treason, treason," echoed from every part of the House. Henry faltered not; but rising to a loftier attitude and fixing a determined eye on the Speaker, finished his sentence with the firmest emphasis) *may profit by their example.* If this be treason, make the most of it." (Wirt's *Life of Patrick Henry,* pg. 65) "I well remember," says Jefferson, "the cry of treason, the pause of Henry at the name of George the Third, and the presence of mind with which he closed his sentence and baffled the vociferated charge."

The grandeur of that scene and the triumphant eclat of Henry made the heart of young Jefferson ache for the propitious moment that should enrol him among the champions of persecuted humanity. The tone and strength of his mind at this early period are indicated by those emphatic mottos that he selected for his seals: *"Ab eo libertas, a quo spiritus,"* and *"Resistance to tyrants is obedience to God."* These mottos attracted great attention, and were regarded as prophetic of his destiny. They were well remembered years after his death by the aged

inhabitants of Virginia. The seals themselves were preserved as sacred relics by the family of Mr. Jefferson, and accurate impressions of them in wax were obtained by his particular friends in various parts of the country.

Various attempts have been made to ascertain the birth of opinions on the subject of American Independence, and to fix the precise epoch, and the particular individual, when and with whom the stupendous conception originated. The enquiry has been attended with no success, and is from the nature of the case incapable of solution. It is evident that the measure did not result from any deliberate and preconcerted design on the part of one, or of any number of individuals, but from a combination of causes growing for the most part out of the mistaken policy of the British Parliament, and fostered and matured by its unyielding obstinacy. It was the slow and legitimate growth of political oppression, assisted it is true by the great advance of certain minds beyond the general step of the age. To use the phraseology of Mr. Jefferson, "It would, moreover, be as difficult to say at what moment the Revolution began and what incident set it in motion, as to fix the moment that the embryo becomes an animal, or the act which gives him a beginning." (to John Adams, May 17, 1818. ME 15:169)

It is certain that if this subject were examined with reference to its bearing upon a Jefferson, it might with equal propriety be advanced that in those pointed inscriptions that he selected in the fire of youth as the mottos of his seals, we discover the germ, not merely of American emancipation, but of European revolution and of the general amelioration of associated man throughout the world. The revolution itself was but a preparatory movement. The mere separation of the colonies from the mother country was but the introductory stage of the grand and fundamental change through which they were to pass to derive any essential advantages from the act -- to wit, the entire abrogation of royalty and substitution of self-government.

Nay, even this magnificent result was but the first chapter in the history of the great moral and political regeneration that is advancing over the earth, and to which the revolution gave the primary impulse. Unless contemplated in the broad light of a contrast of *principle* between the advocates of republican and those of kingly government into which it finally resolved itself, it is of little importance to enquire what incident gave it birth, or who set it in motion. Stopping at the point at which many who were the boldest at the outset evidently wished it to stop, and with honest motives, the Revolution would have been nothing more, in effect, than transferring the government to other hands without putting it into other forms; and no change would have been wrought in the political condition of the world. It would have been merely a spirited and successful rebellion, or rather a struggle for power, like that which long embroiled the royal races of the Plantagenets, Tudors, and Stuarts, terminating at best in a limited modification of the old system, and most likely in its entire adoption, substituting George or John the First in the place of George the Third.

The solution of the problem, therefore, if practicable, would afford no criterion of the relative advance of the leading minds of that period. But the question becomes a rational one and assumes a powerful interest if presented in its proper aspect: With whom did those eternal rules of political reason and right originate that crowned with glory and immortality the American Revolution, making it one in substance as well as form? To whom belongs the honor of conceiving the grand project that gave to those detached fragments of empire that formed the nucleus of the American nation, not only shape and organization, but a new projectile impulse to revolve in an untried orbit under the control of a new equilibrium of forces? Viewing the subject under these, its *moral* phases, it becomes of some consequence to ascertain the origin and progress of individual opinions.

In 1767, Mr. Jefferson was inducted into the practice of the Law at the bar of the General Court, under the auspices of his preceptor and friend, Mr. Wythe. He brought with him into practice the whole body of ancient and modern jurisprudence, text and commentary, from its rudest monuments in Anglo-Saxon, to its latest depositories in the vernacular tongue, well-systematized in his mind and ready for use at a moment's warning. But his professional career was brief, and not favored with any occasion adequate to disclose the fitness of his technical preparation or the extent of his abilities as an advocate. The out-breaking of the Revolution, which occasioned a general abandonment of the Courts of Justice, followed close upon his introduction to the bar, and ushered him upon a broader and more diversified theatre of action.

During the short interval he spent in his profession, he acquired considerable celebrity; but his forensic reputation was so disproportionate to his general pre-eminence as to have occasioned the common impression that he was deficient in the requisite qualifications for a successful practitioner at the bar. That this was not the case, however, we have the authority of a gentleman (William Wirt) whose opportunities of information and well known trustworthiness are a pledge of the literal accuracy of his statement. "Permit me," says he, "to correct an error which seems to have prevailed. It has been thought that Mr. Jefferson made no figure at the bar: but the case was far otherwise. There are still extant, in his own fair and neat hand, in the manner of his master, a number of arguments which were delivered by him at the bar upon some of the most intricate questions of the law, which, if they shall ever see the light, will vindicate his claims to the first honors of the profession."

Again, we have the authority of the same gentleman upon another interesting point. It will be new to the reader to learn that Mr. Jefferson was anything of a popular orator. "It is true," continues the writer, "he was not distinguished in popular debate; why he was not so, has often been a matter of surprise to those who have seen his eloquence on paper and heard in conversation. He had all the attributes of the mind and the heart and the soul which are essential to eloquence of the highest order. *The only defect was a physical one:* he wanted volume and compass of voice for a large deliberative assembly; and his voice, from the excess of his sensibility, instead of rising with his feelings and conceptions, sunk under their pressure and became guttural and inarticulate. The consciousness of this infirmity repressed any attempt in a large body, in which he knew he must fail. But his voice was all sufficient for the purposes of judicial debate; and there is no reason to doubt that if the services of his country had not called him away so soon from his profession, his fame as a lawyer would now have stood upon the same distinguished ground which he confessedly occupies as a statesman, an author, and a scholar."

3. Beginning Public Life

Mr. Jefferson came of age in 1764. He had scarcely arrived at his majority when he was placed in the nomination of Justices for the county in which he lived, and at the first election following, was chosen one of its Representatives to the Legislature.

He took his seat in that body in May, 1769, and distinguished himself at once by an effort of philanthropy to which the steady progress of liberal opinions has not brought the tone of public sentiment, at least so far as to reconcile the majority to the personal sacrifices which it involves. The moral intrepidity that could prompt him, a new member and one of the youngest in the House, to rise from his seat with the composure of a martyr and propose amidst a body of inexorable planters a bill *"for the permission of the Emancipation of Slaves,"* gave an unequivocal earnest of his future career. He was himself a slave holder, and from the immense inheritance to which he had succeeded, probably one of the largest in the House. He knew too, that it was a measure of peculiar odium, running counter to the strongest interests and most intractable prejudices of the ruling population; that it would draw upon him the keen resentments of the wealthy and the great, who alone held the keys of honor and preferment at home, besides banishing forever all hope of a favorable consideration with the government. In return for this array of sacrifices, he saw nothing awaiting him but the satisfaction of an approving conscience and the distant commendation of an impartial posterity. He could have no possible motive but the honor of his country and the gratification of his own benevolence.

The announcement of the proposition gave a shock to the aristocracy of the House. It touched their sensibilities at a most irritable point and was rejected by a sudden and overwhelming vote. Yet the courteous and conciliatory account which Mr. Jefferson has left of the transaction ascribes the failure of the bill to the vicious and despotic influence of the government, which, by its unceasing frown, overawed every attempt at reform,

rather than to any moral depravation of the members themselves. "Our minds," says he, "were circumscribed within narrow limits by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government, to direct all our labors in subservience to her interests, and even to observe a bigoted intolerance for all religions but hers. The difficulties with our Representatives were of habit and despair, not of reflection and conviction. Experience soon proved that they could bring their minds to rights on the first summons of their attention." (Autobiogralphy, 1821. ME 1:4)

Indeed, under the regal government, how was it possible to expect success in anything liberal? The Crown had directly or indirectly decreed the appointment of all officers of consequence, even those chiefly of the ordinary Legislature. The King's Council, as they were called, who acted as an Upper House, held their places at the Royal will and cherished a most humble obedience to that will; the Governor too, who had a negative on the laws, held by the same tenure and with still greater devotedness to it: and last of all, the royal negative, which formed the rear-guard to the whole, barred the final passage to every project of melioration. So wanton, indeed, was the exercise of this power in the hands of his Majesty, that for the most trifling reason, and sometimes for no conceivable reason at all, he refused his assent to laws of the most salutary tendency. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country.

This was Mr. Jefferson's *first* measure of reform; and although rendered abortive, it was but the beginning of a long series of efforts, party successful, in the same benevolent cause. It was the first public movement which he had the honor to originate, and the one, probably, whose spirit and object were most congenial to his heart. A few years after his legislative debut in the cause of slavery, we find him dilating with enthusiasm upon the same subject, in flying "notes" to M. de Marbois of the French legation, and recording that vehement and appalling admonition which recent events have almost ripened into prophecy:

> "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just, that his justice cannot sleep forever: that considering numbers, nature and natural means only, a revolution in the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference? The Almighty has no attribute which can take side with us in such a context." (Notes on Virginia, 1782. ME 2:227)

The business of ordinary legislation was drawing to a close in Virginia. The collision between Great Britain and her colonies had arrived at a crisis which suspended the regular action of government and summoned the attention of its functionaries to more imperious concerns. Patrick Henry, who was seven years older than Mr. Jefferson and three or four ahead of him in public life, had hitherto been the master-spirit of the Revolution in the South, and had sustained its principal brunt by his superior firmness. The time had now arrived when he was to divide the burthen and the glory of the distinction with one who was his junior only in years and eloquence, his equal in moral courage, but in everything else his superior. The session of the Legislature that first saw Mr. Jefferson a member, saw him first also in the little council of the brave. The same session (1769) carried Virginia into a new mode of resistance to British tyranny, which he was chiefly instrumental in establishing -- to wit, the system of non-intercourse by which the colonies gradually dissolved all commercial connection with the mother country.

The unequivocal attitude into which Virginia had thrown herself by the opposition to the Stamp Act, which she headed in '65, was imitated with rapidity by all other colonies, and this raised the general tone of resentment to such a height as made Great Britain herself quail before the tempest she had excited. The Stamp Act was repealed: but its repeal was soon followed by a series of parliamentary and executive acts equally unconstitutional and oppressive. Among these were the declaratory act of a right in the British Parliament to tax colonies in all cases; the quartering of large bodies of British soldiery in the principal towns of the colonies at the expense and to the annoyance of the inhabitants; the dissolution in rapid succession of the Colonial

Assemblies and the total suspension of the legislative power in New York; the imposition of duties on all teas, glass, paper, and other of the most necessary articles imported into the colonies, and the appointment of commissioners armed with excessive powers to be stationed in the several ports for the purpose of exacting the arbitrary customs. These measures, with others of a similar character, provoked immediate retaliation in the commercial Provinces.

The people of Massachusetts, upon whom they fell with their first and heaviest pressure, were the foremost in resisting their operation. They entered into an association by which they agreed and bound themselves not to import from Great Britain any of the articles taxed or to use them. They also addressed a circular letter to their sister colonies inviting their concurrence and cooperation in all lawful and constitutional means for procuring relief. Petitions, memorials, and remonstrances were accordingly addressed to the King and Parliament by the Legislatures of the different colonies, entreating a revision of the obnoxious measures and blending with their entreaties professions of unwavering loyalty. To these no answer was ever vouchsafed. Yet the non-intercourse proceedings in Massachusetts were of a character too ruinous to the new revenue bill not to excite the attention of the British Court. They immediately called forth a set of joint resolutions and an address from the Lords and Commons. Those resolutions condemned in the severest terms all the measures adopted by the colonies. They re-asserted the right of taxation and of quartering their troops upon the colonies. They even went so far as to direct that the King might employ force of arms sufficient to quell the disobedient, and declared that he had the right to cause the promoters of disorders to be arrested and transported to England for trial.

These resolutions of the Lords and Commons arrived in America in May, 1769. The House of Burgesses of Virginia was then in session, and Mr. Jefferson, as we have seen, was for the first time a member. These menacing papers were principally directed against the people of Massachusetts; but the doctrines avowed in them were too extraordinary to be overlooked in any assembly which contained a Jefferson. They were no sooner made known to the House than he proposed the adoption of counter-resolutions and warmly advocated the propriety of making common cause with Massachusetts at every hazard. Counter resolutions and an address to the king were accordingly agreed to with little opposition, and the determination was then and there formed *of considering the cause of any one colony as a common one.*

The seed of the *American Union* was here first sown. By the resolutions which they passed, the Legislature re-asserted the exclusive right of the colonies to tax themselves in all cases whatsoever, denounced the recent acts of Parliament as flagrant violations of the British Constitution, and sternly remonstrated against the assumed right to transport the freeborn citizens of America to England to be tried by their adversaries. The tone of these resolutions was so strong as to excite for the first time the displeasure of the Governor, the amiable Lord Bottetourt. The House had scarcely adopted and ordered them to be entered upon their journals when they were summoned to his presence to receive the sentence of dissolution. "Mr. Speaker," said he, "and gentlemen of the House of Representatives: I have heard of your resolves and augur ill of their effects; you have made it my duty to dissolve you, and you are accordingly dissolved."

However the interference of the Executive had no effect but to encourage the holy feeling it attempted to repress. The next day, led on by Jefferson, Henry, and the two Lees, the great body of the members retired to a room, called the Apollo, in the Raleigh tavern, the principal hotel in Williamsburg. They there formed themselves into a voluntary convention, drew up articles of association against the use of any merchandise imported from Great Britain, signed, and recommended them to the people. They repaired to their several counties, circulated the articles of the league among their constituents; and to the astonishment of all, so popular was the measure that at the call of another Legislature, they were themselves re-elected without an exception.

The impetus thus given to the heroic example of Massachusetts by a remote Province carried it home to the bosom of every colony. The non-importation agreement became general. All the luxuries and many of the comforts of life were sacrificed at once on the altar of colonial liberty. Associations were formed at every point, and a systematic war of interdiction and non-consumption was directed against British merchandise. All ranks, all ages, and both sexes joined in *nullifying* the unconstitutional tariff. The ladies established a peculiar claim to

pre-eminence on this occasion. They relinquished without a struggle all the elegancies, the embellishments, and even the comforts to which they had been accustomed, preferring for their attire the fabric of their own hands to the most gorgeous habiliments of tyranny. In Virginia, the anti-revenue movement was reduced to a system and pursued with unparalleled rigor. A committee of vigilance was established in very county whose duty it was to promote subscriptions to the covenant and to guard the execution of the articles. The powers of these committees being undefined, were almost unlimited. They examined books of the merchant and pushed their inquisitorial search into the sanctity of the fire-side, punishing every breach by fine and public advertisement of the offender, and rewarding every observance by an appropriate badge of merit. Such too was the virtue of popular opinion, that from their decision there was no appeal. All who refused to subscribe the covenant of self-disenfranchisement or proved unfaithful to its obligations underwent a species of social excommunication. But the examples of delinquency were exceedingly rare -- of apostasy rarer; a few old Tories only of the most intractable stamp were sent into gentlemanly exile beyond the mountains.

The dissolution of the House of Burgesses was not attended with any change in the popular representation, except in the very few instances of those who had withheld their assent from the patriotic proceedings. The next meeting of the Legislature of any permanent interest, which was not until the spring of 1773, saw Mr. Jefferson again at his post, intent upon the business of substituting just principles of government for those which prevailed.

A court of inquiry, held in Rhode-Island as far back as 1762, in which was vested the extraordinary power to transport persons to England to be tried for offences committed in America, was considered by him as demanding attention, even after so long an interval of silence. He was not in public life at the time this proceeding was instituted, and consequently had not the power to raise his voice against it; but when an important principle was violated, he deemed it never too late to rally. Acquiescence in such an encroachment would give it the force of precedent, and precedent would soon establish the right. An investigation and protest, too, would rouse the apprehensions of the colonists, which had already relapsed into repose. This appeared to him a more desirable result than the simple assertion of right in that particular case.

No unusual excitement having occurred during the protracted interval of legislative interruption, the people had fallen into a state of insensibility; and yet, the same causes of irritation existed that had recently thrown them into such ferment. The duty on tea, with a multitude of co-existing encumbrances, still pressed upon them, and the Declaratory Act of a right in the British Parliament to bind them by their laws in all cases was still suspended over them, hanging by the thread of ministerial caprice. The lethargy of the public mind under such injustice indicated to Mr. Jefferson a fearful state of things. It presented to his eye a degree of moral prostration but one remove from that which constitutes the proper element for despotism and invites its visitations. It appeared to him indispensable that something should be done to break the dead calm which rested on the colonies and to rouse the people to a sense of their situation. Something, moreover, had been wanting to produce concert of action and a mutual understanding among the colonies.

These objects could only be accomplished, he thought, by the rapid dissemination of the earliest intelligence of events with proper comments. This would keep the excitement alive and spread discontents, many of which were local, from colony to colony. With a view, therefore, to these important objects, and not thinking the old and leading members had gained the requisite point of forwardness, he proposed to a few of the younger ones a private meeting in the evening "to consult on the state of things."

On the evening of the eleventh of March, 1773, we find this little band of Virginia patriots -- Jefferson, Henry, R. H. Lee, F. L. Lee, and Dabney Carr -- assembled in a private room of the Raleigh tavern to deliberate on the concerns of all British America. This conclave at the Raleigh tavern in Williamsburg had the merit of erecting the most formidable engine of colonial resistance that had been devised -- the *"Committees of Correspondence"* -- between the Legislature of the different colonies; and the first offspring of this measure was a movement of

inconceivable consequence, not only to America, but to the world -- the call of a *General Congress of all the colonies.*

This result was foreseen, it appears, by the meeting, particularly by Mr. Jefferson, who has left us an interesting reminiscence of their doings, avoiding as usual any particular notice of his own agency.

> "We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies, to consider the British claims as a common cause to all, and to produce a unity of action; and for this purpose that a Committee of Correspondence in each colony would be the best instrument for intercommunication; and that *their first measure would probably be to propose a meeting of Deputies from every colony* at some central place, who should be charged with the direction of the measures which should be taken by all." (Emphasis added. Autobiography, 1821. ME 1:7)

This presentiment of the call of a General Congress as the result of their meeting must have made a powerful impression upon the mind of Mr. Jefferson, for at the age of seventy-three it was still fresh in his memory. In a letter written in 1816 to a son of Dabney Carr, he alludes to it: "I remember that Mr. Carr and myself, returning home together and conversing on the subject by the way, concurred in the conclusion that that measure [for Committees of Correspondence] must inevitably beget the meeting of a Congress of Deputies from all the colonies for the purpose of uniting all in the same principles and measures for the maintenance of our rights." (ME 14:399)

It being decided to recommend the appointment of these committees, Mr. Jefferson proceeded to draft resolutions to that effect and improved the opportunity to insert a special one directing an inquiry into the judicial proceedings in Rhode Island. The resolutions being approved, it was decided to propose them to the House of Burgesses the next morning. His colleagues in council pressed Mr. Jefferson to move them, "But I urged," says he, "that it be done by Mr. Carr, my friend and brother-in-law, then a new member, to whom I wished an opportunity should be given of making known to the House his great worth and talents." (ME 1:7) It was accordingly agreed that Mr. Carr should move them, after which this coterie dissolved.

The resolutions were brought forward in the House of Burgesses the next morning by young Mr. Carr, who failed not to exhibit on the occasion "his great worth and talents" in a speech which electrified the assembly. Mr. Carr was a member from the county of Louisa. He was hailed as a powerful acquisition to the reform party. The members flocked around him, greeted him with praises which spoke fervently in their countenances, and congratulated themselves on the accession of such a champion to their cause. But soon were these proud anticipations blighted. Brief was the career of the eloquent and lamented Carr. In two months from the occasion which witnessed this, his first and last triumph, he was no more.

Nearly half a century afterwards, Mr. Jefferson reverts to the transaction in a letter to Dabney Carr, Jr., with a freshness which shows a heart yet warm with the feeling it excited.

> "I well remember the pleasure expressed in the countenance and conversation of the members generally on this debut of Mr. Carr, and the hopes they conceived as well from the talents as the patriotism it manifested. But he died within two months after, and in him we lost a powerful fellow laborer. His character was of a high order. A spotless integrity, sound judgment and fine imagination enriched by education and reading, quick and clear in his conceptions, of correct and ready elocution, impressing every hearer with the sincerity of the heart from which it flowed. His firmness was inflexible in whatever he thought was right, but when no moral principle stood in the way, never had man more of the milk of human kindness, of indulgence, of softness, of pleasantry in conversation and conduct. The number of his friends and the warmth of their affection were proofs of his worth and of their estimate of it. To give to those now living an idea of the affliction produced by his death in the minds of all who know him, I like it to that lately felt by themselves on the death of his eldest son, Peter Carr, so like him

> in all his endowments and moral qualities, and whose recollection can never recur without a deep-drawn sigh from the bosom of anyone who knew him." (ME 14:400)

The resolutions were adopted the same day, March 12, 1773, without a dissenting voice. They had been drafted so dexterously and in such guarded terms as not to awaken a suspicion against them in the old and cautious members.

But the House of Burgesses had no sooner placed them upon record than they were dissolved, as usual, by the Governor, then Lord Dunmore. For although clothed in the most plausible and inoffensive language, that watchful Executive had too much sagacity not to perceive that they gave occasion for a more formidable resistance than had yet been apprehended.

Nevertheless, the sentence of dissolution had no effect but to give a popular impulse to the proceedings that led to it, and to excite those who were designated in the resolutions for putting the machine into operation to greater zeal and promptitude. The very next day, the Committee of Correspondence assembled, organized themselves, and proceeded to do business. They adopted a circular letter prepared by Mr. Jefferson to the Speakers of the other Colonies, enclosing to each a copy of the resolutions, and left it in charge with their chairman, Peyton Randolph, to transmit them *by express.* The chief mover thus had the happiness to see his favorite measure in course of execution.

Although the result of the Raleigh consultation had a more decisive baring upon the subsequent movements of the country, we find no mention of the occurrence in the early histories of our revolution. But the history of the American Revolution has not been written, or so said John Adams in 1815 in a letter to Mr. Jefferson. The latter echoes the sentiment of his correspondent and declares it never can be written. "On the subject," says he, "of the history of the American Revolution, you ask, Who shall write it? Who can write it? And who will ever be able to write it? Nobody, except merely its external facts. All its councils, designs, and discussions were conducted in secret, and no traces of them were preserved. These, which are the life and soul of history, must forever be unknown." (ME 14:343)

The recommendation of the Virginia Legislature was answered with alacrity by the sister Colonies, and similar Committees of Correspondence were appointed by them all. By this means, a channel of direct communication was established between the various provinces, which, by the interchange of opinions and alarms, maintained a steady equalization of purpose and action throughout the Colonies and "consolidated the phalanx which breasted the power of Britain." The operations of this great institution were incalculably beneficial to the American cause. Its precise influence upon the course and management of the Revolution is well worth being critically ascertained. Its mighty cabinet should be broken open, and one might suppose that the publication of its voluminous correspondence will exhibit some of the most interesting productions of Mr. Jefferson's pen, as he bore an active agency in its operations; and there is no doubt that the revelation of its transactions and counsels will unveil to the world the secret causes of many movements, the knowledge of which reflecting accumulated glory on the chiefs of that age.

4. Resistance to Tyranny

As was predicted by Mr. Jefferson and his confederates, the establishment of Corresponding Committees resulted in the convocation of a general Congress, which event followed the ensuing year. The intermediate steps to that result require a summary notice to show the connection of the prophecy with its fulfilment.

The resistance to the revenue impositions had been conducted with such inflexibility and general concert as to have checked the regular current of importation into the Colonies and occasioned a prodigious surcharge of the dutied commodities in England. Immense quantities of tea in particular had accumulated in the warehouses of the East India Company -- a monopoly which was much favored by the government and had an extensive influence over it. This company having obtained permission to transport their tea free of the usual export duty from Great Britain to America on condition that upon its introduction there, the duty of three pence per pound should be paid, immediately dispatched enormous shipments to Boston and other American ports. On the arrival of the tea in Boston, the patriots were thrown into a frenzy of indignation and alarm. They saw and felt that the crisis now approached which was to decide the great question, whether they would submit to taxation without representation or brave the consequences of some decisive movement which might be adequate to relieve them from the emergency. If the tea were permitted to be landed, it would be sold, the duties paid, and all they had gained be lost. They resolved, therefore, that it should not be landed, and the resolution was no sooner formed than executed by the destruction of the entire cargo.

The intelligence of this spirited stroke in vindication of popular rights so exasperated the British ministry that they resorted to a measure which fixed the irrevocable sentence of dismemberment upon the British empire. This was the famous Boston Port Bill, by which the harbor of that great city was closed against the importation of any goods, wares or merchandise whatsoever, from and after the first day of June, 1774.

When the rumor of the impending calamity reached Boston, a meeting of the inhabitants was called, the act was denounced as cruel and flagitious, and they made their appeal to God and the world. Numerous copies of the act were printed and dispersed over the colonies, and to make a deeper impression on the multitude, the copies were printed on mourning paper, bordered with black lines. They were cried through the country as *"barbarous, cruel, sanguinary, and inhuman murder."* (Botta, vol. I, p. 120)

The Legislature of Virginia was in session when the news of this interdict was received in May, 1774. Mr. Jefferson was still a member, and his sympathies for the north rose to a point before unequaled. Perceiving the advantages to be derived from the popular excitement which he foresaw would be created, he as quickly devised the means for using it with effect for the benefit of the common cause. Fearful to trust the cause at this propitious moment to the tardy pace of the old members, he again rallied the little council of chiefs with whom he had confederated on the former occasion, and concerted a private meeting the same evening at the council chamber of the library "to consult on the proper measures to be taken." Punctual at the hour they met, and mutually ripe in sentiment, unanimously agreed that they "must boldly take an unequivocal stand in the line with Massachusetts." They were also impressed with the necessity of arousing the people from the apathy into which they had fallen as to passing events, and for this purpose, Mr. Jefferson proposed the appointment *of a day of general fasting and prayer throughout the colony,* "as most likely to call up and alarm their attention." The proposition met enthusiastic acceptance with his colleagues, and he was requested to prepare the necessary instrument to be presented to the House.

"No example," says Mr. Jefferson, "of such a solemnity had existed since the days of our distress in the war of '55, since which a new generation had grown up. With the help, therefore, of Rushworth, whom we rummaged over for the revolutionary precedents and form of the Puritans of that day preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing *the first day of June,* on which the Port Bill was to commence, for a day of fasting, humiliation, and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice." (Autobiography, 1821. ME 1:9) The draft was approved by the consulting members; but before they separated, another important figure was necessary to be arranged; and the manner in which it was done showed the wisdom and sagacity of the conclave. "To give greater emphasis to our proposition," continues Mr. Jefferson, "we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it." They accordingly went to Mr. Nicholas the next morning. He moved it the same day -- May 24th -- and it passed without opposition.

The instrument was drawn up much like the olden New England proclamations, with great solemnity of phraseology, directing the members "preceded by the Speaker and mace" to assemble on the appointed day, "devoutly to implore the Divine interposition for averting the heavy calamity which threatens destruction to our civil rights, and the evils of civil war; to give us one heart and one mind, firmly to oppose by all just and proper means, every injury to American rights; and that the minds of His Majesty and Parliament may be inspired from above with wisdom, moderation, and justice to remove from the loyal people of America all cause of alarm from a continued pursuit of measures pregnant with their ruin."

This solemn example of Virginia was the signal for a general movement among the colonies. The same religious observance was ordered to be kept on the same day in all the principal towns, and the first day of June was a day of mourning throughout the continent. Business was suspended, the bells sounded a funeral knell, the pulpits reverberated with inflammatory discourses, and every engine of popular terror was put in use.

In Virginia, the heavens were shrouded with gloom. The ministers of religion, arrayed in their long black robes, headed processions of the people and alarmed them from the pulpit with terrific appeals to their passions. Popular orators pronounced their inflammatory harangues. The committees of vigilance circulated the infection through every village, and all cooperated with prodigious effect in promoting the general conflagration. "The people," says Mr. Jefferson, "met generally, with anxiety and alarm in their countenances, and the effect of the day through the whole colony was like a shock of electricity, arousing every man and placing him erect and solidly on his center." (ME 1:11)

The most important transaction of this eventful session remains to be considered. The chain of causes were now bringing about the grand result so confidently predicted by Mr. Jefferson. It would hardly seem credible now that a resolution for the appointment of a religious ceremony, conceived in such terms of mingled devotion and loyalty as was that of the House of Burgesses, should have provoked the hostile interposition of the Executive power; but so it was. The order of the House for a general fast had no sooner fallen under the eye of Lord Dunmore than he made his appearance before them with the following speech: "Mr. Speaker and gentlemen of the House of Burgesses: I have in my hand a paper published by order of your House, conceived in such terms as reflect highly upon His Majesty and the parliament of Great Britain, which makes it necessary to dissolve you, and you are dissolved accordingly."

But the powers of the government had become completely paralyzed in that contumacious colony, and its Executive decrees were regarded as idle ceremonies. The whole body of the members repaired in a mass to the Apollo. They immediately organized themselves into an independent Convention, agreed to an association more solemnly than ever against the calamitous revenue system, declared that an attack on any one colony to compel submission to arbitrary taxes should be considered as an attack on all British America, and instructed their Committee of Correspondence to propose to the corresponding committees of the other colonies *the expediency of appointing Deputies to meet in Congress annually,* at such place as should be convenient, to direct from time to time the measures required by the general interest.

That no time might be lost in carrying their recommendation of a Congress into effect, they did not leave their seats without first having arranged the preliminary meeting for the choice of their own deputies. They passed a resolution soliciting the people of the several counties to elect representatives to meet at Williamsburg the 1st of August ensuing to take into further consideration the state of the colony, and particularly to appoint delegates to the General Congress, should that measure be acceded to by the Corresponding Committees of the other colonies. The meeting then dissolved, and the members were universally greeted with the applause of their countrymen.

From this period -- 1774 -- the royal government might be considered at an end in Virginia. The self-constituted convention, which was erected upon the ruins of the regal Legislature, immediately succeeded by a bold usurpation to all its functions and took the reins of the government into their own hands.

Agreeably to their instructions, the Committee of Correspondence lost no time in proposing to the committees of the other provinces the expediency of uniting in the plan of a general congress. They met the day after the adjournment of the convention, Mr. Jefferson in the chair, prepared letters according to their instructions and dispatched them by messengers express to their several destinations. The proposition was unanimously embraced by Massachusetts first, whose Legislature was in session when it was received, and by all the other provinces in quick succession as their respective Legislatures or conventions assembled. Delegates were universally chosen -- no province sending less than two nor more than seven. Philadelphia was designated as the place, and the 5th of September ensuing as the time of the meeting.

Agreeably to the further recommendation of the meeting at the Apollo, the people of the several counties of Virginia elected delegates to the preliminary convention at Williamsburg. Mr. Jefferson was chosen to represent the county in which he resided. On the first of August. '74, this formidable body, being the first democratic convention of Virginia, assembled at Williamsburg and was organized for business.

Mr. Jefferson, before leaving home, had prepared a code of instructions to the delegates who should be chosen to Congress, which he meant to propose for adoption at the meeting. Speaking of these instructions, the author says, "they were drawn in haste, with a number of blanks, with some uncertainties and inaccuracies of historical facts which I neglected at the moment, knowing they could be readily corrected at the meeting." (ME 1:183)

It is generally admitted that this production ranks second only to the Declaration of Independence, of which it was indeed the genuine precursor for boldness and originality of sentiment and felicity of composition. He set out for Williamsburg some days before that appointed for the meeting of the Convention, but was arrested on his journey by sickness which prevented his attendance in person. His spirit, however, was there; and so anxious was he to discharge in some way the duties of his appointment that he forwarded by express duplicate copies of his draught, one under cover to Patrick Henry, the other to Peyton Randolph. His own account of the reception of his draught is too interesting to be omitted.

> "Whether Mr. Henry disapproved the ground taken or was too lazy to read it -- for he was the laziest man in reading I ever knew -- I never learned: but he communicated it to nobody. He probably thought it too bold as a first measure, as the majority of the members did. On the other copy being laid upon the table of the Convention by Peyton Randolph as the proposition of a member who was prevented from attendance by sickness on the road, tamer sentiments were preferred and, I believe, wisely preferred; the leap I proposed being too long as yet for the mass of our citizens. The distance between these and the instructions actually adopted is of some curiosity, however, as it shows the inequality of pace with which we moved and the prudence required to keep front and rear together." (Autobiography, 1821. ME 1:12)

The paper was read, nevertheless, with great avidity by the members; and although they considered it "a leap too long" for the existing state of things, they were so impressed with its expositions of the rights and wrongs of the Colonies that they caused it to be published in a pamphlet form under the title of "A Summary View of the Rights of British America." A copy of the work having found its way to England, it was taken up by the Whigs in Parliament, interpolated in some places by the celebrated Burke to adapt it to opposition purpose there, and in that form ran rapidly through several editions. Such doctrines as were advanced in this pamphlet had never before been heard in England, nor even ventured in America; and they drew upon the author the hottest vials of ministerial wrath. The name of Jefferson was forthwith enrolled in a Bill of Attainder for treason in company with those of about twenty other American citizens who were considered the principal "agitators" in the Colonies. The Attainder, however, although actually commenced in Parliament, never came to maturity, but "was suppressed in embryo by the hasty step of events which warned them to be a little cautious."

This esteemed paper is highly valuable as containing the first disclosure in a clear and authentic form of the state of Mr. Jefferson's mind on the subject of those great questions which were the bases of the American Revolution, and as exhibiting in the discussions which it gave rise to, and in the circumstances attending its

rejection by the Convention, the "inequality of pace" with which the leaders in the American councils traveled onward to the same result. It will not be thought invidious in a later day to compare the birth and trace the relative progress of their opinion on those truths, the practical application of which, in a rational and peaceable way, has already regenerated the political condition of half the world.

It appears that in the most essential principles involved in the emancipation of the American Colonies from Great Britain -- those principles which settled the question upon its right basis and determined the final issue -- Mr. Jefferson was for a long time ahead of his contemporaries. The great point at which the other leaders of that hazardous enterprise, with a single exception (Mr. Wythe), halted as the utmost extremity of colonial right, he only called the "half-way house." A brief memorandum which he himself has left of that period explains the ground which he occupied and the precise distance between him and his compatriots. Speaking of his draft of instructions, he says--

> "In this I took the ground that from the beginning I had thought the only one orthodox or tenable, which was, that the relation between Great Britain and these Colonies was exactly the same as that of England and Scotland after the accession of James and until the union; and the same as her present relations with Hanover, having the same executive chief but no other necessary political connection; and that our emigration from England to this country gave her no more rights over us than the emigrations of the Danes and Saxons gave to the present authorities of the mother country over England. In this doctrine, however, I had never been able to get any one to agree with me but Mr. Wythe. He concurred in it from the first dawn of the question -- What was the political relation between us and England? Our other patriots, Randolph, the Lees, Nicholas, Pendleton, stopped at the half-way house of John Dickinson, who admitted that England had a right to regulate our commerce and to lay duties on it for the purposes of regulation, but not for raising revenue. But for this ground there was no foundation in compact, in any acknowledged principles of colonization, nor in reason -- expatriation being a natural right, and acted on as such by all nations in all ages." (Autobiography, 1821. ME 1:11)

Again, in a letter to John Saunderson in 1820, he says:

> "On the first dawn of [the Revolution], instead of higgling on half-way principles as others did who feared to follow their reason, he [Wythe] took his stand *on the solid ground,* that the only link of political union between us and Great Britain was the identity of our Executive; that that nation and its Parliament had no more authority over us than we had over them; and that we were coordinate nations with Great Britain and Hanover." (Emphasis added. ME 1:167)

This point is further illustrated in the Bill of Attainder before mentioned. After reciting a list of proscriptions, among which were Hancock and the Adamses as notorious leaders of the opposition in Massachusetts, Patrick Henry as the same in Virginia, Peyton Randolph as President of the General Congress in Philadelphia, the Bill adds "and Thomas Jefferson, as author of a proposition to the Convention of Virginia for an address to the King in which was maintained, *that there was in right, no link of union between England and the Colonies, but that of the same King; and that neither the Parliament, nor any other functionary of that government, had any more right to exercise authority over the Colonies, than over the electorate of Hanover;* yet expressing, in conclusion, an *acquiescence* in reasonable restrictions of commerce for the benefit of Great Britain, a conviction of the mutual advantages of union, and a disavowal of the wish for separation." (Girardin's *History of Virginia,* Appendix, No. 12, note.)

It appears, therefore, that the final and only tenable ground of answer to the great question which formed the hinge of the American Revolution, the right of taxation without representation, originated with Mr. Jefferson. Following out the right of expatriation into all its consequences, he advanced at once to the necessary conclusion that there was no political connection whatever between the Parliament of Great Britain and the Colonies; and consequently, that it had no right to tax them in *any* case -- not even for the regulation of commerce. The other patriots, either not admitting the right of expatriation or, what is most likely, not having

pursued it to its legitimate results, conceded the authority of Parliament over the Colonies for the purposes of commercial regulation, though not of raising revenue. But this was going no farther than did Burke, Chatham, Wilkes, Fox, and the opposition members generally of the House of Commons; and it is not improbable that, had the question been restrained to that issue, it would have terminated in mutual reconciliation upon that basis. But happily it was not so restrained, and quite a different conclusion was the result. It is not small evidence of originality that one of the youngest of the American counselors, and a youth compared to most of them, should have been the first to plant himself upon the farthest verge of colonial right, short of absolute independence.

Upon a critical examination of this paper [note], it will appear that the author's mind had already attained those fundamental discoveries in Political Science which have since received such an astonishing exemplification before the world. It is a more learned and elaborate production than the Declaration of Independence, to which it is inferior as a literary performance, but in power and sublimity of conception, scarcely exceeded by the "Declaratory Charter of our rights and of the rights of man."

The author begins with the vindication of the first principle of all political truth, *the sovereignty of the people,* as a right which they derive from God, and not from His Majesty, who, he affirms, "is no more than the chief officer of the people, appointed by the laws and invested with definite powers to assist in working the great machine of government erected for *their* use and consequently subject to *their* superintendence." He next proceeds to vindicate the right of *expatriation,* showing that the barbarian nations in the North of Europe from whom the inhabitants of Great Britain descended would have as good right to usurp jurisdiction over them as they over us; and from this right, the basis of every other, he deduces the broad principle that the American States were coordinate nations with Great Britain herself, having a common executive head but no other link of political union. The doctors of nullification would here find a triumphant justification of their theory, should it be made to appear that the States possess the same relation to the federal that they then did to the mother government! He refutes with becoming satire the fictitious principle of the common law that all lands belong mediately or immediately to the Crown, and says, "it is high time to declare that His Majesty has no right to grant lands of himself." Finally, he recommends His Majesty to "open his breast to liberal and expanded thought," adding "that the great principles of right and wrong are legible to every reader," and that *"the whole art of government consists in the art of being honest."* (Emphasis added.)

In conformity to this ground, the word "States" is for the first time substituted for that of "Colonies." This will not be thought a small circumstance when it is known that in the debates upon the Declaration of Independence even, the term "States" was made a topic of repeated cavil, and in several instances expunged. The Convention at Williamsburg were not prepared to sanction the principles contained in these "instructions." Tamer sentiments were substituted; the congressional delegates [note] were appointed to the number of seven, and resolutions were adopted in which they pledged themselves to make common cause with the people of Boston in every extremity. They broke off all commercial connection with the mother country until the grievances of which they complained should be redressed, and empowered their chairman, Peyton Randolph, or in case of his death, Robert C. Nicholas, on any future occasion that might in his opinion require it, to convene the several delegates of the colony at such time and place as he might judge proper. This last resolve was more important than all the others, as it showed their determination to keep the government in their own hands to the exclusion of the parent authorities, and was a virtual assumption of independence in Virginia.

5. Asserting Colonial Rights

The General Congress assembled at Carpenter's Hall in Philadelphia, September 5th, 1774, and organized for business by choosing Peyton Randolph of Virginia, President, and Charles Thompson of Pennsylvania,

Secretary. Delegates attended from every province except Georgia, and were in number fifty-five. They terminated their first session on the 26th of October, to meet again at the same place on the 10th of May ensuing, at which time Mr. Jefferson became a Deputy elect.

On the 20th of March, 1775, the popular Convention of Virginia assembled the second time upon invitation of the Chairman to deliberate further on the state of public affairs and the measures it demanded. To a political union with Great Britain upon the broad basis of reason and right, Jefferson was not averse; nay, he most anxiously and fervently desired it to avoid the horrors and desolations which the other alternative presented. *"But, by the God that made me,"* said he a short time afterwards, *"I will cease to exist before I yield to a connection on such terms as the British Parliament propose."* The distance between the terms upon which he would consent to a union and the terms that Great Britain had demanded was too great for any reasonable hope of accommodation. The only grounds upon which he would submit to a compromise were freedom from all jurisdiction of the British Parliament and the exclusive regulation by the colonies of their own internal affairs: freedom from all restraints upon navigation with respect to other nations; freedom from all necessary accountability to the common law; and, in a word, freedom from all the laws, institutions, and customs of the mother country until they should have been specifically adopted as *our* laws, institutions, and customs by the positive or implied assent of the people.

But would Great Britain consent to an abandonment of all her pretensions and accept the proffered conditions? The idea was preposterous. So far from it, there was little probability she would yield to the far more gracious proposals of Congress. Mr. Jefferson saw with prophetic certainty the inevitable result, and he yearned to have the same clear, strong, yet terrible perspective burst upon the tardy vision of his countrymen. He had long anticipated the awful crisis to which the current of events was fast tending, and we have now arrived to the epoch when his mind was made up to meet that crisis with all the firmness which its nature demanded. *"My creed,"* says he, *"had been formed on unsheathing the sword at Lexington."* This event, it will be recollected, occurred the ensuing month of April.

The Convention proceeded to business. They adopted a resolution expressive of their unqualified approbation of the measures of Congress, declaring that they considered "this whole continent as under the highest obligations to that respectable body for the wisdom of their counsels and their unremitted endeavors to maintain and preserve inviolate the just rights and liberties of his Majesty's dutiful and loyal subjects in America." They next resolved that "the warmest thanks of the convention and of all the inhabitants of this colony were due, and that this just tribute of applause be presented to the worthy delegates deputed by a former convention to represent this colony in general congress for their cheerful undertaking and faithful discharge of the very important trust reposed in them."

It would be doing injustice to Mr. Jefferson to suppose the above resolutions came from him. Not that he disapproved them; on the contrary, he regarded their adoption as an act of justice as well as gratitude. But they probably proceeded from that side of the House which now, as heretofore, was content to follow, and whose sentiments, being more in unison with the instructions given to their own deputies, were likewise more conformable to the attitude assumed by Congress. For be it understood, there was a strong inequality of sentiment in this, as in all former meetings; nor was it long in displaying itself. Soon there arose a leader from the other side of the House who responded in a note of thunder to the preceding resolutions, as follows:

> "Resolved: that this colony be immediately put into a state of defense, and that -------- be a committee to prepare a plan for embodying, arming, and disciplining such a number of men as may be sufficient for that purpose."

The effect of this proposition was like a bolt from heaven upon the members of the Convention. A deep and painful sensation betrayed itself portending a desperate resistance to the measure. Long and vehement was the contest that succeeded. The resolution was opposed by all the aged, including some of the warmest patriots of

the Convention: Pendleton, Harrison, Bland, Nicholas, and even the sanguine and republican Wythe. Alluding to these gentlemen and their backwardness upon this occasion, Mr. Jefferson writes to a friend in 1815:

> "These were honest and able men who had begun the opposition on the same grounds, but with a moderation more adapted to their age and experience. Subsequent events favored the bolder spirits of Henry, the Lees, Pages, Mason, etc., with whom I went in all points. Sensible, however, of the importance of unanimity among our constituents, although we often wished to have gone on faster, we slackened our pace that our less ardent colleagues might keep up with us; and they, on their part, differing nothing from us in principle, quickened their gait somewhat beyond that which their prudence might, of itself, have advised, and thus consolidated the phalanx which breasted the power of Britain. By this harmony of the bold with the cautious, we advanced with our constituents in undivided mass and with fewer examples of separation than perhaps existed in any other part of the union."

These gentlemen were all characters of weight in the Colony, insomuch that in all proceedings of a popular bearing, it was essential to conciliate them. Their opposition, therefore, at this stage of their progress was a source of real anguish to the more ardent chiefs of the reform party. Their repugnance to the military proposition was as unfeigned as firm. They had never dreamed of carrying their resistance into more serious forms than those of petition, remonstrance and passive non-intercourse. With expectations yet warm and unclouded of a final reconciliation with the parent government, they shrunk with horror from any attitude which might endanger that result. Most of them were zealous Churchmen, ardently attached to the established religion of Great Britain, and dreaded a disruption from her on that account as from the anchor of their salvation. They directed the whole weight of their influence and exerted all the powers of their eloquence to defeat the measure; but their resistance was overborne by the impetuosity of that torrent which poured from the lips of the more resolute champions of freedom.

The resolution was moved by Mr. Henry and supported by him, by Mr. Jefferson, and the whole of that host which had achieved so much in council. They put their united resources into action and bore off the palm against the wisdom and pertinacity of the opposing corps. The proposition was carried, and no sooner was the vote declared than the opposing members, one and all, went over to the majority and lent their names to supply the blank in the resolution. They "quickened their gait somewhat beyond that which their prudence had of itself advised," and advanced boldly to a line with their colleagues. Mr. Jefferson was appointed on the committee to prepare the plan called for by the resolution. The committee met immediately and reported to the same Convention a plan for embodying, arming, and disciplining the militia, which was likewise adopted.

This was a revolutionary movement. In addition to the local advantages which it secured, it operated as a direct appeal to the sister Colonies and to Congress. But it was even more important as recognizing a fundamental principle. In the preamble to the resolution which bears the broad stamp of Mr. Jefferson's sentiments, it is declared "that a well-regulated militia composed of gentlemen and yeomen is the natural strength and only security of a free government; and that a standing army of mercenary soldiers is subversive of the quiet, dangerous to the liberties, and burthensome to the properties of the people."

Having disposed of this subject and transacted some other business of minor importance, the Convention proceeded to the election of Deputies to the ensuing Congress. They re-appointed the same persons; and foreseeing the probability that Peyton Randolph would be called off to attend a meeting of the House of Burgesses, they made choice of Mr. Jefferson to supply the vacancy. Lastly, having provided for a re-election of delegates to the next Convention, they adjoined.

We have now reached that precise date, May 1775, at which Mr. Jefferson announced that creed which he declared to Congress one year after and they so undauntedly promulgated to the world. "The God who gave us life, gave us liberty at the same time," was first; "the hand of force may destroy, but cannot disjoin them," was

last. The "hand of force" had been upraised; the sword had been drawn at Lexington, and blood had been spilt. From that moment all hope, not to say desire, of a peaceable accommodation was extinguished.

The following letter, written at this time, exhibits the state of his own and of the public mind on the intelligence of the first hostilities. It is one of the earliest examples of his published correspondence and was addressed to his college friend, William Small.

"May 7, 1775.

> "Dear Sir,-- Within this week we have received the unhappy news of an action of considerable magnitude between the King's troops and our brethren of Boston in which it is said five hundred of the former, with the Earl of Percy, are slain. That such an action has occurred is undoubted, though perhaps the circumstances may not have reached us with truth. This accident has cut off our last hope of reconciliation, and a frenzy of revenge seems to have seized all ranks of people. It is a lamentable circumstance that the only mediatory power acknowledged by both parties, instead of leading to a reconciliation of his divided people, should pursue the incendiary purpose of still blowing up the flames, as we find him constantly doing in every speech and public declaration. This may, perhaps, be intended to intimidate into acquiescence, but the effect has been most unfortunately otherwise. A little knowledge of human nature and attention to its ordinary workings might have foreseen that the spirits of the people here were in a state in which they were more likely to be provoked than frightened by haughty deportment. And to fill up the measure of irritation, a proscription of individuals has been substituted in the room of just trial. Can it be believed that a grateful people will suffer those to be consigned to execution whose sole crime has been the developing and asserting their rights? Had the Parliament possessed the power of reflection, they would have avoided a measure as impotent as it was inflammatory. When I saw Lord Chatham's bill, I entertained high hope that a reconciliation could have been brought about. The difference between his terms and those offered by our Congress might have been accommodated if entered on by both parties with a disposition to accommodate. But the dignity of Parliament, it seems, can brook no opposition to its power. Strange, that a set of men who have made sale of their virtue to the Minister should yet talk of retaining dignity! But I am getting into politics, though I sat down only to ask your acceptance of the wine and express my constant wishes for your happiness." (ME 4:26)

According to expectation, the General Assembly of Virginia was summoned by Governor Dunmore to meet on the 1st day of June, 1775, and Peyton Randolph was obliged to leave the chair of Congress to attend as speaker to that assembly. Thus was created the anticipated vacancy in the congressional delegation which Mr. Jefferson had been elected to fill. But he did not take his seat in that memorable body until some weeks after. A more imperious duty required his attention at home just at that moment.

Lord Dunmore had paraded the Legislature before him, declaring that His Majesty, in the plenitude of his royal condescension, had extended the "olive branch" to his discontented subjects in America, and opened the door of reconciliation upon such terms as demanded their grateful consideration and prompt acceptance. The olive branch proved to be the famous "Conciliatory Proposition" of Lord North, than which a more insidious overture or a more awkward attempt at diplomacy never disgraced the annals of ministerial intrigue. He immediately laid this proposal before the Legislature. Happily, Mr. Jefferson was a member, and he was entreated to delay his departure for Congress until this exciting subject should be disposed of. The speaker, Mr. Randolph, knowing that the same proposition had been addressed to the governors of all the colonies and anxious that the answer of the Virginia Assembly should harmonize with the sentiments and wishes of the body he had recently left, persuaded Mr. Jefferson to remain at his post. "He feared," says the latter, "the Mr. Nicholas, whose mind was not yet up to the mark of the times, would undertake the answer, and therefore pressed me to prepare an answer." (Autobiography, 1821. ME 1:14)

The import of this celebrated proposition was, that should any colony propose to contribute its proportion towards providing for the common defense, such proportion *to be disposable by Parliament,* and to defray the amount of its own civil list -- such colony, the proposal *being approved* by the parent government, should be exempted from all parliamentary taxes except those for the regulation of commerce, the net proceeds of which should be passed to its *separate* credit. It was perceived at once that an official proposition from the British court, so specious in its terms and at the same time so mischievous in its designs, required a fundamental evisceration and reply. Therefore, a committee of twelve of the strongest members was raised to devise the appropriate response, and to Mr. Jefferson, who was one of the committee, was assigned with one accord the exclusive preparation of the instrument. The admirable address with which he baffled the diplomacy of the British minister and the designs of his vaunted "Proposition," has been the theme of the historian and the statesman from that day on. The original draught was so strong that even the committee were in doubt; and although they consented to report it, they attacked it with severity in the House. But with the aid of Randolph, says Mr. Jefferson, "I... carried it through the House with long and doubtful scruples from Mr. Nicholas and James Mercer, and a dash of cold water on it here and there, enfeebling it somewhat, but finally with unanimity, or a vote approaching it." (ME 1:14)

In this paper, the author did not scruple to intimate to the minister that his proposition was perfectly understood on this side of the water: that its real object was to produce a division among the Colonies, some of which, it was supposed, would accept it and forsake the rest; or in failure of that, to afford a pretext to the people of England for justifying the Government in the adoption of the most coercive measures. He declared moreover that having examined it in the most favorable point of view, he was still compelled with pain and disappointment to conclude that it only changed the form of oppression without lightening its burden, and that therefore it must be met by a firm and unqualified rejection. He said that the proposal then made to them involved the interests of all the Colonies, and should have been addressed to them in their collective capacity. They were represented in a general Congress composed of Deputies from all the States whose union, he trusted, had been so strongly cemented that no partial application could produce the slightest departure from the common cause. They considered themselves as bound in honor as well as interest to share one general fate with their sister colonies, and should hold themselves as base deserters of the Union to which they had acceded were they to agree to any measure of a separate accommodation. This celebrated paper concludes with a religious exclamation, the want of which in some of the documents drawn by Mr. Jefferson has afforded a theme of unjust animadversion upon his views of the Divine superintendence.

> "These, my Lord, are our sentiments on this important subject which we offer only as an individual part of the whole empire. Final determination we leave to the General Congress now sitting before whom we all lay the papers your lordship has communicated to us. For ourselves, we have exhausted every mode of application which our invention could suggest as proper and promising. We have decently remonstrated with Parliament: they have added new injuries to the old; we have wearied our King with supplications: he has not deigned to answer us; we have appealed to the native honor and justice of the British nation: their efforts in our favor have hitherto been ineffectual. What then remains to be done? That we commit our injuries to the even-handed justice of that Being who doeth no wrong, earnestly beseeching Him to illuminate the councils and prosper the endeavors of those to whom America hath confided her hopes, that through their wise directions, we may again see re-united the blessings of liberty, prosperity, and harmony with Great Britain."

It may be considered fortunate that Virginia took the precedence of the other Colonies, perhaps even of Congress, in replying to this deceptive overture; and no less fortunate that the business of preparing the answer devolved on Mr. Jefferson. A less decisive and unequivocal stand at the outset would have admitted the entering wedge and perhaps ended in utter disorganization. It is not among the least of the merits of this performance that the "Union" is kept uppermost throughout and the word Congress sounded in the ears of his lordship at every step, sternly intimating that *that* is the door at which he must knock with all his messages of negotiation. Better evidence, however, of the high character of this production could not be given than the fact that on Mr. Jefferson's repairing to Philadelphia and conveying the first notice of it to Congress, that enlightened body were

so impressed with the ground taken that they very soon adopted it, after a slight revision by the author, as the concurrent voice of the nation. This circumstance accounts for the similarity of feature in the two instruments. Viewed in a political light, the present essay, like his "Rights of British America," proves the author's mind to have been indoctrinated in the great principles of the Revolution long before he wrote the Declaration of Independence. It's effect upon Lord Dunmore may be inferred from his answer a few days after its presentation to his Excellency. It was sufficiently laconic. "Gentlemen of the House of Burgesses: It is with real concern I can discover nothing in your address that I think manifests the smallest inclination to, or will be productive of, a reconciliation with the mother country."

This was the last regal Assembly that ever met in Virginia. They adjoined on the 24th of June, 1775, and the Governor could never afterwards collect a quorum. In a paroxysm of terror, he had some days before the 24th abandoned the palace and fled for refuge on board one of the British ships of war, declaring he would never return unless they accepted the conciliatory proposition of the Prime Minister. Although his Excellency returned, the people would never afterwards receive him or reverence his authority.

As this was the last, so was it the most important Assembly that was held under the royal government. By its decisions, a long stride was taken in the advancement of the general cause. The example was electric upon the other provinces and was felt with awe in the great American Council. "The constant gratitude," says Girardin, "of the American people will, through every succeeding generation, be due to this assembly of enlightened patriots. Had they upon this occasion have accepted of any partial terms of accommodation favorable to themselves alone and in exclusion of the rights of the other colonies, or had they been less firm in repelling the aggressions of the Governor, or less able in defending their own liberties, the cause of American Independence might probably have terminated very differently from what it actually did."

The fall of the regal power in Virginia commenced the literal verification of that blasting prophecy of Wilkes in the House of Commons the February before. But the "loss of the first province of the empire" was not followed, as he hoped, "with the loss of the heads of the Ministers." In the course of one of the most vehement and overwhelming onsets against the administration, and one of the most ardent and powerful discourses upon human liberty, every tittle of which was a prophecy, that intrepid defender of the rights of man uttered the following sentences. "In the great scale of empire, you will decline, I fear, from the decision of this day, and the Americans will rise to independence, to power, to all the greatness of the most renowned States; for they build on the solid basis of general public liberty... If you persist in your resolution, all hope of reconciliation is extinct. The Americans will triumph; the whole continent of North America will be dismembered from Great Britain, and the wide arch of the raised empire fall. But I hope the just vengeance of the people will overtake the authors of these pernicious counsels, and the loss of the first province of the empire be speedily followed by the loss of the heads of those Ministers who first invented them."

6. The Continental Congress

On the 21st of June, 1775, Mr. Jefferson took his seat in the grand council of arbiters to whom America had committed the direction of her destinies. In the origination of this Council, he had exercised a leading agency, and through the whole process of its establishment, had persevered with ardor.

He was now ushered upon a theatre broad enough to meet his own standard of thought and desire of action. His patriotism had comprehended the whole territory of British America and would stop at nothing short. The

Union had had its birthplace in his mind. It had been first breathed from his lips. He had pointed to it in all his propositions, and hurled it in defiance at the British Premier. The consolidation of the moral and physical energies of the continent was the first object of his ambition, and that object was now in a fair course of accomplishment.

Congress had been in session about six weeks when Mr. Jefferson arrived; yet an opportunity awaited him for impressing the tone of his sentiments upon the most important state paper that had yet been mediated.

On the 24th of June, the committee which had been appointed to prepare a *Declaration of the Causes of Taking Up Arms* brought in their report. The report, being disapproved by the majority, was recommitted, and Mr. Jefferson and Mr. Dickinson were added to the committee. This document was designed as a manifesto to the world, justifying a resistance to the parent government, and required a skillful preparation. The committee requested Mr. Jefferson to execute the draught. He excused himself, but on their pressing him with urgency, he consented. He brought it from his study and laid it before the committee. As anticipated by the writer, it was too strong for Mr. Dickinson, who still retained the hope of reconciliation with the mother country and was unwilling it should be lessened by offensive statements. "He was so honest a man," says Jefferson, "and so able a one, that he was greatly indulged even by those who could not feel his scruples." They therefore requested him to take the paper and remold it according to his own views. He did so, preparing an entire new statement and retaining of the former draught only the last four paragraphs and half of the preceding one. The committee approved and reported it. In Congress, it encountered the shrugs and grimaces of the revolutionary party in every quarter of the House, and the desire of unanimity, ever predominant, was the only motive which silenced their repugnance to its lukewarmness. A humorous circumstance attending its adoption is related by Mr. Jefferson. It shows the great disparity of opinion which prevailed in that body and the mutual sacrifices which were constantly required to preserve an unbroken column.

> "Congress gave a signal proof of their indulgence to Mr. Dickinson and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment. The disgust against this humility was general, and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, although further observation on it was out of order, he could not refrain from rising and expressing his satisfaction, and concluded by saying, 'There is but one word, Mr. President, in the paper which I disapprove, and that is the word *Congress;*' on which Ben Harrison rose and said, 'There is but one word in the paper, Mr. President, of which I approve, and that is the word *Congress*.'" (Autobiography, 1821. ME 1:16)

This production enjoyed a high reputation. The fact that Mr. Jefferson had any agency in its preparation, or that so radical an opposition of views existed in the Congress of 1775 was at first not known; nor indeed had many other interesting minutiae connected with our early history come to the light before the publication of his private "memoirs." As a literary performance and as a specimen of revolutionary fortitude perhaps unequaled, the effect of which was to charge the entire responsibility of the war upon Great Britain, the paper approved by Congress possesses great merit. But in a political point of view, it is insufferably tame and humiliating; though even in that light, it was the best, perhaps, that the circumstances of the times allowed, inasmuch as it coincided with the sentiments of the great majority of the American people. It abandoned the whole ground which Mr. Jefferson had taken in his draught, the ground which he had uniformly maintained in his previous writings, and the one which Congress themselves adopted the ensuing year as the only orthodox and tenable statement of their cause. It intimated a desire for an amicable compact, something like Magna Charta, in which doubtful, undefined points should be ascertained so as to secure that proportion of authority and liberty which would be for the general good of the whole empire. It claimed only a partial exemption from the authority of Parliament; expressed a willingness in the colonies to contribute, in their own way, to the expenses of government; but made a traverse, at last, in preferring the horrors of war to submission to the unlimited supremacy of Parliament. (Ramsay)

Such were the doctrines which influenced a very great majority of Congress. The actual revolutionists were a lean body in the House. The decision of character requisite to assume a posture so heretical at this time and so pregnant with the auguries of woe, desolation, and death, appeared almost supernatural. It was enjoyed by few even of that race of men. After stating the grounds upon which they rested the justification of their appeal to arms, the manifesto concludes in the language of Mr. Jefferson's draught.

It is worthy of remark that, while many historians have concurred in ascribing the entire production to Mr. Dickinson, they have at the same time generally quoted only Mr. Jefferson's conclusion.

> "We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers or resistance by force -- the latter is our choice. We have counted the cost of this contest and find nothing so dreadful as voluntary slavery. Honor, justice, and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them if we basely entail hereditary bondage upon them.
>
> "Our cause is just. Our union is perfect. Our internal resources are great; and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge as signal instances of the Divine favor towards us, that his Providence would not permit us to be called into this severe controversy until we were grown up to our present strength, had been previously exercised in warlike operation, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections, we most solemnly before God and the world *declare* that, exerting the utmost energy of those powers which our beneficent Creator hath graciously bestowed on us: the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die freemen rather than to live slaves.
>
> "Lest this declaration should disquiet the minds of our friends and fellow subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored -- necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them -- we have not raised armies with ambitious designs of separating from Great Britain and establishing independent States. We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies without any imputation or even suspicion of offence. *They* boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.
>
> "In our own native land, in defence of the freedom that is our birthright and which we ever enjoyed until the late violation of it -- for the protection of our property acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed -- and not before.
>
> "With an humble confidence in the mercies of the supreme and impartial Judge and Ruler of the universe, we most devoutly implore his divine goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the empire from the calamities of civil war."

This declaration was published to the army by General Washington, and proclaimed from the pulpit with great solemnity by the ministers of religion.

On the 22nd of July, Congress took into consideration the conciliatory proposition of Lord North. This was a final peace measure, and it is said they delayed their answer under pretext of dignity, with a view to wait the

event of the first actions from which they might draw some prognostics of the probable issue of the war. However this may be, they exercised great discrimination in constituting the committee who should prepare the instrument. Being elected by ballot, the number of votes received by each deciding his station on the committee -- which was in the following order: Dr. Franklin, Mr. Jefferson, John Adams, and Richard H. Lee. A stronger committee could not have been raised in that House. It combined the greatest maturity of judgment with the soundest revolutionary principles. It was a signal compliment to Mr. Jefferson, who was but a new member and the youngest man in the whole body. The answer of the Virginia Assembly upon the same subject having been read and admired, the committee requested its distinguished author to prepare the present report. He consented, and as before observed, made his reply on the former occasion the basis of this. The resulting resolution is intimately blended with the reputation of the writer, and next in importance at that time to the Declaration of Independence. [note]

On the first of August, Congress adjourned to meet again on the 5th of September following.

The following letters which Mr. Jefferson addressed at this critical time to a friend in England are rare revolutionary fragments. They show how little there was of anything but principle which entered into the motives of a principal actor and one who was proscribed as unpardonable among the movers of the rebellion.

"Monticello, August 25, 1775.

"Dear Sir,-- I am sorry the situation of our country should render it not eligible to you to remain longer in it. I hope the returning wisdom of Great Britain will, ere long, put an end to this unnatural contest. There may be people to whose tempers and dispositions contention is pleasing and who, therefore, wish a continuance of confusion; but to me it is of all states but one the most horrid. My first wish is a restoration of our just rights; my second, a return of the happy period when, consistently with duty, I may withdraw myself totally from the public stage and pass the rest of my days in domestic ease and tranquility, banishing ever desire of ever hearing what passes in the world. Perhaps (for the latter adds considerably to the warmth of the former wish) looking with fondness towards a reconciliation with Great Britain, I cannot help hoping you may be able to contribute towards expediting this good work. I think it must be evident to yourself that the Ministry have been deceived by their officers on this side of the water, who (for what purpose I cannot tell) have constantly represented the American opposition as that of a small faction in which the body of the people took little part. This, you can inform them, of your own knowledge is untrue. They have taken it into their heads, too, that we are cowards, and shall surrender at discretion to an armed force. The past and future operations of the war must confirm or undeceive them on that head. I wish they were thoroughly and minutely acquainted with every circumstance relative to America as it exists in truth. I am persuaded this would go far towards disposing them to reconciliation. I observe they pronounced in the last Parliament that the Congress of 1774 did not mean to insist rigorously on the terms they held out, but kept something in reserve to give up; and, in fact, that they would give up everything but the article of taxation. Now, the truth is far from this, as I can affirm, and put my honor to the assertion. Their continuance in this error may, perhaps, produce very ill consequences. The Congress stated the lowest terms they thought possible to be accepted in order to convince the world they were not unreasonable. They gave up the monopoly and regulation of trade and all acts of Parliament prior to 1764, leaving to British generosity to render these at some future time as easy to America as the interest of Britain would admit. But this was before blood was spilt. I cannot affirm, but have reason to think, these terms would not now be accepted. I wish no false sense of honor, no ignorance of our real intentions, no vain hope that partial concessions of right will be accepted, may induce the Ministry to trifle with accommodation till it shall be out of their power ever to accommodate. If, indeed, Great Britain disjointed from her colonies be a match for the most potent nations of Europe, with the colonies thrown into their scale they may go on securely. But if they are not assured of this, it would be certainly unwise, by trying the event of another campaign, to risk our accepting a foreign aid which, perhaps, may not be attainable but on condition of everlasting avulsion

from Great Britain. This would be thought a hard condition to those who still wish for re-union with their parent country. I am sincerely one of those, and would rather be in dependence on Great Britain, properly limited, than on any other nation on earth, or than on no nation. But I am one of those, too, who, rather than submit to the rights of legislating for us assumed by the British Parliament, and which late experience has shown they will so cruelly exercise, would lend my hand to sink the whole Island in the ocean.

"If undeceiving the Minister as to matters of fact may change his disposition, it will, perhaps, be in your power by assisting to do this, to render service to the whole empire at the most critical time, certainly, that it has ever seen. Whether Britain shall continue the head of the greatest empire on earth or shall return to her original station in the political scale of Europe depends, perhaps, on the resolutions of the succeeding winter. God send they may be wise and salutary for us all. I shall be glad to hear from you as often as you may be disposed to think of things here. You may be at liberty, I expect, to communicate some things consistently with your honor and the duties you will owe to a protecting nation. Such a communication among individuals may be mutually beneficial to the contending parties. On this or any future occasion, if I affirm to you any facts, your knowledge of me will enable you to decide on their credibility; if I hazard opinions on the dispositions of men or other speculative points, you can only know they are my opinions. My best wishes for your felicity attend you wherever you go; and believe me to be, assuredly, your friend and servant." (to John Randolph. ME 4:28)

"Philadelphia, Nov. 29, 1775.

"It is an immense misfortune to the whole empire to have a King of such a disposition at such a time. We are told, and everything proves it true, that he is the bitterest enemy we have. His Minister is able; and that satisfies me that ignorance or wickedness somewhere controls him. In an earlier part of this contest, our petitions told him that from our King there was but one appeal. The admonition was despised, and that appeal forced on us. To undo his empire, he has but one truth more to learn: that after colonies have drawn the sword, there is but one step more they can take. That step is now pressed upon us by the measures adopted, as if they were afraid we would not take it. Believe me, dear Sir: there is not in the British empire a man who more cordially loves a union with Great Britain than I do. But by the God that made me, I will cease to exist before I yield to a connection on such terms as the British Parliament propose; and in this, I think I speak the sentiments of America. We want neither inducement nor power to declare and assert a separation. It is will alone which is wanting; and that is growing apace under the fostering hand of our King. One bloody campaign will probably decide everlastingly our future course; and I am sorry to find a bloody campaign is decided on. If our winds and waters should not combine to rescue their shores from slavery and General Howe's reinforcement should arrive in safety, we have hopes he will be inspirited to come out of Boston and take another drubbing; and we must drub him soundly before the septered tyrant will know we are not mere brutes, to crouch under his hand and kiss the rod with which he deigns to scourge us. Yours, etc." (to John Randolph. ME 4:32)

Mr. Jefferson was re-elected to Congress in August, 1775, and again in June, 1776, continuing as a member of that body without intermission until he resigned his seat in September, 1776.

During his absence at Philadelphia, however, he was not inattentive to the affairs of his native state. He maintained a constant correspondence with the patriot leaders in that province, particularly Mr. Wythe, and stimulated them, if any stimulus was wanting, to the strongest measures of political enfranchisement. Having headed the principal movements of a civil character in Virginia, he exercised a preponderating influence in her councils.

7. Instituting New Government

The dissolution of the regal and substitution of the popular administration in Virginia was unattended by a single convulsion. But as yet, no settled form of government had been established. There was no constitution and no executive head. The legislative, judiciary, and executive functions were all lodged in one body -- the colonial convention. This was the grand depository of the whole political power of the province. Although confined to his station in Congress and oppressed with the cares of the general administration, Mr. Jefferson could not overlook in silence the dangers to be apprehended from so jarring a combination of fundamental powers in the political establishment of Virginia, and he exerted his influence to procure a more perfect organization at the meeting of the next convention.

The Convention assembled at Williamsburg on the 6th of May, 1776, when the vices of the existing system were removed by the adoption of a DECLARATION OF RIGHTS and a CONSTITUTION, which continued without alteration from that day until the convention of 1829. The subject was brought forward on the 15th of May by Colonel Archibald Cary, who moved the appointment of a committee "to prepare a declaration of rights and plan of government, to maintain peace and order in the colony, and secure substantial and equal liberty to the people." Whereupon a committee of thirty-four persons was appointed, consisting of the wisest heads and firmest hearts of Virginia, of whom the veteran republican, George Mason, was one.

The question now arises which has been so often asked -- What particular agency, if any, had Mr. Jefferson in the formation of the Virginia Constitution? He was distant from the scene of the Convention and immersed in the complicated duties of his official station. This question has been put to rest by Mr. Girardin in his continuation of Burke's *History of Virginia.* This gentleman had free access to Mr. Jefferson's papers while compiling his history and has presented the matter in a clear light.

It appears that the entire *Preamble* and some portions of the body of the instrument are the production of Mr. Jefferson; but the bulk of the constitution, including the Declaration of Rights, is the work of George Mason. Eager in the great work of political reformation, the former had composed at Philadelphia and transmitted to his friend Mr. Wythe the draught of an entire plan of government, comprehending a preamble, declaration of rights, and constitution. But his plan was not received until a previous one had gone through a committee of the whole and been submitted to the convention for their final sanction. It was then too late to adopt it entire. "Mr. Jefferson's valuable communication," says Mr. Girardin, "reached the convention just at the moment when the plan originally drawn up by Colonel George Mason and afterwards discussed and amended was to receive the final sanction of that venerable body. It was now too late to retrace previous steps; the session had already been uncommonly laborious, and considerations of personal delicacy hindered those to whom Mr. Jefferson's ideas were imparted from proposing or urging new alterations. Two or three parts of his plan, and the whole of his preamble, however, were adopted; and to this circumstance must be ascribed the strong similitude between the Preamble and the Declaration of Independence subsequently issued by the Continental Congress, both having been traced by the same pen." In the *Life of Patrick Henry,* it is also stated: "There now exists among the archives of this State an original rough draught of a Constitution for Virginia in the hand-writing of Mr. Jefferson containing this identical preamble. The body of the constitution had been adopted by the committee of the whole before the arrival of Mr. Jefferson's plan. His preamble, however, was prefixed to the instrument, and some of the modifications proposed by him introduced into the body of it."

The constitution was adopted unanimously on the 29th of June, 1776, and to that date may be referred the first establishment of self-government by a written compact in the western continent, and probably in the whole world. It formed the model for all the other States as they successively recovered themselves from the parent monarchy. The example of Virginia was soon followed by other provinces, and the popular administrations succeeded to the regal with astonishing rapidity.

The following paragraph in a letter to Major John Cartwright in 1824 will suffice to show the general light in which Mr. Jefferson viewed the first republican constitution, as well as the extent to which he carried his democratic theory in 1776.

> "Virginia, of which I am myself a native and resident, was not only the first of the States, but, I believe I may say, the first of the nations of the earth which assembled its wise men peaceably together to form a fundamental constitution, to commit it to writing, and place it among their archives where everyone should be free to appeal to its text. But this act was very imperfect. The other States, as they proceeded successively to the same work, made successive improvement; and several of them, still further corrected by experience, have by convention still further amended their first forms. My own State has gone on so far with its *premiere ebauche;* but it is now proposing to call a convention for amendment. Among other improvements, I hope they will adopt the subdivision of our counties into wards. The former may be estimated at an average of twenty-four miles square; the latter should be about six miles square each, and would answer to the hundreds of your Saxon Alfred. In each of these might be, 1. An elementary school. 2. A company of militia with its officers. 3. A justice of the peace and constable. 4. Each ward should take care of their own poor. 5. Their own roads. 6. Their own police. 7. Elect within themselves one or more jurors to attend the courts of justice. And 8. Give in at their Folk-house, their votes for all functionaries reserved to their election. Each ward would thus be a small republic within itself, and every man in the State would thus become an acting member of the common government, transacting in person a great portion of its rights and duties, subordinate indeed, yet important and entirely within his competence. The wit of man cannot devise a more solid base for a free, durable and well-administered republic." (June 5, 1824. ME 16:45)

This was the remarkable extent to which Mr. Jefferson carried his theory of popular government at the first "leap." That he had imbibed these doctrines so early as 1776 is evident, for in his celebrated Revisal of the Laws of Virginia commenced in the autumn of that year, he introduced a proposition for dividing the whole State into wards of six miles square, and for imparting to each those identical portions of self-government above described.

This Convention aspired to a higher agency in directing the course of the Revolution. The same hour which gave birth to the proposition for establishing the new government was signalized by the adoption of a recommendation which pointed directly to the grand object of the struggle. The resolution containing it was conceived in the following terms:

> "Resolved, *unanimously,* That the Delegates appointed to represent this Colony in General Congress be instructed to propose to that respectable body to DECLARE THE UNITED COLONIES FREE AND INDEPENDENT STATES, absolved from all allegiance to, or dependence upon, the Crown or Parliament of Great Britain; and that they give the assent of this Colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances and A CONFEDERATION OF THE COLONIES, at such time and in the manner as to them shall seem best. Provided, that the power of forming government for, and the regulation of, the internal concerns of each Colony, be left to the respective Colonial Legislatures."

The intelligence of this denouement was received with a general feeling of approbation throughout the country, and in many places with demonstrations of joy. It was the signal for corresponding manifestations in most of the provincial Legislatures, and in the course of a short period, a great majority of the Representatives in Congress were instructed to the same effect.

At this moment, the author of "Common Sense" lighted his fiercest torch. The efforts of this unrivaled propagandist were powerfully reinforced by those solid appeals to reason and conscience, which were propounded to individual characters of weight in different sections through the dignified medium of private correspondence. This was the great political lever of Mr. Jefferson. These active moral causes, mingling in

confluence, poured a steady stream of excitement into the popular mind. The brilliant success of the American arms in several important engagements strengthened the general feeling.

In Congress also, at this period (May 1776) corresponding advances had been made in political sentiment. The doctrines of Mr. Jefferson were now clearly in the ascendant. It was no longer heresy to maintain the sovereignty of the people and the coordinate sovereignty of the States with Great Britain in all matters of government, external as well as internal; at least, it was not so in practice, however it may have been in the abstract. The revolutionary party were predominant. A powerful minority, however, still existed who clung with filial reverence to the supposed ties which bound them in conscience and honor to the parent government. But happily, this party were terribly shaken in their faith by a recent act of Parliament which declared the Colonies in a state of rebellion and out of the protection of the British Crown. They reasoned from this that as protection and dependence were reciprocal, the one having ceased, the other might also; and that therefore, Great Britain herself had actually declared them independent! This was a sound conclusion, and who can sufficiently admire the stupendous folly of the British Parliament? Still, however, cautious approaches to the last extremities were requisite to preserve the general assent of the people.

A preparatory step was accordingly taken by the patriots which discovered great address. A resolution was proposed declaring that "whereas the government of Great Britain had excluded the United Colonies *from the protection of the Crown,* it was therefore irreconcilable to reason and good conscience for the people to continue their allegiance to the government under that crown"; and they accordingly recommended the several colonies *"to establish independent governments of their own."*

This resolution was adopted on the 15th of May, and by a remarkable coincidence, the Convention of Virginia had, on the same day, adopted the resolution appointing a committee to prepare a declaration of rights and plan of government for that colony. It is said that Mr. Jefferson, being constantly apprised of the progress of the Convention, promoted this singular concurrence of parallel results with a view to popular effect. Be this as it may, he was an ardent supporter of the measure in Congress, regarding it as the entering wedge to the grand proposition which he throbbed with impatience to see carried.

On the 29th of May, upon motion of Mr. Jefferson, Congress resolved "that an *animated* address be published to impress the minds of the people with the necessity of now stepping forward to save their country, their freedom, and their property." Being chairman of the committee upon this resolution, he prepared the address, and an *animated* one it was! It was conceived in his happiest manner, with a power of expression and of argument which carried conviction and courage to the breast of every man. This was another ingenious stroke of policy designed to prepare the popular mind for a favorable reception of the momentous decision in reserve.[note]

The plot of the drama now began to thicken. The delegates from Virginia received their instructions early in June and immediately held a conference to devise suitable means for their due execution. Richard H. Lee, being the oldest in the delegation and endowed with extraordinary powers of eloquence, was designated to make the introductory motion, and the seventh of June was ordered as the day. Accordingly, on that day he rose from his seat and moved that Congress should declare "That these United Colonies are, and of right ought to be *free and independent States;* that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a *Confederation* be formed to bind the colonies more closely together."

The House being obliged to attend at that time to some other business, the proposition was deferred till the next day when the members were ordered to attend punctually at ten o'clock.

Saturday, June 8th, Congress proceeded to take the subject into consideration, and referred it to a Committee of the Whole, into which they immediately resolved themselves and passed that day and Monday, the 10th, in warm and vehement debates.

The conflict was painful. The grounds of opposition to the measure affected its expediency as to time, rather than its absolute propriety, and were strenuously urged by Dickinson and Wilson of Pennsylvania, Robert R. Livingston of New York, Edward Rutledge of South Carolina, and some others. The leading advocates of the immediate declaration of independence were Mr. Jefferson, John and Samuel Adams, Lee, Wythe, and some others. The heads only of the arguments delivered on this interesting occasion have been preserved by one man alone -- Mr. Jefferson -- and they owe their first disclosure to the world to the publication of his "Memoirs." (Autobiography, 1821. ME 1:18)

The tenor of the debate indicated such a strength of opposition to the measure that it was deemed impolitic to press it at this time. The Colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not yet matured for falling from the parent stem; but as they were fast advancing to that state, it was thought most prudent to wait awhile for them. The final decision of the question was therefore postponed to the 1st of July. But that this might occasion as little delay as possible, it was ordered that a committee be appointed to prepare a DECLARATION OF IDEPENDENCE in accordance with the motion. Mr. Jefferson having the highest number of votes was placed at the head of this Committee; the other members were John Adams, Dr. Franklin, Roger Sherman, and Robert R. Livingston. The Committee met and unanimously solicited Mr. Jefferson to prepare the draught of the Declaration alone. He drew it; but before submitting it to the Committee, he communicated it separately to Dr. Franklin and Mr. Adams with a view to avail himself of the benefit of their criticisms. They criticized it and suggested two or three alterations, merely verbal, intended to soften somewhat the original phraseology. The Committee unanimously approved it, and on Friday, the 28th of June, they reported it to Congress, when it was read and ordered to lie on the table.

On Monday the first of July, agreeably to assignment, the House resolved itself into a committee of the whole and resumed the consideration of the preliminary motion. It was debated again through the day and finally carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina, and Georgia. South Carolina and Pennsylvania voted against it. Delaware had but two members present, and they were divided. The Delegates from New York declared they were for it themselves and were assured their constituents were for it, but that their instructions having been drawn near a twelvemonth before when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. They therefore thought themselves not justifiable in voting either side, and asked leave to withdraw from the question, which was granted them. In this state of things, the Committee rose and reported their resolution to the House. Mr. Edward Rutledge of South Carolina then requested that the decision might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate decision by the House was accordingly postponed to the next day, July 2nd, when it was again moved, and South Carolina concurred in voting for it. In the mean time, a third member had come post from the Delaware counties and turned the vote of that Colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania, her vote was changed, so that the whole twelve Colonies who were authorized to vote at all, gave their voice for it; and within a few days, July 9th, the Convention of New York approved of it, and thus supplied the void occasioned by the withdrawal of her Delegates from the question.

It should be observed that these fluctuations and the final vote were upon the *original motion* to declare the Colonies independent. Consideration of THE DECLARATION OF IDEPENDENCE was reserved until later that day, after the original motion was decided.

8. Declaration of Independence

After having approved the original motion asserting their independence, Congress proceeded the same day, July 2nd, to consider the *Declaration of Independence,* which had been reported the 28th of June and ordered to lie on the table. The debates were again renewed with great violence -- greater than before. Tremendous was the ordeal through which the title-deed of our liberties, perfect as it had issued from the hands of its artificer, was destined to pass. Inch by inch was its progress through the House disputed. Every dictum of peculiar political force and almost every expression was made a subject of acrimonious animadversion by the anti-revolutionists. On the other side, the champions of Independence contended with the constancy of martyrs for every tenet and every word of the precious gospel of their faith. Among the latter class, the Author of the Declaration himself has assigned to John Adams the station of preeminence. Thirty-seven years afterwards, he declared that "Mr. Adams was the pillar of its support on the floor of Congress, its ablest advocate and defender against the multifarious assaults it encountered." At another time, he said, "John Adams was our Colossus on the floor. Not graceful, not elegant, not always fluent in his public addresses, he yet came out with a power both of thought and of expression which moved us from our seats."

The debates were continued with unremitting heat through the 2nd, 3rd, and 4th days of July, till on the evening of the last -- the most important day perhaps, politically speaking, that the world ever saw -- they were brought to a close. The principle of unanimity finally prevailed; reciprocal concessions, sufficient to unite all on the solid ground of the main purpose, were made. In the generous spirit of compromise, however, some of the most splendid specifications in the American Character were surrendered. On some of these it is well known the author himself set the highest value, as recognizing principles to which he was enthusiastically partial and which were almost peculiar to him. His scorching malediction against the traffickers in human blood stood conspicuously among the latter. The light in which he viewed these depredations upon the original may be gathered from the following memorandum of the transaction in which also he betrays a fact in relation to New England that was not generally known.

> "The pusillanimous idea that we had friends in England worth keeping terms with still haunted the minds of many. For this reason, those passages which conveyed censures of the people of England were struck out lest they should give them offense. The clause, too, reprobating the enslaving the inhabitants of Africa was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. *Our northern brethren also, I believe, felt a little tender under those censures; for though the people had very few slaves themselves, yet they had been pretty considerable carriers of them to others.*" (Emphasis added. Autobiography, 1821. ME 1:27)

For purposes of comparing the original with the amended form, a portion of the Preamble to the Declaration, and the entire section relating to the slave trade, shall be presented as it came from the hands of the author. The parts of the Preamble stricken out by Congress are shown in *italics,* and enclosed in brackets; and those inserted by them are placed in the margin. The entire section relating to the slave trade was stricken by Congress.

A Declaration by the Representatives of the UNITED STATES OF AMERICA, in General Congress Assembled.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with [*inherent and*] inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations [*begun at a distinguished period and*] pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to [*expunge*] their former systems of government. The history of the present king of Great Britain is a history of [*unremitting*] injuries and usurpations,

certain

alter

repeated

[*among which appears no solitary fact to contradict the uniform tenor of the rest, but all have*] in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world [*for the truth of which we pledge a faith yet unsullied by falsehood.*]

all having

[*He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the LIBERTIES of one people, with crimes which he urges them to commit against the LIVES of another.*]

The sentiments of men are known by what they reject as well as by what they receive, and the comparison of the entire original with the amended form will demonstrate the singular forwardness of one mind on certain great principles of Political Science. The complete document with the original and amended form is available at the following location:

The Declaration of Independence
This presentation includes the complete text of Jefferson's original version with the changes made by Congress.

The world has long since passed judgment upon the relative merits of these two forms of the American Declaration and awarded the meed of preeminence to the primitive one. The amendments obliterated some of its best and brightest features, impaired the beauty and force of others, and softened the general tone of the whole instrument.

The Declaration thus amended in committee of the whole was reported to the House on the 4th of July, agreed to, and signed by every member present except Mr. Dickinson. On the 19th of July it was ordered to be engrossed on parchment, and on the 2nd of August, the engrossed copy, after being compared at the table with the original, was ordered to be signed by every member.

On the same day that Independence was declared, Mr. Jefferson was appointed one of a committee of three to devise an appropriate Coat of Arms for the republic of the "United States of America."

The Declaration was received by the people with unbounded admiration and joy. On the 8th of July, it was promulgated with great solemnity at Philadelphia and saluted by the assembled multitude with peals on peals of acclamation. On the 11th, it was published in New York and proclaimed before the American Army then assembled in the vicinity with all the pomp and circumstance of a military pageant. It was received with

exultation by the collected chivalry of the Revolution. They filled the air with their shouts and shook the earth with the thunders of their artillery. In Boston, the popular transports were unparalleled. The national manifesto was proclaimed from the balcony of the capitol in the presence of all the authorities, civil and military, and of an innumerable concourse of people. An immense banquet was prepared at which the authorities and all the principal citizens attended and drank toasts expressive of enthusiastic veneration for liberty and of detestation of tyrants. The rejoicings were continued through the night, and every ensign of royalty that adorned either the public or private edifice was demolished before morning.

Similar demonstrations of patriotic enthusiasm attended the reception of the Declaration in all the cities and chief towns of the continent.

In Virginia, the annunciation was greeted with graver tokens of public felicitation. The Convention decreed that the name of the King should be expunged from the liturgy of the established religion. All the remaining emblems of royal authority were superseded by appropriate representations of the new order of things. A new coat of arms for the commonwealth was immediately ordered.

The author of the Declaration himself was not unconscious of the amazing consequences which would flow from it when thus ushered before the world as the simultaneous fiat of the whole people. On the contrary, they formed the theme of his constant reflection and of his proudest prognostications. The emancipation of the whole family of nations as the ultimate result was the immovable conviction of his mind. It was in unison with the reveries of his early youth, and experience but confirmed him in the animating presentiment. Stirring effusions upon this topic abound in his private memoranda and in his familiar correspondence with friends. Speaking of the French Revolution as the first link in the chain of great consequences, he says in his notes upon that ill-starred drama:

> "As yet, we are but in the first chapter of its history. The appeal to the rights of man which had been made in the United States was taken up by France, first of the European nations. From her, the spirit has spread over those of the South. The tyrants of the North have allied indeed against it; but it is irresistible. Their opposition will only multiply its millions of human victims; their own satellites will catch it, and the condition of man will be finally and greatly meliorated. This is a wonderful instance of great events from small causes. So inscrutable is the arrangement of causes and consequences in this world, that a two-penny duty on tea, unjustly imposed in a sequestered part of it, changes the condition of all its inhabitants." (Autobiography, 1821. ME 1:158)

Again, in a letter to John Adams in 1823, the kindling prophecy is pursued.

> "The generation which commences a revolution rarely completes it. Habituated from their infancy to passive submission of body and mind to their kings and priests, they are not qualified when called on to think and provide for themselves; and their inexperience, their ignorance and bigotry, make them instruments often in the hands of the Bonapartes and Iturbides to defeat their own rights and purposes. This is the present situation of Europe and Spanish America. But it is not desperate. The light which has been shed on mankind by the art of printing has eminently changed the condition of the world. As yet, that light had dawned on the middling classes only of the men in Europe. The kings and the rabble, of equal ignorance, have not yet received its rays; but it continues to spread, and while printing is preserved, it can no more recede that the sun return on his course. A first attempt to recover the right of self-government may fail, so may a second, a third, etc. But as a younger and more instructed race comes on, the sentiment becomes more and more intuitive, and a fourth, a fifth, or some subsequent one of the ever renewed attempts will ultimately succeed. In France, the first effort was defeated by Robespierre, the second by Bonaparte, the third by Louis XVIII and his holy allies: another is yet to come, and all Europe, Russia excepted, has caught the spirit; and all will attain representative government, more or less perfect. This is now well understood to be a necessary check on kings, whom they will probably think it more prudent to chain and tame, than to exterminate. To attain all this, however, rivers of blood must yet flow, and years of desolation pass over; yet the object is worth rivers of blood and years of desolation. For what inheritance so valuable can man leave to his posterity? The

> spirit of the Spaniard and his deadly and eternal hatred to a Frenchman give me much confidence that he will never submit, but finally defeat this atrocious violation of the laws of God and man under which he is suffering; and the wisdom and firmness of the Cortes afford reasonable hope that that nation will settle down in a temperate representative government with an executive properly subordinated to that. Portugal, Italy, Prussia, Germany, Greece, will follow suit. You and I shall look down from another world on these glorious achievements to man, which will add to the joys even of heaven." (September 4, 1823. ME 15:465)

Such are the ulterior tendencies and probable results of this stupendous act. Enough has already been recounted to demonstrate that the author was scarcely more happy in originating its principles than in predicting its glorious consequences.

The term for which Mr. Jefferson had been elected to Congress expired on the 11th of August, '76, and he had communicated to the Convention of Virginia in June preceding, his intention to decline a re-appointment. But his excuses were overruled by that body, and he was unanimously re-elected. On receiving intelligence of the result, gratifying as it evidently was, he addressed a second letter to the chairman of the Convention in which he adhered to his original resolution as follows:

> "I am sorry the situation of my domestic affairs renders it indispensably necessary that I should solicit the substitution of some other person here in my room. The delicacy of the House will not require me to enter minutely into the private causes which render this necessary. I trust they will be satisfied I would not have urged it again, were it not unavoidable. I shall with cheerfulness continue in duty here till the expiration of our year, by which time I hope it will be convenient for my successor to attend." (to Edmund Pendleton, July, 1776. ME 4:259)

He continued in Congress until the 2nd of September following, when his successor having arrived, he resigned his seat and returned to Virginia.

Thus closed the extraordinary career of Mr. Jefferson in the Continental Congress. His actual attendance in that renowned Legislature had been only about nine months, and yet he had succeeded in impressing his character in distinct and legible traces upon the whole. The result is remarkable when considered in connection with his immature age. He had at this time attained only his thirty-third year, and was the youngest man but one in the session of '76.

We have been restrained by our design to the capital and distinguishing points in his course. The minor features of his service while engaged in conducting the general administration were proportioned to the same standard; but they are shorn of all interest by the overshadowing importance of his labors in the cause of the Revolution. In the multiplied transactions of a subordinate character which engaged the attention of the House, he sustained a corresponding reputation. To estimate the extent of his labors, it is only necessary to turn over the journals of Congress. In constituting the committees of importance, it was the policy, in general, to put Virginia at the head; and the effect of this policy was to throw him into the situation of chairman unusually often. No member probably served on more committees or executed a greater amount of business in proportion to his term of service than he did. The union of great practical ability with uncommon theoretical acuteness is an anomaly in the constitution of man. It is proverbial, however, that he displayed a promptitude no less remarkable in the ordinary details of legislation than in the high concerns of an abstract and metaphysical nature which were committed to him.

The retirement of Mr. Jefferson from a stage of action on which he had performed so much in the zenith of human popularity and at the first crisis of Independence may appear unaccountable with the lights already in the possession of the reader. The motives assigned by him seem clearly disproportioned to the act, reasoning from all analogy applicable to the human character at large, and compel us to resort to more competent sources of

information for a satisfactory solution of the mystery. The real and controlling motive of his resignation, but which his modesty would not permit him to urge to the Convention, is found inserted among his private "Memoirs." It is alike curious and honorable. He says, "The new government [in Virginia] was now organized, a meeting of the legislature was to be held in October, and I had been elected a member by my county. *I knew that our legislation under the regal government had many very vicious points which urgently required reformation, and I thought I could be of more use in forwarding that work.* I therefore retired from my seat in Congress on the 2nd of September, resigned it, and took my place in the legislature of my State on the 7th of October." (Autobiography, 1821. ME 1:53)

The whole secret of the transaction is here unveiled, and is singularly in unison with the reigning attribute of his character. Those who recollect the irrepressible anxiety which he felt for Virginia while in the crisis of her transition from the monarchical to the republican state, and the severe requisition which he made upon his own industry to secure the greatest practicable measure of freedom and liberality there, will be impressed with the admirable steadiness of purpose which influenced his present determination. The new government in the first province of free empire was now fairly put in motion, and he felt an invincible desire to participate in the measures of the first republican Legislature under it. Everything, he conceived, depended upon the stamp of political integrity that should be impressed upon the new institutions of a State government which was to set the example in the area of republican legislation, and which constituted so influential a member of the incipient confederacy. The principles of her present legal code were incompatible with the enjoyment of any considerable benefits under the change of administration, and required a fundamental revision and reduction to a consistent standard. The English common law with its odious and despotic refinements of feudal origin was in full force. Many of the British statutes of the most obnoxious character still existed, while the Virginia statutes themselves were scarcely less aristocratic and hostile to well-regulated liberty, presenting together an unwieldy and vicious mass of legislation, civil and religious, which, to the mind of the political reformer, presented stronger attractions than the scene in which he had just been distinguished by his labors. To have descended from an eminence in Congress which placed him near the helm of the Revolution to the subordinate station of representative to the municipal assembly was an act of magnanimity of which history furnishes few examples; but he was impressed with the necessity of carrying into action the sound principles which he had meditated during the first effort of emancipation; and now he thought was a propitious moment to place them on a safe foundation.

> "The spirit of the times," he said, "may alter, will alter. Our rulers will become corrupt, our people careless. A single zealot may commence persecutor, and better men be his victims. It can never be too often repeated that the time for fixing every essential right on a legal basis is while our rulers are honest and ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion." (Notes on Virginia, 1782. ME 2:224)

With the special design, therefore, of heading in person the great work of political regeneration which he had sketched for his country and for mankind, he early signified his determination to relinquish his station in the National Councils, and was immediately thereupon elected to a seat in the Legislature of Virginia.

Before following him into that body, however, the order of time requires us to notice a singular mark of distinction conferred on him by Congress. He had been absent from Philadelphia but a few days before he received the appointment of Commissioner to France with Dr. Franklin to negotiate treaties of alliance and commerce with that government. Silas Dean, then in France, acting as agent for procuring military supplies and for sounding the dispositions of the government towards us, was joined with them in the commission. The appointment was made on the last day of September, 1776. Greater importance was attached to the successful issue of this mission than to any other that had yet been meditated. The prevailing object of declaring

Independence had been to secure the countenance and assistance of foreign powers; and towards France, whose friendship and co-operation appeared most likely to be obtained, the hopes of the country were undividedly directed.

If anything could mark more unequivocally the respect of Congress for the abilities of Mr. Jefferson by this appointment, it was the fact of their having associated a young man of thirty-three with a venerable philosopher of seventy, then the most distinguished civil character in America.

But the same reasons which influenced his retirement from Congress induced him to decline accepting the foreign station also, as appears by the following letter addressed to the President of Congress.

"Williamsburg, October 11, 1776.

> "Honorable Sir,-- Your favor of the 30th, together with the resolutions of Congress of the 26th ultimo, came safe to hand. It would argue great insensibility in me, could I receive with indifference so confidential an appointment from your body. My thanks are a poor return for the partiality they have been pleased to entertain for me. No cares for my own person, nor yet for my private affairs, would have induced one moment's hesitation to accept the charge. But circumstances very peculiar in the situation of my family such as neither permit me to leave nor to carry it, compel me to ask leave to decline a service so honorable and at the same time so important to the American cause. The necessity under which I labor and the conflict I have undergone for three days, during which I could not determine to dismiss your messenger, will, I hope, plead my pardon with Congress; and I am sure there are too many of that body to whom they may with better hopes confide this charge, to leave them under a moment's difficulty in making a new choice. I am, sir, with the most sincere attachment to your honorable body, and the great cause they support, their and your most obedient, humble servant."

A more adequate and interesting revelation of his motives than is contained in the above letter is found among his private "Memoirs." After repeating the domestic causes already stated, he says: "*I saw, too, that the laboring oar was really at home where much was to be done of the most permanent interest in new-modeling our governments,* and much to defend our fanes and firesides from the desolations of an invading enemy pressing on our country in every point. I declined, therefore, and Dr. Lee was appointed in my place." (Autobiography, 1821. ME 1:75)

9. Revolution and Reform

Mr. Jefferson took his seat in the Legislature of Virginia on the 7th of October, 1776, the opening day of the session. The first object of reform which arrested his attention was the Judiciary System, the organization of which upon the broad basis of reason and common sense struck him as a measure of the first importance. Besides being indispensable to meet the external revolution of the government, such a scheme of improvement was eminently calculated to gain popular favor for the new order of things -- which should always be the first object of the reformer.

On the 11th of October, therefore, he obtained leave to bring in a Bill for the establishment of Courts of Justice. The proposition was referred to a committee, of which he was chairman. He drafted the ordinance; submitted it to the committee, by whom it was approved; and reported it to the House where, after passing through the ordinary course, it was adopted with unanimity.

The system proposed by Mr. Jefferson was simple in its organization and highly republican in its spirit. It was retained for many years essentially unaltered in the legal code of Virginia. It established the model for

succeeding Legislatures in different States as they successively proceeded to the same duty, and its main features were observable in the Judiciary Systems of all our State governments.

It divided the State into counties and erected three distinct grades of Courts: County, Superior, and Supreme. The quality and extent of jurisdiction prescribed to each grade were similar to the prevailing division on that subject in the federal courts. The trial by jury was guarded with extreme circumspection. In all questions of fact and law combined, the reference to a jury was made imperative in the courts of law, and the framer of the bill had designed to make it imperative also in the court of chancery; but the provision was defeated in the House by the introduction of a discretionary clause on motion of Mr. Pendleton, a gentleman of high English prejudices. The consequence has been that no suitor will say to his judge what amounts to, "Sir, I distrust you. Give me a jury!" Juries are rarely, perhaps never, seen in that court but when ordered by the chancellor of his own accord.

On the following day, October 12, Jefferson brought forward his celebrated bill for the abolition of the Law of Entails. This was a cardinal measure and a bold one for the political semi-barbarism of that age. Nor could a body of men have been easily selected upon whose sensibilities the proposition would have grated with more harshness than upon the aristocracy of a Virginia Assembly. The strong lines of discrimination impressed upon the society of Virginia during the early stages of the settlement are celebrated in history; nor has the genius of her republican institutions been entirely successful in obliterating those artificial and dissocial distinctions, or in extinguishing the high aristocratical spirit which they engendered. "In the earlier times of the colony," writes Mr. Jefferson, "when lands were to be obtained for little or nothing, some provident individuals procured large grants; and desirous of founding great families for themselves, settled them on their descendants in fee tail. The transmission of these estates from generation to generation in the same name raised up a distinct set of families who, being privileged by law in the perpetuation of their wealth, were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments." (Autobiography, 1821. ME 1:54) This order, having in process of time engulfed the greater part of the landed property and with it the political power of the province, remained *stationary,* in general, on the grounds of their forefathers; for there was no emigration to the westward in those days. The Irish, who had gotten possession of the valley between the Blue Ridge and the North Mountain formed a barrier over which none ventured to leap, and their manners presented no attractions to the opulent lowlanders to settle among them.

> "In such a state of things," says Mr. Jefferson, "scarcely admitting any change of station, society would settle down into several *strata,* separated by no marked lines, but shading off imperceptibly from top to bottom, nothing disturbing the order of their repose. There were, then, first aristocrats, composed of the great landholders who had seated themselves below tide-water on the main rivers and lived in a style of luxury and extravagance, insupportable by the other inhabitants, and which indeed ended in several instances in the ruin of their own fortunes. Next to these were what may be called *half-breeds:* the descendants of the younger sons and daughters of the aristocrats, who inherited the pride of their ancestors without their wealth. Then came the pretenders: men who from vanity or the impulse of growing wealth, or from that enterprise which is natural to talents, sought to detach themselves from the plebeian ranks to which they properly belonged and imitated at some distance the manners and habit of the great. Next to these were a solid and independent yeomanry, looking askance at those above, yet not venturing to jostle them. And last and lowest, a *feculum* of beings called overseers: the most abject, degraded, unprincipled race; always cap in hand to the dons who employed them, and furnishing materials for the exercise of their pride, insolence, and spirit of domination." (to William Wirt, August 5, 1815. ME 14:337) [note]

By birth and fortune, Mr. Jefferson belonged to the aristocracy; but his intellectual habits made him revolt at the indolence and voluptuousness which marked the lives of that order, and his political principles attached him by early and indissoluble sympathies to the solid and independent yeomanry.

> "Those who labor the earth," he early declared, "are the chosen people of God, if ever He had a chosen people, whose breasts He has made His peculiar deposit for substantial and genuine virtue. It is the focus

> in which He keeps alive that sacred fire which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example. It is the mark set on those who, not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on the casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes, perhaps, been retarded by accidental circumstances; but generally speaking, the proportion which the aggregate of the other classes of citizens bears in any State to that of its husbandmen is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption." (Notes on Virginia, 1782. ME 2:229)

Impressed with these strong, unsophisticated views, he beheld with an incessant desire of reformation the anti-republican features which characterized the social state of Virginia. The Law of Entails was the key-stone of this pernicious superstructure. Besides locking up the lands of the Commonwealth in the hands of a fixed nobility and thereby discouraging immigration, it legitimated the mastery of might over right, and in the most effectual forms. It was a weapon which the law itself superadded to the multitude of natural means to assist the strong in beating down and trampling upon the weak. It enabled the original and opulent proprietors of the "Ancient Dominion" or their descendants to perpetuate the supremacy of wealth over talents and virtue, and to entail upon society forever the most disastrous corruptions of monarchy. Creditors were defrauded of their honest debts, and bona fide purchasers were, in many instances, either deprived of their title altogether, or compelled to resort to courts of justice to substantiate it against innumerable entails. The abolition of this prerogative, therefore, was rightly deemed by Mr. Jefferson a first measure in republicanizing the institutions, manners and customs of his country.

> "To annul this privilege," says he, "and instead of an aristocracy of wealth, of more harm and danger than benefit to society, to make an opening for the aristocracy of virtue and talent which nature has wisely provided for the direction of the interests of society and scattered with equal hand through all its conditions, was deemed essential to a well-ordered republic. To effect it, no violence was necessary, no deprivation of natural right, but rather an enlargement of it by a repeal of the law. For this would authorize the present holder to divide the property among his children equally as his affections were divided; and would place them, by natural generation, on the level of their fellow citizens." (Autobiography, 1821. ME 1:54)

The repeal was resisted with desperation by the sturdy and inexorable barons of the Legislature. The opposition was headed by Edmund Pendleton, speaker of the House, a gentleman of great capacity, but zealously attached to ancient establishments. He had been under the protection of the lordly John Robinson, the acknowledged leader of the landed aristocracy for half a century, and the mantle of his patron had fallen upon himself. His personal influence was great and his powers as a debater were of a high order. For dexterity of address, fertility of resource, and parliamentary management, he was without a rival. With such a champion, some idea may be formed of the character and force of the opposition. But their resistance was unavailing. Finding they could not overthrow the general principle of the bill, they took their stand on an amendment which they proposed: instead of absolute abolition, to permit the tenant in tail to convey in fee simple if he chose it; and they were within a few votes of saving so much of the old law. But after a severe contest, the bill finally passed for entire abolition; and thus, to use the language of the author, was "broken up the hereditary and high-handed aristocracy which, by accumulating immense masses of property in single lines of family, had divided our country into two distinct orders of nobles and plebeians." The following short preamble introduces the act:

> "Whereas, the perpetuation of property in certain families, by means of gifts made to them in fee taille, is contrary to good policy, tends to deceive fair traders, who give credit on the visible possession of such estates, discourages the holders thereof from taking care and improving the same, and sometimes does injury to the morals of youth, by rendering them independent of, and disobedient to their parents; and whereas the former method of docking such estates taille, by special act of Assembly, formed for every

particular case, employed very much of the time of the legislature, and the same, as well as the method of defeating such estates when of small value, was burthensome to the public, and also to individuals:

"Be it therefore enacted, etc."

The next prominent heresy in the political system of Virginia which encountered the glance of the reformer was her religious establishment. This institution he considered one of the most preposterous and deleterious remnants of the repudiated monarchy; but his advances on this subject, in all its breadth and bearings, had left the rest of mankind, with few exceptions, far in the rear.

The church establishment of Virginia was of the Episcopal order, coeval with its first colonization, and in all respects a scion of the parent hierarchy. "The first settlers of this colony were Englishmen," writes Mr. Jefferson, "loyal subjects to their king and church, and the grant to Sir Walter Raleigh contained an express proviso that their laws 'should not be against the true Christian faith now professed in the Church of England.'" (Autobiography, 1821. ME 1:56) They emigrated from the bosom of the mother church at a point of time when it was flushed with complete victory over the religious of all other persuasions. Possessed as they became of the powers of making, administering, and executing the laws, they showed equal intolerance in this colony with their Presbyterian brethren who had emigrated to the northern governments. "As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church endowed with a fixed salary in tobacco, a glebe house and land, with the other necessary appendages. To meet these expenses, all the inhabitants of the parish were assessed, whether they were or were not members of the established church." The integrity of the institution was guarded by the severest penalties against schismatics. In addition to the common law provisions against heresy, making it a capital offense punishable by burning, their own statuary enactments were scarcely less flagitious. Several acts of the Virginia Assembly had made it penal in parents to refuse to have their children baptized; had prohibited the unlawful assembling of Quakers; had made it penal for any master of a vessel to bring a Quaker into the State; had ordered those already there and such as should come thereafter to be imprisoned till they should abjure the country; prescribed a milder punishment for the first and second return, but death for the third; had inhibited all persons from suffering their meetings in or near their houses, entertaining them individually, or disseminating books which supported their tenets. And so late as 1705, an act of Assembly was passed declaring, if any person brought up in the Christian religion denied the being of God or the Trinity, or asserted there were more Gods than one, or denied the Christian religion to be true, or the scriptures to be of divine authority, he was punishable on the first offense by incapacity to hold any office or employment, ecclesiastical, civil or military; on the second, by disability to sue, to take any gift or legacy, to be a guardian, executor or administrator, and by three years imprisonment without bail.

Such is an epitome of the religious slavery which existed at this time in Virginia; and if no executions had taken place, as in New England, it was not owing to the moderation of the church or spirit of the legislature, as may be inferred from the laws themselves, but to historical circumstances which have not been handed down to us. The convention which sat in May, '76, in their Declaration of Rights, had indeed proclaimed it to be a truth and a natural right that the exercise of religion should be free; "but when they proceeded," says Mr. Jefferson, "to form on that declaration the ordinance of government, instead of taking up every principle declared in the Bill of Rights and guarding it by legislative sanction, they passed over that which asserted our religious rights, leaving them as they found them." The whole catalogue of spiritual oppressions, therefore, was reserved for himself to wipe away; to effect which was an enterprise of a more desperate character than any he had ever undertaken. The excitement of the revolution was a powerful auxiliary to him, but the state of the country in general exhibited the strange phenomenon of a people devoting their lives and fortunes for the recovery of their civil freedom, and yet clinging to a mental tyranny tenfold more presumptuous and paralyzing. Other moral causes still more efficacious combined with the spirit of the revolution to assist him in the arduous labor of spiritual disenchantment. These causes are summarily stated by himself:

> "In process of time, however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these, generally, the emoluments of a classical school, found employment enough in their farms and schoolrooms for the rest of the week, and devoted Sunday only to the edification of their flock by service and a sermon at their parish church. Their other pastoral functions were little attended to. Against this inactivity, the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the revolution, a majority of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the pastors of the minority. This unrighteous compulsion to maintain teachers of what they deemed religious errors was grievously felt during the regal government and without a hope of relief. But the first republican legislature, which met in '76, was crowded with petitions to abolish this spiritual tyranny." (Autobiography, 1821. ME 1:57)

Encouraged by the rising spirit of determination among the dissenters and relieved from the complicated restraints which externally barred all improvement under the monarchy, he commenced his attack on the then dominant religion early in the session, to wit, on the 11th of October. This bold movement, supported by the incessant and well directed appeals of the petitioners, roused the privileged clergy from their protracted inertness. Counter memorials, accordingly, poured in from every quarter, soliciting a continuance of the ecclesiastical polity upon principles of justice, wisdom, and expediency. They represented that the repeal of the church establishment would be an ex post facto enactment, and a violation of the public faith; that the Episcopal clergy had entered upon their endowments with the plighted obligation of the government to continue them therein during life or good behavior as a compensation for their services; and that they held them by a tenure as sacred as that by which any man has secured to him his private property; that the Episcopalians did not mean to encroach on the religious rights of any sect of men, yet they conceived the existing institution, consecrated by the practice of so many years, as eminently conducive to the peace and happiness of the State; that much confusion and probably civil commotions would attend the proposed change; and finally, that an appeal should be made for the decision of so important a question to the sentiments and wishes of the people at large. The petitions, on the other hand, expatiated upon the theme of liberty and blended with unanswerable demonstrations of right and reason the expostulations of bereaved freemen.

The subject was referred to the committee of the whole house on the state of the country, with the multitude of appertaining memorials and remonstrances. "These," says Jefferson in 1821, "brought on the severest contests in which I have ever been engaged. Our great opponents were Mr. Pendleton and Robert Carter Nicholas -- honest men, but zealous churchmen." (ME 1:57) The majority of the legislature, unfortunately, were of the same stamp, which forced on Mr. Jefferson an alteration in the mode of attack. Finding he could not maintain the ground on which he set out, he varied his position from absolute to partial abolition; and after vehement contests in the committee almost daily from the 11th of October to the 5th of December, he prevailed so far only as to repeal the laws which rendered the maintenance of any religious opinions criminal, the forbearance of repairing to church, or the exercise of any mode of worship. By the same act also, he secured a provision exempting dissenters from contributions to the support of the established church and suspending until the next session only, levies on the members of the church for the salaries of their own incumbents. But his opponents inserted a declaratory saying that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy and superintending their conduct. They also succeeded in incorporating an express reservation of the ultimate question, Whether a general assessment should not be established by law on every one to support the pastor of his choice, or whether all should be left to free and voluntary contributions?

This question, the last prop of the tottering hierarchy, reduced the struggle to one of pure principle. The particular object of the dissenters being secured, they deserted the volunteer champion of their cause and went over in a body to the advocates of a general assessment. This step showed them incapable of religious liberty upon an expansive scale, or broader than their own interests as schismatics. The defection of the dissenters, painful as it was, only stimulated his desire for total abolition, since it developed more palpably the evidence of its necessary. He remained unshaken at his post and brought on the reserved question at every session for three

years afterwards, during which time he could only obtain a suspension of the levies from year to year, until the session of '79 when, by his unwearied exertions, the question was carried definitively against a general assessment, and the establishment of the Anglican church entirely overthrown.

Thus was the cause of religious liberty astonishingly advanced. But still the work was incomplete. Statutory oppressions were disannulled, but those which existed at the common law continued in force; nor were the advantages already gained secured by any positive legislative sanction. The proceedings hitherto upon the subject were of a belligerent character, and although crowned with success, were regarded by the mover in great part as an experiment upon public opinion, "indicative," as he expressed it, "of the general pulse of reformation." The barrier subsequently erected for perpetual security of the rights of which he procured the recognition, forms the conclusion of this impressive drama. We allude to his celebrated Religious Freedom Bill, universally regarded as one of the chief bulwarks of human rights. As it constitutes a part of his general code of revisal, the merits of this bill will be more particularly considered when we come to develop the features of that great and useful labor.

The next prominent corruption of the monarchy which Mr. Jefferson regarded as fatally inconsistent with the republican change was the existence and the practice of slavery. We have already seen him on two occasions exerting his talents and raising his voice in awful admonition against the continuance of this atrocious and wide spread injustice. The result of his former attempt in the Legislature, which was abased upon manumission (i.e., the permission to emancipate), had convinced him of the utter impracticability of maintaining that ground, and of the necessity of attacking the evil in such a mode as should militate less diametrically against the interest and prejudices of the reigning population. He took his stand, therefore, upon a proposition to abolish the execrable *commerce* in slaves, which, by stopping importation, would arrest the increase of the evil and diminish the obstacles to eventual eradication. But the business of the war pressing heavily upon the Legislature, the subject was not acted upon definitively until the session of 1778, when the bill was carried without opposition and the slave trade triumphantly abolished in Virginia. The importance of this measure and the grounds upon which the author may contest the merit of priority with the world in the benevolent enterprise of African emancipation will be more particularly explained at that period of his history.

10. Revising Virginia's Legal Code

The preceding chapter considered some of the efforts in legislation with which Mr. Jefferson commenced the process of republicanizing the institutions of America in the first State Legislature that was organized after the dissolution of the monarchy. They were all, it will be perceived, of an elementary character and highly democratic in their object and tendency. But still, the interesting work was only begun. The plan he originally proposed on determining to leave the floor of Congress comprehended the recasting into other republican forms the anciently established and generally received basis of civil government.

> "So far," says he in his brief notes of these transactions, "we were proceeding in the details of reformation only, selecting points of legislation prominent in character and principle, urgent, and indicative of the strength of the general pulse of reformation. When I left Congress in 1776, it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government; and now that we had no negatives of Councils, Governors and Kings to restrain us from doing right, that it should be corrected in all its parts with a single eye to reason and the good of those for whose government it was framed." (Autobiography, 1821. ME 1:62)

In pursuance of his original design, therefore, he now brought forward a proposition which was recorded in the statute books of Virginia in the following terms:

> "Whereas, on the late change which hath of necessity been introduced into the form of government in this country, it is become also necessary to make corresponding changes in the laws heretofore in force; many of which are inapplicable to the powers of government as now organized, others are founded on principles heterogeneous to the republican spirit; others, which long before such change, had been oppressive to the people, could yet never be repealed while the regal power continued; and others, having taken their origin while our ancestors remained in Britain, are not so well adapted to our present circumstances of time and place; and it is also necessary to introduce certain other laws, which, though proved by the experience of other States to be friendly to liberty and the rights of mankind, we have not heretofore been permitted to adopt; and whereas a work of such magnitude, labor, and difficulty, may not be effected during the short and busy term of a session of assembly:
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> "Be it therefore enacted, by the General Assembly of the Commonwealth of Virginia, and it is hereby enacted by the authority of the same,--That a committee, to consist of five persons, shall be appointed by joint ballot of both houses, (three of whom to be a quorum,) who shall have full power and authority to revise, alter, amend, repeal, or introduce all or any of the said laws, to form the same into bills, and report them to the next meeting of the General Assembly."

The resolution was passed on the 24th of October, 1776, and on the 5th of November, Mr. Jefferson, as chairman, was associated in a commission with Edmund Pendleton, George Wythe, George Mason and Thomas Ludwell Lee to execute the contemplated revisal. The commissioners were elected by a joint ballot of both houses; and the choice resulted in the selection of an assemblage of characters which united the first order of capacity, intelligence, and legal research to the highest revolutionary principles. Suitable provisions were added to render the execution of a work of such magnitude and difficulty as easy and expeditious as practicable, and such was the importance attached to the result of their labors that the assembly excused Mr. Wythe from his attendance in Congress, to secure his undivided cooperation. Having accepted the arduous charge, the committee of revisors immediately came to an agreement to meet at Fredericksburg, in January ensuing, to settle the plan of operation and to distribute the work. The foundation was thus laid for the great republican lawgiver to pursue his system of reform so auspiciously commenced in all the latitude of his long-cherished and well-expressed purpose: "with a single eye to reason and the good of mankind."

In the midst of this brisk action of the republican administration, an irregularity occurred which, had it been permitted to prevail, would have been a standing evidence of the incapacity of man for self-government. The autumn of 1776 was one of the most distressing periods of the revolution. The courage of the country seemed to be breaking down. The fortitude of the Virginia legislature fell for a season, and in a moment of terror and despondency, the frantic project was seriously meditated of creating a *Dictator,* invested with every power: legislative, executive and judiciary, civil and military, of life and of death. The scheme originated with an anti-republican portion of the House and excited a tempest of altercation, threatening a violent dissolution. A discordancy of political views was immediately developed which before was thought impossible in that legislature. The republican and the monarchist stood unveiled as if by the power of magic, and such was the spirit of mutual hostility that they walked the streets on different sides. It was on this occasion that Col. Archibald Cary, mover of the celebrated resolutions of Independence and the Speaker of the Senate, manifested a patriotic sternness which should place him in history by the side of Cato and Brutus. (Girardin, p. 192) Meeting Col. Syme, the step-brother of Patrick Henry, in the lobby of the House during the agitation, he accosted him with great fierceness in the following terms: "I am told that your brother wishes to be dictator. Tell him from me that the day of his appointment shall be the day of his death; for he shall feel my dagger in his heart before the sunset of that day." [note] The emotions excited in the mind of Mr. Jefferson, who was eminently instrumental in crushing the parricidal project, may be inferred from that nervous and able development of its nature and tendency which he wrote soon after this event. The following is an extract:

"One who entered into this contest from a pure love of liberty and a sense of injured rights, who determined to make every sacrifice, and to meet every danger for the re-establishment of those rights on a firm basis, who did not mean to expend his blood and substance for the wretched purpose of changing this master for that, but to place the powers of governing him in a plurality of hands of his own choice so that the corrupt will of no one man might in future oppress him, must stand confounded and dismayed when he is told that a considerable portion of that plurality had meditated the surrender of them into a single hand, and, in lieu of a limited monarch, to deliver him over to a despotic one! How must we find his efforts and sacrifices abused and baffled, if he may still by a single vote be laid prostrate at the feet of one man! In God's name, from whence have they derived this power? Is it from our ancient laws? None such can be produced. Is it from any principle in our new constitution, expressed or implied? Every lineament of that, expressed or implied, is in full opposition to it. Its fundamental principle is, that the state shall be governed as a commonwealth. It provides a republican organization, proscribes under the name of *prerogative* the exercise of all powers undefined by the laws; places on this basis the whole system of our laws; and, by consolidating them together, chooses that they shall be left to stand or fall together, never providing for any circumstances, nor admitting that such could arise, wherein either should be suspended, no, not for a moment. Our ancient laws expressly declare, that those who are but delegates themselves shall not delegate to others powers which require judgment and integrity in their exercise. -- Or was this proposition moved on a supposed right in the movers of abandoning their posts in a moment of distress? The same laws forbid the abandonment of that post, even on ordinary occasions; and much more a transfer of their powers into other hands and other forms, without consulting the people. They never admit the idea that these, like sheep or cattle, may be given from hand to hand without an appeal to their own will. -- Was it from the necessity of the case? Necessities which dissolve a government, do not convey its authority to an oligarchy or a monarchy. They throw back, into the hands of the people, the powers they had delegated, and leave them as individuals to shift for themselves. A leader may offer, but not impose himself, nor be imposed on them. Much less can their necks be submitted to his sword, their breath be held at his will or caprice. The necessity which should operate these tremendous effects should at least be palpable and irresistible... [note] In this state alone did there exist so little virtue, that fear was to be fixed in the hearts of the people, and to become the motive of their exertions and the principle of their government? The very thought alone was treason against the people; was treason against mankind in general; as riveting forever the chains which bow down their necks by giving to their oppressors a proof, which they would have trumpeted through the universe, of the imbecility of republican government in times of pressing danger to shield them from harm. Those who assume the right of giving away the reins of government in any case, must be sure that the herd, whom they hand on to the rods and hatchet of the dictator, will lay their necks on the block when he shall nod to them. But if our assemblies supposed such a resignation in the people, I hope they mistook their character. I am of opinion, that the government, instead of being braced and invigorated for greater exertions under their difficulties, would have been thrown back upon the bungling machinery of county committees for administration, till a convention could have been called, and its wheels again set into regular motion. What a cruel moment was this for creating such an embarrassment, for putting to the proof the attachment of our countrymen to republican government!" (Notes on Virginia, 1782. ME 2:174)

On the 13th of January, 1777, the committee appointed to revise the laws assembled at Fredericksburg to settle the general principles of execution and to distribute the labor. In relation to the first business of the consultation, the primary question was: Whether they should propose to abolish the whole existing system of laws and prepare a new and complete Institute, or preserve the general system and only modify it to the present state of things? "Mr. Pendleton," writes Mr. Jefferson, "contrary to his usual disposition in favor of ancient things, was for the former proposition, in which he was joined by Mr. Lee." (Autobiography, 1821. ME 1:62) To this it was objected by Mr. Jefferson that to abrogate the whole system would be a bold measure and probably far beyond the views of the legislature; that they had been in the practice of revising from time to time the laws of the colony, omitting the expired, the repealed and the obsolete, amending only those retained, and that they probably now intended the committee should do the same, only including the British statutes as well as our

own; that to compose a new institute like those of Justinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous undertaking of vast research, of great consideration and judgment; and when reduced to a text, every word of that text, from the imperfection of human language and its incompetence to express distinctly every shade of idea, would become a subject of question and chicanery until settled by repeated adjudications; that this would involve us for ages in litigation and render property uncertain until, like the statutes of old, every word had been tried and settled by numerous decisions and by new volumes of reports and commentaries; and, to be systematical, it must be the work of one hand. This last was the opinion also of Mr. Wythe and Mr. Mason, and was consequently adopted as the rule. They then proceeded to the distribution of the labor, upon which Mr. Mason excused himself as, being no lawyer, he felt himself unqualified to participate in the execution of the work. Mr. Lee excused himself on the same ground. The whole undertaking consequently devolved on Mr. Jefferson, Mr. Pendleton and Mr. Wythe, who divided it among themselves in the following manner: The common law and statutes to the 4th James I, when Virginia's separate legislature was established, were assigned to Mr. Jefferson; the British statutes from that period to the present time, to Mr. Wythe; and the Virginia laws to Mr. Pendleton.

As the law of descents and the criminal law fell within the portion assigned to Mr. Jefferson, in both of which he designed to introduce certain fundamental changes, he submitted his intentions to the committee for their approbation. First, with respect to descents, he proposed to abolish the law of primogeniture and to make real estate heritable in equal partition to the next of kin as personal property was by the statute of distribution. Mr. Pendleton objected to the plan and insisted upon preserving the right of primogeniture; but finding he could not maintain the whole, he proposed to give a double portion to the elder son. In reply, Mr. Jefferson observed, "that if the elder son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers and wants with his brothers and sisters, he should be on a par also in the partition of the patrimony." (Autobiography, 1821. ME 1:64) The argument was conclusive, and the other members of the committee concurring with him, the principle was adopted.

On the subject of the criminal law, he proposed as a fundamental rule that the punishment of death should be abolished in all cases except for treason and murder. The humanity of this proposition is illustrated by the fact that at this time, the penal code of Great Britain comprehended more than two hundred offenses, besides treason and murder, punishable by hanging, many of which were of so venial a nature as scarcely to deserve punishment at all. The innovation recommended would sweep from the parent code all its cruel and sanguinary features without impairing its energy, as modern experience has proved, and present an example to mankind of wise and philanthropic legislation, which of itself would be enough to immortalize the revolution. The proposition was approved by the committee, and for all felonies less than treason and murder, it was agreed to substitute in the place of capital punishment, hard labor in the public works, and in some cases the *lex talionis,* or law of retaliation. With the last mentioned substitute, Mr. Jefferson was dissatisfied, but acquiesced in the decision of the board. "How this revolting principle," says he, "came to obtain our approbation, I do not remember. There remained, indeed, in our laws a vestige of it in a single case of a slave. It was the English law in the time of the Anglo-Saxons, copied probably from the Hebrew law of 'an eye for an eye, a tooth for a tooth,' and it was the law of several ancient people; but the modern mind had left it far in the rear of its advances." (Autobiography, 1821. ME 1:65) Having decided upon these general principles as the basis of revision, they repaired to their respective abodes to accomplish the magnificent design.

11. Ending the Slave Trade

During the years 1777 and 8, the anxieties and agitations of the war weighed so heavily and constantly upon the legislature, that little attention could be spared to advancing the progress of political reform. Mr. Jefferson continued a member, but in obedience to more pressing engagements, suspended in great part the ruling purpose of his mind and buried himself in the external concerns of revolution. In all the practical details of legislation,

he contributed his full quota of service; but they are too voluminous for incorporation into this work. Not a moment was passed unemployed. Every interval which could be safely spared from his duties in the legislature was devoted to the preparation of the revised code of Virginia or to a vigilant circumspection of the national affairs.

The following letter to Dr. Franklin, then in Paris, evinces the satisfaction with which he contemplated the establishment of republicanism in his native State, as well as the anxiety and zeal which he carried into every department of the public service.

Virginia, August 13, 1777.

> "Honorable Sir,--I forbear to write you news, as the time of Mr. Shore's departure being uncertain, it might be old before you receive it, and he can in person possess you of all we have. With respect to the State of Virginia in particular, the people seem to have laid aside the monarchical and taken up the republican government with as much ease as would have attended their throwing off an old and putting on a new suit of clothes. Not a single throe has attended this important transformation. A half-dozen aristocratical gentlemen, agonizing under the loss of preeminence, have sometimes ventured their sarcasm on our political metamorphosis. They have been thought fitter objects of pity than of punishment. We are at present in the complete and quiet exercise of well-organized government, save only that our courts of justice do not open till the fall. I think nothing can bring the security of our continent and its cause into danger if we can support the credit of our paper. To do that, I apprehend one of two steps must be taken. Either to procure free trade by alliance with some naval power able to protect it; or, if we find there is no prospect of that, to shut our ports totally to all the world and turn our colonies into manufactories. The former would be most eligible, because most conformable to the habits and wishes of our people. Were the British Court to return to their senses in time to seize the little advantage which still remains within their reach from this quarter, I judge that, on acknowledging our absolute independence and sovereignty, a commercial treaty beneficial to them and perhaps even a league of mutual offense and defense might, not seeing the expense or consequences of such a measure, be approved by our people, if nothing in the mean time done on your part should prevent it. But they will continue to grasp at their desperate sovereignty till every benefit short of that is forever out of their reach. I wish my domestic situation had rendered it possible for me to join you in the very honorable charge confided to you. Residence in a polite Court, society of literati of the first order, a just cause and an approving God will add length to a life for which all men pray, and none more than
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> "Your most obedient and humble servant." (ME 4:34)

In addition to the military operations which engaged the attention of the legislature, two important transactions of a civil character, in both of which Mr. Jefferson took the lead, distinguished the autumnal session of 1777. These were the ratification of the Articles of Confederation and Perpetual Union, proposed by Congress on the 17th of November, 1776, and the adoption of a plan to dispose of the unappropriated western lands of Virginia, with the proceeds to be applied to the creation of a sinking fund for discharging the public debt. A loan office was established in which the waste lands were registered and sold from time to time on moderate terms for the benefit of the State. In the then posture of affairs, no measure could have been proposed more directly and widely beneficial; it opened an incalculable resource for the support of the public credit.

The May session of 1778 also, notwithstanding the exigencies of the war, was distinguished by a civil transaction which is intimately connected with the reputation of Mr. Jefferson and the honor of our country, namely the abolition of the Slave Trade. The bill for this purpose was introduced by him in October, 1776, but was not acted upon finally until this session. A more particular illustration of the merits of this bill is provided by an historical comparison of the efforts of other nations. The British empire has claimed the honor of having set the example of the renunciation of this diabolical traffic, and Lord Castlereagh declared in the House of

Commons on the 9th of February, 1818, that on the subject of making the slave trade punishable by law, Great Britain had led the way. A slight recurrence to dates, however, will unfold the historical truth on this point.

In the year 1791, Mr. Wilberforce, who is considered the father of African slave-trade abolition in England, made his first grand motion to that effect in the House of Commons. After a vehement and protracted debate, in the course of which Mr. Fox said that "if the house did not, by their vote, mark to all mankind their abhorrence of a practice so savage, so enormous, so repugnant to all laws human and divine, they would consign their character to eternal infamy," the motion was lost by a considerable majority. The ensuing year, he renewed his proposition with unabated ardor, and again it was rejected by the house. They nevertheless manifested some relaxation in their repugnance to the general principle by voting a gradual abolition the same year; but the House of Lords refused to concur. The same vote was again carried in 1794 in Commons by a very thin house, but lost with the peers by a majority of forty-five to four. Similar results attended the indefatigable exertions of the abolitionists for fourteen years, and it was not until the 25th of March, 1807, that England consented to renounce the slave trade by a law which enacted that no vessels should clear-out for slaves from any port within the British dominions after the 1st of May, 1807, and that no slave should be landed in the colonies after the first of March, 1808.

On the 16th of March, 1792, Denmark promulgated a law which interdicted the slave trade on the part of Danish subjects after the commencement of the year 1803, and which prescribed that all importations of slaves into the Danish dominions should cease at the same period. Sweden, who had never authorized the traffic, consented to its prohibition in 1813, and the King of the Netherlands, in 1814. In France, Bonaparte interdicted it immediately on his return from Elba in 1815. In 1816, Spain stipulated in a treaty with England to renounce the trade entirely after the 30th of March, 1820, in consideration of the sum of four hundred thousand pounds sterling. About the same time also, a treaty was concluded by the same power with Portugal in which she required the period of eight years to complete the work of abolition, together with certain material changes in the commercial relations of the two countries. (Walsh's Appeal, pp. 320-364.)

From the foregoing statements, it appears that the honor of having set the example in the magnanimous work of African slave-trade abolition, belongs clearly and absolutely to America. That Virginia was the first sovereign and independent State, herself a slave-holding community, which renounced this nefarious commerce; that she preceded Great Britain by twenty-nine years, and the other principal slave-dealing powers in Europe, except Denmark, by more than thirty-five years; and that among the multitude of statesmen and philanthropists whose praises have been deservedly emblazoned for their splendid successes in this species of legislation, the merit of priority and of self-denying patriotism attaches incontestably to Mr. Jefferson. The bill which he submitted to the legislature and which finally received their sanction, prohibited under heavy penalties the introduction of any slave into Virginia by land or by water, and declared that every slave imported contrary thereto should be immediately free, excepting such as might belong to persons emigrating from the other States, or be claimed by discount, devise, or marriage, or be at that time the actual property of any citizen of the commonwealth residing in any other of the United States, or belong to travelers making a transient stay and carrying their slaves away with them. The circumstance ought not to be overlooked that this important triumph was achieved amid the turbulence and anxiety of revolution, thus exhibiting the sublime spectacle of a people legislating for the liberties of another and distant continent before the recovery of their own. The example was followed by Pennsylvania, Massachusetts, Connecticut and Rhode Island in the years 1780, '87, '88; and in 1794, the Congress of the United States interdicted the trade from all the ports of the Union under severe penalties. The cause of *emancipation* is a very different subject. The opinions and a part of the official labors of Mr. Jefferson upon that point have already appeared or will be seen in due course. [visitor comment note]

In the month of February, 1779, the committee of revisors having completed their respective tasks, they convened at Williamsburg to review, approve and consolidate them into one report. They came together day after day and examined critically their several parts, scrutinizing and amending until they had agreed on the whole. They had, in this work, embodied all the common law which it was thought necessary to alter, all the

British statutes from Magna Charta to the present day, and all the laws of Virginia which they thought should be retained, from the establishment of their separate legislature to the present time; all of this within the compass *of one hundred and twenty-six bills,* making a printed folio of ninety pages only. A monument of codification upon the republican model, almost incredible for that period! The whole of this labor, the major part of which fell to Mr. Jefferson, was accomplished at intervals amidst the occupations and anxieties of the times, within the brief space of two years.

In the execution of his part, Mr. Jefferson observed a rule in relation to style which may appear rather odd to the modern draughtsman. In reforming the ancient statutes, he preserved the diction of the text, and in all new draughts, he avoided the introduction of modern technicalities, adopting the example of antiquity, which, from its greater simplicity, would allow less scope for the chicanery of the lawyers and remove from among the people numberless liabilities to litigation. Against the labored phraseology of modern statutes, he has entered an amusing protest. "Their verbosity," says he, "their endless tautologies, their involutions of case within case, and parenthesis within parenthesis, and their multiplied efforts at certainty by *saids* and *aforesaids,* by *ors* and by *ands,* to make them more plain, do really render them more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves." (Autobiography, 1821. ME 1:65)

On the 18th of June, 1779, the committee of revisors communicated their report to the general assembly accompanied by a letter to the speaker signed by Mr. Jefferson and Mr. Wythe, and authorized by Mr. Pendleton.

The revised code was not enacted in a mass, as was contemplated. The minds of the legislature were not prepared for so extensive a transition at once, and the violence of the times afforded little leisure for metaphysical discussion. Some bills were taken out occasionally from time to time and passed; but the main body of the work was not entered upon until after the general peace in 1785, "when," says Mr. Jefferson, "by the unwearied exertions of Mr. Madison in opposition to the endless quibbles, chicaneries, perversions, vexations and delays of lawyers and demi-lawyers, most of the bills were passed by the legislature with little alteration." That distinguished contemporary who is presented as having had so important an agency in carrying this code into operation has added verbal testimony of the uncommon estimate which he put upon its merits. "It has," says he, "been a *mine of legislative wealth,* and a model of statutory composition, containing *not a single superfluous word,* and preferring always words and phrases of a meaning fixed as much as possible by oracular treatises or solemn adjudications." (Letter to S. H. Smith, 1827.)

In preparing this work, Mr Jefferson improved the opportunity to push his favorite system of reform into every branch of administration. The principal innovations which he made upon the established order of things were the following:

1. The Repeal of the Law of Entails, which, though separately enacted at the first republican session, he incorporated into the Revised Code.

2. The Abrogation of the Right of Primogeniture and the equal division of inheritances among all the children or other representatives in equal degree.

3. The Assertion of the Right of Expatriation, or a republican definition of the rules whereby aliens may become citizens and citizens make themselves aliens.

4. The Establishment of Religious Freedom upon the broadest foundation.

5. The Emancipation of all Slaves born after the passage of the act and deportation at a proper age.-- not carried into effect.

6. The Abolition of Capital Punishment in all cases except those of treason and murder, and the graduation of punishments to crimes throughout upon the principles of reason and humanity.-- enacted with amendments.

7. The Establishment of a systematical plan of General Education, reaching all classes of citizens and adapted to every grade of capacity.-- not carried into effect.

The first of these prominent features of the revisal has already been considered at sufficient length. The second in the catalogue holds an eminent rank among the ancient and venerable foundations of republicanism. It overturned one of the most arbitrary and unrighteous among the multiplied institutions that have been permitted to evict the laws of God and the order of nature from the social systems of mankind. The aristocracy of Virginia opposed the innovation with the usual pertinacity which marked their adherence to the ancient privileges of the order, but the bill was finally carried in 1785 and forms the present Law of Descents in that commonwealth.

The law on the subject of expatriation established the republican doctrine on the much controverted principle of revolution. The opinions of the author in reference to this question, with the singular discrepancy between them and those of his leading compatriots, have been illustrated in a preceding chapter by an appeal to the written testimony of that period. Heterodox and presumptuous as his rights of colonization were deemed by the politicians of the first stages of the revolution, the public mind had now approached so nearly to the same point as to authorize the attempt to establish them upon a legal basis. The bill for this purpose was taken up separately and carried on the 26th of June, 1779, principally through the exertions of George Mason, into whose hands the author had committed it on his retiring from the legislature. After stating the conditions of naturalization and declaring who shall be deemed citizens and who aliens on terms extremely liberal and democratic, the act goes on to prescribe:

"And in order to preserve to the citizens of this commonwealth that natural right, which all men have, of relinquishing the country in which birth or other accident may have thrown them, and seeking subsistence and happiness wheresoever they may be able, or may hope to find them; and to declare, unequivocally, what circumstances shall be deemed evidence of an intention in any citizen to exercise that right: It is enacted and declared," etc.

Having defined the necessary circumstances of evidence and the mode of proceeding thereon, the act concludes by giving to all free white inhabitants of other States, except paupers and fugitives from justice, the same rights, privileges, and immunities, as belong to the free citizens of the Commonwealth, and the liberty of free ingress and egress to and from the same; reserving, however, the right and authority of retaining persons guilty or charged with the commission of any high crime or misdemeanor in another State and of delivering them over to the authorities of the State from which they fled upon demand of the Governor or executive power of such State. Speaking of this Act in the continuation of Burk's *History of Virginia,* it is observed:

"Its operation has been superseded by subsequent institutions, but that philanthropy which opened in Virginia an asylum to individuals of any nation not at open war with America upon their removing to the State to reside and taking an oath of fidelity, and that respect for the natural and social rights of men which lays no restraints whatever on expatriation and claims the allegiance of citizens so long only as they are willing to retain that character, cannot be forgotten. The legislators of Virginia well knew that the strongest hold of a government on its citizens is that affection which rational liberty, mild laws, and protecting institutions never fail to produce, especially when physical advantages march in front with political blessings and industry and worth are perennial sources of comfort and respectability."

12. Establishing Religious Freedom

The act for the establishment of Religious Freedom is perhaps the most interesting feature in the revised code of Virginia. With the exception of the Declaration of Independence, it is the most celebrated of the author's productions, and the one to which he recurred with the highest pride and satisfaction. The preamble which ushers in the act designates with peculiar emphasis the premises upon which the proposition was founded. The following is the preamble with the accompanying bill as originally composed by Jefferson:

> "SECTION I. Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do, but to exalt it by its influence on reason alone; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time: That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness; and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminals who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that the opinions of men are not the object of civil government, nor under its jurisdiction; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.
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> "SECTION II. We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their

opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

"SECTION III. And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right."

The form in which Mr. Jefferson's bill received the sanction of the legislature varies somewhat from the above original draught.[note] "The variations," says the compiler of the Virginia statutes, "rendered the style less elegant, though they did not materially affect the sense." The bill was not acted upon until the year 1785, nor carried then but with considerable difficulty.

"The bill for establishing religious freedom," says the author, "I had drawn in all the latitude of reason and right. It still met with opposition; but with some mutilations in the preamble, it was finally passed; and a singular proposition proved that it's protection of opinion was meant to be universal. Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read "a departure from the plan of Jesus Christ, the holy author of our religion." The insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of it's protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination." (Autobiography, 1821. ME 1:67)

This act has been the standing model of legislation for the security of religious freedom in all parts of the Union since its inception; *and there is not, we believe, a State* which has legislated at all upon the subject that has not incorporated, either in its constitution or its statutory code, the substance of its provisions and in some instances, it phraseology.

On its promulgation in 1785, it excited great admiration and was copied into every newspaper that made any pretensions to liberality with approving comments. In Europe, it produced a considerable sensation. It was translated into all the principal languages, copied into the newspapers, reviews, and encyclopedias, and applauded beyond measure by the statesmen and philosophers of the ancient world. Mr. Jefferson was in France as resident minister at the Court of Versailles when the intelligence of its passage was received in Europe, and in his private letters to America of that date, he speaks of the admiration expressed for the act of religious freedom and the revised code generally.

In a letter to Mr. Wythe, dated from Paris on August 13, 1786, he thus writes:

"The European papers have announced that the assembly of Virginia were occupied on the revisal of their code of laws. This, with some other similar intelligence, has contributed much to convince the people of Europe that what the English papers are constantly publishing of our anarchy is false, as they are sensible that such a work is that of a people only who are in perfect tranquility. Our act for freedom of religion is extremely applauded. The ambassadors and ministers of the several nations of Europe resident at this court have asked of me copies of it to send to their sovereigns, and it is inserted at full length in several books now in the press; among others, in the new Encyclopedie. I think it will produce considerable good even in these countries, where ignorance, superstition, poverty, and oppression of body and mind in every form, are so firmly settled on the mass of the people, that their redemption from them can never be hoped. If the Almighty had begotten a thousand sons, instead of one, they would not have sufficed for this task. If all the sovereigns of Europe were to set themselves to work to emancipate the minds of their subjects from their present ignorance and prejudices, and that as zealously as they

> now endeavor the contrary, a thousand years would not place them on that high ground on which our common people are now setting out. Ours could not have been so fairly put into the hands of their own common sense had they not been separated from their parent stock and kept from contamination, either from them or the other people of the old world, by the intervention of so wide an ocean. To know the worth of this, one must see the want of it here." (ME 5:395 with correction)

The next distinguishing and fundamental change recommended by the revisal regarded the freedom of the unhappy sons and daughters of Africa, and proposed directly the emancipation of all slaves born after the passage of the act. The bill reported by the revisors did not itself contain this proposition, but an amendment containing it was prepared to be offered to the legislature whenever the bill should be taken up. "It was thought better," says the author, "that this should be kept back and attempted only by way of amendment." It was further agreed to embrace in the residuary proposition a clause, directing that the after-born slaves "should continue with their parents to a certain age, then be brought up at the public expense to tillage, arts or sciences according to their geniuses, till the females be eighteen and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, implements of household and of the handicraft arts, seeds, pairs of the useful domestic animals, etc.; to declare them a free and independent people, and extend to them our alliance and protection till they shall have acquired strength; and to send vessels at the same time to other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be proposed." (Notes on Virginia, 1782. ME 2:191) But when the bill was taken up by the legislature in 1785, neither Mr. Jefferson nor Mr. Wythe, his chief coadjutor in the undertaking, were members, the former being absent on the Legation to France, and the latter, an officer of the judiciary department; so the contemplated amendment was not proposed, and the bill passed unaltered, being a mere digest of the existing laws on the subject without any intimation of a plan for future and general emancipation.

If there was any question connected with the freedom and happiness of mankind on which the genius of Mr. Jefferson kindled into an extravagance, incompatible with sobriety and right reason, it was that of the emancipation of slaves. It was hardly possible for him, as he declared, to write and be temperate on the subject. The quotations already given exhibit abundant evidence of the intensity with which he yearned -- to use his own language -- "for the moment of delivery to this oppressed description of men." The following exhortation was penned in France on learning the passage of the Slave Bill in Virginia without the adoption of his concerted amendment.

> "What a stupendous, what an incomprehensible machine is man! Who can endure toil, famine, stripes, imprisonment, and death itself in vindication of his own liberty, and the next moment be deaf to all those motives whose power supported him through his trial and inflict on his fellow men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose. But we must await with patience the workings of an overruling Providence, and hope that that is preparing the deliverance of these, our suffering brethren. When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, a God of justice will awaken to their distress and by diffusing light and liberality among their oppressors, or, at length, by exterminating thunder, manifest his attention to the things of this world, and that they are not left to the guidance of a blind fatality." (Answers submitted to Jean Nicholas de Meunier, 1786. ME 17:103)

The following paragraph in allusion to the same transaction of the legislature was written at the age of seventy-seven, in the year 1821. Time but added emphasis to his appalling predictions and strengthened his attachment to the plan of redemption originally proposed by him.

> "It was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear and adopt it or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free. Nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion has drawn indelible lines of

> distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably and in such slow degree as that the evil will wear off insensibly, and their place be *pari passu* filled up by free white laborers. If on the contrary it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case." (Autobiography, 1821. ME 1:72)

The "Bill for Proportioning Crimes and Punishments in Cases Heretofore Capital" occupies a proud niche in the temple of revolutionary reform. The changes it proposed in the criminal code of the old world were of the most extensive character, and such as modern experience has proved not inconsistent with the protection and good order of society, while they prevented the sacrifice of human life. Theoretical writers had previously shaken the barbarous opinions which prevailed on the subject of penal jurisprudence, among whom Mr. Jefferson mentions Beccaria in particular as having "satisfied the reasonable world of the unrightfulness and inefficacy of the punishment of crimes by death." But no mitigation had been effected in practice, and the author of this act stands before the world as the first official lawgiver who, having advanced to the true theory of criminal ethics, went boldly and rationally to work to incorporate it into the body of civil jurisprudence. The legitimate object of all punishment being, in his opinion, discipline rather than vengeance, he made the *reformation of the offender* the fundamental maxim of his theory, and graduated his scale of penal sanctions by that standard. The punishment of death putting this subject entirely out of the question, he restrained its infliction to cases in which reformation was either hopeless or too hazardous to attempt. Succeeding legislators and moral philosophers have adopted the same principle for their guide, and pursuing it to a still greater extent, have effected still greater improvements on the ancient practice. It led eventually to the penitentiary system, now so well tested by experience as to have become nearly universal; and the idea was later carried so far as to have brought seriously in question the right and utility of capital punishment in any case. That strong confidence in the innate virtue of man which led Mr. Jefferson to exclude the agency of force from every portion of the revised system that came under his control, placed him at once on the same high and humane ground in relation to criminal jurisprudence that is maintained by the philanthropists of the present day.

The bill was brought forward in the legislature by Mr. Madison in 1785 and lost by a single vote. The intelligence of the country had not then advanced to a requisite point for sanctioning the opinions of the revisor on the subject of capital punishment. But on the whole, it was well, perhaps, that the bill was rejected, for it enabled the author to effect a substantial improvement on his original plan; to wit, the substitution of labor *in solitary confinement* for labor in the public works. The latter, it will be recollected, had been adopted by the revisors in place of punishment by death; but it had not then been essayed by actual experiment. Afterwards, in 1786, the experiment was tried in Pennsylvania for two years without approbation, when it was followed by the Penitentiary system on the principle of labor in confinement, which succeeded beyond calculation. About the same time, Mr. Jefferson, then in France, had heard of a benevolent society in England that had been indulged by the government in an experiment of the effect of labor in solitary confinement on some of their criminals, which experiment was proceeding auspiciously. The same idea had been suggested in France, and an architect of Lyons had proposed a well-contrived plan of a prison on the principle of solitary confinement. Attentive to these valuable hints, Mr. Jefferson procured a drawing of the prison proposed by this architect, and having a little before been written to by the governor of Virginia for a plan of a capitol and prison for the State, he sent him the Lyons drawing, "in the hope," he says, "that it would suggest the idea of labor in solitary confinement instead of that on the public works, which we had adopted in our revised code." This was in June, 1786. The principle, but not the exact form of the drawing, was preserved in the erection of what was called the Penitentiary at Richmond. In the mean time, the increasing intelligence and sensibility of the age were preparing the way for the general sweep of changes recommended by the revisors, and the public opinion was ripening by reflection and by the example of Pennsylvania for the adoption of the newly essayed substitute.

In 1796, therefore, after the steady humanization of ten years, the legislature resumed the subject of the criminal law and passed the bill reported by Mr. Jefferson with the substitution of solitary in the place of public labor. The diction of the text, however, was modernized, which the author had scrupulously avoided to prevent the arising of new questions by new expressions; and instead of the settled distinctions of murder and manslaughter

preserved by him, the new terms of murder in the first and second degree were introduced. These alterations were probably not for the better, as they gave occasion for renewed questions of definition. The bill was brought forward the last time by Mr. G. K. Taylor, who was chiefly instrumental in procuring its passage with the amendments.

13. Diffusion of Knowledge

We come now to consider the last and clearly the most important scheme of public reformation contained in the revised code, forming as it does the entrance and a perpetual guard to the enjoyment of all the others. The system proposed for the diffusion of knowledge through the whole mass of the people by extending to every degree of capacity a proportionate degree of education, and placing all upon an equal footing for obtaining the first and necessary degrees, was an original idea; than which nothing would seem more admirably contrived for the foundation of a durable and well-ordered republic. This portion of the work fell more properly within the division assigned to Mr. Pendleton, but it was agreed, on the urgent recommendation of Mr. Jefferson, that a new and systematical plan of universal education should be proposed, and he was requested to undertake it. He did so, preparing three bills for that purpose, proposing three distinct grades of instruction in the following order: 1. Elementary schools, for all children generally, rich and poor, without distinction. 2. Colleges, or, as they are more usually styled in this country, academies, for a middle degree of instruction, calculated for the common purposes of life, yet such as would be desirable for all who were in easy circumstances. 3. A University, in the place of William and Mary College, constituting the ultimate grade for teaching the sciences generally, and in their highest degree.

The first and second bills were for the organization of this system, and the third for the establishment of a public library and gallery, by the appropriation of a certain sum annually for the purchase of books, paintings, and statues.

The organization of the system in all its parts exhibits a model of republican equality and harmonious arrangement. It proposed the division of the State into twenty-four districts and the subdivision of these into wards called hundreds of five or six miles square, according to the size and population of the district. In each hundred was to be established an elementary school in which should be taught reading, writing, and common arithmetic, the expenses of which should be borne by the inhabitants of the country, every one in proportion to his general tax rate. All free children, male and female, resident in the hundred should be entitled to three years instruction at the school free of expense, and to as much more as they chose by paying for it. In each district was to be established an academy or grammar school to be supported at the public expense in which should be taught the classics, grammar, geography, and the higher branches of numerical arithmetic.

The bill provides further for the annual selection of the most promising students from the elementary schools whose parents were too poor to educate them, who should be transferred to the district institutions at the public expense. And from the district institutions also, a certain number annually were to be selected of the most promising character but whose parents were unable to incur the burthen, who should be sent on to the University to receive the ultimate degree of intellectual cultivation. Genius and worth would thus be sought out of every walk of life, and to adopt a favorite sentiment of the author, the veritable aristocracy of nature would be completely prepared by the laws for defying and defeating the pseudo-aristocracy of wealth and birth in the competition for public trusts.

It was further in the contemplation of the author, had his system been carried into operation, to have imparted to the wards or hundreds all those portions of self-government for which they are best qualified, by confiding to them the care of their poor, their roads, police, elections, the nomination of jurors, administration of justice in small cases, and elementary exercises of militia; in short, to have made them little *republics* with a warden at

the head of each, for all those concerns which, being under their eye, they would better manage than the larger republics of the country or State. A general call of ward meetings by the wardens on the same day throughout the State would at any time embody the genuine sense of the people on any required point and present a forceful illustration of democratic government.

The three separate bills for the ward schools and the district institutions, for the University, and for the establishment of a library and gallery, were all brought before the legislature in the year 1796. The first only was acted upon and finally adopted, but with an amendment which completely defeated it. They inserted a provision leaving it to the court of each county to determine for itself when the act should be carried into execution. The effect of the bill being to throw on wealth the education of the poor, and the justices being unwilling to incur the responsibility, the plan was not suffered to commence in a single county. The proposition to erect the College of William and Mary into a University encountered insuperable impediments. The existing college was an establishment purely of the Church of England; the visitors were required to be all of that church, the professors to subscribe to its thirty-nine articles, the students to learn its catechism, and one of its fundamental objects was declared to be to raise up ministers for that church. The dissenters took alarm lest the enlargement of the institution might give an ascendency to the Anglican sect, and refused to act upon the proposition. The bill for the establishment of a library and gallery met a similar fate; and thus no part of this grand and beneficial system was ever permitted to take effect.

Perhaps there was no one feature of the revised code on which Mr. Jefferson placed a more justly exalted estimate than that which proposed the diffusion of education universally and impartially among the people. Knowledge is unquestionably, to use an expression of his own, "the key-stone of the political arch" in popular governments, and the only foundation which can be laid for permanent freedom and prosperity. Upon this point he was enthusiastically pertinacious. His efforts were perseveringly directed to its attainment in the form originally proposed by him on all possible occasions which subsequently offered; and on his final retirement from public affairs, he made it the great business of his life. Being in Europe, as before stated, at the time the main body of the revisal was entered on, he was prevented from raising his voice and uttering his opinions in the legislature with the power and authority he had formerly done; but his letters to his friends in Virginia from that time abound with the most eloquent persuasions of the importance which he deemed most essential to the freedom and happiness of the people. Among these, the bill under consideration occupied a prominent share of his solicitude, as is manifested by the following extract of a letter to Mr. Wythe, dated from Paris on August 13, 1786.

> "I think by far the most important bill in our whole code, is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness. If anybody thinks that kings, nobles, or priests are good conservators of the public happiness, send him here. It is the best school in the universe to cure him of that folly. He will see here with his own eyes that these descriptions of men are an abandoned confederacy against the happiness of the mass of the people. The omnipotence of their effect cannot be better proved than in this country, particularly where notwithstanding the finest soil upon earth, the finest climate under heaven, and a people of the most benevolent, the most gay and amiable character of which the human form is susceptible; where such a people, I say, surrounded by so many blessings from nature are loaded with misery by kings, nobles, and priests, and by them alone. Preach, my dear Sir, a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils, and that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests, and nobles who will rise up among us if we leave the people in ignorance. The people of England, I think, are less oppressed than here. But it needs but half an eye to see when among them that the foundation is laid in their dispositions for the establishment of a despotism. Nobility, wealth, and pomp are the objects of their admiration. They are by no means the free-minded people we suppose them in America. Their learned men, too, are few in number and are less learned and infinitely less emancipated from prejudice than those of this country." (ME 5:396)

Such are some of the innovations on the established order of things contained in the celebrated revised code of Virginia in 1779, all of which Mr. Jefferson was the originator and draughtsman. It is impossible for later generations to form an adequate idea of this great political work or of the genius and application it required. On the authority of Mr. Madison, we are enabled to say, "that it, perhaps, exceeded the severest of Mr. Jefferson's public labors." And the whole of this magnificent undertaking was executed during the short interval of three years chiefly by an individual, and carried into action mainly by his own efforts, supported, indeed, by able and faithful coadjutors from the ranks of the house, very effective as seconds, but who would not have taken the field as leaders. The natural equality of the human race, the first maxim of the author's political creed, was the governing principle of his general plan. Four of the bills reported were remarkable illustrations of this principle, sufficient "to crush forever the eternal antagonism of artificial aristocracy against the rights and happiness of the people." They were marshaled in phalanx by the author for the express purpose of carrying out the principle of equality in all its latitude, as appears by his own record of the transaction.

> "I considered four of these bills, passed or reported, as forming a system by which every fibre would be eradicated of ancient or future aristocracy; and a foundation laid for a government truly republican. The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth in select families and preserve the soil of the country from being daily more and more absorbed in Mortmain. The abolition of primogeniture and equal partition of inheritances removed the feudal and unnatural distinctions which made one member of every family rich and all the rest poor, substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience relieved the people from taxation for the support of a religion not theirs; for the establishment was truly of the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government: and all this would be effected without the violation of a single natural right of any one individual citizen. To these, too, might be added, as a further security, the introduction of the trial by jury into the Chancery courts, which have already engulfed and continue to engulf so great a proportion of the jurisdiction over our property." (Autobiography, 1821. ME 1:73)

Our detail of the public and official services of Mr. Jefferson must now give place to an incident in private life which discovers his social affections and his general philanthropy. At the memorable surrender of Burgoyne in 1777, it will be recollected, about four thousand British troops fell prisoners of war into the hands of the American general; and by an express article in the capitulation it was provided that the surrendering army should be retained in America until an authentic ratification of the convention entered into between the belligerents should be received from the British government. The troops were at first ordered to Boston, where they remained about a twelve-month, when they were removed to Charlottesville in Virginia, a short distance from Monticello. They arrived at the latter place in January, 1779, harassed by a long journey during a most inclement season and doomed to encounter the severest hardships on their arrival from the unfinished state of their barracks, the insufficiency of stores, and the condition of the roads, which rendered the prospect of a timely and competent supply of subsistence almost hopeless.

A general alarm was disseminated among the inhabitants, insomuch that reasonable minds were affected by the panic. Mr. Jefferson remained tranquil and unmoved. He stood among the multitude and exhorted them to patience and composure; and soon, agreeably to his repeated assurances, every difficulty disappeared and every apprehension vanished. The planters, being more generally sellers than buyers, availed themselves with great alacrity of the advantages produced by the extraordinary demand for provisions and quickly removed a scarcity merely accidental to their own evident benefit.

In the meantime, Mr. Jefferson engaged personally in erecting barracks for the privates and establishing accommodations for the officers. It is true these men were the instruments of a cruel and implacable enemy, foes to the freedom and happiness of their benefactor, and who, he well knew, regarded him with such animosity that under any other circumstances they would have treated his offers of generosity with contempt. They were enemies of his country, whose cries were now ascending to Heaven against the injuries of its

oppressors; but they were human beings, and as such entitled, in his opinion, to the same offices of kindness and hospitality when in distress as those who were united to him by the ties of national alliance. He was indefatigable in his endeavors to render the situation of the captives comfortable. Aided by the benevolent interposition of the citizens of Charlottesville and by the genius and humane dispositions of the Commissary, his exertions were attended with the most gratifying success. In a short time the residence of the prisoners assumed an air of comfort and ease; the barracks were completed, and a plentiful supply of provisions was procured. The officers had rented houses at an extravagant price, erected additional buildings at their own expense, and hired small farms in the neighborhood on which they beguiled the tedious hours of captivity in the occupations of agriculture and gardening. The men imitated, on a smaller scale, the example of the officers. As a result, the environs of the barracks presented a charming appearance.

But these extensive and promising arrangements were scarcely completed when the executive of Virginia, who had been invested by Congress with certain discretionary powers over the "convention troops," as they were called, came to the determination of removing them, either wholly or in part, from Charlottesville, on the ground of the insufficiency of the State for their animal subsistence. The rumored intelligence of this determination filled the soldiers with the deepest regret and disappointment. Loud complaints were heard against the inhumanity of the measure; the nation was accused of violation of faith, and such was the degree of excitement among the prisoners that mutiny was seriously apprehended.

The citizens among whom they were quartered participated in the general disapprobation. They contemplated the proposition with regret and mortification. Mr. Jefferson addressed a long letter to Gov. Henry and arrayed before him the public reasons which militated against the measure.

The reasonableness of this appeal produced the intended effect. The governor and council, on a dispassionate review of the arguments submitted by Mr. Jefferson, were convinced that the removal or separation of the troops would be a breach of the public faith and fix the character of unsteadiness and, what was worse, of cruelty on the councils of the nation. The proposition was accordingly abandoned, and the troops permitted to remain together at Charlottesville.

The conduct of Mr. Jefferson on this occasion and his uniform endeavors during their confinement to ameliorate their suffering condition excited in the soldiers the liveliest emotions of gratitude. They loaded him with expressions of their sensibility, and no time could obliterate the impression from their hearts. Subsequently, when ambassador in Europe, Mr. Jefferson visited Germany; and passing through a town where one of the Hessian corps that had been at Charlottesville happened to be in garrison, he met with Baron De Geismar, who immediately apprized his brother officers of the presence of their benefactor. They flocked around him, greeted him with affecting tokens of their remembrance, and spoke of America with enthusiasm.

On taking leave of Charlottesville, the principal officers -- Major Generals Phillips and Riedesel, Brigadier Specht, C. De Geismar, J. L. De Unger, and some others -- addressed him letters expressive of their lasting attachment and bidding him an affectionate adieu. Phillips emphatically extolled his "delicate proceedings." Riedesel repeatedly and fervently poured out his thanks and those of his wife and children. To all these letters, Mr. Jefferson returned answers, and some of these answers have been preserved. "The great cause which divides our countries," he replied to Phillips, "is not to be decided by individual animosities. The harmony of private societies cannot weaken national efforts. To contribute by neighborly intercourse and attention to make others happy is the shortest and surest way of being happy ourselves. As these sentiments seem to have directed your conduct, we should be as unwise as illiberal were we not to preserve the same temper of mind."

To General Riedesel he thus wrote: "The little attentions you are pleased to magnify so much never deserved a mention or thought... Opposed as we happen to be in our sentiments of duty and honor, and anxious for contrary events, I shall nevertheless sincerely rejoice in every circumstance of happiness and safety which may attend you personally." (May 3, 1780. ME 4:85)

To Lieutenant De Unger he replied in the following manner: "The very small amusements which it has been in my power to furnish in order to lighten your heavy hours by no means merited the acknowledgments you make. Their impression must be ascribed to your extreme sensibility rather than to their own weight... When the course of events shall have removed you to distant scenes of action where laurels not tarnished with the blood of my country may be gathered, I shall urge sincere prayers for your obtaining every honor and preferment which may gladden the heart of a soldier. On the other hand, should your fondness for philosophy resume its merited ascendancy, is it impossible to hope that this unexplored country may tempt your residence by holding out materials wherewith to build a fame founded on the happiness and not on the calamities of human nature? Be this as it may, whether a philosopher of a soldier, I wish you personally many felicities." (Nov. 30, 1780. ME 4:139)

De Unger was a votary of literature and science. He was a frequent visitor at the hospitable mansion of Mr. Jefferson and enjoyed his library advantages, which his taste combined with his situation to render doubly precious. Other officers loved music and painting; they found in him a rich and cultivated taste for the fine arts. They were astonished, delighted; and their letters to several parts of Germany attributed to the American character ideas derived from that exalted specimen. These letters found their way into several Gazettes of the old world, and the name of Jefferson was associated with that of Franklin, whose fame had then spread over Europe. "Surely," says historian Girardin, "this innocent and bloodless conquest over the minds of men whose swords had originally been hired to the oppressors of America, was in itself scarcely less glorious, though in its effects less extensively beneficial, than the splendid train of victories which had disarmed their hands." (pg. 327)

14. Governor of Virginia

On the 1st of June, 1779, Mr. Jefferson was elected Governor of the Commonwealth of Virginia, and retired from the legislature with the highest dignity in their gifts. Political distinctions being then unknown, the ballot box determined the exact value put upon the abilities of public characters.

On assuming the helm of administration, Mr. Jefferson directed the weight of his station and the powers confided to him towards reclaiming the enemy to the principles of humanity in the treatment of American prisoners. He had seen that the conduct of the British officers, civil and military, had through the whole course of the war, been savage and unprecedented among civilized nations; that American officers and soldiers captured by them had been loaded with irons -- consigned to crowded gaols, loathsome dungeons, and prison ships -- supplied often with no food, generally with too little for the sustenance of nature, and that little so unsound and unwholesome as to have rendered captivity and death almost synonymous terms; that they had been transported beyond seas where their fate could not be ascertained, or compelled to take arms against their own country and, by a refinement in cruelty, to become the murderers of their own brethren.

On the other hand, the treatment extended to British prisoners by American victors had been marked, he well knew, with singular moderation and clemency. They had been supplied on all occasions with wholesome and plentiful food, provided with comfortable accommodations, suffered to range at large within extensive tracts of country, permitted to live in American families, to labor for themselves, to acquire and enjoy property, and to participate in the principal benefits of society while privileged from all its burthens. In some cases they had been treated with hospitality and courtesy. We have already witnessed the gratifying spectacle of four thousand British troops, prisoners of war, relieved suddenly from an accumulation of miseries and raised to a condition of competency and comfort, chiefly by his own private enterprise, seconded by the liberality of his fellow citizens.

Reviewing this contrast, Governor Jefferson felt impelled by a sense of public justice to substitute a system of rigorous retribution. He felt "called on," in the impressive language of his order, "by that justice we owe to

those who are fighting the battles of our country, to deal out miseries to their enemies, measure for measure, and to distress the feelings of mankind by exhibiting to them spectacles of severe retaliation where we had long and vainly endeavored to introduce an emulation in kindness."

Happily, the fortune of war had thrown into his power some of those very individuals who, having distinguished themselves personally in the practice of cruelties, were proper subjects on which to begin the work of retaliation. Among these were Henry Hamilton, who for some years past had acted as lieutenant governor of the settlement at Detroit under sir Guy Carlton; Philip Dejean, justice of the peace for Detroit, and William Lamothe, captain of volunteers -- taken prisoners of war by Colonel Clarke at Fort St. Vincents and brought under guard to Williamsburg early in June, 1779. Proclamations under his own hand and the concurrent testimony of indifferent witnesses proved Governor Hamilton a remorseless destroyer of the human race instead of an open and honorable enemy. He had excited the Indians to perpetrate their accustomed atrocities upon the citizens of the United States with an eagerness and ingenuity which evinced that the general nature of the employment harmonized with his particular disposition. He gave standing rewards for scalps, but offered none for prisoners, which induced the Indians, after compelling their captives to carry their baggage into the neighborhood of the fort, to butcher them at last and carry in their scalps to the Governor, who welcomed their return and success by a discharge of cannon; and the few American prisoners spared by his blood-hounds were doomed by him to a captivity of lingering and complicated tortures, terminating in death.

Concerning Dejean and Lamothe, it was well ascertained that they had on all occasions been the ready instruments of Hamilton. The former, acting in the double capacity of judge and jailor, had instigated him by malicious insinuations to increase rather than relax his severities and had aggravated the cruelty of his orders by his manner of executing them; the latter as commander of volunteer scalping parties, Indians and whites, had desolated the frontier settlements by his marauding excursions, devoting to indiscriminate destruction, men, women, and children, and stimulating by his example the fury of his execrable banditti. (Jefferson's Works, Vol. 1, Appendix, Note A.)

Possessed by the force of American arms of such fit subjects as these on which to make the first demonstrations of retributive justice and coerce the enemy into the usages of civilized warfare, Jefferson issued an order in conformity to the advice of his council, directing the above named prisoners to be put in irons, confined in the dungeon of the public gaol, debarred the use of pen, ink, and paper, and excluded from all conversation except with their keeper.

Major General Phillips, who continued near Charlottesville in captivity, having read in the Virginia Gazette the order of the governor, immediately addressed him a remonstrance on the subject. In his communication, he endeavored to invalidate the testimony against Hamilton and to extenuate his conduct. He expressed doubts respecting the authority of any particular State to enter upon retaliation, which he supposed belonged exclusively to Congress, and expatiated largely on the sacred nature of a capitulation, which in the present case, he contended, exempted the prisoner from the severe punishment inflicted on him whatever his previous conduct might have been. In conclusion, he entreated the governor to reconsider the subject. "From my residence in Virginia," he adds, "I have conceived the most favorable idea of the gentlemen of this country, and from my personal acquaintance with you, Sir, I am led to imagine it must have been very dissonant to the feelings of your mind to inflict such a weight of misery and stigma of disgrace upon the unfortunate gentleman in question."

Whatever may have been the feelings of Mr. Jefferson, when no superior obligation stood in the way (and none had better reason to honor them than General Phillips and his fellow captives), his present situation as chief magistrate required the stern subordination of those feelings to the service of his country and the general good of mankind. His own opinion was that all persons taken in war, as well those who surrendered on capitulation as those who surrendered at discretion, were to be deemed prisoners of war and liable to the same treatment except only so far as they were protected by the express terms of their capitulation. In the surrender of governor Hamilton, no stipulation was made as to the treatment of himself or his fellow prisoners. The governor, indeed,

upon signing had added a flourish of reasons which induced him to capitulate, one of which was the generosity of his victorious enemy. Generosity on a large and comprehensive scale, thought Mr. Jefferson, dictated the making a signal example of the gentleman; but waiving that, these were only the private motives inducing him to surrender and did not enter into the contract of the antagonist party. He continued in the belief, therefore, that the bare existence of a capitulation did not exempt Hamilton from confinement, there being in the contract no positive stipulation to that effect. The importance of the point, however, in a national view and his great anxiety for the honor of the government under a charge of violated faith by one of its supreme functionaries induced him to submit the question to the Commander in Chief.

General Washington saw with pleasure the executive of his native State entering upon a course of measures which the conduct of the enemy had rendered necessary. But entertaining doubts as to the real bearing and extent of the capitulation in question and concurring with Mr. Jefferson in a sacred respect for the laws and usages of civilized nations, he recommended a relaxation of severities after a fair trial of the practical effect of the present proceeding. One solemn inculcation would have been administered: Virginia would have it in her power to repeat it. This alone might produce the intended reformation and remove the necessity of individual chastisement for national barbarities.

Influenced by the advice of the Commander in Chief which harmonized with the better dictates of his heart, Governor Jefferson reconsidered the case of the captives and issued a second order in council mitigating the severity of the first, though not compromising the right in any one point.

Agreeably to this order, a parole was drawn up and tendered to the prisoners. It required them to be inoffensive in word as well as deed, to which they objected, insisting on entire freedom of speech. They were consequently remanded to their confinement, which was now to be considered voluntary. Their irons, however, were knocked off. The subaltern prisoners soon after subscribed the parole and were enlarged, but Hamilton long refused the proffer. Upon being informed by General Phillips, who had been exchanged, that his sufferings would be considered perfectly gratuitous, he at last complied.

These measures of Governor Jefferson produced the effects anticipated. In the first moments of passion, the British resorted to what they termed retaliation, being a revival in more hideous forms of their established practices -- therefore, to be deemed original and unprovoked in every new instance. A declaration was also issued that no officers of the Virginia line should be exchanged till Hamilton's affair should be satisfactorily settled. When this information was received, the Governor immediately ordered all exchange of British prisoners to be stopped, with the determination to use them as pledges for the safety of Americans in like circumstances. "It is impossible," he wrote to General Washington, "they can be serious in attempting to bully us in this manner. We have too many of their subjects in our power and too much iron to clothe them with, and I will add, too much resolution to avail ourselves of both, to fear their pretended retaliation." Effectual measures were taken for ascertaining from time to time the situation and treatment of American captives with a view to retaliate on the enemy corresponding treatment in all cases; and the prison ship fitted up on the recommendation of Congress was ordered to a proper station for the reception and confinement of such as should be sent to it. "I am afraid," he again writes to the Commander in Chief, "I shall hereafter, perhaps, be obliged to give your excellency some trouble in aiding me to obtain information of the future usage of our prisoners. I shall give immediate orders for having in readiness every engine which the enemy have contrived for the destruction of our unhappy citizens captured by them. The presentiment of these operations is shocking beyond expression. I pray heaven to avert them, but nothing in this world will do it but a proper conduct in the enemy. In every event, I shall resign myself to the hard necessity under which I shall act."

The Governor was not insensible to the aggravation of misery which the first exercises of his policy brought on those unfortunate citizens of the United States who were in the power of the enemy. On the contrary, he entered feelingly into their situation and encouraged them by appeals to their fortitude to bear up against a temporary increase of personal suffering for the lasting and general benefit of their country.

These sentiments of the executive lifted the hearts of the American prisoners. They acquiesced in the stern necessity which dictated the disregard of their private distresses in the prospect of the general amelioration of captured men. Nor was this anticipation wholly disappointed. The practical inculcation of such a lesson produced a sensible effect upon the conduct of the enemy through the subsequent stages of the war. British magnanimity was compelled to respond to the cries of their own countrymen and the admonitions of experience.

In the same spirit which guided his military operations, the Governor engaged in a civil transaction of extensive and solid utility to the commonwealth. Upon the mediation of Spain offered about this time, sanguine hopes were entertained of an approaching pacification, and Congress in settling their ultimatum had intimated that the principle of *uti possidetis* [as seized] should be recognized in adjusting the boundaries of the several States. Whereupon Mr. Jefferson instituted active measures for extending the western establishments of Virginia with a view to secure by actual possession the right of that State in its whole extent to the Mississippi River. He engaged a company of scientific gentlemen to proceed under an escort to the Mississippi and ascertain by celestial observation the point on that river intersected by the latitude of thirty-six and a half degrees, the southern limit of the State, and to measure its distance from the mouth of the Ohio.

The brave and enterprising Colonel Clarke, who by a series of unparalleled successes over the Indians had already secured extensive acquisitions to Virginia, was selected by the Governor to conduct the military operations. He was directed, so soon as the southern limit of the Mississippi should be ascertained, to select a strong position near that point and to establish there a fort and garrison, thence to extend his conquests northward to the Great Lakes, erecting forts at different points which might serve as monuments of actual possession, besides affording protection to that portion of the country. Under these orders, Fort Jefferson, in compliment to the founder of the enterprise, was erected and garrisoned on the Mississippi a few miles above the southern limit. The final result of this expedition was the addition to the chartered limits of Virginia of that immense tract of country north west of the Ohio river which includes the present States of Indiana, Illinois, Ohio in part, and Michigan.

The following year, 1780, on the urgent recommendation of Mr. Jefferson and in compliance with the wishes of Congress, a resolution passed the legislature ceding to the United States the whole of this vast extent of territory. This important event removed the great obstacle to the ratification of the confederacy between the States. Upon transmitting the resolution to the President of Congress, the Governor wrote: "I shall be rendered very happy if the other States of the union equally impressed with the necessity of the important convention in prospect shall be willing to sacrifice equally to its completion. This single event, could it take place shortly, would outweigh every success which the enemy have hitherto obtained and render desperate the hope to which those successes have given birth."

To this resolution were appended the well-known sentiments of Mr. Jefferson with respect to the navigation of the Mississippi and the necessity of securing a free port at the mouth of that river.

In the course of one month after the adoption of this measure the confederation was completed.

On the first day of June, 1780, Mr. Jefferson was re-elected governor by the unanimous vote of the legislature. During his second gubernatorial term, Virginia, which had hitherto been distant from the seat of war, was destined to be made the theatre of a campaign more arduous, perilous, and distressing than that of any other period of the revolution. Three systematic invasions by numerous and veteran armies inundated the State in quick and terrible succession; nor could there have been a more unfavorable concurrence of circumstances for offering an adequate resistance than existed during the whole time these operations were carried on. Virginia was completely defenseless, her physical resources were exhausted, her troops had been drawn off to the South and to the North to meet the incessant demands in those quarters, and the Continental army was too much

reduced to afford her any important succors. The militia constituted the only force on which any reliance could be placed, and the resort to this force was limited by the deficiency of arms which was aggravated by the pressing destitution of the finances. Indeed, the general condition of the country in the South exhibited a deplorable aspect. The city of Charleston, with the main body of the Continental army, had fallen into the hands of Lord Cornwallis, and the victor, inflated with success, had proclaimed his intention of pushing his advances northward on a magnificent scale of conquest, subjugating in his course the entire States of North Carolina and Virginia, and subjecting the inhabitants to unconditional submission or the sword.

Intelligence of these menacing calculations had no sooner reached Virginia than the Governor commenced the most vigorous measures for recruiting the army and putting the country in a firm posture of defense. For this purpose, he was invested by the legislature with new and extraordinary powers. Should the State be invaded, 20,000 militia were placed at his disposal; he was empowered to impress provisions and other articles for the public service, and likewise to lay an embargo in the ports of the commonwealth whenever expedient. He was authorized to confine or remove all persons suspected of disaffection and to subject to martial law individuals acting as spies or guides to the enemy, or in any manner aiding, abetting, and comforting them, or disseminating among the militia the seeds of discontent, mutiny, and revolt. He was directed to restore the workshop for the manufacture of arms which had of late been languishing, and at the same time to provide magazines for warlike stores. To meet the pecuniary exigencies of the times, issuances of paper currency were necessarily multiplied and new taxes were devised.

These defensive arrangements were scarcely made when their execution was suddenly suspended by the appearance in the Chesapeake of a strong British armament under the command of General Leslie. Resistance by maritime means being unavailable at this juncture, the Governor immediately collected as large a body of militia as he could equip to prevent the debarkation of the enemy; but the alarm of the inhabitants, whose first care was to secure their wives, children, and moveable property, together with the insufficiency of arms rendered his exertions ineffectual. It was to him a source of anguish and mortification to think that a people, able and zealous to repel the invader, should be reduced to impotence by the want of defensive weapons.

The enemy landed at different points but soon concentrated their forces in Portsmouth, fortified themselves, and remained in close quarters until they retreated on board their ships. It appears this force had been detached by Cornwallis to invade Virginia by water, occupy Portsmouth for the purposes of support and safe rendezvous, and join the main army under his command on its entrance by land into the southern borders of the State. But the precipitate retreat of Cornwallis into South Carolina in consequence of serious reverses in that quarter defeated Leslie's anticipated junction with the main army and compelled his sudden departure from the State, leaving his works unfinished and undestroyed. The principal injury resulting from this invasion was the loss of a quantity of cattle intended for the southern army, which were seized by the enemy immediately after disembarking. Indeed, the conduct of this detachment whilst in Virginia was an honorable exception, in all respects, to the predatory system which had hitherto marked the footsteps of British conquest. "I must," wrote the Governor to General Washington, "do their General and commander the justice to observe that in every case which their attention and influence could reach, as far as I have been informed, their conduct was such as does them the greatest honor. In the few instances of wanton and unnecessary devastation, they punished the aggressors." To the firmness of Mr. Jefferson in the case of Hamilton, history ascribes in great part this reputable deviation from a mode of warfare which all mankind must abhor. (History of Virginia, Vol. 4, p. 421.)

15. British Invasion of Virginia

The hostile armament of General Leslie had scarcely left the coast of Virginia when that state was surprised by another invasion of a more formidable character from an unexpected quarter. The parricide Arnold, apprised of the vulnerable condition of Virginia on the sea-board undertook a second attack by a naval force. He embarked

from New York at the instance of Sir Henry Clinton, and on the 30th of December, 1780, was seen entering the Capes of Virginia with twenty-seven sail of vessels. He ascended James River and landed about fifteen miles below Richmond. On the approach of a hostile force into the heart of the State, the inhabitants were thrown into consternation. The Governor made every effort for calling in a sufficient body of militia to resist the incursion; but being dispersed over a large tract of country, they could be collected but slowly. Richmond being evidently the object of their attack, every effort was necessary for immediately securing the arms, military stores, records, etc., from the ravages of the wanton invader. He hastily marshaled about two hundred half-armed militia for the purpose of protecting the removal of the records, military stores, etc., to the opposite side of the James River. He superintended their movements in person, and was seen urging by his presence the business of transportation and issuing his orders until the enemy had actually entered the lower part of the town preceded by a body of light cavalry. Soon after, the whole regiment poured into Richmond and commenced the work of pillage and conflagration. They burnt the foundry, the boring mill, the magazine, a number of dwelling houses, the books and papers of the auditor's and council office, and retired the next day. Within less than forty-eight hours, they had penetrated thirty-three miles into the country, committed the whole injury, and retreated down the river. The Governor himself narrowly escaped being taken, owing to the suddenness of the attack and his continuance on the scene of danger at an unreasonable hour for the purpose of securing the public property. He had previously sent his family to Tuckahoe, eight miles above Richmond on the same side of the river, but did not join them himself until 1 o'clock in the night. He returned the next morning and continued his personal attendance in the vicinity of the metropolis during the whole invasion, to the imminent endangerment of his life.

Arnold shortly after encamped at Portsmouth, where he remained for a long time in close quarters. The capture of this execrable traitor had, from the moment of his perfidy, been an object of eager pursuit with all the patriots. Mr. Jefferson was induced to consider it practicable while in his present extremity, and secretly offering a reward of 5,000 guineas for his apprehension, incited some venturous spirits to undertake it by stratagem. But Arnold had become cautious and circumspect, beyond the reach of artifice. He lay buried in close confinement at Portsmouth, suffered no stranger to approach him, and never afterwards unguardedly exposed his person. The enterprise was thus rendered ineffectual.

The real situation of Virginia at this period is depicted in the letters and dispatches of the Governor. "The fatal want of arms," he wrote on the 8th of February, 1781, "puts it out of our power to bring a greater force into the field than will barely suffice to restrain the adventures of the pitiful body of men they have at Portsmouth. Should any more be added to them, this country will be perfectly open to them by land as well as water." (to George Washington. ME 4:156) "I have been knocking at the door of Congress," he again wrote on the 17th to General Gates, "for aids of all kinds, but especially of arms, ever since the middle of summer. The speaker, Harrison, is gone to be heard on that subject. Justice, indeed, requires that we should be aided powerfully. Yet if they would repay us the arms we have lent them, we should give the enemy trouble, though abandoned to ourselves." (ME 4:162) On the same day he addressed the Commander in Chief as follows: "Two days ago I received information of the arrival of a sixty-four gun ship and two frigates in our bay, being part of the fleet of our good ally at Rhode Island. Could they get at the British fleet here, they are sufficient to destroy them; but these being drawn up into Elizabeth River, into which the sixty-four cannot enter, I apprehend they could do nothing more than block up the river. This, indeed, would reduce the enemy, as we could cut off their supplies by land; but the operation being tedious would probably be too dangerous for the auxiliary force. Not having yet had any particular information of the designs of the French Commander, I cannot pretend to say what measures this aid will lead to." (ME 4:159)

This desperate situation of affairs was aggravated by the arrival in the bay of two thousand additional British troops under the command of Major General Phillips. This reinforcement shortly thereafter formed a junction with Arnold, and the combined forces under Phillips immediately renewed on a more extensive scale than heretofore their system of predatory and incendiary incursions into all parts of the unprotected country. They captured and laid waste Williamsburg, Petersburg, and several minor settlements, and pursued their destroying advances from village to village until they were arrested by the gallant defender of universal liberty, the immortal Lafayette.

During the ferocious and diffusive operations of Phillips and Arnold, the Governor remained constantly in and about Richmond, exerting all his powers to collect the militia and provide such means for the defense of the State as its exhausted resources allowed. Never assuming a guard, and with only the river between him and the enemy, his lodgings were frequently within four or five miles of them, and his personal exposure was consequently very great.

But the final movement against Virginia, compared to which the previous invasions were feeble and desultory efforts, remains to be noticed. On the 20th of May, 1781, Lord Cornwallis entered the State on the southern frontier with an army of four thousand men. His entry was almost triumphal. Proceeding directly to Petersburg where he formed a junction with the forces under Phillips and Arnold, he established his headquarters and commenced his plan of subduing the whole State.

This alarming event happened but a few days previous to the close of Mr. Jefferson's administration, and, in view of the impending crisis, he felt it his duty before resigning the government into other hands to make one last, solemn appeal to the Commander in Chief for those important succors on which now evidently depended the salvation of the commonwealth.

> "Your Excellency will judge from this state of things and from what you know of our country, what it may probably suffer during the present campaign. Should the enemy be able to produce no opportunity of annihilating the Marquis's army, a small proportion of their force may yet restrain his movements effectually while the greater part are employed in detachment to waste an unarmed country and lead the minds of the people to acquiesce under those events which they see no human power prepared to ward off. We are too far removed from the other scenes of war to say whether the main force of the enemy be within this State. But I suppose they cannot anywhere spare so great an army for the operations of the field. Were it possible for this circumstance to justify in your Excellency a determination to lend us your personal aid, it is evident, from the universal voice, that the presence of their beloved countryman, whose talents have so long been successfully employed in establishing the freedom of kindred States, to whose person they have still flattered themselves they retained some right and have ever looked up as their *dernier recours* [last resort] in distress, would restore full confidence of salvation to our citizens, and would render them equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution. The whole subject is before you, of which I see only detached parts, and your judgment will be formed on a view of the whole. Should the danger of this State and its consequence to the Union be such as to render it best for the whole that you should repair to its assistance, the difficulty would then be how to keep men out of the field. I have undertaken to hint this matter to your Excellency, not only on my own sense of its importance to us, but at the solicitations of many members of weight in our legislature which has not yet assembled to speak their own desires.
>
> "A few days will bring to me that relief which the constitution has prepared for those oppressed with the labors of my office, and a long declared resolution of relinquishing it to abler hands has prepared my way for retirement to a private station; still, as an individual, I should feel the comfortable effects of your presence and have (what I thought could not have been) an additional motive for that gratitude, esteem, and respect with which I have the honor to be your Excellency's most obedient, humble servant." (May 28, 1781. ME 4:182)

This letter was written three days previous to the expiration of his second gubernatorial year, at which time he had long cherished the determination of relinquishing the administration in favor of a successor whose habits, dispositions, and pursuits would render him better fitted for the supreme direction of affairs at such a crisis. "From a belief," said he, "that, under the pressure of the invasion under which we were then laboring, the public would have more confidence in a military chief, and that the military commander being invested with the civil power also, both might be wielded with more energy, promptitude, and effect for the defense of the State, I resigned the administration at the end of my second year, and General Nelson was appointed to succeed me." (Autobiography, 1821. ME 1:75) His successor was elected on the 12th of June, 1781.

The closing events of Mr. Jefferson's administration having excited much attention and occasioned some misrepresentation, a few additional observations founded on authentic documents seem owed to that portion of his public history.

Ever since the invasion of the city under Arnold in January, 1781, and the sudden dispersion by that event of the General Assembly, the legislative functions of the government had been almost totally suspended. The members had re-assembled on the first of March, but after a few days' session, were compelled to adjourn. They met again on the 7th of May, but the movements of the enemy again compelled them on the 10th to adjourn to Charlottesville to meet on the 24th. During this long and critical interval, therefore, the main burden of public affairs had devolved on the Governor.

In addition to the multiplied irruptions from the East and the South, Virginia had had a powerful army to oppose on her western frontier. The English and Indians were incessantly harassing her in that quarter by their savage incursions. At length, the powerful army under Cornwallis poured into the State and filled up the measure of public danger and distress. The legislature, which had hastily adjourned from Richmond to Charlottesville, had scarcely assembled at the latter place when they were driven thence by the enemy over the mountains to Staunton. This was on the last days of May. Pursued and hunted in this manner from county to county, with the armies of the enemy in the heart of the State, destitute of internal resources, and aided only by the small regular force under Lafayette, many members of that Assembly became dissatisfied, discouraged, desperate; and in the frenzy of the moment, began to resuscitate the deceased project of a dictator. Some, indeed, were so infatuated as to deem the measure not only salutary, but as presenting the only hope of deliverance at this juncture. Patrick Henry, who had borne a distinguished part in the anterior transactions of the revolution, was already designated for the office. But it was foreseen with dismay by those who desired a dictator that no headway could be made with such a proposition against the popularity and influence of the present executive; it was necessary as a first measure that he should be rendered powerless. For this purpose, his official character was attacked, the misfortunes of the period were imputed to the imbecility of his administration, he was impeached in a loose, informal way, and a day for some species of hearing at the succeeding session of the assembly was appointed. But no evidence was every offered to sustain the impeachment; no question was ever taken upon it disclosing in any manner the approbation of the legislature, and the hearing was appointed by general consent for the purpose, as many members expressed themselves, of giving Mr. Jefferson an opportunity of demonstrating the absurdity of the censure. Indeed, the whole effort at impeachment was a mere feint, designed to remove Mr. Jefferson out of the way for the present and to make manifest, if possible, the necessity of a dictator. It failed, however, in both objects: the effect on Mr. Jefferson was entirely the reverse of what had been intended; and as to the proposed dictatorship, the pulse of the assembly was incidentally felt in the debates on the state of the commonwealth and in off-the-floor conversations, the general tone of which foretold such a violent opposition to the measure that the original movers were induced to abandon it with precipitation. This was the second instance of a similar attempt in that State and of a similar result, caused chiefly by the ascendancy of the same individuals.

While these things were going on at Staunton, Mr. Jefferson was distant from the scene of action at Bedford, neither interfering himself nor applied to by the legislature for any information touching the charges preferred against him. But so soon as the project for a dictator was dropped, *his resignation of the government appeared.* This produced a new scene: the dictator men insisted upon re-electing him, but his friends strenuously opposed it on the ground that as he had divested himself of the government to heal the divisions of the legislature at that critical season for the public good, and to meet the accusation upon equal terms for his own honor, his motives were too strong to be relinquished. Still, on the nomination of General Nelson, the most popular man in the State and without an enemy in the legislature, a considerable portion of the Assembly voted for Mr. Jefferson.

On the day appointed for the hearing before mentioned, Mr. Jefferson appeared in the House of Delegates, having been intermediately elected a member. No one offered himself as his accuser. Mr. George Nicholas, who had been seduced to institute the proceeding and who afterwards paid him deference equally honorable to both

(in his letter to his constituents in Kentucky), had satisfied himself in the interim of the utter groundlessness of the charges and declined the further prosecution of the affair. Mr. Jefferson nevertheless rose in his seat, addressed the house in general terms upon the subject, and expressed his readiness to answer any accusations which might be preferred against him. Silence ensured. Not a word of censure was whispered. After a short pause, the following resolution was proposed and adopted unanimously by both houses. [note]

> "RESOLVED, That the sincere thanks of the General Assembly be given to our former Governor, THOMAS JEFFERSON, Esq. for his impartial, upright and attentive administration, whilst in office. The Assembly wish in the strongest manner to declare the high opinion which they entertain of Mr. Jefferson's ability, rectitude, and integrity, as chief magistrate of this Commonwealth, and mean, by thus publicly avowing their opinion, to obviate and to remove all unmerited censure."

A few days after the expiration of Mr. Jefferson's constitutional term of office and before the appointment of his successor, an incident occurred which has been so strangely misrepresented in later times as to justify a relation of the details.

Learning that the General Assembly was in session at Charlottesville, Cornwallis detached the "Ferocious Tarleton" to proceed to that place, take the members by surprise, seize on the person of Mr. Jefferson, whom they supposed still in office, and spread devastation and terror on his route.

Elated with the idea of an enterprise so congenial to his disposition and confident of an easy prey, Tarleton selected a competent body of men and proceeded with ardor on his expedition. Early in the morning of June 4th, when within about ten miles of his destination, he detached a troop of cavalry under captain M'Cleod to Monticello, the well-known home of Mr. Jefferson, and proceeded himself with the main body to Charlottesville, where he expected to find the legislature unapprised of his movement. The alarm, however, had been conveyed to Charlottesville about sunrise the same morning, and thence quickly to Monticello, only three miles distant.[note] The speakers of the two houses were lodging with Mr. Jefferson at his house. His guests had barely time to hurry to Charlottesville, adjourn the legislature to Staunton, and, with most of the other members, effect their escape. Mr. Jefferson immediately ordered his carriage, in which Mrs. Jefferson and her children were conveyed to the house of Colonel Carter on the neighboring mountain, while he himself tarried behind, breakfasted as usual and completed some necessary arrangements preparatory to his departure. Suddenly, a messenger -- lieutenant Hudson -- who had descried the rapid advance of the enemy, drove up at hasty speed and gave him a second and last alarm, stating that the enemy were already ascending the winding road which leads to the summit of Monticello and urging his immediate flight. He then calmly ordered his riding horse, which was shoeing at a neighboring blacksmith's, directing him to be led to a gate opening on the road to Colonel Carter's, whither he walked by a cross path, mounted his horse, and instead of taking the high road, plunged into the woods of the adjoining mountain and soon rejoined his family.

In less than ten minutes after Mr. Jefferson's departure, his house was surrounded by the impetuous light-cavalry, thirsting for their prey. They entered the mansion with a flush of expectation proportioned to the importance of their supposed victim. And, notwithstanding the chagrin and irritation which their disappointment excited, an honorable regard was manifested for the usages of enlightened nations at war. Mr. Jefferson's property was respected, especially his books and papers, by the particular injunctions of M'Cleod.

This is the famous "Adventure of Carter's Mountain." Had the facts been accurately stated, it would have appeared that this favorite fabrication amounted to nothing more than that Mr. Jefferson did not remain in his house and there fight, single-handedly, a whole troop of cavalry, whose main body, too, was within supporting distance, and suffer himself to be taken prisoner. It is somewhat singular that this supposedly egregious offense was never heard of until many years after when most of that generation had disappeared and a new one risen up. Although the whole affair happened some days before the abortive attempt at impeachment, neither his conduct on this occasion nor his pretended flight from Richmond in January previous were included among the charges.

Having accompanied his family one day's journey, Mr. Jefferson returned to Monticello. Finding the enemy gone, with few traces of depredation, he again rejoined his family and proceeded with them to an estate he owned in Bedford, where, galloping over his farm one day, he was thrown from his horse and disable from riding on horse-back for a considerable time. But the partisan version of the story found it more convenient to give him this fall in his retreat before Tarleton some weeks before, as a proof that he withdrew from a troop of cavalry with a precipitancy which Don Quixote would not have practiced.

M'Cleod tarried about eighteen hours at Monticello, and Tarleton about the same time at Charlottesville, when the detachments reunited and retired to Elkhill, a plantation of Mr. Jefferson's. At this place, Cornwallis had now encamped with the main army and established his headquarters. Some idea may be formed of the vandalism practiced by the British during their continuance at Elkhill and the whole succeeding part of that campaign from the fact that their devastations in those six months are estimated by Mr. Jefferson at about three millions sterling. Under Cornwallis's hands, Virginia lost about thirty thousand slaves that year. Wherever he went, the country was plundered of everything that could be carried off; but over Mr. Jefferson's possessions he seemed to range with a spirit of total extermination. He destroyed all his growing crops of corn and tobacco; burned all his barns containing the last year's crops; used, as was to be expected, all his stock of cattle, sheep, and hogs for the sustenance of his army; carried off all his horses capable of service, cutting the throats of the rest; and burned all the fences on the plantation so as to leave it an absolute waste.

16. "Notes on Virginia"

We are now hurried from the scenes of war and confusion to a delightful interval in Mr. Jefferson's life in which he recurred with eagerness to the pursuits of science.

During the early part of the turbulent year of 1781, while disabled from active employment by the fall from his horse, he found sufficient leisure to compose his celebrated "Notes on Virginia." This was the only original publication in which he ever embarked; nor was the work prepared with the most distant intention of committing it to the press. Its history is a little curious.

M. de Marbois of the French legation in Philadelphia, having been instructed by his government to obtain such statistical accounts of the different States of the Union as might be useful for their information, addressed a letter to Mr. Jefferson containing a number of queries relative to the State of Virginia. These queries embraced an extensive range of objects and were designed to elicit a general view of the geography, natural productions, government, history, and laws of the commonwealth. Mr. Jefferson had always made it a practice when traveling to commit his observations to writing and to improve every opportunity, by conversations with the inhabitants and by personal examination, to enlarge his stock of information on the physical and moral condition of the country.

These memoranda were on loose pieces of paper, promiscuously intermixed, and difficult of arrangement when occasion required the use of any particular one. He used the present opportunity, therefore, to digest and embody the substance of them in the order of M. de Marbois' queries so as to gratify the wishes of the French government and arrange them for his own convenience. Some friends to whom they were occasionally communicated in manuscript requested copies, but their volume rendering the business of transcribing too laborious, he proposed to get a few printed for their private gratification. He was asked such a price, however, as exceeded in his opinion the importance of the object and abandoned the idea. Subsequently, on his arrival in Paris in 1784, he found the printing could be obtained for one-fourth part of what had been required in America. He thereupon revised and corrected the work and had two hundred copies printed under the modest title which it

bears. He gave out a very few copies to his particular friends in Europe, writing in each one a restraint against its publication, and the remainder he transmitted to his friends in America. A European copy having fallen into the hands of a Paris bookseller on the death of its owner, the bookseller engaged a hireling translation and sent it into the world in the worst form possible. "I never had seen," says the author, "so wretched an attempt at translation. Interverted, abridged, mutilated, and often reversing the sense of the original, I found it a blotch of errors from beginning to end." (Autobiography, 1821. ME 1:91) Under these circumstances, he was urged in self-defense to comply with the request of a London bookseller to publish the English original, which he accordingly did. By this means, it soon became the property of the public and advanced to a high degree of popularity. The work has since been translated into all the principal tongues of Europe and ran through a large number of editions in England, in France (where the celebrated Abbe Morellet published a translation of the Notes in 1786), and in America.

Under the query relative to the several charters of the State and its present form of government, Mr. Jefferson presents a compact statistical view of the colony from the first settlement under the grant of Queen Elizabeth in 1584 down to the time at which he writes, gives an outline of the existing constitution, and enumerates what he considers its capital defects.

A brief notice of these defects and the remedies which he proposed will explain more fully, as was promised, the opinions of Mr. Jefferson on the constitution of Virginia, being the first republican charter ever known. In the appendix to the volume under notice is inserted a new constitution prepared by himself in 1783, when it was expected the Assembly of Virginia would call a convention for remodeling the old one -- an event which he long and vainly desired to see. This draught corresponds in all its main features with the one prepared by him while in Congress in 1776 and transmitted to the convention in Virginia then sitting for that purpose, though received too late to be adopted.

Among the palpable defects of the existing establishment he enumerates:

> 1. The want of universal suffrage -- or rather, such an extension of the elective franchise as would give a voice in the government to all those who pay and fight for its support. This is the vital principle of a pure democracy, and Mr. Jefferson appears to have been the first politician of whom we have any information who ventured forth publicly as its advocate. Possessed of a large estate himself and gratified with the enjoyment of every honor, no personal ambition could be supposed to enter into his motives, and his opinion was received with great deference. The principle has since been incorporated with greater or less modifications into the constitutions of almost all the States. The predominance of the landed influence, family aristocracy, and a general repugnance to risking innovations have hitherto retained the freehold qualification in Virginia, though its rigor has been modified by amendments. The success of the experiment, wherever it has been tried, has abundantly tested the soundness of the principle.
>
> 2. Inequality of representation. This deformity pervaded the first republican charter of Virginia to an astonishing degree. Mr. Jefferson detects and exposes the evil in a strong light, by a tabular statement of the relative number of electors and representatives in each county, and calls the attention of his countrymen to the subject in an impressive manner. According to his statement, the county of Warwick, with only one hundred electors, had an equal representation with the county of Loudon, having 1700 electors; and taking the State at large, 19,000 men in one part were enabled to give law to upwards of 30,000 in the remaining part. This defect was remedied by a later revision of the constitution.
>
> 3. The Senate is necessarily too homogeneous with the House of Delegates. Being chosen by the same electors, at the same time, and out of the same subjects, the choice falls of course on the same description of men, defeating thereby the great purpose of establishing different houses of legislation, which is to introduce the influence of different interests or different principles.

4. The want of a sufficient barrier between the legislative, judiciary, and executive powers of the government. The concentration of these in the same hands constituted, in his opinion, the precise definition of despotism. By the constitution of Virginia, they all *resulted* to the same body, the legislature, though they were exercised by different bodies. He proclaims a solemn warning against this heresy and invokes an immediate application of the remedy, urging that the time to guard against corruption and tyranny is before they shall have seized the heads of the government and been spread by them through the body of the people.

5 and 6. Finally, as objections of the greatest magnitude, Mr. Jefferson argued that the constitution itself was a mere legislative ordinance, enacted at a critical time for a temporary purpose, not superior to the ordinary legislature, but alterable by it, and that the Assembly possessing the right, as they did, of determining a quorum of their own body, might convert the government into an absolute despotism at any moment by consolidating its powers and placing them in the hands of a single individual. To the joint operation of these two defects, aided by the inauspicious temper of the times, he ascribed the infatuated attempt of the legislature in 1776, repeated in 1781, to surrender the liberties of the people into the hands of a dictator. He concludes his remarks upon the constitution by a solemn appeal to the people for their speedy interposition:

"Our situation is indeed perilous, and I hope my countrymen will be sensible of it, and will apply, at a proper season, the proper remedy; which is a convention to fix the constitution, to amend its defects, to bind up the several branches of government by certain laws, which, when they transgress, their acts shall become nullities; to render unnecessary an appeal to the people, or in other words, a rebellion, on every infraction of their rights, on the peril that their acquiescence shall be construed into an intention to surrender those rights." (Notes on Virginia, 1782. ME 2:178)

Under the enquiry concerning the administration of justice, etc., the author presents a view of the judicial system of Virginia, framed, indeed, by himself in 1776, with a description of the laws. He alludes to the Revised Code as a work which had been "executed by three gentlemen," glances at the most important reformations which it introduced, but carefully conceals every circumstance which might indicate his participation in that structure of republican jurisprudence. In commenting upon the provisions recommended in this code for the future disposition of the blacks, the genius of the author appears again in its favorite element. He insists upon colonization to a distant country as the only safe and practicable mode of ultimate redemption, and urges strong reasons of policy as well as necessity against their being retained in the State and incorporated among the race of whites. "Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race." (Notes on Virginia, 1782 ME 2:192) To these distinctions, which are political, he adds many others, which are physical and moral. But space is not allowed us to pursue the subject or to follow the author through his investigation of the question, Whether the blacks and the Indians are inferior races of beings to the whites? Making all due allowances for the difference of condition, education, etc., between the *blacks* and whites, still the evidences were too strong, in his opinion, not to admit doubts of the intellectual equality of the two species. Of the former, many have been so situated that they might have availed themselves of the conversation of their masters; many have been brought up to the handicraft arts and from that circumstance have always been associated with the whites. Some have been liberally educated, have lived in countries where the arts and sciences are cultivated to a high degree, and have had before their eyes samples of the best workmanship and of the noblest intelligence. "But never yet," he adds, "could I find a black that had uttered a thought above the level of plain narration, nor seen even an elementary trait of painting or sculpture." Still, it was not against experience to suppose that different species of the same genus, or varieties of the same species, might possess different qualifications. The *Indians,* on the other hand, with none of the advantages above named, will often carve figures on their pipes not destitute of design and merit so as to prove the existence of a germ in their minds which only wants cultivation. They will astonish you with strokes on the

most sublime oratory such as prove their reason and sentiment strong, their imagination glowing and elevated. [comment]

On the whole, therefore, he advanced it as his opinion that the Indians are equal to the whites in body and mind, and as a *problem* only, that the blacks, whether originally a distinct race or made so by time and circumstances, are inferior to them. To justify a conclusion in the latter case required observations which eluded the research of all the senses; it should therefore be hazarded with extreme caution, especially when such conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may, perhaps, have assigned them. The difference of color, feature, inclination, etc., is sufficient to warrant the presumption that they were designed for a separate existence; but it furnishes no evidence of the right to enslave and torment them as mere brutes. "Will not a lover of natural history then," he concludes, "one who views the gradations in all the races of animals with the eye of philosophy excuse an effort to keep these in the department of man as distinct as nature has formed them?"

The unhappy influence of slavery upon the manners and morals of the people is forcibly portrayed in a succeeding chapter.

> "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this and learn to imitate it, for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the *amor patriae* of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another: in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavors to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him." (Notes on Virginia, 1782. ME 2:225)

The freedom with which Mr. Jefferson expressed his strictures on slavery and the constitution of Virginia was the reason, it appears, for his confining the work originally to his confidential friends. In his letters to them accompanying the gift of a copy, he uniformly explains the motives by which he was actuated in restraining its circulation. In presenting a copy of the work to General Chastellux, he thus writes:

> "I have been honored with the receipt of your letter of the 2nd instant and am to thank you, as I do sincerely, for the partiality with which you receive the copy of the Notes on my country. As I can answer for the facts therein reported on my own observation and have admitted none on the report of others which were not supported by evidence sufficient to command my own assent, I am not afraid that you should make any extracts you please for the Journal de Physique, which come within their plan of publication. The strictures on slavery and on the constitution of Virginia are not of that kind, and they are the parts which I do not wish to have made public, at least till I know whether their publication would do most harm or good. *It is possible that in my own country, these strictures might produce an irritation which would indispose the people towards the two great objects I have in view; that is, the emancipation of their slaves and the settlement of their constitution on a firmer and more permanent basis.* If I learn from thence that they will not produce that effect, I have printed and reserved just copies enough to be able to give one to every young man at the College. It is to them I look, to the rising

> generation, and not to the one now in power, for these great reformations." (Emphasis added. June 7, 1785. ME 5:3)

In transmitting copies to his friends in America, he expressed the same lofty reasons, of which the following in a letter to Mr. Monroe is a sample.

> "I send you by Mr. Otto a copy of my book... I have taken measures to prevent its publication. My reason is that I fear the terms in which I speak of slavery and of our constitution may produce an irritation which will revolt the minds of our countrymen against reformation in these two articles and thus do more harm than good. I have asked of Mr. Madison to sound this matter as far as he can, and, if he thinks it will not produce that effect, I have then copies enough printed to give one to each of the young men at the College and to my friends in the country." (June 17, 1785. ME 5:14)

The remainder of this justly celebrated treatise is occupied with useful details and learned dissertations under the following heads of enquiry:

- The colleges, public establishments, and mode of architecture in Virginia.
- The measures taken with regard to the estates and possessions of Tories during the war.
- The different religions received into the State.
- The particular manners and customs of the people.
- The present state of manufactures, commerce, and agriculture.
- The usual commodities of export and import.
- The weights, measure, and currency in hard money, with the rates of exchange with Europe.
- The public income and expenses.
- The histories of the State, the memorials published under its name while a colony, and a chronological catalogue of its State papers since the commencement of the revolution.

Perhaps the most celebrated portion of the whole work is that which contains the opinions of the author on the subject of FREE INQUIRY in matters of religion. The interest which all mankind feel on a point so vitally connected with the policy of our government and the freedom and happiness of its subjects will justify a liberal quotation here in concluding our remarks upon these invaluable "Notes." The sentiments of the writer, although generally esteemed heretical and well nigh impious at the time, are now as generally reputed orthodox and unquestionable.

> "Reason and free enquiry are the only effectual agents against error. Give a loose to them, they will support the true religion, by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free enquiry, Christianity could never have been introduced. Had not free enquiry been indulged at the era of the reformation, the corruptions of Christianity could not have been purged away. If it be restrained now, the present corruptions will be protected and new ones encouraged. Was the government to prescribe to us our medicine and diet, our bodies would be in such keeping as our souls are now. Thus in France, the emetic was once forbidden as a medicine and the potato as an article of food. Government is just as infallible, too, when it fixes systems in physics. Galileo was sent to the inquisition for affirming that the earth was a sphere: the government had declared it to be as flat as a trencher, and Galileo was obliged to abjure his error. This error however at length prevailed, the earth became a globe, and Descartes declared it was whirled round its axis by a vortex. The government in which he lived was wise enough to see that this was no question of civil jurisdiction, or we should all have been involved by authority in vortices. In fact, the vortices have been exploded, and the Newtonian principle of gravitation is now more firmly established on the basis of reason than it would be were the government to step in and to make it an article of necessary faith. Reason and experiment have been indulged, and error has fled before them. It is error alone which needs the support of government. Truth can stand by itself. Subject opinion to coercion: whom will you make your inquisitors? Fallible men; men governed by bad

passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity. But is uniformity of opinion desirable? No more than of face and stature. Introduce the bed of Procrustes then, and as there is danger that the large men may beat the small, make us all of a size, by lopping the former and stretching the latter. Difference of opinion is advantageous in religion. The several sects perform the office of a Censor morum over each other. Is uniformity attainable? Millions of innocent men, women, and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites. To support roguery and error all over the earth. Let us reflect that it is inhabited by a thousand millions of people. That these profess probably a thousand different systems of religion. That ours is but one of that thousand. That if there be but one right, and ours that one, we should wish to see the 999 wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free enquiry must be indulged; and how can we wish others to indulge it while we refuse it ourselves." (Notes on Virginia, 1782. ME 2:221)

17. Returned to Congress

On the 15th of June, 1781, Mr. Jefferson was appointed, with Mr. Adams, Dr. Franklin, Mr. Jay, and Mr. Laurens, a minister plenipotentiary for negotiating peace, then expected to be effected through the mediation of the Empress of Russia. The same reasons, however, which induced him to decline a foreign station in 1776 constrained him on the present occasion to plead his excuse with Congress and entreat permission to remain at home. "Such was the state of my family," says he, "that I could not leave it, nor could I expose it to the dangers of the sea and of capture by the British ships then covering the ocean." This restraint released him from the meditated embassy, and the negotiation in fact was never entered on.

So imperfect is the light thrown on the private history of Mr. Jefferson, that it was not thought proper to interrupt the narrative of his public career for those general facts only of a domestic character that are incorporated in his autobiography. He was married on the 1st of January, 1772, to Mrs. Martha Skelton, widow of Bathurst Skelton, then twenty-three years of age. She was the daughter of John Wayles, a lawyer of extensive practice, to which he had been introduced more by his great industry, punctuality, and practical readiness than by any eminence in the science of his profession. He is represented to have been a most agreeable companion, full of pleasantry and good humor, which gave him a happy welcome into every society. He acquired an immense fortune by his practice at the bar and died in May, 1773, leaving three daughters. The portion which fell on that event to Mrs. Jefferson was about equal to Jefferson's own patrimony and consequently doubled the affluence of their circumstances.

At the period of which we have been speaking, Mr. Jefferson had three daughters, in the education of whom, according to his own ideas, he carried into practical exercise all the enthusiasm which had distinguished his public labors. With a mind attuned to all those endearments which make up the measure of domestic felicity, with a wife no less adapted to multiply and augment those endearments to the full extent of which they are susceptible, with an uncommon passion for philosophy and the pursuits of agriculture, it is not surprising he should have preferred, as he afterwards declared, "the woods, the wilds, and the independence of Monticello to all the brilliant pleasures of the most brilliant court in Europe." It was to him, therefore, a luxury, and one which he had not been permitted to enjoy since the commencement of the revolution, to pass as he did the remainder of the year 1781 and a considerable part of the succeeding in the pleasures and pursuits of domestic retirement.

With the cares of his family, his books, and his farm, he mingled the gratification of his devotion to the fine arts, particularly architecture. He superintended minutely the construction of his elegant mansion, which had

been commenced some years before, and was already in a habitable condition. The plan of the building was entirely original in this country. He had drawn it himself from books with a view to improve the architecture of his countrymen by introducing an example of the taste and the arts of Europe. The original structure, which was executed before his travels in Europe had supplied him with any models, is allowed by European travelers to have been infinitely superior in taste and convenience to that of any other house at this time in America. [note] The fame of the Monticellian philosopher having already spread over Europe, his hospitable home was made the resort of scientific adventurers and of travelers from many parts of that continent.

It may not be unsatisfactory to the reader to have a picture of the patriot in his hermitage as he appeared to the celebrated French traveler, General Chastellux:

> "Let me describe to you a man, not yet forty, tall and with a mild countenance, but whose mind and understanding are ample substitutes for every exterior grace. An American who, without ever having quitted his own country, is at once a musician, skilled in drawing, a geometrician, an astronomer, a natural philosopher, legislator, and statesman; a senator of America who sat for two years in that famous Congress that brought about the revolution, and that is never mentioned without respect, though unhappily not without regret; a Governor of Virginia who filled this difficult station during the invasions of Arnold, of Phillips, and of Cornwallis; a philosopher in voluntary retirement from the world and public business, because he loves the world inasmuch only as he can flatter himself with being useful to mankind: and the minds of his countrymen are not yet in a condition either to bear the light or to suffer contradiction; a mild and amiable wife, charming children, of whose education he himself takes charge, a house to embellish, great provisions, and the arts and sciences to cultivate. These are what remain to Mr. Jefferson after having played a principal character on the theatre of the new world, and which he preferred to the honorable commission of minister plenipotentiary in Europe."

In the autumn of 1782, assurances having been received from the British government that a general peace would be concluded in the ensuing winter or spring, Congress renewed the appointment of their plenipotentiaries for that purpose. A great and afflicting change had at this time taken place in the domestic relations of Mr. Jefferson, and the reasons which before operated imperatively against his acceptance of the mission were suddenly superseded by others as imperatively urging his absence from the seat of his dearest and most hallowed ties. The appointment was made on the 13th of November. "I had two months before that," says he, "lost the cherished companion of my life, in whose affections, unabated on both sides, I had lived the last ten years in unchequered happiness." With the public interests, therefore, the state of his mind concurred in recommending the change of scene proposed, and he accepted the appointment.

He left Monticello on the 19th of December, 1782, for Philadelphia, where he arrived on the 27th. The Minister of France, Luzerne, offered him a passage in the frigate Romulus, which he accepted; but she was then lying a few miles below Baltimore, blockaded by ice. No other conveyance being available, he remained in Philadelphia a month. On his arrival, Congress had passed an order offering him free access to the archives of the government, and he improved his leisure by a constant and daily attendance at the office of State, examining the public papers to possess himself throughly of the state of our foreign affairs. He then proceeded to Baltimore to await the liberation of the French frigate from the ice. After being detained there nearly a month longer, information was received that a provisional treaty of peace had been signed by those of the commissioners who were on the spot (Adams, Franklin, Jay, and Laurens) on the 3rd of September, 1782, which treaty was to become absolute on the conclusion of peace between France and Great Britain. Considering the object of his mission to Europe as now accomplished, he repaired immediately to Philadelphia to take the order of Congress, and was excused by them from further proceeding. He therefore returned home, where he arrived on the 15th of May, 1783.

The appointment and re-appointment of Mr. Jefferson to the embassy which resulted in the negotiation of the definitive treaty of peace with Great Britain, though but a fair tribute to his revolutionary services, have rarely been associated in history with that important event. The circumstances above detailed alone prevented the

addition of his signature to the treaty, which would necessarily have given the same honorable notoriety to his connection with the transaction as is attached to his associate commissioners.

On the 6th of June, 1783, Mr. Jefferson, whose capabilities were never overlooked, was re-elected by the legislature to his former station of delegate to Congress. His appointment was to take effect on the 1st of November ensuing, when the term of the existing delegation would have expired. He left home on the 16th of October, arrived at Trenton where Congress was sitting on the 3rd of November, and took his seat on the 4th, on which day Congress adjoined to meet at Annapolis on the 26th.

Congress convened at Annapolis on the 26th of November, agreeably to adjournment; but the pressure of public affairs having relaxed, the members had become proportionally remiss in their attendance, insomuch that a majority of the States necessary by the confederation to constitute a quorum, even for minor business, did not assemble until the 13th of December.

On the 19th of the same month, the great conflict being over and our national independence acknowledged by Great Britain, the illustrious General-in-Chief of the American army requested permission of Congress to resign his commission, and with deference ever paid by him to the civil authority, desired to know their pleasure in what manner the grateful duty should be performed.

Congress decreed that the commission should be delivered up at a PUBLIC AUDIENCE on the 23rd of December at twelve o'clock, and suitable arrangements were ordered for the occasion. The character sustained by Mr. Jefferson in this affecting scene will justify a general description of the circumstances.

When the hour arrived for the performance of the ceremony, the galleries were overloaded with spectators, and many distinguished individuals, among whom were the executive and legislative characters of the States, several general officers, and the Consul General of France, were admitted on the floor of Congress. From the first moment of peace, the public mind had been fixed intently upon General Washington. He stood on the pinnacle of military fame and power, but his ambition was satisfied, for the liberties of his country had been gained, and his admiring fellow citizens were now assembled to witness the execution of a purpose, deliberately and warmly embraced, of leaving to the world a great and solemn example of moderation.

The representatives of the people of the union remained seated and covered; the spectators, standing and uncovered. The general was introduced by the secretary and conducted to a chair near the President of Congress. After a proper interval, silence was commanded and a short pause ensued. The President, General Mifflin, then rose and informed General Washington that the United States in Congress assembled were prepared to receive his communications. Washington rose and, with a native dignity, delivered his affectionate address and valedictory.

Having then advanced to the chair and delivered his commission to the president, he returned to his place and received while standing the following answer of the President in the name of Congress. This paper was prepared by Mr. Jefferson.

> "Sir:-- The United States in Congress assembled receive with emotions too affecting for utterance the solemn resignation of the authorities under which you have led their troops with success through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge before it had formed alliances and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have, by the love and confidence of your fellow citizens, enabled them to display their martial genius and transmit their fame to posterity. You have persevered till these United States, aided by a magnanimous king and nation, have been enabled,

under a just providence, to close the war in freedom, safety, and independence, on which happy event we sincerely join you in congratulations.

"Having defended the standard of liberty in this new world; having taught a lesson useful to those who inflict and to those who feel oppression, you retire from the great theatre of action with the blessings of your fellow citizens. But the glory of your virtues will not terminate with your military command; it will continue to animate remotest ages.

"We feel with you our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers who have attended your person to this affecting moment.

"We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching Him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation. And for you we address to Him our earnest prayers that a life so beloved may be fostered with all His care; that your days may be happy as they have been illustrious; and that He will finally give you that reward which this world cannot give."

On the same day, December 23rd, measures were taken for ratifying the definitive treaty of peace which had been signed at Paris on the 3rd of September, 1783, and received here in November following. The treaty, with the joint letter of the American plenipotentiaries, was referred to a committee, of which Mr. Jefferson was chairman, to consider and report thereon. The necessary house not being present, the committee were directed to address letters to the governors of the absent States stating the receipt of the definitive treaty, that seven States only were in attendance, while nine were essential to its ratification, and urging them to press on their delegates the necessity of an immediate attendance.

Meanwhile, the house being restless under the delay, the opinion was advanced by several members that seven States were competent to confirm treaties, and a motion was accordingly made for an immediate ratification. Mr. Jefferson adhered to the strict letter of the confederation against the constructive opinion and opposed the motion. It was debated with considerable warmth on the 26th and 27th. No traces of the proceedings, however, appear in the journals of Congress. It being made palpable in the course of the debates that the proposition could not be sustained, it was decided to make no entry at all. Massachusetts alone would have voted for it; Rhode Island, Pennsylvania, and Virginia against it; Delaware, Maryland and North Carolina would have been divided.

In embodying his recollections of these transactions in 1821, Mr. Jefferson improved the occasion to record a severe but merited censure on the general character and conduct of our congressional bodies.

"Our body was little numerous, but very contentious. Day after day was wasted on the most unimportant questions. My colleague Mercer was one of those afflicted with the morbid rage of debate; of an ardent mind, prompt imagination, and copious flow of words, he heard with impatience any logic which was not his own. Sitting near me on some occasion of a trifling but wordy debate, he asked how I could sit in silence hearing so much false reasoning which a word should refute? I observed to him that to refute indeed was easy, but to silence impossible; that in measures brought forward by myself, I took the laboring oar, as was incumbent on me, but that in general, I was willing to listen. If every sound argument or objection was used by some one or other of the numerous debaters, it was enough: if not, I thought it sufficient to suggest the omission, without going into a repetition of what had been already said by others; that this was a waste and abuse of the time and patience of the house which could not be justified. And I believe that if the members of deliberative bodies were to observe this course generally, they would do in a day what takes them a week, and it is really more questionable than may at first be thought, whether Bonaparte's dumb legislature, which said nothing and did much, may not be preferable to one which talks much and does nothing. I served with General Washington in the legislature of Virginia before the revolution and during it with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid

their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress errs in too much talking, how can it be otherwise in a body to which the people send 150 lawyers whose trade it is to question everything, yield nothing, and talk by the hour? That 150 lawyers should do business together ought not to be expected." (Autobiography, 1821. ME 1:86)

Those who thought seven States competent to the ratification being very uneasy under the loss of their motion, Mr. Jefferson proposed on the 3rd of January to meet them on the middle ground, and accordingly moved a resolution premising that there were but seven States present who were unanimous for the ratification but differed in opinion on the question of competency; that those, however, in the negative were unwilling that any powers which it might be supposed they possessed should remain unexercised for the restoration of peace, provided it could be done saving their good faith and without any opinion of Congress that seven States were competent; and resolving that the treaty be ratified so far as they had power; that it should be transmitted to our ministers with instructions to keep it uncommunicated; that they should endeavor to obtain three months longer for exchange of ratifications; that so soon as nine States shall be present, a ratification by nine shall be sent them. If this should get to them before the ultimate point of time for exchange, they were to use it and not the other; if not, they were to offer the act of the seven States in exchange, stating that the treaty had come to hand while Congress was not in session, that but seven States were as yet assembled, and these had unanimously concurred in the ratification. This resolution was debated on the 3rd and 4th of January, and on the 5th, the question being carried, the house directed the president to write to our ministers accordingly.

On the 14th of January, delegates from Connecticut and South Carolina having arrived, the necessary complement of States was in attendance, and on report of Mr. Jefferson in behalf of the committee, the definitive treaty of peace between the United States and Great Britain was solemnly ratified and confirmed without a dissenting voice.

18. A Uniform System of Currency

The act by which Mr. Jefferson chiefly distinguished himself in his second Congressional course was the establishment of a money unit and a uniform system of currency for the United States. The interesting fact is not always acknowledged in this country that Mr. Jefferson was the father of this nation's admirable system of coinage and currency. In the volumes that have been written on this great man, many omit any allusion to the circumstance; and yet, it is one of the noblest commentaries on the versatility of his powers. The historical circumstances attending the preparation and final adoption of his scheme are of some curiosity as showing the disparity of views which prevailed on the subject.

Early in January, 1782, Congress had turned their attention to the variety and discordancy of moneys current in the several States and had directed their financier, Robert Morris, to report to them a table of the different currencies and of the rates at which foreign coins should be received at the treasury. That officer, or rather his assistant, Governeur Morris, answered them the same month in an able and elaborate statement of the denominations of money current in the several States and of the comparative value of the foreign coins chiefly in circulation among us. He went also into the consideration of the necessity of establishing a fixed standard of value with us and of adopting a money unit. He proposed for that unit such a fraction of pure silver as would be a common measure of the penny of every State without leaving a fraction. This common divisor he found to be 1/1440 of a dollar, or 1/1600 of a crown sterling. The value of a dollar, therefore, was to be expressed by 1440 units and of a crown by 1600, each unit containing a quarter of a grain of fine silver. The following year, 1783, Congress again turned their attention to the subject, and the financier, by a letter of April 30, further explained his idea and urged the unit he had proposed; but nothing more was done on it until the early part of the ensuing year, 1784, when, Mr. Jefferson having become a member, the subject was referred to a committee of which he was made chairman.

> "The general views of the financier were sound," says he, "and the principle was ingenious on which he proposed to found his Unit. But it was too minute for ordinary use, too laborious for computation either by the head or in figures. The price of a loaf of bread, 1/20 of a dollar, would be 72 units. A pound of butter, 1/5 of a dollar, 288 units. A horse or bullock of eighty dollars value would require a notation of six figures, to wit, 115,200, and the public debt, suppose of eighty millions, would require twelve figures, to wit, 115,200,000,000 units. Such a system of money-arithmetic would be entirely unmanageable for the common purposes of society. I proposed, therefore, instead of this to adopt the Dollar as our unit of account and payment, and that its divisions and subdivisions should be in the decimal ratio. I wrote some notes on the subject, which I submitted to the consideration of the financier. I received his answer and adherence to his general system, only agreeing to take for his Unit 100 of those he first proposed, so that a Dollar should be 14 40/100 and a crown 16 units. I replied to this and printed my notes and reply on a flying sheet, which I put into the hands of the members of Congress for consideration, and the Committee agreed to report on my principle. This was adopted the ensuing year and is the system which now prevails." (Autobiography, 1821. ME 1:78)

The money system recommended by Mr. Jefferson and adopted by Congress in 1785 soon almost entirely superseded the various and perplexing currencies which formerly prevailed in the different States and established a uniformity of computation among them. For soundness and simplicity, easy computation, and facility of introduction among the people, it is probably unequaled by any system now in use in any other nation. A tolerable estimate of its advantages over the currencies of other States may be formed on an examination of the views of the author as drafted by himself at the time and submitted to the consideration of the committee.

As might be expected, the return to the national councils of so distinguished a man as Mr. Jefferson drew upon him an unusual proportion of public business. The journals of the house place him continually in the foreground of the concentrated wisdom of the nation. He was on all the committees to whom concerns of the highest moment were entrusted and was twice in one month elected chairman of Congress during the absence, from indisposition, of the President.

He was appointed chairman of a grand committee to revise the institution of the treasury department and report such alterations as they should deem proper. The business of this committee was emphatically to reduce order out of chaos. The finances of the country were in a most deplorable condition. No adequate system had been devised for meeting the constant and increasing requisitions upon the treasury. And no compulsory power existed in Congress over the States, many of whom being dissatisfied with their quotas refused to contribute altogether, and none appeared to have the means at command for satisfying the demands made upon them. The peace and harmony of the union were manifestly in danger. Mr. Jefferson entered upon the arduous trust with great zeal and fidelity and draughted an able report on the subject in the form of a circular letter to the supreme executive of the several States, which report was unanimously adopted. He likewise reported from the same committee the draught of an ordinance for erecting the department of finance into a commission under the title of "The Board of Treasury," which was adopted.

He was appointed chairman of a committee to prepare and report to Congress the arrears of interest on the national debt with the interest and expenses of the current year, and to adjust an equitable apportionment of the whole demand among the several States. He drew the report of the committee: it was an elaborate performance, embracing a full and comprehensive review of the various debts of the union, the interest due thereon, with the expenses of the current year, and exhibiting by a table annexed an apportionment of the necessary requisitions upon the several States for defraying the amount. The report was accepted and passed.

He was appointed chairman of a committee to devise and report a plan of government for the western territories. He drew the ordinance on a principle analogous to the State governments and reported it to the house where, after going through the ordinary course, it was adopted with few alterations. He improved the occasion to testify

once more his abhorrence of slavery by introducing into his plan the following provision: "That after the year 1800 of the Christian Era, there shall be neither slavery nor involuntary servitude in any of the States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty." But the clause was stricken out by Congress, as well as another which provided that no person should be admitted a citizen who held any hereditary title.

He was appointed on a committee of retrenchment to consider and report what reductions might be made in the civil list. On the report of this committee, such a reduction was ordered by suppressing unnecessary offices and diminishing the salaries of others as produced an annual saving to the United States of 24,000 dollars.

He was made chairman of a committee to settle the mode of locating and disposing lands in the western territory. He prepared the report of the committee, which was adopted. It established the mode of proceeding on this subject which was thereafter pursued with little variation.

Exclusive power over the regulation of commerce, even by treaty, was not given to Congress by the confederation, but the right was reserved to the State legislatures of imposing such duties on foreigners as their own people were subjected to and of prohibiting the exportation and importation of any species of goods within their respective ports. The inconveniences of this arrangement were speedily felt to an alarming degree. Great Britain had already adopted regulations destructive of our commerce with her West Indian Islands, and unless the United States in their federative capacity were invested with powers competent to the protection of their commerce by countervailing regulations, it was obvious they could never command reciprocal advantages in trade, without which their foreign commerce must decline and eventually be annihilated. A committee was therefore appointed, of which Mr. Jefferson was a member, to institute measures for transferring the principal jurisdiction of commerce from the States to the national tribunal. They reported resolutions recommending the legislatures of the several States to invest the federal government for the term of fifteen years with the power to interdict from our ports the commerce of any nation with whom the United States shall not have established treaties. The report was accepted and the resolutions passed.

All these important transactions with many others in which Mr. Jefferson had a leading agency were accomplished during the winter and spring of 1784, the whole term of his second congressional service.

During the same term, he submitted a proposition which embraced a double object -- to invigorate the government and reduce its expense. The permanent session of Congress and the remissness of the members had begun to be subjects of uneasiness throughout the country, and even some of the legislatures had recommended to them intermissions and periodical sessions. But the government was not yet organized into separate departments; there was no distinct executive, nor had the confederation made provision for a visible head of affairs during vacations of Congress. Such a head was necesary, however, to superintend the executive business, to receive and communicate with foreign ministers and nations, and to assemble Congress on sudden and extraordinary emergencies. Mr. Jefferson, therefore, proposed the appointment of an executive board to consist of one member from each State, who should remain in session during the recess of Congress under the title of "Committee of the States." The powers of this plural executive were to embrace all the executive functions of Congress that should not be specially reserved, but none of the legislative; the concurrence of nine members would be required to determine all questions except that of adjoinment from day to day; they should keep a journal of their proceedings to be laid before Congress, whom they should also be empowered to assemble on any occurrence during the recess in which the peace or happiness of the United States might be involved.

The proposition was adopted, and a committee of the States appointed. On the adjournment of Congress in June following, they entered upon their duties; but in the course of two months, quarreled among themselves, divided into two parties, abandoned their post, and left the government without any visible head until the next meeting of Congress. The scheme was found to be an impracticable one, though it was the best within the authority of Congress at that time to adopt. And on the whole, it was a happy circumstance for our republic that the theory proved as impracticable as it did, for it developed in a clear light the palpable defect of the confederation in not

having provided for a separation of the legislative, executive, and judiciary functions; and this defect, together with the want of adequate powers in the general government to collect their contributions and to regulate commerce, was the great cause which led to the formation and adoption of the new Constitution.

Mr. Jefferson has left a brief reminiscence of his sentiments and of an amusing interview with Dr. Franklin on learning the sudden rupture and dispersion of the new executive chiefs.

> "We have since seen the same thing take place in the Directory of France; and I believe it will forever take place in any Executive consisting of a plurality. Our plan, best, I believe, combines wisdom and practicability by providing a plurality of Counselors, but a single Arbiter for ultimate decision. I was in France when we heard of this schism and separation of our Committee, and, speaking with Dr. Franklin of this singular disposition of men to quarrel and divide into parties, he gave his sentiments as usual by way of Apologue. He mentioned the Eddystone lighthouse in the British channel as being built on a rock in the mid-channel, totally inaccessible in winter from the boisterous character of that sea in that season. That therefore for the two keepers employed to keep up the lights, all provisions for the winter were necessarily carried to them in autumn as they could never be visited again till the return of the milder season. That on the first practicable day in the spring, a boat put off to them with fresh supplies. The boatmen met at the door one of the keepers and accosted him with a How goes it friend? Very well. How is your companion? I do not know. Don't know? Is not he here? I can't tell. Have not you seen him to-day? No. When did you see him? Not since last fall. You have killed him? Not I, indeed. They were about to lay hold of him as having certainly murdered his companion; but he desired them to go up stairs and examine for themselves. They went up and there found the other keeper. They had quarreled, it seems, soon after being left there, had divided into two parties, assigned the cares below to one, and those above to the other, and had never spoken to or seen one another since!" (Autobiography, 1821. ME 1:80)

While in Congress at Annapolis, Mr. Jefferson received an urgent letter from General Washington requesting his opinions on the institution of the Cincinnati and on the conduct most proper for him to pursue in relation to it. The origin of this institution was perfectly innocent, but its anti-republican organization and tendency soon excited a heavy solicitude in the breasts of the more sensitive guardians of liberty, which at length broke forth in accents of loud and extensive disapprobation. The idea of this society was suggested by General Knox and finally matured into a regular association of all the officers of the American army, to continue during their lives and those of their eldest male posterity; or, in failure thereof, of any collateral branches who might be judged worth of admission, with power to incorporate as honorary members for life individuals of the respective States distinguished for their patriotism and abilities. The laws of the association further provided for periodical meetings, general and particular, fixed contributions for such of the members as might be in distress, and a badge to be worn by them and presented by a special envoy to the French officers who had served in the United State, who were also to be invited to consider themselves as belonging to the society, at the head of which the Commander in Chief was unanimously designated to take his place.

General Washington saw with pain the uneasiness of the public mind under this institution and appealed to Mr. Jefferson for his advice on the most eligible measures to be pursued at the next meeting. The answer of Mr. Jefferson, as it probably decided the future destinies of this famous institution, is worthy of being preserved. It is dated Annapolis, April 16, 1784.

> "Dear Sir,-- I received your favor of April 8th by Colonel Harrison. The subject of it is interesting, and so far as you have stood connected with it, has been matter of anxiety to me; because whatever may be the ultimate fate of the institution of the Cincinnati, as in its course it draws to it some degree of disapprobation, I have wished to see you standing on ground separated from it, and that the character which will be handed to future ages at the head of our Revolution may in no instance be compromitted in subordinate altercations. The subject has been at the point of my pen in every letter I have written to you, but has been still restrained by the reflection that you had among your friends more able counselors

and in yourself one abler than them all. Your letter has now rendered a duty what was before a desire, and I cannot better merit your confidence than by a full and free communication of facts and sentiments as far as they have come within my observation.

"When the army was about to be disbanded and the officers to take final leave, perhaps never again to meet, it was natural for men who had accompanied each other through so many scenes of hardship, of difficulty, and danger, who, in a variety of instances, must have been rendered mutually dear by those aids and good offices to which their situations had given occasion; it was natural, I say, for these to seize with fondness any proposition which promised to bring them together again at certain and regular periods. And this, I take for granted, was the origin and object of this institution; and I have no suspicion that they foresaw, much less intended, those mischiefs which exist, perhaps, in the forebodings of politicians only. I doubt, however, whether in its execution, it would be found to answer the wishes of those who framed it and to foster those friendships it was intended to preserve. The members would be brought together at their annual assemblies, no longer to encounter a common enemy but to encounter one another in debate and sentiment. For something, I suppose, is to be done at these meetings, and however unimportant, it will suffice to produce difference of opinion, contradiction, and irritation. The way to make friends quarrel is to put them in disputation under the public eye. An experience of near twenty years has taught me that few friendships stand this test, and that public assemblies, where everyone is free to act and speak, are the most powerful looseners of the bands of private friendship. I think, therefore, that this institution would fail in its principal object, the perpetuation of the personal friendships contracted through the war.

"The objections of those who are opposed to the institution shall be briefly sketched. You will readily fill them up. They urge that it is against the Confederation -- against the letter of some of our constitutions -- against the spirit of all of them; that the foundation on which all these are built is the natural equality of man, the denial of every preeminence but that annexed to legal office and, particularly, the denial of a preeminence by birth; that however, in their present dispositions, citizens might decline accepting honorary instalments into the order, a time may come when a change of dispositions would render these flattering, when a well-directed distribution of them might draw into the order all the men of talents, of office and wealth, and in this case, would probably procure an ingraftment into the government; that in this, they will be supported by their foreign members and the wishes and influence of foreign courts; that experience has shown that the hereditary branches of modern governments are the patrons of privilege and prerogative and not of the natural rights of the people, whose oppressors they generally are; that besides these evils which are remote, others may take place more immediately; that a distinction is kept up between the civil and military which it is for the happiness of both to obliterate; that when the members assemble, they will be proposing to do something, and what that something may be will depend on actual circumstances; that being an organized body under habits of subordination, the first obstruction to enterprise will be already surmounted; that the moderation and virtue of a single character have probably prevented this Revolution from being closed, as most others have been, by a subversion of that liberty it was intended to establish; that he is not immortal, and his successor or some of his successors may be led by false calculation into a less certain road to glory...

"This, Sir, is as faithful an account of sentiments and facts as I am able to give you. You know the extent of the circle within which my observations are at present circumscribed, and can estimate how far as forming a part of the general opinion it may merit notice or ought to influence your particular conduct.

It remains now to pay obedience to that part of your letter which requests sentiments on the most eligible measures to be pursued by the society at their next meeting. I must be far from pretending to be a judge of what would, in fact, be the most eligible measures for the society. I can only give you the opinions of those with whom I have conversed, and who, as I have before observed, are unfriendly to it. They lead to these conclusions: 1. If the society proceed according to its institution, it will be better to make no

application to Congress on that subject or any other in their associated character. 2. If they should propose to modify it so as to render it unobjectionable, I think this would not be effected without such a modification as would amount almost to annihilation, for such would it be to part with its inheritability, its organization, and its assemblies. 3. If they shall be disposed to discontinue the whole, it would remain with them to determine whether they would choose it to be done by their own act only or by a reference of the matter to Congress, which would infallibly produce a recommendation of total discontinuance.

"You will be sensible, Sir, that these communications are without reserve. I supposed such to be your wish and mean them but as materials with such others as you may collect for your better judgment to work on. I consider the whole matter as between ourselves alone, having determined to take no active part in this or anything else which may lead to altercation or disturb that quiet and tranquility of mind to which I consign the remaining portion of my life. I have been thrown back by events on a stage where I had nevermore thought to appear. It is but for a time, however, and as a day laborer, free to withdraw or be withdrawn at will. While I remain, I shall pursue in silence the path of right, but in every situation public or private, I shall be gratified by all occasions of rendering you service and of convincing you there is no one to whom your reputation and happiness are dearer than to, Sir,

"Your most obedient and most humble servant." (ME 4:215)

The sentiments of Mr. Jefferson on the subject of the Cincinnati were the sentiments of a majority of the members of Congress, and they soon animated the mass of the people. General Washington was oppressed with solicitude; he weighed the considerations submitted to him with intense deliberation; and although conscious of the purity of the motive in which the institution originated, he became sensible that it might produce political evils which the warmth of those motives had disguised. But whether so or not, the fact that a majority of the people were opposed to it was a sufficient motive with him for desiring its immediate suppression. The first annual meeting was to be held in May ensuing at Philadelphia; it was now at hand, and he went to it with the determination to exert all his influence for its annihilation. He proposed the matter to his fellow officers, and urged it with all his powers. "It met with an opposition," says Mr. Jefferson, "which was observed to cloud his face with an anxiety that the most distressful scenes of war had scarcely ever produced. The question of dissolution was canvassed for several days, and at length the order was on the point of receiving its annihilation by the vote of a great majority of its members. At this moment, their envoy arrived from France charged with letters from the French officers accepting cordially the proposed badges of fellowship, with solicitations from others to be received into the order and the recognition of their magnanimous sovereign. The prospect was now changed. The question assumed a new form. After an offer made by themselves and accepted by their friends, in what words could they clothe a proposition to retract it which would not cover themselves with the reproaches of levity and ingratitude, which would not appear an insult to those whom they loved? They found it necessary, therefore, to preserve so much of the institution as would support the foreign branch, but they obliterated every feature which was calculated to give offense to their own citizens, thus sacrificing on either hand to their brave allies and to their country."

The society was to retain its existence, its name, and its charitable funds; these last, however, were to be deposited with their respective legislatures. The order was to be communicated to no new members. The general meetings, instead of annual, were to be triennial only. The eagle and ribbon, indeed, were retained, because they were willing they should be worn by their friends in France where they would not be objects of offense; but they were never worn here. "They laid them up in their bureaus with the medals of American Independence, with those of the trophies they had taken and the battles they had won."

19. Minister Plenipotentiary in Paris

On the 7th of May, Congress resolved that a minister plenipotentiary should be appointed in addition to Dr. Franklin and Mr. Adams, already in Europe, for negotiating treaties of commerce with foreign nations, and Mr. Jefferson was unanimously elected.

The charge confided to this legation comprehended all our foreign relations, the adjustment of which upon a firm and equitable basis was evidently an undertaking of uncommon magnitude, difficulty, and delicacy. It was the great object of Congress in the appointment of these ambassadors to get our commerce established with every nation on a footing as favorable as that of any other government; and for this purpose, they were directed to propose to each nation a distinct treaty of commerce. The acceptance, too, of such treaties would amount to an acknowledgment by each of our independence and of our reception into the fraternity of nations, "which although," says Mr. Jefferson, "as possessing our station of right and in fact, we would not condescend to ask, we were not unwilling to furnish opportunities for receiving their friendly salutations and welcome." (ME 1:89 With France, the United Netherlands, and Sweden, the United States already had commercial treaties; but commissions were given for those countries also, should any amendments be thought necessary. The other powers to which treaties were to be proposed were England, Hamburg, Saxony, Prussia, Denmark, Russia, Austria, Venice, Rome, Naples, Tuscany, Sardinia, Genoa, Spain, Portugal, the Porte, Algiers, Tripoli, Tunis, and Morocco.

Mr. Jefferson accepted the honorable commission of ambassador and bid a final adieu to Congress on the 11th of May, 1784. Instead of returning to Monticello, the scene of his recent and distressing bereavement, he went directly to Philadelphia, took with him his eldest daughter then in that city, and proceeded to Boston in quest of a passage. This was the only occasion on which Mr. Jefferson ever visited New England, and while pursuing his journey, he made a point of stopping at the principal towns on the seaboard to inform himself of the state of commerce in each State. With the same view, he extended his route into New Hampshire. He returned to Boston and sailed thence on the 5th of July in the merchant ship Ceres bound to Cowes, which is south of England on the Isle of Wight, where he arrived after a pleasant voyage on the 26th. He was detained here a few days by the indisposition of his daughter, when he embarked for Havre and arrived at Paris on the 6th of August. He called immediately on Dr. Franklin at Passy, communicated to him their charge and instructions, and they wrote to Mr. Adams, then at the Hague, to join them in Paris.

The instructions given by Congress to the first plenipotentiaries of independent America were a novelty in the history of international transactions, and much curiosity was manifested by the diplomatic corps of Europe resident at the court of Versailles to know the author of them. These instructions contemplated the introduction of numerous and fundamental reformations in the established relations of neutrals and belligerents which, had the propositions of our ministers been embraced by the principal powers of Europe, would have effected a series of the most substantial and desirable improvements in the international code of mankind. The principal reformations intended were provisions (1) exempting from capture by the public or private armed ships of either belligerent when at war, all merchant vessels and their cargoes employed merely in carrying on the commerce between nations; (2) against the molestation of fishermen, husbandmen, citizens unarmed and following their occupations in unfortified places; (3) for the humane treatment of prisoners of war; (4) for the abolition of contraband of war which exposes merchant vessels to such ruinous detentions and abuses; and (5) for the recognition of the principle of "free bottoms, free goods."

Such were the distinguishing features of these unique instructions, and the interesting question of their authorship had never been settled until the publication of Mr. Jefferson's private correspondence. In a letter of his written but a short time before his death to John Q. Adams, then President of the United States, the whole

history of the transaction is concisely stated in answer to a special and friendly enquiry on the subject. He ascribes to Dr. Franklin the merit of having suggested the principal innovations meditated by these instructions.

> "I am thankful for the very interesting message and documents of which you have been so kind as to send me a copy, and will state my recollections as to the particular passage of the message to which you ask my attention. On the conclusion of peace, Congress, sensible of their right to assume independence, would not condescend to ask its acknowledgment from other nations, yet were willing by some of the ordinary international transactions to receive what would imply that acknowledgment. They appointed commissioners, therefore, to propose treaties of commerce to the principal nations of Europe. I was then a member of Congress, was of the committee appointed to prepare instructions for the commissioners, was, as you suppose, the draughtsman of those actually agreed to, and was joined with your father and Dr. Franklin to carry them into execution. But the stipulations making part of these instructions which respected privateering, blockades, contraband, and freedom of the fisheries were not original conceptions of mine. They had before been suggested by Dr. Franklin in some of his papers in possession of the public and had, I think, been recommended in some letter of his to Congress. I happen only to have been the inserter of them in the first public act which gave the formal sanction of a public authority." (March 30, 1826. ME 16:160)

Agreeably to their request, Mr. Adams soon joined his colleagues of the legation at Paris, and their first employment was to prepare a general form of treaty based upon the broad principles of their instructions, to be proposed to each nation without discrimination but without urging it upon any. In the conference with the Count de Vergenes, the United States having already concluded a treaty with France, it was mutually agreed to leave to legislative regulation on both sides such modifications of our commercial intercourse as would voluntarily flow from amicable dispositions. They next sounded the ministers of the several European nations assembled at the court of Versailles on the disposition of their respective governments towards mutual commerce and the expediency of encouraging it by the protection of a treaty. The final success of their propositions to the various powers during a twelve months term of joint diplomatic attendance in Europe is very pleasantly and comprehensively stated by Mr. Jefferson himself.

> "Old Frederick of Prussia met us cordially and without hesitation, and appointing the Baron de Thulemeyer, his minister at the Hague, to negotiate with us, we communicated to him our Project, which, with little alteration by the King, was soon concluded. Denmark and Tuscany entered also into negotiations with us. Other powers appearing indifferent we did not think it proper to press them. They seemed, in fact, to know little about us but as rebels who had been successful in throwing off the yoke of the mother country. They were ignorant of our commerce, which had been always monopolized by England, and of the exchange of articles it might offer advantageously to both parties. They were inclined, therefore, to stand aloof until they could see better what relations might be usefully instituted with us. The negotiations, therefore, begun with Denmark and Tuscany we protracted designedly until our powers had expired, and abstained from making new propositions to others having no colonies, because our commerce, being an exchange of raw for wrought materials, is a competent price for admission into the colonies of those possessing them: but were we to give it without price to others, all would claim it without price on the ordinary ground of *gentis amicissimae.*" (Autobiography, 1821. ME 1:93)

As might have been foreseen, such was the reserve and hauteur with which the ambassadors of independent America were treated by the representatives of the governments of the ancient world. It is true the United States had just emerged from a subordinate condition; yet a little knowledge of the situation and resources of the people and institutions of America would have apprised them of the rank she was destined to hold in the scale of empire and of the nature of those relations which it was their interest to have established with her. By assuming an air of coyness and indifference, they probably imagined they could inveigle our ministers into terms more advantageous to themselves than they were in the habit of instituting with older countries and more experienced agents. But they were met by the untutored negotiators of republican America with an equal

indifference as just and honorable as theirs was fallacious, springing as it did from a sense of the real value of our commerce and a determination not to exchange it in any case without an adequate equivalent. As soon as they became sensible, therefore, that they could do nothing with the greater powers who alone might offer a competent exchange for our commerce, they prudently resolved not to hamper our country with engagements to those of less significance, and accordingly suffered their commission to expire without closing any other negotiation than that with the King of Prussia.

Thus through the short-sighted cupidity of European governments was lost to the world a precious opportunity of commencing a reform in its international code by the introduction of wise and beneficent principles. "Had these governments," says Mr. Jefferson, "been then apprised of the station we should so soon occupy among nations, all, I believe, would have met us promptly and with frankness. These principles would then have been established with all, and from being the conventional law with us alone, would have slid into their engagements with one another and become general. They have not yet found their way into written history; but their adoption by our southern brethren will bring them into observance and make them what they should be: a part of the law of the world and of the reformation of principles for which they will be indebted to us."

On the 10th of March, 1785, Mr. Jefferson received the unanimous appointment of minister plenipotentiary at the court of France as successor to Dr. Franklin, who had obtained leave to return to America. He was re-elected to the same station in October, 1787, on the expiration of his first term, and continued to represent the United States at that court until October, 1789, when he was permitted to return to his native country.

Mr. Adams was about the same time appointed minister plenipotentiary to England and left Paris for London in June, 1785.

Mr. Jefferson accepted the appointment with a native diffidence heightened by a sense of the extraordinary merits of his predecessor and of the exalted estimation in which they had established him with the French nation.

His reception at the court of Versailles as resident ambassador of America and his introduction into the brilliant circles of Paris were of the most flattering character. At first, he was universally pointed to and appreciated only as the successor of the admired, the beloved, the venerated Franklin; but in a short time, his own estimable qualities became known and established him in the affections of the nation with a firmness and fervor which rivaled the reputation of his predecessor. He was everywhere and on all occasions greeted with a welcome which evinced their cordial attachment to the freemen and freedom of the United States. With a mind constituted as Mr. Jefferson's was, it is not wonderful that the attentions which were showered upon him, the science of their literary men, the warmth of their general philanthropy, and the devotedness of their select friendships made an impression upon him which he carried in all its freshness to his grave.

On the retirement of Dr. Franklin from the diplomatic field, the duties of the joint commission for forming commercial treaties in Europe devolved on Mr. Jefferson and Mr. Adams, and their separate stations added to their insuperable repugnance to pressing the subject upon the European governments, had almost extinguished the idea of further operations. But in February, 1786, Mr. Jefferson received by express a letter from his colleague in London urging his immediate attendance at that court, stating as a reason that he thought he discovered there some symptoms of a more favorable disposition towards the United States. Col. Smith, his secretary of legation, was the bearer of Mr. Adams' letters. Accordingly, Mr. Jefferson left Paris on the 1st of March for the purpose of cooperating with Mr. Adams in a second attempt to negotiate a treaty of commerce with Great Britain. On his arrival in London, the two ministers met and agreed on a very summary and liberal form of treaty to be offered, proposing in direct terms a mutual exchange of citizenship, of ships, and of productions generally.

The reader will be amused with Mr. Jefferson's account of the magnanimous reception of their proposition and of the final result of his trip to the dignified court of St. James.

> "On my presentation as usual to the King and Queen at their levees, it was impossible for anything to be more ungracious than their notice of Mr. Adams and myself. I saw at once that the ulcerations in the narrow mind of that mulish being left nothing to be expected on the subject of my attendance; and on the first conference with the Marquis of Caermarthen, his Minister of foreign affairs, the distance and disinclination which he betrayed in his conversation, the vagueness and evasions of his answers to us, confirmed me in the belief of their aversion to have anything to do with us. We delivered him however our *Projet,* Mr. Adams not despairing as much as I did of its effect. We afterwards, by one or more notes, requested his appointment of an interview and conference, which, without directly declining, he evaded by pretenses of other pressing occupations for the moment. After staying there seven weeks, till within a few days of the expiration of our commission, I informed the minister by note that my duties at Paris required my return to that place, and that I should with pleasure be the bearer of any commands to his Ambassador there. He answered that he had none, and wishing me a pleasant journey, I left London the 26th, and arrived at Paris on the 30th of April." (Autobiography, 1821. ME 1:94, corrected)

Mr. Jefferson's duties while minister plenipotentiary at Paris were principally confined to the subject of our commercial relations with that country, in which he effected many important modifications highly advantageous to the United States. He succeeded in procuring the receipt of our whale oils, salted fish, and salted meats on favorable terms; the admission of our rice on equal terms with that of Piedmont, Egypt, and the Levant; a suppression of the duties on our wheat, flour furs, etc.; the suppression of the monopoly for making and selling spermaceti candles; the naturalization of our ships; a mitigation of the monopoly of our tobacco trade by the farmers-general of France; a reduction of the duties on our tar, pitch, and turpentine; and the free admission of our productions generally into their West India islands. In exchange, the United States received by direct trade the wines, brandies, oils, and productions and manufactures generally of France. These objects were not accomplished, however, without a series of difficult and laborious negotiations aided by the mutual good temper and dispositions of both parties and by the mediation of a powerful auxiliary and friend at that court whose arduous and disinterested services in the cause of America can never be forgotten.

> "On these occasions," says he, "I was powerfully aided by all the influence and the energies of the Marquis de Lafayette, who proved himself equally zealous for the friendship and welfare of both nations; and in justice I must also say that I found the government entirely disposed to befriend us on all occasions and to yield us every indulgence not absolutely injurious to themselves. The Count de Vergennes had the reputation with the diplomatic corps of being wary and slippery in his diplomatic intercourse; and so he might be with those whom he knew to be slippery and double-faced themselves. As he saw that I had no indirect views, practised no subtleties, meddled in no intrigues, pursued no concealed object, I found him as frank, as honorable, as easy of access to reason as any man with whom I had ever done business; and I must say the same for his successor Montmorin, one of the most honest and worthy of human beings." (Autobiography, 1821. ME 1:96)

Our commerce in the Mediterranean having at this time been suddenly placed under alarm by the capture of two of our vessels and crews by the Barbary cruisers, Mr. Jefferson projected a coalition of the principal European powers subject to their habitual depredations to compel the piratical States to perpetual peace and to guarantee that peace to each other. He was early and resolutely determined, so far as his opinions could have weight, that the United States would never acquiesce in the "European humiliation," as he termed it, or purchasing their peace of those lawless pirates. "Millions for defense, but not a cent for tribute," was his celebrated motto. The following is a statement of his reasons for this policy, addressed to Mr. Adams soon after returning to Paris with a view to obtain his concurrence in the proposition.

> "1. Justice is in favor of this opinion. 2. Honor favors it. 3. It will procure us respect in Europe, and respect is a safeguard to interest. 4. It will arm the federal head with the safest of all the instruments of coercion over their delinquent members, and prevent them from using what would be less safe. I think that so far you go with me. But in the next steps we shall differ. 5. I think it least expensive. 6. Equally

effectual. I ask a fleet of 150 guns, the one-half of which shall be in constant cruise. This fleet built, manned, and victualed for six months will cost 450,000 pounds sterling. Its annual expense is 300 pounds sterling a gun, including everything; this will be 45,000 pounds sterling a year. I take British experience for the basis of my calculations, though we know from our own experience that we can do in this way for pounds lawful what costs them pounds sterling. Were we to charge all this to the Algerine war, it would amount to little more than we must pay if we buy peace. But as it is proper and necessary that we should establish a small marine force (even were we to buy a peace from the Algerines), and as that force laid up in our dockyards would cost us half as much annually as if kept in order for service, we have a right to say that only 22,500 pounds sterling per annum should be charged to the Algerine war. 6. It will be as effectual. To all the mismanagements of Spain and Portugal urged to shew that war against those people is ineffectual, I urge a single fact to prove the contrary where there is any management. About forty years ago, the Algerines having broke their treaty with France, this court sent M. de Massac with one large and two small frigates; he blockaded the harbor of Algiers three months, and they subscribed to the terms he dictated. If it be admitted, however, that war on the fairest prospects is still exposed to uncertainties, I weigh against this the greater uncertainty of the duration of a peace bought with money from such a people, from a Dey eighty years old, and by a nation who, on the hypothesis of buying peace, is to have no power on the sea to enforce an observance of it.

So far, I have gone on the supposition that the whole weight of this war would rest on us. But, 1. Naples will join us. The character of their naval minister (Acton), his known sentiments with respect to the peace Spain is officiously trying to make for them and his dispositions against the Algerines give the greatest reason to believe it. 2. Every principle of reason tells us Portugal will join us. I state this as taking for granted what all seem to believe: that they will not be at peace with Algiers. I suppose then that a Convention might be formed between Portugal, Naples and the U.S. by which the burthen of the war might be shared with them according to their respective wealth, and the term of it should be when Algiers should subscribe to a peace with all three on equal terms. This might be left open for other nations to accede to, and many if not most of the powers of Europe (except France, England, Holland and Spain, if her peace be made) would sooner or later enter into the confederacy for the sake of having their peace with the piratical states guaranteed by the whole. I suppose that in this case our proportion of force would not be the half of what I first calculated on." (July 11, 1786. ME 5:364)

Presuming on Mr. Adam's concurrence and without waiting his answer, Mr. Jefferson immediately draughted and proposed to the diplomatic corps at Paris for consultation with their respective governments, articles of special confederation and alliance against the Barbary powers, the substance of which was that the parties should become mutually bound to compel these powers to perpetuate peace without price and to guarantee that peace to each other, the burden of the war to be equitably apportioned among them.

The proposition was received with applause by Portugal, Naples, the two Sicilies, Venice, Malta, Denmark, and Sweden. Spain had just concluded a treaty with Algiers at the expense of three million dollars and was indisposed to relinquish the benefit of her engagement until a first infraction by the other party, when she was ready to join. Mr. Jefferson had previously sounded the dispositions of the Count de Vergennes, and although France was at peace by a mercenary tenure with the Barbary States and fears were entertained that she would secretly give them her aid, he did not think it proper, in his conference with that minister, to insinuate a doubt of the fair conduct of his government. But on stating to him the proposition, he mentioned that apprehensions were felt that *England* would interfere in behalf of the piratical powers. "She dares not do it," was his reply. Mr. Jefferson pressed the point no further. The other ministers were satisfied with this indication of the sentiments of France, and nothing was now wanting to bring the measure into direct consideration but the assent of the United States and their authority to make the formal stipulation.

Mr. Jefferson communicated to Congress the favorable prospect of protecting their commerce from the Barbary depredations and for such a term of time as by an exclusion of them from the sea would change their characters from a predatory to an agricultural people; towards which, however, should the measure be approved, it was

expected they would contribute a frigate and its expenses for constant cruise. But the United States were in no condition to unite in such an undertaking. The powers of Congress over the people for obtaining contributions being merely recommendatory and openly disregarded by the States, they declined entering into an engagement which they were conscious they could not fulfil with punctuality. The association consequently fell through; but the principle thereafter governed in the American councils.

The remaining public objects of importance which engaged his attention were: 1st, The settlement of the financial concerns with our bankers in France and Holland, which were in a most critical and embarrassing state. Owing to the partial suspension in the action of our government while passing from the confederation to the constitutional form, the credit of the nation stood at one time on the verge of bankruptcy. Seeing there was not a moment to lose, Mr. Jefferson went directly to Holland, joined Mr. Adams at the Hague, where, without instructions and at their own risk, they executed bonds for a million of florins and pledged the credit of the United States in security for three years to come, by which time they thought the new government would get fairly underway. 2nd, The conclusion of a consular convention with France based upon republican principles. 3rd, The restoration of certain prizes taken from the British during the war, recaptured by Denmark, and delivered up to the British. He instituted measures to recover indemnification from Denmark, but the negotiation, by unavoidable circumstances, was spun out beyond the term of his ministry. 4th, The redemption of American citizens taken captive by the Algerines, and the formation of treaties with the Barbary States. The inability of the United States to supply him with the necessary funds prevented the redemption of the Algerine captives until after his return from France, and the only treaty which he succeeded in concluding with the Barbary States was that with the government of Morocco.

20. Turmoil and Change in America

It will be interesting to the American reader to know how the general appearance of things in Europe struck the republican mind of Mr. Jefferson. His private letters while in Paris addressed to his friends in America comprise the most nervous and in some respects the most valuable portions of his voluminous correspondence. His views of the state of society and manners in Europe, his comparison of its governments, laws, and institutions with those of republican America, and his unremitting exhortations to his countrymen to preserve themselves and the blessings they enjoy free from contamination with the people and principles of the old world, are among the most valuable and interesting legacies which he has bequeathed to his country.

Soon after the restoration of peace, the incompetency of the confederation to sustain the republican structure was so alarmingly felt that even those who had been most ardent in its establishment apostatized in great numbers to the principles of monarchical government as the only refuge of political safety.

The causes of this deflection in political opinion are inherent in the constitution of man; but powerful external reasons cooperated at this period to stimulate and force it on. The people had come out of the war of the revolution oppressed with the debts of the union, with the debts of the individual States, and with their own private debts; and they were utterly unable to discharge any from the best of all causes: the want of pecuniary means. The inability of Congress from the want of coercive powers to cancel the public obligations destroyed the public credit; and the application of judgment and execution in the case of private debts served only to increase the general distress. The interruption of their commerce with Great Britain and the deficiency as yet of other markets for their productions operated with peculiar severity upon the eastern States; and the neglect of a suitable relaxation of the judiciary arm in those governments brought on disastrous consequences. Under the pressure of this general distress, the popular discontent broke out into acts of violence and flagrant

insubordination. Tumultuary meetings were held in New Hampshire and Connecticut, and in Massachusetts a formidable insurrection arose which menaced the very foundations of the government.

These disturbances and commotions occasioned a general alarm throughout the union. They excited a sensible distrust of the principles of our government among its most sanguine votaries, while with its enemies, the intelligence of such events was greeted with exultation as affording a happy augury of the downfall of the republic. Now it was that those theoretic ideas of public virtue on which the beautiful edifice of liberty was erected began to be scouted as chimerical. The people were distrusted, and terror was considered the only competent motive of restraint and engine of subordination.

Mr. Jefferson was distant from his country at this disheartening juncture, but his eye watched over her, and the voice of his counsels was heard and felt. His confidence in the soundness of the republican theory underwent no change from those occasional eccentricities in practice which are inseparable from all human institutions and which were chargeable in the present case to the pressure of the times and the weakness of the confederation rather than to any inherent principle of disorganization. His reliance upon the good sense of the people to rectify abuses in a proper manner was so strong that he deemed an occasional rebellion a desirable event, inasmuch as it afforded the best evidence that this sense was active and vigorous; to enlighten it, then, was the only thing necessary to ensure a favorable result. Indeed, his conviction of the capacity of mankind to govern themselves was confirmed by the intelligence of these irregular proofs of their dissatisfaction under the present circumstances; and he took care to impress this opinion upon his numerous correspondents in America on every occasion and in the most emphatic terms. An acquaintance with his private correspondence at this period would afford satisfaction to the lovers of human nature and of human rights.

> To Col. Edward Carrington.-- "I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment but will soon correct themselves. The people are the only censors of their governors, and even their errors will tend to keep these to the true principles of their institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty. The way to prevent these irregular interpositions of the people is to give them full information of their affairs through the channel of the public papers and to contrive that those papers should penetrate the whole mass of the people. The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them. I am convinced that those societies (as the Indians) which live without government enjoy in their general mass an infinitely greater degree of happiness than those who live under the European governments. Among the former, public opinion is in the place of law and restrains morals as powerfully as laws ever did anywhere. Among the latter, under pretense of governing, they have divided their nations into two classes, wolves and sheep. I do not exaggerate. This is a true picture of Europe. Cherish, therefore, the spirit of our people, and keep alive their attention. Do not be too severe upon their errors, but reclaim them by enlightening them. If once they become inattentive to the public affairs, you and I, and Congress and Assemblies, Judges and Governors, shall all become wolves. It seems to be the law of our general nature in spite of individual exceptions; and experience declares that man is the only animal which devours his own kind, for I can apply no milder term to the governments of Europe and to the general prey of the rich on the poor." (Jan. 16, 1787. ME 6:57)

> To James Madison.-- "I am impatient to learn your sentiments on the late troubles in the Eastern states. So far as I have yet seen, they do not appear to threaten serious consequences. Those states have suffered by the stoppage of the channels of their commerce, which have not yet found other issues. This must render money scarce and make the people uneasy. This uneasiness has produced acts absolutely unjustifiable; but I hope they will provoke no severities from their governments. A consciousness of those in power that their administration of the public affairs has been honest may, perhaps, produce too great a degree of indignation; and those characters wherein fear predominates over hope may apprehend

too much from these instances of irregularity. They may conclude too hastily that nature has formed man insusceptible of any other government than that of force, a conclusion not founded in truth nor experience. Societies exist under three forms sufficiently distinguishable. 1. Without government, as among our Indians. 2. Under governments wherein the will of everyone has a just influence, as is the case in England in a slight degree and in our States in a great one. 3. Under governments of force, as is the case in all other monarchies and in most of the other republics. To have an idea of the curse of existence under these last, they must be seen. It is a government of wolves over sheep. It is a problem not clear in my mind that the first condition is not the best. But I believe it to be inconsistent with any great degree of population. The second state has a great deal of good in it. The mass of mankind under that enjoys a precious degree of liberty and happiness. It has its evils, too, the principal of which is the turbulence to which it is subject. But weigh this against the oppressions of monarchy, and it becomes nothing. *Malo periculosam libertatem quam quietam servitutem.* [I prefer the tumult of liberty to the quiet of servitude.] Even this evil is productive of good. It prevents the degeneracy of government and nourishes a general attention to the public affairs. I hold it that a little rebellion now and then is a good thing and as necessary in the political world as storms in the physical. Unsuccessful rebellions, indeed, generally establish the encroachments on the rights of the people which have produced them. An observation of this truth should render honest republican governors so mild in their punishment of rebellions as not to discourage them too much. It is a medicine necessary for the sound health of government." (Jan. 30, 1787. ME 6:64)

To David Hartley, of England.-- "The most interesting intelligence from America is that respecting the late insurrection in Massachusetts. The cause of this has not been developed to me to my perfect satisfaction. The most probable is that those individuals were of the imprudent number of those who have involved themselves in debt beyond their ability to pay, and that a vigorous effort in that government to compel the payment of private debts and raise money for public ones produced the resistance. I believe you may be assured that an idea or desire of returning to anything like their ancient government never entered into their heads. I am not discouraged by this, for thus I calculate: An insurrection in one of thirteen States in the course of eleven years that they have subsisted amounts to one in any particular State in one hundred and forty-three years -- say a century and a half. This would not be near as many as have happened in every other government that has ever existed. So that we shall have the difference between a light and a heavy government as clear gain. I have no fear but that the result of our experiment will be that men may be trusted to govern themselves without a master. Could the contrary of this be proved, I should conclude either that there is no God, or that He is a malevolent being." (July 2, 1787. ME 6:150)

To Col. William S. Smith.-- "Wonderful is the effect of impudent and persevering lying. The British ministry have so long hired their gazetteers to repeat and model into every form lies about our being in anarchy that the world has at length believed them, the English nation has believed them, and what is more wonderful, we have believed them ourselves! Yet where does this anarchy exist? Where did it ever exist, except in the single instance of Massachusetts? And can history produce an instance of rebellion so honorably conducted? I say nothing of its motives. They were founded in ignorance, not wickedness. God forbid we should ever be twenty years without such a rebellion. The people cannot be all and always well-informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions, it is a lethargy, the forerunner of death to the public liberty. We have had thirteen States independent for eleven years. There has been one rebellion. That comes to one rebellion in a century and a half for each State. What country before ever existed a century and a half without a rebellion? And what country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon, and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure." (Nov. 13, 1787. MR 6:372)

Such is a specimen of the philosophy which Mr. Jefferson poured into the breasts of the public characters of America at this important juncture. His opinions were received with respect by all those with whom he had acted on the theatre of the revolution, and his earnest and unremitting counsels had a powerful influence in checking the anti-republican tendencies which had already risen up. In a short time, the deluge of evils which overflowed the country was traced to its original source; and no sooner was the happy discovery made than the virtue and good sense of the people, in verification of his repeated auguries, nobly interposed, and instead of seeking relief in rebellion and civil war, assembled their wise men together to apply a rational and peaceable remedy.

The first grand movement towards reorganizing the government of the United States upon the basis of the present constitution was made in the General Assembly of Virginia on motion of Mr. Madison. The proposition merely contemplated an amendment of the confederation which should confer on Congress the absolute and exclusive power over the regulation of commerce and resulted in the convocation of a convention for that purpose to meet at Annapolis in September, 1786. The commercial convention failed in point of representation, but it laid the foundation for the call of a grand national convention with powers to revise the entire system of government to meet at Philadelphia the ensuing year.

The opinions of Mr. Jefferson had an undoubted influence in these important proceedings in America. In all his dispatches to the government and in his private letters to the leading political men he had reiterated the necessity of fundamental reformations in the federal compact. The defect which he most deplored was the absence of a uniform power to regulate our commercial intercourse with foreign nations. This disability was the incessant theme of his complaints. It was the primary source, he declared, of those irregularities and embarrassments which continually obstructed his negotiations with the European nations. Those powers who were disposed to treat would never do it so long as the government had no authority to protect them by treaty from the navigation acts of the particular States; and those who were indisposed to treat would forever remain so for the same reason, whilst all would exercise the right to retaliate on the union the restrictions imposed on their commerce by the laws of any one individual State. Jefferson maintained a constant correspondence on these points with Washington, Wythe, Monroe, Langdon, Gerry, and particularly his friend Madison. the intelligence of the first movements in America towards a reformation of the national compact filled him with the liveliest gratification, as is evinced by his letters of that date. A single specimen will suffice to show the general tenor of his correspondence on this subject.

> To James Madison.-- "I have heard with great pleasure that our Assembly have come to the resolution of giving the regulation of their commerce to the federal head. I will venture to assert that there is not one of its opposers who, placed on this ground, would not see the wisdom of this measure. The politics of Europe render it indispensably necessary that, with respect to everything external, we be one nation only, firmly hooped together. Interior government is what each State should keep to itself. If it were seen in Europe that all our States could be brought to concur in what the Virginia Assembly has done, it would produce a total revolution in their opinion of us and respect for us. And it should ever be held in mind that insult and war are the consequences of a want of respectability in the national character. As long as the States exercise separately those acts of power which respect foreign nations, so long will there continue to be irregularities committed by some one or other of them which will constantly keep us on an ill footing with foreign nations." (Feb. 8, 1786. ME 5:278)

The national convention appointed to digest a new constitution of government assembled at Philadelphia on the 25th of May, 1787. Delegates attended from all the States except Rhode Island, who refused to appoint any. George Washington was unanimously chosen to preside over their deliberations. They sat with closed doors and passed an injunction of entire secrecy on their proceedings. This was an erroneous beginning in the opinion of Mr. Jefferson, who viewed every encroachment upon the freedom of speech with extreme jealousy. "I am sorry," he wrote to Mr. Adams, "they began their deliberations by so abominable a precedent as that of tying up the tongues of their members. Nothing can justify this example but the innocence of their intentions and

ignorance of the value of public discussions. I have no doubt that all their other measures will be good and wise. It is really an assembly of demigods." (Aug. 30, 1787. ME 6:289)

During the deliberations and discussions of this assembly, those fearful anti-republican heresies which had sprung up during the short interval of peace developed themselves in a more tangible and decided form. Various propositions were submitted to the convention, some of which were dangerous approximations to monarchy. One of these, proposed by Alexander Hamilton, was in fact a compromise between the two principles of royalism and republicanism. According to this plan, the executive and one branch of the legislature were to continue in office during good behavior, and the governors of the States were to be named by these two permanent organs. The proposition, however, was rejected.

Although a stranger to these transactions, Mr. Jefferson could not contemplate the idea of such a convention without great anxiety. His counsels were eagerly solicited by Madison, Wythe and others from time to time during the progress of the convention, and he communicated to them his opinions with modesty and frankness. It is very evident from the tenor of some of his answers that he had received hints of the monarchical dispositions which characterized a portion of the assembly. His fears were so strong from this direction that he leaned heavily the other way in stating his opinions of the necessary reformations.

> To Mr. Madison.-- "The idea of separating the executive business of the confederacy from Congress as the judiciary is already in some degree is just and necessary. I had frequently pressed on the members individually while in Congress the doing this by a resolution of Congress for appointing an executive committee to act during the sessions of Congress as the committee of the States was to act during their vacations. But the referring to this committee all executive business as it should present itself would require a more persevering self-denial than I suppose Congress to possess. It will be much better to make that separation by a federal act. The negative proposed to be given them on all the acts of the several legislatures is now for the first time suggested to my mind. *Prima facie,* I do not like it. It fails in an essential character: that the hole and the patch should be commensurate. But this proposes to mend a small hole by covering the whole garment. Not more than one out of one hundred State acts concern the confederacy. This proposition, then, in order to give them one degree of power which they ought to have gives them ninety-nine more which they ought not to have, upon a presumption that they will not exercise the ninety-nine." (June 20, 1787. ME 6:131)
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> To Edward Carrington.-- "I confess I do not go as far in the reforms thought necessary as some of my correspondents in America; but if the convention should adopt such propositions, I shall suppose them necessary. My general plan would be, to make the States one as to everything connected with foreign nations, and several as to everything purely domestic. But with all the imperfections of our present government, it is without comparison the best existing or that ever did exist. Its greatest defect is the imperfect manner in which matters of commerce have been provided for." (Aug. 4, 1787. ME 6:227)
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> To Benjamin Hawkins.-- "I look up with you to the federal convention for an amendment of our federal affairs. Yet I do not view them in so disadvantageous a light at present as some do. And above all things, I am astonished at some people's considering a kingly government as a refuge. Advise such to read the fable of the frogs who solicited Jupiter for a king. If that does not put them to rights, send them to Europe to see something of the trappings of monarchy, and I will undertake that every man shall go back thoroughly cured. If all the evils which can arise among us from the republican form of government from this day to the day of judgment could be put into a scale against what this country [France] suffers from its monarchical form in a week or England in a month, the latter would preponderate. Consider the contents of the Red Book in England or the Almanac Royale of France and say what a people gain by monarchy. No race of kings has ever presented above one man of common sense in twenty generations. The best they can do is to leave things to their ministers; and what are their ministers but a committee badly chosen? If the king ever meddles, it is to do harm." (Aug. 4, 1787. ME 6:232)

To Joseph Jones.-- "I am anxious to hear what our federal convention recommends and what the States will do in consequence of their recommendation... With all the defect of our constitution, whether general or particular, the comparison of our governments with those of Europe is like a comparison of heaven and hell. England, like the earth, may be allowed to take the intermediate station. And yet, I hear there are people among you who think the experience of our governments has already proved that republican governments will not answer. Send those gentry here to count the blessings of monarchy. A king's sister, for instance, stopped on the road and on a hostile journey, is sufficient cause for him to march immediately twenty thousand men to revenge this insult when he had shown himself little moved by the matter of right then in question." (Aug. 14, 1787. ME 6:274)

To George Wythe.-- "You ask me in your letter what ameliorations I think necessary in our federal constitution. It is now too late to answer the question, and it would always have been presumption in me to have done it. Your own ideas and those of the great characters who were to be concerned with you in these discussions will give the law as they ought to do to us all. My own general idea was that the States should severally preserve their sovereignty in whatever concerns themselves alone, and that whatever may concern another State or any foreign nation should be made a part of the federal sovereignty; that the exercise of the federal sovereignty should be divided among three several bodies -- legislative, executive, and judiciary -- as the State sovereignties are, and that some peaceable means should be contrived for the federal head to force compliance on the part of the States." (Sept. 16, 1787. ME 6:299)

To George Washington.-- "I remain in hopes of great and good effects from the decision of the Assembly over which you are presiding. To make our States one as to all foreign concerns, preserve them several as to all merely domestic, to give the federal head some peaceable mode of enforcing its just authority, to organize that head into legislative, executive and judiciary departments are great desiderata in our federal constitution. Yet with all its defects and with those of our particular governments, the inconveniences resulting from them are so light in comparison with those existing in every other government on earth that our citizens may certainly be considered as in the happiest political situation which exists." (Aug. 14, 1787. ME 6:275)

21. A New Federal Constitution

On the 17th of September, 1787, the national convention dissolved and submitted the result of their labors to the world. The instrument was not without its defects, and as these were all on the side of power and too palpable not to be detected by an intelligent people, it excited among the more jealous partisans of liberty such a tempest of opposition as rendered its acceptance by the nation extremely problematical. It was taken up by special conventions in the several States in the years 1787 and 1788. The contest raged most severely in Virginia, New York, Massachusetts, and New Hampshire. In these States, the public discussions were vehement and agitating; but the question was finally carried in favor of ratification by small majorities in all of them. In Georgia, New Jersey, and Delaware the Constitution was ratified without opposition and by considerable majorities in Pennsylvania, Connecticut, Maryland, and South Carolina. North Carolina would only accept it upon the condition of previous amendments. Rhode Island declined calling a convention and did not accede to the union until May, 1790. Six States ratified without qualification and seven with the recommendation of certain specified amendments.

Mr. Jefferson received a copy of the new Constitution early in November, 1787. He had read and contemplated its provisions with great satisfaction, though not without serious apprehensions from some of its features. His principal objections were to the omission of a declaration of rights ensuring freedom of religion, freedom of the press, freedom of the person under the uninterrupted protection of the *habeas corpus,* and trial by jury in civil as

well as criminal cases; and to the perpetual re-eligibility of the president. His opinions were immediately consulted by his political friends in the United States, and he communicated to them his approbations and objections without reserve. They are found stated at length and in a most interesting manner in a letter to Mr. Madison dated Paris, December 20th, 1787.

> "I like much the general idea of framing a government which should go on of itself peaceably without needing continual recurrence to the state legislatures. I like the organization of the government into Legislative, Judiciary, and Executive. I like the power given the Legislature to levy taxes and, for that reason solely, approve of the greater house being chosen by the people directly. For though I think a house chosen by them will be very illy qualified to legislate for the Union, for foreign nations, etc., yet this evil does not weigh against the good of preserving inviolate the fundamental principle that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little states, of the latter to equal and the former to proportional influence. I am much pleased, too, with the substitution of the method of voting by persons instead of that of voting by states; and I like the negative given to the Executive with a third of either house, though I should have liked it better had the Judiciary been associated for that purpose or invested with a similar and separate power. There are other good things of less moment.
>
> "I will now add what I do not like. First, the omission of a Bill of Rights providing clearly and without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land and not by the law of nations. To say as Mr. Wilson does that a Bill of Rights was not necessary because all is reserved in the case of the general government which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to whom it was addressed but is surely a *gratis dictum,* opposed by strong inferences from the body of the instrument as well as from the omission of the clause of our present confederation which had declared that in express terms. It was a hard conclusion to say because there has been no uniformity among the states as to the cases triable by jury; because some have been so incautious as to abandon this mode of trial, therefore the more prudent states shall be reduced to the same level of calamity. It would have been much more just and wise to have concluded the other way -- that as most of the states had judiciously preserved this palladium, those who had wandered should be brought back to it -- and to have established general right instead of general wrong. Let me add that a Bill of Rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inferences.
>
> "The second feature I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the Constitution permits it. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations to have a friend or a foe at the head of our affairs that they will interfere with money and with arms. A Galloman or an Angloman will be supported by the nation he befriends. If once elected and at a second or third election out-voted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the States voting for him, especially if they are the central ones lying in a compact body themselves and separating their opponents, and they will be aided by one nation of Europe while the majority are aided by another. The election of a President of America some years hence will be much more interesting to certain nations of Europe than ever the election of a king of Poland was. Reflect on all the instances in history, ancient and modern, of elective monarchies and say if they do not give foundation for my fears: the Roman emperors, the popes while they were of any importance, the German emperors till they became hereditary in practice, the kings of Poland, the Deys of the Ottoman dependancies. It may be said that if elections are to be attended with these disorders, the seldomer they are renewed the better. But experience shows that the only way to prevent disorder is to render them uninteresting by frequent changes. An incapacity to be elected a second time would have

been the only effectual preventative. The power of removing him every fourth year by the vote of the people is a power which will not be exercised. The king of Poland is removable every day by the Diet, yet he is never removed.

"Smaller objections are: the Appeal in fact as well as law, and the binding all persons Legislative, Executive, and Judiciary by oath to maintain that constitution. I do not pretend to decide what would be the best method of procuring the establishment of the manifold good things in this constitution and of getting rid of the bad. Whether by adopting it in hopes of future amendment or, after it has been duly weighed and canvassed by the people, after seeing the parts they generally dislike and those they generally approve, to say to them `We see now what you wish. Send together your deputies again, let them frame a constitution for you, omitting what you have condemned and establishing the powers you approve. Even these will be a great addition to the energy of your government.'

"At all events I hope you will not be discouraged from other trials if the present one should fail of its full effect. I have thus told you freely what I like and dislike merely as a matter of curiosity, for I know your own judgment has been formed on all these points after having heard everything which could be urged on them. I own I am not a friend to a very energetic government. It is always oppressive... After all, it is my principle that the will of the majority should always prevail. If they approve the proposed Convention in all its parts, I shall concur in it cheerfully in hopes that they will amend it whenever they shall find it works wrong. I think our governments will remain virtuous for many centuries as long as they are chiefly agricultural, and this will be as long as there shall be vacant lands in any part of America. When they get piled upon one another in large cities as in Europe, they will become corrupt as in Europe." (ME 6:386)

With the mass of good which it contained, Mr. Jefferson found on a careful scrutiny such a mixture of evil in the new Constitution that he was in doubt what course to recommend to his countrymen. How the good should be secured and the ill avoided was the great question and presented great difficulties. To refer it back to a new convention might jeopardize the whole, which was utterly inadmissible. His first advice, therefore, was that the nine States first acting upon it should accept it unconditionally and thus secure whatever in it was wise and beneficial, and that the four States last acting should "refuse to accede to it till a declaration of rights be annexed." (to Alexander Donald, Feb 7, 1788. ME 6:425) But he afterwards approved the more prudent course of unconditional acceptance by the whole with a concomitant declaration that it should stand as a perpetual instruction to their respective delegates to endeavor to obtain such and such reformations. "At first I wished that when nine States should have accepted the Constitution so as to insure us what is good in it, the other four might hold off till the want of the Bill of Rights, at least, might be supplied. But I am now convinced that the plan of Massachusetts is the best, that is, to accept and to amend afterwards. If the States which were to decide after her should all do the same, it is impossible but they must obtain the essential amendments." (to William Carmichael, May 27, 1788. ME 7:29) And this was the course finally adopted by nearly all the States.

Much as has been said and written of Mr. Jefferson's hostility to the federal constitution, there was not a person in America who set a more solid value on it, even in its original form, nor one who was impressed with more rational anxieties for its adoption. To estimate the force of his convictions upon this point and the cogency of his endeavors to instil the same convictions into his countrymen, it is only necessary to consult the pages of his private correspondence. Adoring republicanism, hating monarchy, he discriminated with the sagacity of a profound statesman between those features of the instrument which were congenial and those which were hostile to his political principles. While he stood firmly for the preservation of the former, he deprecated with equal sincerity any admixture of the latter, neither approving nor condemning in the mass. He was, therefore, neither a federalist nor an anti-federalist, as the advocates and opponents of the Constitution were distinguished. He was an independent asserter of his opinions on questions of national concern, the most profound and interesting that had ever been submitted to the deliberation of the American people; and he had the happiness to see those opinions on almost every point adopted by the nation and incorporated into its frame of government

by special emendatory acts. A few passages from his correspondence will evince his anxiety for the fate of the Constitution and his perseverance in the endeavor to obtain the amendments which he deemed so essential.

To James Madison.-- "I sincerely rejoice at the acceptance of our new Constitution by nine States. It is a good canvass on which some strokes only want retouching. What these are I think are sufficiently manifested by the general voice from north to south which calls for a Bill of Rights. It seems pretty generally understood that this should go to juries, habeas corpus, standing armies, printing, religion, and monopolies. I conceive there may be difficulty in finding general modifications of these suited to the habits of all the States. But if such cannot be found, then it is better to establish trials by jury, the right of habeas corpus, freedom of the press, and freedom of religion in all cases, and to abolish standing armies in time of peace and monopolies in all cases, than not to do it in any. The few cases wherein these things may do evil cannot be weighed against the multitude wherein the want of them will do evil." (July 31, 1788. ME 7:96)

To George Washington.-- "I have seen with infinite pleasure our new Constitution accepted by eleven States, not rejected by the twelfth, and that the thirteenth happens to be a State of the least importance. It is true that the minorities in most of the accepting states have been very respectable: so much so as to render it prudent, were it not otherwise reasonable, to make some sacrifice to them. I am in hopes that the annexation of the Bill of Rights to the Constitution will alone draw over so great a proportion of the minorities as to leave little danger in the opposition of the residue, and that this annexation may be made by Congress and the assemblies without calling a convention which might endanger the most valuable parts of the system." (Dec. 4, 1788. ME 7:223)

To David Humphreys.-- "The operations which have taken place in America lately fill me with pleasure. In the first place, they realize the confidence I had that whenever our affairs go obviously wrong, the good sense of the people will interpose and set them to rights. The example of changing a constitution by assembling the wise men of the State instead of assembling armies will be worth as much to the world as the former example we had given them. The Constitution, too, which was the result of our deliberations, is unquestionably the wisest ever yet presented to man, and some of the accommodations of interest which it has adopted are greatly pleasing to me, who have before had occasions of seeing how difficult those interest were to accommodate. A general concurrence of opinion seems to authorize us to say it has some defects. I am one of those who think it a defect that the important rights not placed in security by the frame of the Constitution itself were not explicitly secured by a supplementary declaration. There are rights which it is useless to surrender to the government and which governments have yet always been found to invade. These are the rights of thinking and publishing our thoughts by speaking or writing, the right of free commerce, the right of personal freedom. There are instruments for administering the government so peculiarly trustworthy that we should never leave the legislature at liberty to change them. The new Constitution has secured these in the executive and legislative department, but not in the judiciary. It should have established trials by the people themselves, that is to say, by jury. There are instruments so dangerous to the rights of the nation and which place them so totally at the mercy of their governors that those governors, whether legislative or executive, should be restrained from keeping such instruments on foot but in well-defined cases. Such an instrument is a standing army. We are now allowed to say such a declaration of rights as a supplement to the Constitution where that is silent, is wanting to secure us in these points. The general voice has legitimated this objection. It has not, however, authorized me to consider as a real defect what I thought and still think one: the perpetual re-eligibility of the President. But three States out of eleven having declared against this, we must suppose we are wrong according to the fundamental law of every society -- the *lex majoris partis* -- to which we are bound to submit. And should the majority change their opinion and become sensible that this trait in their Constitution is wrong, I would wish it to remain uncorrected as long as we can avail ourselves of the services of our great leader, whose talents and whose weight of character I consider as peculiarly necessary to get the government so under way as that it may afterwards be carried on by subordinate characters." (Mar. 18, 1789. ME 7:322)

The ardor and perseverance of Mr. Jefferson in the effort to obtain a supplementary Bill of Rights to the Constitution were soon crowned with success. At the session of 1789, Mr. Madison submitted to Congress a series of amendments which, with various propositions on the same subject from other States, were referred to a committee composed of one member from each State in the Union. The result was the annexation in due form of the ten original amendments to our Federal Constitution. So great was the influence of Mr. Jefferson in forwarding this measure, though absent during the whole time, that he is generally regarded as the father of these amendments. They embraced the principal objections urged by him, without going far enough to satisfy him entirely. By them, the freedom of religion, of speech, and of the press, the right of the people to deliberate and petition for redress of grievances, the right of keeping and bearing arms, of the trial by jury in civil as well as criminal cases, the exemption from general warrants, and from the quartering of soldiers in private dwellings, were pronounced irrevocable and inviolable by the government, and the powers not delegated by the Constitution nor prohibited by it to the States were declared to be reserved to the States or to the people. But the right of *habeas corpus* was still left to the discretion of Congress, monopolies were not positively guarded against, and standing armies in time of peace were not prohibited. His objections also against the perpetual re-eligibility of the President, although backed by the recommendation of three States, were not sanctioned by Congress. His fears of that feature were founded on the importance of the office, on the fierce contentions it might excite among ourselves if continuable for life, and the dangers of interference, either with money or arms, by foreign nations to whom the choice of an American President might become interesting. But his apprehensions on this head gradually subsided and finally became extinct on witnessing the effect in practice. Alluding to his earlier opinions on this subject, he wrote in his Autobiography in 1821:

> "My wish therefore was that the President should be elected for seven years and be ineligible afterwards. This term I thought sufficient to enable him, with the concurrence of the legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted, I think, is better, allowing his continuance for eight years with a liability to be dropped at half way of the term, making that a period of probation... The example of four Presidents voluntarily retiring at the end of their eighth year and the progress of public opinion that the principle is salutary have given it in practice the force of precedent and usage, insomuch that should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views." (ME 1:119)

There was another question agitated in the councils of the United States during Mr. Jefferson's residence in France which he viewed with as much concern as the adoption of the Constitution. This was the proposition to abandon the navigation of the Mississippi River to the King of Spain for the period of twenty-five years as an equivalent for a treaty of commerce with that nation. John Jay, Secretary of Foreign Affairs, who had been authorized to institute a negotiation with the Spanish government, laid the proposition before Congress as a secret transaction. The whole affair was veiled in darkness and so continued until the year 1818, when a resolution was passed authorizing the publication of the secret journals of the old Congress.

The proposition of Mr. Jay created an angry excitement in Congress. The scheme was resisted with great warmth by the States of Virginia, North Carolina South Carolina, Maryland, and Georgia on the following grounds: 1. It would dismember the union. 2. It would violate the compact of the national government with those States who had surrendered to it their western lands. 3. It would check the growth of the western country by depriving the inhabitants of a natural outlet for their productions. 4. It would depreciate the value of the western lands and sink proportionally a valuable fund for the payment of the national debt. 5. It would be such a sacrifice for particular purposes as would be obvious to the least discerning.

The proposition was sustained, however, by all the New England States, including New York, New Jersey, and Pennsylvania. These States moved in solid phalanx and in silence against every attempt to defeat, alter, or amend the proposed terms of negotiation. The opposition were in despair, when it occurred to them that as the assent of nine States was necessary by the confederation to form treaties, the instructions given to Mr. Jay were unconstitutional, inasmuch as seven States only had voted them. A resolution was therefore introduced declaring the original vote which had been taken incompetent to confer treaty-making powers. But the

resolution was negatived by the same States in the same mysterious manner. A resolution was then offered to remove the injunction of secrecy, which shared the same fate. Finally, after a heated and protracted altercation, the minority succeeded so far as to obtain the authority to treat for an entrepot at New Orleans and for the navigation of the Mississippi in common with Spain down to the Floridas.

A hint of these transactions having reached the ears of Mr. Jefferson in Paris, he was exercised with the greatest inquietude and alarm. He considered the abandonment of the navigation of the Mississippi as *ipso facto* a dismemberment of the union, and he improved every occasion in his letters to America to impress on the leading members of the government the ungrateful character and suicidal tendency of the measure. A single specimen, found in a letter to Mr. Madison dated January 30, 1787, will suffice to display the general tenor of an active and extensive correspondence for several months on this vitally interesting question.

> "If these transactions [i.e., the insurrections in America] give me no uneasiness, I feel very differently at another piece of intelligence, to wit, the possibility that the navigation of the Mississippi may be abandoned to Spain. I never had any interest westward of the Allegheny, and I never will have any. But I have had great opportunities of knowing the character of the people who inhabit that country. And I will venture to say that the act which abandons the navigation of the Mississippi is an act of separation between the Eastern and Western country. It is a relinquishment of five parts out of eight of the territory of the United States, an abandonment of the fairest subject for the payment of our public debts, and the chaining those debts on our own necks *in perpetuum.* I have the utmost confidence in the honest intentions of those who concur in this measure; but I lament their want of acquaintance with the character and physical advantages of the people who, right or wrong, will suppose their interests sacrificed on this occasion to the contrary interests of that part of the confederacy in possession of present power. If they declare themselves a separate people, we are incapable of a single effort to retain them. Our citizens can never be induced, either as militia or as soldiers, to go there to cut the throats of their own brothers and sons, or rather to be themselves the subjects instead of the perpetrators of the parricide. Nor would that country requite the cost of being retained against the will of its inhabitants, could it be done. But it cannot be done. They are able already to rescue the navigation of the Mississippi out of the hands of Spain and to add New Orleans to their own territory. They will be joined by the inhabitants of Louisiana. This will bring on a war between them and Spain, and that will produce the question with us whether it will not be worth our while to become parties with them in the war in order to reunite them with us and thus correct our error? And were I to permit my forebodings to go one step further, I should predict that the inhabitants of the United States would force their rulers to take the affirmative of that question. I wish I may be mistaken in all these opinions." (ME 6:65)

The right of the United States to the free navigation of the Mississippi in its whole extent and the establishment of that right upon an immovable basis was a subject which early engrossed the attention of Mr. Jefferson. He persevered in the effort through a period of fifteen years in different public stations, and his agency in producing the final result was scarcely less distinguished, though less direct and efficacious, than in procuring the acquisition of Louisiana. The question was not definitively settled until 1803, when, being at the head of the nation, he appointed Mr. Monroe minister to Madrid for the express purpose of concluding a final arrangement with that government covering all the points at issue growing out of the subject. The mission was as honorable as it was successful.

22. Travels in France

Mr. Jefferson's watchfulness over the interests of America while in Europe was intense. Nothing escaped his notice which he thought could be made useful in his own country. The southern States are indebted to him for the introduction of the culture of upland rice. In 1790, he procured a cask of this species of rice from the river

Denhigh in Africa, about latitude 9 deg. 30 min. north, which he sent to Charleston in the hope that it would supersede the culture of the wet rice which rendered South Carolina and Georgia so pestilential through the summer. The quantity was divided at Charleston and a part sent to Georgia by his directions. The cultivation of this rice soon became general in the upper parts of Georgia and South Carolina and was highly prized. It was supposed by Mr. Jefferson that it might be raised successfully in Tennessee and Kentucky. He likewise endeavored to obtain the seed of the Conchin-China rice for the purpose of introducing its cultivation in the same States, but it does not appear whether he was successful or not. In the same spirit of attention to the interest of his country, he transmitted from Marseilles to Charleston a great variety of olive plants to be planted by way of experiment in South Carolina and Georgia. "The greatest service," said he, "which can be rendered any country is to add a useful plant to its culture, especially a bread grain. Next in value to bread is oil." These plants were tried and also flourished in the South. Though not multiplied extensively, they introduced that species of cultivation in those States.

All the powers of Mr. Jefferson seemed to kindle in the pursuit of acquiring objects of profitable agriculture in America and of improving the husbandry of those already established as staples. With this view, he made a tour into the south of France and the northern parts of Italy, in which he passed three months. His plan was to visit the ports along the western and southern coast of France, particularly Marseilles, Bordeaux, Nantes, and L'Orient, to obtain such information as would enable him to judge of the practicability of making further improvements in our commerce with the southern provinces of France; to visit the canal of Languedoc and possess himself of such information upon that kind of navigation as might be useful to his countrymen; and thence to pass into the norther provinces of Italy to examine the different subjects of culture in those munificent regions and ascertain what improvements might be made in America in the culture and husbandry of rice and other staples common to both countries, and what other, if any, productions of that climate might be advantageously introduced into the southern States. Another object with him was to try the mineral waters of Aix in Provence for a dislocated wrist, unsuccessfully set.

He left Paris, therefore, on the 28th of February, 1787, and proceeded up the Seine through Champagne and Burgundy and down the Rhone through the Beaujolais, by Lyons, Avignon, Nismes, to Aix. Receiving no benefit from the mineral waters of that place, he bent his course into the rice countries of Italy. On his return, he extended his journey through the south of France and arrived at Paris.

The novelty and variety of the scenes through which he passed, the multitude of curious and interesting objects which he encountered, presented a perpetual feast to his enquiring mind. From Nice, under date of April 11th, 1787, he wrote to the Marquis de Lafayette:

> "I am constantly roving about to see what I have never seen before and shall never see again. In the great cities, I go to see what travelers think alone worthy of being seen; but I make a job of it and generally gulp it all down in a day. On the other hand, I am never satiated with rambling through the fields and farms, examining the culture and cultivators with a degree of curiosity which makes some take me to be a fool and others to be much wiser than I am... From the first olive fields of Pierrelatte to the orangeries of Hieres, it has been continued rapture to me. I have often wished for you. I think you have not made this journey. It is a pleasure you have to come and an improvement to be added to the many you have already made. It will be a great comfort to you to know from your own inspection the condition of all the provinces of your own country, and it will be interesting to them at some future day to be known to you. This is, perhaps, the only moment of your life in which you can acquire that knowledge. And to do it most effectually, you must be absolutely incognito; you must ferret the people out of their hovels as I have done, look into their kettles, eat their bread, loll on their beds under pretense of resting yourself but in fact to find if they are soft. You will feel a sublime pleasure in the course of this investigation and a sublimer one hereafter, when you shall be able to apply your knowledge to the softening of their beds or the throwing a morsel of meat into their kettle of vegetables." (ME 6:106)

From Lyons to Nismes, Mr. Jefferson was "nourished with the remains of Roman grandeur." He was immersed in antiquities from morning to night. He was transported back to the times of the Caesars, the intrigues of their courts, the oppressions of their praetors and prefects. To him, the city of Rome, as he averred, seemed actually existing in all the magnificence of its meridian glory, and he was filled with alarm in the momentary anticipation of the irruptions of the Goths, Visigoths, Ostrogoths, and Vandals. Under date of Nismes, he wrote to the Countess de Tesse in a mood which evinced the extravagance of his passion for ancient architecture:

> "Here I am, Madam, gazing whole hours at the Maison Quarree like a lover at his mistress. The stocking weavers and silk spinners around it consider me as a hypochondriac Englishman, about to write with a pistol the last chapter of his history. This is the second time I have been in love since I left Paris. The first was with a Diana at the Chateau de Laye-Epinaye in Beaujolais, a delicious morsel of sculpture by M. A. Slodtz. This, you will say, was a rule to fall in love with a female beauty: but with a house! It is out of all precedent. No, Madam, it is not without a precedent in my own history. While in Paris, I was violently smitten with the Hotel de Salm and used to go to the Thuileries almost daily to look at it. The *loueuse des chaises*, inattentive to my passion, never had the complaisance to place a chair there, so that sitting on the parapet and twisting my neck round to see the object of my admiration, I generally left it with a *torti-colli.*" (Mar. 20, 1787. ME 6:102)

Mr. Jefferson kept a diary of his excursion into Italy in which he noted with minuteness every circumstance which he thought might be made useful or instructive to his countrymen. Of these notes, which covered about fifty printed octavo pages, he made copies on his return and transmitted them to General Washington and others in America as containing hints capable of being improved to the benefit of the United States. His course of observation supplied him with materials for benefiting the commerce of the United States in some essential particulars, for improving the quality in articles of staple growth, and increasing the subjects of cultivation in some States. At Turin, Milan, and Genoa, he satisfied himself of the practicability of introducing our whale oil for their consumption and that of the other great cities of that country. The merchants with whom he asked conferences met him freely and communicated frankly, but not being authorized to conclude a formal negotiation, he could only cultivate a general disposition to receive our oil merchants. He put matters into a train for inducing their governments to draw their tobacco directly from the United States and not, as heretofore, from Great Britain. He procured the seeds of three different species of rice from Piedmont, Lombardy, and the Levant, divided each quantity into three separate parcels, and forwarded them by as many different conveyances to Charleston in order to ensure a safe arrival. He questioned the utility of engaging in the cultivation of the vine in the southern States under the present circumstances of their population. Wines were so cheap in the European countries that a laborer with us employed in the culture of any other article might exchange it for wine more and better than he could raise himself. Nevertheless, it might hereafter become a profitable resource to us when a more dense population shall have increased our supply of raw materials beyond the demand at home and abroad. Instead of augmenting the useless surplus of them, the supernumerary hands might then be employed on the vine. The introduction of the fig, the mulberry, and the olive he strongly recommended to the cultivators in the southern parts of the United States. With the olive tree in particular he was so pleased that he declared it next to the most precious, if not *the* most precious, of all the gifts of heaven to man. He thought, perhaps, it might claim a preference even to bread, considering the infinitude of vegetables to which it added a proper and desirable nutriment.

As in commerce and agriculture, so in the manufacturing interest, Mr. Jefferson was indefatigable in endeavoring to benefit his country. Of every new invention and discovery in the arts, he was prompt to communicate the earliest intelligence to Congress or to individual artists and professors. Among these the most remarkable were the principle of stereotyping, which he communicated in 1786, and the mode of constructing muskets, which he communicated about the same time. The latter consisted in making all the parts of the musket so exactly alike as that mixed together promiscuously, any one part should serve equally for every musket in the magazine. [note] Of those improvements which were claimed as original in Europe but of which America was entitled to the merit of a prior discovery, his knowledge enabled him to detect the imposition, and his patriotism incited him to vindicate the honor of his own countrymen.

In the sciences and the fine arts, Mr. Jefferson was equally assiduous to advance the reputation of his rising country. His letters to President Stiles, to the president of William and Mary College, to the president of Harvard University, to Rittenhouse, Charles Thompson and others, are illustrations of his zeal and efficiency in these pursuits.

Their advances in science and in the arts of sculpture, painting, and music were the only things, he declared, for which he envied the people of France; and for these he absolutely did envy them. His passion for the few remains of ancient architecture which existed was unbounded, and his efforts unremitting for introducing samples of them in America for the purpose of encouraging a style of architecture analogous to the Roman model. In June, 1785, he received a request from the directors of the public buildings in Virginia to procure and transmit them plans for the capitol and other public buildings. He immediately engaged an architect of great abilities for this purpose and directed him to take for his model the *Maison Quarree* of Nismes, which he considered "the most beautiful and precious morsel of architecture left us by antiquity." But what was his surprise and regret on learning a short time after that the buildings were actually begun without waiting for the receipt of his plans. "Pray try," he wrote to Mr. Madison, "if you can effect the stopping of this work... This loss [in bricks already laid] is not to be weighed against the saving of money which will arise, against the comfort of laying out the public money for something honorable, the satisfaction of seeing an object and proof of national good taste, and the regret and mortification of erecting a monument of our barbarism which will be loaded with execrations as long as it shall endure... You see I am an enthusiast on the subject of the arts. But it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile to them the respect of the world, and procure them its praise." (Sept. 20, 1785. ME 5:136)

The specimens we have given exhibit but a slender outline of a series of correspondence, public and private, comprising more than three hundred letters, chiefly to his friends in the United States, all breathing the same devotion to the interests of his country in every imaginable department from the most intricate points of abstract science and the most momentous questions of national policy down to essays on the most simple processes in agriculture and domestic economy. He was at the same time in habit of correspondence with many distinguished characters, literary and political, in most of the nations of Europe. His philosophical reputation and powers established him in ready favor with the constellation of bold thinkers which then illuminated France, and much of his attention was necessarily, perhaps advantageously, occupied in the metaphysical discussions of the day. He was on terms of intimacy with the Abbe Morellet, Condorcet, D'Alembert, Mirabeau, etc., and he renewed his discussion in natural science with M. de Buffon, to whom he had already given such a foretaste of his abilities in his Notes on Virginia. The ladies of that gay capital who maintain so powerful an ascendancy in all its circles were delighted in his society and pressed him into their correspondence. At the solicitation of the authors of the *Encyclopedie Methodique*, the most popular work then publishing in Paris, Mr. Jefferson prepared for insertion several articles on the United States, giving a history of the government from its origin to the adoption of the Constitution. One of the authors of that work had made the society of the Cincinnati the subject of a libel on our government and its great military leader. But before committing it to the press, he submitted it to Mr. Jefferson for examination. He found it a tissue of errors, a mere philippic against the institution, in which there appeared an utter ignorance of facts and motives. He rewrote the whole article, in which he vindicated the motives of General Washington and his brother officers from every liability to reproach. His own opinions, however, of the ultimate effects of that institution underwent such a change during his residence in Europe as induced him to recommend its total extinction, which he did in a letter to General Washington of November 14, 1786.

Such are some of the numerous and diversified services performed by Mr. Jefferson in his private, unofficial capacity. The circumstance ought not to be overlooked that these attentions to the general interests of the United States were exercised amidst the labors and anxieties of a multiplicity of public avocations. His diplomatic correspondence with the Count de Vergennes, the most subtile and powerful minister in Europe, was uninterrupted, and in point of urgency in behalf of America, remains unrivaled. His correspondence with the

bankers of the United States at Amsterdam and Paris to preserve the credit of the United States was constant and laborious, and his exertions for the redemption of American captives at Algiers, for establishing a general coalition of all the civilized powers against the piratical States, and, on failure of that, for negotiating treaties of peace with them on the most favorable terms have seldom been equaled.

But of all the private labors of Mr. Jefferson in behalf of his country, none were more useful, none more praiseworthy and patriotic than those which were directed to the moral improvement of the rising generation. It was to them he looked, and not to those then on the stage, for the completion of the political work which he had expended so many resources and sacrificed so many comforts in advancing; and his efforts appeared inexhaustible to inform their minds and to encourage them to model their principles after those of the generation of 1776.

23. Revolution Brewing in France

It was Mr. Jefferson's fortune to be an eyewitness of the opening scenes of that tremendous revolution which began so gloriously and ended so terribly for France. The immediate and exciting cause of this struggle for political reformation he ascribes to the influence of the American example and American ideas. In his notes on that event he says:

> "The American Revolution seems first to have awakened the thinking part of the French nation in general from the sleep of despotism in which they were sunk. The officers, too, who had been to America were mostly young men, less shackled by habit and prejudice and more ready to assent to the suggestions of common sense and feeling of common rights. They came back with new ideas and impressions. The press, notwithstanding it's shackles, began to disseminate them. Conversation assumed new freedoms. Politics became the theme of all societies, male and female, and a very extensive and zealous party was formed which acquired the appellation of the Patriotic Party, who, sensible of the abusive government under which they lived, sighed for occasions of reforming it. This party comprehended all the honesty of the kingdom sufficiently at its leisure to think, the men of letters, the easy Bourgeois, the young nobility partly from reflection, partly from mode; for these sentiments became matter of mode and as such united most of the young women to the party." (Autobiography, 1821. ME 1:103)

The part sustained by Mr. Jefferson in the early stages of the French Revolution was of a weighty and prominent character. It was not immediately incorporated into written history, but the revelation of his memoirs to the world soon placed it there. It constitutes one of the most interesting features of his posthumous reputation.

Possessing the confidence and intimacy of many of the leading patriots and especially of the Marquis de Lafayette, their head and Atlas, Mr. Jefferson was consulted by them at every step on measures of importance, and the prudence of his counsels, which were implicitly sought while they could have the benefit of them, helped retard the moment of convulsion and civil war until after his withdrawal from the scene of action. Coming from a country which had successfully passed through a similar struggle, his acquaintance was eagerly sought, and his opinions carried with them an authority almost oracular. In attempting the redress of present grievances, he recommended a mild and gradual reformation of abuses so as not to revolt the conciliatory dispositions of the king; and in providing against their recurrence in the future through a remodeling of the principles of the government, he recommended cautious approaches to republicanism to give time for the growth of public opinion and to work a peaceable regeneration of the political system by slow and successive improvements through a series of years. The interest he felt in the emerging revolution and his anxiety for the final result were very great. He considered a successful reformation of government in France as insuring a

general reformation throughout Europe and the resurrection to a new life of a people now ground to dust by the oppressions of the constituted powers.

He went daily from Pais to Versailles to attend the debates of the States General and continued there until the hour of adjournment. This Assembly had been convened as a mediatorial power between the government and the people; and it was well understood that the king would now concede: 1. Freedom of the person by *habeas corpus*, 2. Freedom of conscience, 3. Freedom of the press, 4. Trial by jury, 5. A representative legislature, 6. Annual meetings, 7. The origination of laws, 8. The exclusive right of taxation and appropriation, and 9. The responsibility of ministers. Mr. Jefferson urged most strenuously an immediate compromise upon the basis of these concessions and the instant adjournment of the Assembly for a year. They came from the very heart of the king, who had not a wish but for the good of the nation, and these improvements, if accepted and carried into effect, Mr. Jefferson had no doubt would be maintained during the present reign, which would be long enough for them to take some root in the constitution and be consolidated by the attachment of the nation.

He most eagerly contended they could obtain in future whatever might be further necessary to improve their constitution and perfect their freedom and happiness. "They thought otherwise however," says he, "and events have proved their lamentable error. For after thirty years of war, foreign and domestic, the loss of millions of lives, the prostration of private happiness, and foreign subjugation of their own country for a time, they have obtained no more, nor even that securely. They were unconscious of (for who could foresee?) the melancholy sequel of their well-meant perseverance; that their physical force would be usurped by a first tyrant to trample on the independence and even the existence of other nations: that this would afford fatal example for the atrocious conspiracy of Kings against their people; would generate their unholy and homicide alliance to make common cause among themselves and to crush, by the power of the whole, the efforts of any part to moderate their abuses and oppressions." (Autobiography, 1821. ME 1:139)

In the evening of August 4th, 1789, on motion of the Viscount de Noailles, brother-in-law of Lafayette, the Assembly abolished all titles of rank, all the abusive privileges of feudalism, the tythes and casuals of the clergy, all provincial privileges, and in fine the feudal regimen generally. Many days were employed in putting into the form of laws the numerous revocations of abuses, after which they proceeded to the preliminary work of a Declaration of Rights. An instrument of this kind had been prepared by Mr. Jefferson and Lafayette and submitted to the Assembly by the latter on the 11th of July; but the sudden occurrence of acts of violence had suspended all proceedings upon it. There being much concord of opinion on the elements of this instrument, it was liberally framed and passed with a very general approbation. They then appointed a committee to prepare a *projet* of a Constitution, at the head of which was the Archbishop of Bordeaux. From him, in the name of the committee, Mr. Jefferson received a letter requesting him to attend and assist at their deliberations. But he excused himself on the obvious considerations that his mission was to the King as chief magistrate of the nation, that his duties were limited to the concerns of his own country and forbade his intermeddling with the internal transactions of France, where he had been received under a specific character only.

In this critical state of things, Mr. Jefferson received a note from the Marquis de Lafayette informing him of his wish to bring a party of six or eight friends to ask a dinner of him the next day. He assured him of their welcome. When they came, there were Lafayette himself and seven others, leaders of the different divisions of the reform party, but honest men and sensible of the necessity of effecting a coalition by mutual sacrifices. Their object in soliciting this conference was to avail themselves of the counsel and mediation of the American minister and to effect a coalition upon terms about which they should mutually agree. The discussions began at the hour of four and continued till ten o'clock in the evening, during which Mr. Jefferson was witness to a "coolness and candor of argument unusual in the conflicts of political opinion; to a logical reasoning and chaste eloquence disfigured by no gaudy tinsel of rhetoric or declamation and truly worthy of being placed in parallel with the finest dialogues of antiquity as handed to us by Xenophon, by Plato and Cicero." (Autobiography, 1821. ME 1:156)

The result of this conference decided the fate of the French Constitution. It was mutually agreed that the King should have a suspensive veto on the laws, that the legislature should be composed of a single body only, and that it should be chosen by the people. This agreement united the patriots on a common ground. They all rallied to the principles thus settled, carried every question agreeably to them, and reduced the aristocracy to impotence and insignificance.

But duties of exculpation were now incumbent upon Mr. Jefferson. He waited the next morning on Count Montmorin, minister of foreign affairs, and explained to him with truth and candor how it happened that his house had been made the scene of conferences of such a character. Montmorin told him he already knew everything which had passed, that so far from taking umbrage at his conduct on that occasion, he earnestly wished he would habitually assist at such conferences, being satisfied he would be useful in moderating the warmer spirits and promoting a wholesome and practicable reformation only. Mr. Jefferson told him he knew too well the duties he owed to the King, to the nation, and to his own country to take any part in the transactions of their internal government, and that he should persevere with care in the character of a neutral and passive spectator with wishes only -- and very sincere ones -- that those measures might prevail which would be for the greatest good of the nation. "I have no doubt indeed," wrote Mr. Jefferson, "that this conference was previously known and approved by this honest minister, who was in confidence and communication with the patriots and wished for a reasonable reform of the Constitution."

At this auspicious stage of the French Revolution, Mr. Jefferson retired from the scene of action, and the wisdom and moderation of his counsels ceased with the opportunities of imparting them. He left France with warm and unabated expectations that no serious commotion would take place and that the nation would soon settle down in the quiet enjoyment of a great degree of acquired liberty, to go on improving its condition by future and successive ameliorations, but never to retrograde. The example of the United States had been viewed as their model on all occasions. The King had now become a passive machine in the hands of the National Assembly and had he been left to himself, would probably have acquiesced in their determinations. A wise constitution would have been formed, hereditary in his line, himself at its head, with powers so large as to enable him to execute all the good of his station and so limited as to restrain him from its abuse. This constitution he would no doubt have faithfully administered, and more than this he most likely never wished. Such was the belief and hope of Mr. Jefferson, and to one source alone he ascribed the overthrow of all these fond anticipations and the deluge of crimes and cruelties which subsequently desolated France. To the despotic and disastrous influence of a single woman he attributed the horrible catastrophe of the French Revolution!

> "But he had a Queen of absolute sway over his weak mind and timid virtue and of a character the reverse of his in all points. This angel, as gaudily painted in the rhapsodies of the Rhetor Burke, with some smartness of fancy but no sound sense, was proud, disdainful of restraint, indignant at all obstacles to her will, eager in the pursuit of pleasure, and firm enough to hold to her desires or perish in their wreck. Her inordinate gambling and dissipations, with those of the Count d'Artois and others of her clique, had been a sensible item in the exhaustion of the treasury, which called into action the reforming hand of the nation; and her opposition to it, her inflexible perverseness and dauntless spirit, led herself to the Guillotine and drew the king on with her, and plunged the world into crimes and calamities which will forever stain the pages of modern history. I have ever believed that had there been no queen, there would have been no revolution. No force would have been provoked nor exercised. The king would have gone hand in hand with the wisdom of his sounder counselors who, guided by the increased lights of the age, wished only with the same pace to advance the principles of their social institution. The deed which closed the mortal course of these sovereigns I shall neither approve nor condemn. I am not prepared to say that the first magistrate of a nation cannot commit treason against his country or is unamenable to it's punishment: nor yet that where there is no written law, no regulated tribunal, there is not a law in our hearts and a power in our hands given for righteous employment in maintaining right and redressing wrong. Of those who judged the king, many thought him wilfully criminal, many that his existence would keep the nation in perpetual conflict with the horde of kings who would war against a regeneration which might come home to themselves, and that it were better that one should die than all. I

should not have voted with this portion of the legislature. I should have shut up the Queen in a Convent, putting harm out of her power, and placed the king in his station, investing him with limited powers, which I verily believe he would have honestly exercised according to the measure of his understanding. In this way, no void would have been created courting the usurpation of a military adventurer nor occasion given for those enormities which demoralized the nations of the world and destroyed, and is yet to destroy, millions and millions of its inhabitants." (Autobiography, 1821. ME 1:150)

Mr. Jefferson had been more than a year soliciting leave to return to America with a view to place his daughters in the society of their friends, to attend to some domestic arrangements of pressing moment, and to resume his station after a short time at Paris; but it was not until the last of August, 1789, that he received the permission desired.

The generous tribute which he has paid to the French nation at this point in his autobiographical notes discloses the state of feeling with which he quitted a country where he had passed so various and useful a portion of his public life.

"And here I cannot leave this great and good country without expressing my sense of it's preeminence of character among the nations of the earth. A more benevolent people I have never known, nor greater warmth and devotedness in their select friendships. Their kindness and accommodation to strangers is unparalleled, and the hospitality of Paris is beyond anything I had conceived to be practicable in a large city. Their eminence, too, in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation give a charm to their society to be found nowhere else. In a comparison of this with other countries, we have the proof of primacy which was given to Themistocles after the battle of Salamis. Every general voted to himself the first reward of valor, and the second to Themistocles. So ask the traveled inhabitant of any nation, In what country on earth would you rather live? -- Certainly, in my own where are all my friends, my relations, and the earliest and sweetest affections and recollections of my life. Which would be your second choice? France." (Autobiography, 1821. ME 1:159)

24. Secretary of State

On the 26th of September, 1789, Mr. Jefferson left Paris for America. He was detained at Havre by contrary winds until the 8th of October, when he crossed over to Cowes, where he was again detained by contrary winds until the 22nd, when he embarked and landed at Norfolk, Virginia, on the 23rd of November. On his way to Monticello he passed some days at Eppington in Chesterfield county, the residence of his friend and correspondent, Francis Eppes; and while there he received a letter from the President, George Washington, by express, concerning an appointment as Secretary of State to the new government. Gratifying as was this high testimonial of his public estimation -- the highest in the power of the president to confer -- he nevertheless received it with real regret. His wish had been to return to Paris where he had left his household establishment, to see the end of the revolution, which he then thought would be certainly and happily closed in less than a year, and to make that the epoch of his retirement from all public employments. "I then meant," says he, "to return home, to withdraw from Political life, into which I had been impressed by the circumstances of the times, to sink into the bosom of my family and friends, and devote myself to studies more congenial to my mind." (Autobiography, 1821. ME 1:160) In a letter to Mr. Madison a short time before leaving Paris he wrote: "You ask me if I would accept any appointment on that side of the water? You know the circumstances which led me from retirement, step by step, and from one nomination to another up to the present. My object is a return to the same retirement; whenever, therefore, I quit the present, it will not be to engage in any other office, and most especially any one which would require a constant residence from home." (Aug. 28, 1789. ME 7:453) In a letter to another friend in Virginia, the same sentiment is pursued: "Your letter has kindled all the fond recollections

of ancient times; recollections much dearer to me than any thing I have known since. There are minds which can be pleased by honors and preferments, but I see nothing in them but envy and enmity. It is only necessary to possess them to know how little they contribute to happiness, or rather how hostile they are to it. No attachments soothe the mind so much as those contracted in early life, nor do I recollect any societies which have given me more pleasure than those of which you have partaken with me. I had rather be shut up in a very modest cottage with my books, my family, and a few old friends, dining on simple bacon and letting the world roll on as it liked, than to occupy the most splendid post which any human power can give." (to Alexander Donald, Feb 7, 1788. ME 6:427)

In his answer to the President under date of December 15th, he expressed these dispositions frankly and his preference of a return to Paris, but assured him at the same time that if it were believed he could be more useful in the administration of the government, he would sacrifice his own inclinations without hesitation and repair to that destination. He arrived at Monticello on the 23rd of December, where he received a second letter from the President expressing his continued wishes that he would accept the Department of State if not absolutely irreconcilable with his inclinations. This silenced his reluctance, and he accepted the new appointment. He left Monticello on the 1st of March, 1790, arrived at New York, the then seat of government, on the 21st, and immediately entered on the duties of his station.

In the short interval which he passed at Monticello, his eldest daughter was married to Thomas M. Randolph, eldest son of the Tuckahoe branch of Randolphs, who afterwards filled a dignified station in the general government and, at length, the executive chair of Virginia for a number of years.

Mr. Jefferson's arrival at the seat of government in the character of Secretary of State completed the organization of the first administration under the new Constitution of the United States. The new system had been in operation about one year. George Washington had been unanimously elected President and inaugurated on the 30th of April, 1789. John Adams was Vice-President, Alexander Hamilton Secretary of the Treasury, Henry Knox Secretary of War, and Edmund Randolph Attorney General.

Of this cabinet, Alexander Hamilton was enjoying the unlimited confidence of the President and acquired a preponderating influence in directing the measures of the administration. But his political opinions combined with such advantages of personal ascendency rendered him perhaps a dangerous minister at this crisis of the new government. The political character of the Secretary of the Treasury is drawn with a discriminating hand by Mr. Jefferson in his private memoranda of that period.

> "Conversation began on other matters and by some circumstance was led to the British constitution, on which Mr. Adams observed, 'Purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man.' Hamilton paused and said, 'Purge it of its corruption, and give to its popular branch equality of representation, and it would become an *impracticable* government: as it stands at present, with all its supposed defects, it is the most perfect government which ever existed.' And this was assuredly the exact line which separated the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one: the other for a hereditary king with a house of lords and commons, corrupted to his will and standing between him and the people. Hamilton was indeed a singular character. Of acute understanding, disinterested, honest, and honorable in all private transactions, amiable in society and duly valuing virtue in private life, yet so bewitched and perverted by the British example as to be under thorough conviction that corruption was essential to the government of a nation." (The Anas, 1791-1806. ME 1:279)

The following note of a conversation with Mr. Hamilton dated August 13th, 1791, presents a more favorable view of his sentiments and seems due to him as a matter of justice.

> "Alexander Hamilton, in condemning Mr. Adams' writings, and most particularly 'Davila,' as having a tendency to weaken the present government, declared in substance as follows: 'I own it is my own opinion, though I do not publish it in Dan or Beersheba, that the present government is not that which will answer the ends of society by giving stability and protection to its rights, and that it will probably be found expedient to go into the British form. However, since we have undertaken the experiment, I am for giving it a fair course, whatever my expectations may be. The success, indeed, so far is greater than I had expected, and therefore at present, success seems more possible than it had done heretofore; and there are still other stages of improvement which, if the present does not succeed, may be tried and ought to be tried before we give up the republican form altogether; for that mind must be really depraved which would not prefer the equality of political rights, which is the foundation of pure republicanism, if it can be obtained consistently with order. Therefore, whoever by his writings disturbs the present order of things is really blameable, however pure his intentions may be,' and he was sure Mr. Adams' were pure. This is the substance of a declaration made in much more lengthy terms and which seemed to be more formal than usual for a private conversation between two, and as if intended to qualify some less guarded expressions which had been dropped on former occasions. Th. Jefferson has committed it to writing in the moment of A. Hamilton's leaving the room." (The Anas, 1791-1806. ME 1:284)

Such were the strong aristocratical elements which entered into the composition of General Washington's cabinet. Against the weight of opinion, Mr. Jefferson constituted the great republican check, and the only one, except on some occasions when he was supported by the Attorney General.

No other office under the government of the United States comprehended so wide a range of objects or involved duties of such magnitude as the Department of State. It embraced the whole mass of foreign and a principal portion of the domestic administration. To the first order of capacity and the greatest versatility of talent, it is indispensable that the overseer of this important department should unite an intimate and extensive knowledge of the foreign and domestic relations of the country, a familiarity with the object and duties of government, and a profound acquaintance with history and human nature. If these qualifications are rightly deemed essential in ordinary times and under any circumstances, how much more was their possession necessary at the opening of the new government? --before it had formed a character among nations, and when the impulse and direction which should then be given to it would establish that character perhaps forever? --before its internal faculties and capabilities were developed, but while they were in the process of development? The share which Mr. Jefferson had in marshaling the domestic resources of the republic and fixing them upon a durable foundation in shaping the subordinate features of its political organization and, more especially, in establishing the principles of its foreign policy, constitutes one of the most important epochs in his public history.

Among his labors which were of a character not necessarily appertaining to the duties of his department and, indeed, belonging more properly to some one or more of the ordinary committees of Congress, were:

- Report of a plan for establishing a uniform system of coins, weights, and measures in the United States.
- Report on the cod and whale fisheries.
- Report on the commerce and navigation of the United States.

They were of a peculiar nature, growing out of the infancy of the republic and the imperfect development and organization of its resources, and as such, their execution in a faithful and satisfactory manner required an accurate knowledge of the condition of the country, with the exercise of the most patient investigation and varied, practical talents. The manner in which these difficult and important trusts were discharged by Mr. Jefferson commanded the admiration of his country.

The report of the Secretary of State containing a plan for establishing a uniform system of coins, weights, and measures was executed with uncommon dispatch considering the intricacy of the subject and the novelty of the experiment. He received the order of Congress on the 15th of April, 1790, when an illness of several weeks supervened which, with the pressure of other business, retarded his entering upon the undertaking until some time in the ensuing month. He finished it, however, on the 20th of May. One branch of the subject, that of coins, had already received his attention while a member of Congress in 1784, and it had then occurred to him that a corresponding uniformity in the kindred branches of weights and measures would be easy of introduction and a desirable improvement.

In sketching the principles of his system, Mr. Jefferson was dependent on his own judgment. It was in vain to look to the nations of the old world for an example to direct him in his researches. No such example existed. It should be remarked, however, that two of the principal European governments, France and England, were at this very period learnedly engaged on the same subject.

The first object which presented itself to his enquiries was the discovery of some measure of invariable length as a standard. This was found to be a matter of no small difficulty.

> "There exists not in nature, as far as has been hitherto observed, a single subject or species of subject accessible to man which presents one constant and uniform dimension.
>
> "The globe of the earth itself, indeed, might be considered as invariable in all its dimensions, and that its circumference would furnish an invariable measure; but no one of its circles, great or small, is accessible to admeasurement through all its parts, and the various trials to measure definite portions of them have been of such various result as to show there is no dependence on that operation for certainty.
>
> "Matter, then, by its mere extension, furnishing nothing invariable; its motion is the only remaining resource.
>
> "The motion of the earth round its axis, though not absolutely uniform and invariable, may be considered as such for every human purpose. It is measured obviously, but unequally, by the departure of a given meridian from the sun and its return to it, constituting a solar day. Throwing together the inequalities of solar days, a mean interval, or day, has been found and divided by very general consent into 86,400 equal parts.
>
> "A pendulum, vibrating freely in small and equal arcs may be so adjusted in its length as, by its vibrations, to make this division of the earth's motion into 86,400 equal parts, called seconds of mean time.
>
> "Such a pendulum, then, becomes itself a measure of determinate length, to which all others may be referred to as to a standard." (Plan for Establishing Uniformity etc., 1790. ME 3:27)

But even the pendulum was not without its uncertainties. Among these, not the least was the fact that the period of its vibrations varied in different latitudes. To obviate this objection, he proposed to fix on some one latitude to which the standard should refer. That of 38 deg. being the mean latitude of the United States, he adopted it at first; but afterwards, on receiving a printed copy of a proposition of the Bishop of Autun to the national assembly of France in which the author had recommended the 45th deg., he determined to substitute that in the place of 38 deg. for the sake of uniformity with a nation with whom we were connected in commerce and in the hope that it might become a line of union with the rest of the world.

Having adopted the pendulum vibrating seconds in the 45th deg. of latitude as a standard of invariable length, he proceeded to identify by that the measures, weights, and coins of the United States. But unacquainted with the extent of reformation meditated by Congress, he submitted two plans. First, on the supposition that the

difficulty of changing the established habits of a whole nation opposed an insuperable bar to a radical reformation, he proposed that the present weights and measures should be retained but be rendered uniform by bringing them to the same invariable standard. Secondly, on the hypothesis that an entire reformation was contemplated, he proposed the adoption of a unit of measure to which the whole system of weights and measures should be reduced, with divisions and subdivisions in the decimal ratio corresponding to the uniformity already established in the coins of the United States. On the whole, he was inclined to a general reformation with a view to make the denominations of weights and measures conform to those already introduced into the currency of the country. The facility which such an improvement would establish in the vulgar arithmetic would be soon and sensibly felt by the mass of the people, who would thereby be enabled to compute for themselves whatever they should have occasion to buy, sell, or measure, which the present difficult and complicated ratios, for the most part, place beyond their computation. In the event of its being adopted, however, he recommended a gradual introduction of it into practice. A progressive introduction would lessen the inconveniences which might attend too sudden a substitution, even of an easier for a more difficult system. After a given term, for instance, it might begin in the custom houses where the merchants would become familiarized to it. After a further term, it might be introduced into all legal proceedings, and merchants and traders in foreign commodities might be required to use it. After a still further term, all other descriptions of persons might receive it into common use. Too long a postponement, on the other hand, would increase the difficulties of its reception with the increase of our population.

This report is a curious and learned document, valuable to the statesman and philosopher, though for the same reasons, not calculated to interest the general reader. It was submitted to Congress on the 13th of July, 1790, and referred to a committee who reported in favor of a general reformation on the principles recommended by the author. But the subject was postponed from session to session for several years without receiving a final determination and at length became lost altogether in the crowd of more important matters. The idea of reducing to a single standard the discordant ratios of coins, weights, and measures has ever since, at different intervals, engaged the attention of learned statesmen in England, France, Spain, and America; but a fear of encountering the difficulties of a change of familiar denominations with a natural attachment to established usage has hitherto prevented the introduction of a general uniformity in the systems of either country.

2.

The report of the Secretary of State on the cod and whale fisheries of the United States is one of those ancient State papers which, unlike the innumerable multitude that perish with the occasion, seem destined to be perpetual. The subject was referred to him by Congress on the 9th of August, 1790, in consequence of a representation from the legislature of Massachusetts setting forth the embarrassments under which those great branches of their business labored and soliciting the interference of the government in various ways.

This sound and energetic report was submitted to Congress on the 4th of February, 1791. It was accepted, published, and applauded by the great majority of the people. The policy so urgently recommended by Mr. Jefferson was adopted, and its utility was soon demonstrated by the restoration to the United States upon a prosperous and permanent footing of one of their most important branches of domestic and maritime industry.

3.

The report of the Secretary of State on commerce and navigation was prepared in pursuance of a resolution of the House of Representatives passed on the 23rd of February, 1791, instructing the Secretary to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of their commerce and navigation.

25. Administration of Foreign Affairs

The administration of the foreign affairs of the republic devolving ex officio on the Secretary of State, the principal of his labors emanate from that source. Being the organ of communication between the government and foreign nations, the preparing and communicating instructions to our ministers of every grade at the different courts and the answering those of foreign ministers of every grade resident in the United States constitute a perpetual routine of arduous and complicated duties. Perhaps there was never a period in our history in which these duties were more onerous and multiplied than during the years 1791, '92, and '93. The United States were at issue on the most delicate points of controversy with England, France, and Spain, and the coalition of European despots against republican France drove our government into the necessity of maintaining a strict and impartial neutrality towards the belligerent parties -- perhaps the most difficult posture it had ever been called upon to assume.

With Spain, difficulties had arisen of a serious character. They concerned chiefly the navigation of the Mississippi River below our southern limit, the right to which was still withheld; the settlement of boundaries between the two nations; and the interference on the part of Spain with the tribes of Indians in our territories, inciting them to frequent and ferocious depredations on our citizens.

On all these points, the talents of the Secretary of State were constantly exercised in communicating and enforcing the opinions of the administration. On the subject of the Mississippi River, his instructions to our minister at Madrid were rigorous and uncompromising. He *insisted* that the United States had a right not only to the unmolested navigation of that river *to its mouth*, but also to an *entrepot* near thereto in the dominions of Spain, subject to our jurisdiction exclusively, for the convenience and protection of our commerce. He grounded these rights upon the broad principle of the law of nature: that the inhabitants on both sides of a navigable river are entitled to the common use and enjoyment of it to the ocean, and that the right to use a thing comprehends a right to all the means necessary to its use. The peculiar energy and urgency of his official communications were in unison with the high tone of American feeling which he carried into every situation.

On the subject of the boundaries between the United States and Spain and the incendiary interference of the latter with the Indians on our territories, the communications of Mr. Jefferson gave a tone to the foreign administration of the government distinguished alike for moderation and firmness. He uniformly pressed on our minister the importance of assuring the court of Spain on every occasion in respectful yet unequivocal terms that the essential principles in dispute would never be relinquished, preferring always a peaceful redress of grievances, yet fearless of war if driven to that extremity. Such, however, was the obstinacy of Spain and her jealousy of a rising power in the West, that although deprecating the possibility of war, she skillfully parried all attempts at negotiation and secretly practised her wily arts with the Indians. This temporizing and inhuman policy at length drew forth from Mr. Jefferson a bold address to the court of Spain itself, declaring the ultimate determination of the government in language equally resolute and conciliatory.

> "We love and we value peace; we know its blessings from experience; unmeddling with the affairs of other nations, we had hoped that our distance and our dispositions would have left us free in the example and indulgence of peace with all the world. We had with sincere and particular dispositions courted and cultivated the friendship of Spain. Cherishing the same sentiments, we have chosen to ascribe the unfriendly insinuations of the Spanish commissioners in their intercourse with the government of the United States to the peculiar character of the writers, and to remove the cause of them from their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up: we shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now as it had done heretofore. We confide in our own strength without boasting of it; we respect that of others without

fearing it. If Spain chooses to consider our self-defense against savage butchery as a cause of war to her, we must meet her also in war, with regret but without fear; and we shall be happier to the last moment to repair with her to the tribunal of peace and reason."

The controversy with Spain on these several points was continued with unabated ardor while Mr. Jefferson remained Secretary of State. The rights in dispute were finally secured by treaty on the principles contended for by him, except that the right to an entrepot at New Orleans was limited to three years. The principle of "free bottoms, free goods" was also recognized, and the practice of privateering was humanely restrained. These were favorite ideas with Mr. Jefferson. The treaty with Spain was concluded on the 27th of October, 1795.

In the midst of the contest with Spain, the Secretary of State became involve in a diplomatic controversy with Mr. Hammond, Minister Plenipotentiary of Great Britain to the United States. This controversy originated in the non-execution of the treaty of peace, infractions of which in various particulars had been mutually charged by each upon the other party ever since the conclusion of the war. Mr. Jefferson directed the attention of the British minister to the subject in a pointed manner. He informed him that the British garrisons had not evacuated the western posts, in violation of an express stipulation to that effect in the seventh article of the treaty, that the British officers had exercised jurisdiction over the country and the inhabitants in the vicinity of these posts, that American citizens had been excluded from the navigation of the lakes, and that contrary to the same article, a great number of Negroes, the property of American citizens, had been carried away on the evacuation of New York.

Mr. Hammond replied by admitting the alleged infractions, but justifying them on the ground of retaliation, the United States having previously, he declared, violated their engagements by obstructing the payment of debts justly due to British creditors and by refusing to make remuneration for repeated confiscations of British property during and since the war.

To this Mr. Jefferson rejoined on the 29th of May, 1792, in a masterly communication of more than sixty pages octavo. He reviewed the whole ground of the controversy from beginning to end, sustaining his former positions and overturning those of the British minister by such arguments as drove his antagonist from the field. He showed that with respect to property confiscated by the individual States, the treaty merely stipulated that Congress should *recommend* to the legislatures of the several States to provide for its restitution. That Congress had done all in their power, and all they were bound by the treaty to do; that it was left with the States to comply or not, as they might think proper, with the recommendation of Congress, and that this was so understood by the British negotiators and by the British ministry at the time the treaty was concluded. He also claimed that the first infractions were on the part of Great Britain, by retaining the western posts and by the deportation of Negroes, and that the delays and impediments which had taken place in the collection of British debts were justifiable on that account.

Hammond never undertook an answer to this communication. After more than a year had elapsed without hearing anything from him, Mr. Jefferson invited his attention to the subject and requested an answer. But Hammond evaded the challenge, alleging as an excuse for his neglect that he awaited instructions from his government. In this state the matter rested until it became merged in disputes of a more serious character by the outbreak of a general war in Europe, which changed the political relations of both continents.

Against another pretension on the part of Great Britain and one which ultimately conduced to the second war with that nation, Mr. Jefferson had the honor of offering the first formal resistance of our government. This was the impressment of seamen on board American ships under color of their being British subjects. This custom was peculiar to England; she had practiced it towards all other nations from time immemorial, but with accumulated rigor towards the United States since their independence. She claimed the absolute right of going on board American ships with her press-gangs and constraining into her service all seamen whatsoever who

could not produce upon the spot written evidences of their citizenship. The consequence was that American citizens were frequently carried off and subjected to multiplied cruelties, not only without evidence, but even against evidence. In opposition to this preposterous claim, the Secretary of State proclaimed the determined voice of the government and authorized a rigorous system of reprisal unless the practice be abandoned. He contended that American bottoms should be *prima facie* evidence that all on board were Americans, which would throw the burden of proof where it ought to be: on those who set themselves up against natural right. Under date of June 11, 1792, he thus writes to Thomas Pinckney, our minister at London:

> "We entirely reject the mode which was the subject of a conversation between Mr. Morris and him [the British minister], which was that our seamen should always carry about them certificates of their citizenship. This is a condition never yet submitted to by any nation, one with which seamen would never have the precaution to comply: the casualties of their calling would expose them to the constant destruction or loss of this paper evidence, and thus the British government would be armed with *legal authority* to impress the whole of our seamen. The simplest rule will be that the vessel being American shall be evidence that the seamen on board her are such. If they apprehend that our vessels might thus become asylums for the fugitives of their own nation from impressment, the number of men to be protected by a vessel may be limited by her tonnage, and one or two officers only be permitted to enter the vessel in order to examine the numbers on board; but no press-gang should be allowed ever to go on board an American vessel till after it shall be found that there are more than their stipulated number on board, nor till after the master shall have refused to deliver the supernumeraries (to be named by himself) to the press-officer who has come on board for that purpose; and even then, the American consul should be called in. In order to urge a settlement of this point before a new occasion may arise, it may not be amiss to draw their attention to the peculiar irritation excited on the last occasion and the difficulty of avoiding our making immediate reprisals on their seamen here." (ME 8:370)

On the subject of impressment, Mr. Jefferson's private opinion was that American bottoms should be *conclusive* evidence that all on board were American citizens, inasmuch as the right of expatriation was a natural right, the free enjoyment of which no nation had the authority to molest with respect to any other nation unless by special and mutual agreement. But the administration were not prepared at this time to carry their resistance to the pretension further than was necessary for the protection of their own seamen, without affording an asylum for others.

The Holy Alliance of European despots against the republic of France in 1793 placed the United States in a new position. The situation of a neutral nation is always delicate and embarrassing, but peculiarly so when it is connected with the belligerent parties by extensive commercial relations and when its subjects are divided by powerful political partialities and antipathies towards the powers at war. This was precisely the situation of the United States.

The frenzy of the popular excitement in favor of France was greatly increased by the intemperate character of the minister of the French republic, Mr. Genet. No sooner had this gentleman arrived in the United States than, presuming on the state of public feeling, he began the design of forcing them to become a party to the war by an extraordinary course of proceedings. He landed on the 8th of April, 1793, at Charleston, a port so remote from his points both of departure and destination as to excite attention; and instead of proceeding directly to Philadelphia and presenting his credentials to the President, he remained in Charleston five or six weeks. While there, he was constantly engaged in authorizing the fitting and arming of vessels in that port, enlisting men, foreigners and citizens, and giving them commissions to cruise and commit hostilities on the nations at war with France. These vessels were taking and bringing prizes into our ports, and the consuls of France, by his direction, were assuming to hold courts of admiralty on them, to try, condemn, and authorize their sale as legal prize. All this was done and doing before Mr. Genet had been received and accredited by the President, without the latter's consent or consultation, in defiance of an express proclamation by the American government, and in palpable contravention of the law of nations. These proceedings immediately called forth from the British minister several memorials thereon, to which Mr. Jefferson replied on the 15th of May condemning in the highest degree

the transactions complained against and assuring the British minister that the United States would take the most effectual measures to prevent their repetition. Mr. Genet reached Philadelphia the next day. His progress through the country had been triumphal, and he was received at Philadelphia amidst the plaudits and acclamations of the people. On his presentation to the President, he assured him that on account of the remote situation of the United States and other circumstances, France did not expect them to become a party in the war, but wished to see them preserve their prosperity and happiness in peace. But in a conference with the Secretary of State soon after his reception, he alluded to his proceedings at Charleston and expressed a hope that the President had not absolutely decided against them. He added that he would write the Secretary a note justifying his conduct under the treaty between the two nations; but if the President should finally determine otherwise, he must submit, as his instructions enjoined him to do what was agreeable to the Americans.

In pursuance of his intimation, he addressed a letter to the Secretary of State on the 27th of May in which it appeared that he was far from possessing a disposition to acquiesce in the decisions of the American government. The letter laid the foundation of a correspondence which is confessedly unparalleled in the annals of diplomacy. The communications of Mr. Jefferson present a valuable commentary on the legal interpretation of treaties. They occupy a volume of the American State Papers, and a mere outline of them would exceed the limits prescribed to the present work.

The communications of Genet, on the other hand, were a tissue of inflammatory declamation. To the reasonings of Mr. Jefferson on the obligations of the United States to observe an impartial neutrality towards all the belligerent parties, he applied the epithet of "diplomatic subtilties." And when he sustained the principles advanced by him by quotations from Vattel and other approved jurisconsults, Genet called them "the aphorisms of Vattel," etc. "You oppose," said he, "to my complaints, to my just reclamations upon the footing of right, the private or public opinion of the President of the United States; and this aegis not appearing to you sufficient, you bring forward aphorisms of Vattel to justify or excuse infractions committed on positive treaties." And he added, "Do not punish the brave individuals of your nation who arrange themselves under our banner knowing perfectly well that no law of the United States gives to the government the sole power of arresting their zeal by acts of rigor. The Americans are free: they are not attached to the glebe like the slaves of Russia; they may change their situation when they please, and by accepting at this moment the succor of their arms in the habit of trampling on tyrants, we do not commit the plagiat [abduction] of which you speak. The true robbery, the true crime would be to enchain the courage of these good citizens, of these sincere friends of the best of causes." At other times he would address himself to the political feelings of Mr. Jefferson himself, whom he had been induced to consider his personal friend and who, he said, "had initiated him into mysteries which had inflamed his hatred against all those who aspire to an absolute power."

During the same time also, Mr. Genet was industriously engaged in disseminating seditious addresses among the people and attempting by every means in his power to inflame their passions and induce them to arise in arms against the enemies of France.

Finally, after a controversy of several months in the course of which the mingled effusions of arrogance and intemperance were opposed to a moderation and forbearance which could not be betrayed into a single undignified expression, the American government came to the determination of desiring the recall of Mr. Genet. This delicate duty was executed by Mr. Jefferson and in a manner which has doubtless united more opinions in its favor than any other diplomatic performance on record. On the 16th of August, 1793, he addressed a letter to Gouverneur Morris, the minister of the United States at Paris, containing an epitome of the correspondence on both sides, assigning the reasons which rendered the recall of Mr. Genet necessary, and directing the case to be immediately laid before the French government.

It were vain to attempt a satisfactory analysis of this letter. To a full and dispassionate review of the transactions of Mr. Genet and an unanswerable vindication of the principles upon which the administration had conducted itself in the controversy, assurances were added of an unwavering attachment to France, expressed in such terms

as to impress every reader with their sincerity. The concluding paragraphs are too remarkable not to require an insertion.

After introducing a series of quotations from Mr. Genet's correspondence which he deemed too offensive to be translated into English or to merit a commentary, the author proceeded in the following dignified strain:

> "We draw a veil over the sensations which these expressions excite. No words can render them; but they will not escape the sensibility of a friendly and magnanimous nation who will do us justice. We see in them neither the portrait of ourselves nor the pencil of our friends, but an attempt to embroil both, to add still another nation to the enemies of his country, and to draw on both a reproach which it is hoped will never stain the history of either. The written proofs of which Mr. Genet was himself the bearer were too unequivocal to leave a doubt that the French nation are constant in their friendship to us. The resolves of their national convention, the letters of their executive council attest this truth in terms which render it necessary to seek in some other hypothesis the solution of Mr. Genet's machinations against our peace and friendship.
>
> "Conscious on our part of the same friendly and sincere dispositions, we can with truth affirm, both for our nation and government, that we have never omitted a reasonable occasion of manifesting them. For I will not consider as of that character, opportunities of sallying forth from our ports to way-lay, rob, and murder defenseless merchants and others who have done us no injury and who were coming to trade with us in the confidence of our peace and amity. The violation of all the laws of order and morality which bind mankind together would be an unacceptable offering to a just nation. Recurring then only to recent things after so afflicting a libel, we recollect with satisfaction that in the course of two years, by unceasing exertions, we paid up seven years' arrearages and instalments of our debt to France, which the inefficiency of our first form of government had suffered to be accumulating: that pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year to enable him to send relief to his fellow citizens in France threatened with famine: that in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid when delay would have been denial: that we have received according to our best abilities the wretched fugitives from the catastrophe of the principal town of that colony who, escaping from the swords and flames of civil war, threw themselves on us naked and houseless, without food or friends, money or other means, their faculties lost and absorbed in the depth of their distresses: that the exclusive admission to sell here the prizes made by France on her enemies in the present war, though unstipulated in our treaties and unfounded in her own practice or in that of other nations as we believe; the spirit manifested by the late grand jury in their proceedings against those who had aided the enemies of France with arms and implements of war; the expressions of attachment to his nation with which Mr. Genet was welcomed on his arrival and journey from South to North, and our long forbearance under his gross usurpations and outrages of the laws and authority of our country, do not bespeak the partialities intimated in his letters. And for these things, he rewards us by endeavors to excite discord and distrust between our citizens and those whom they have entrusted with their government, between the different branches of our government, between our nation and his. But none of these things, we hope, will be found in his power. That friendship which dictates to us to bear with his conduct yet a while lest the interest of his nation here should suffer injury will hasten them to replace an agent whose dispositions are such a misrepresentation of theirs and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His government will see too that the case is pressing. That it is impossible for two sovereign and independent authorities to be going on within our territory at the same time without collision. They will foresee that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious that we may be forced even to suspend his functions before a successor can arrive to continue them. If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government."

"Lay the case, then, immediately before his government. Accompany it with assurances which cannot be stronger than true, that our friendship for the nation is constant and unabating; that faithful to our treaties, we have fulfilled them in every point to the best of our understanding; that if in anything, however, we have construed them amiss, we are ready to enter into candid explanations and to do whatever we can be convinced is right; that in opposing the extravagances of an agent whose character they seem not sufficiently to have known, we have been urged by motives of duty to ourselves and justice to others which cannot but be approved by those who are just themselves; and finally, that after independence and self-government, there is nothing we more sincerely wish than perpetual friendship with them." (ME 9:205)

This appeal to the justice and magnanimity of France was successful. Genet was recalled and his place supplied by Mr. Fauchet, who arrived in the United States in February, 1794.

26. Vice-President

On the last day of December 1, 1793, Mr. Jefferson resigned the office of Secretary of State and retired from political life. This was not a sudden resolution on his part, nor unexpected to his country. The political disagreement between himself and the Secretary of the Treasury, added to his general disinclination to holding office, was the cause of his retirement. This disagreement, originating in a fundamental difference of opinion and aggravated by subsequent collisions in the cabinet, was reflected back upon the people and aggravated in turn the agitations and animosities between the republicans and federalists, of which they were respectively the leaders.

Having discovered in a letter from the President while on a journey to the south that he intended to resign the administration at the end of his first term, Mr. Jefferson decided on making that the date of his own retirement. This resolution was formed so early as April, 1791, and first communicated to the President in February, 1792. The private conversations held between these two great public servants at different periods during their official connection attest the sincerity of their attachment to each other and the fervor of their devotion to the country. While both were sighing for retirement, each endeavored to dissuade the other from it as an irreparable public calamity.

After five and twenty years' continual employment in the public service, Mr. Jefferson returned with great satisfaction to that mode of life which had always been congenial to him and from which he was resolved never again to be diverted. In answer to a letter to the Secretary of State soon after his resignation containing an invitation by the President pressing his return to the public councils, he wrote: "No circumstances, my dear sir, will evermore tempt me to engage in anything public. I thought myself perfectly fixed in this determination when I left Philadelphia; but every day and hour since has added to its inflexibility. It is a great pleasure to me to retain the esteem and approbation of the President, and this forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments and a thousand more to him, which my situation does not permit me to go into." (to Edmund Randolph, Sept. 7, 1794. ME 9:290)

In the cultivation of his farm, with which he was at all times enamored and to which he was now intently devoted, Mr. Jefferson was as philosophical and original as in every other department of business. On and around the mountain on which Monticello is situated was an estate of about 5,000 acres owned by him, of which eleven hundred and twenty acres only were under cultivation. A ten-years' abandonment of his lands to the ravages of overseers had brought on them a degree of deterioration far beyond what he had expected, and he determined upon the following plan for retrieving them from the wretched condition in which they were found: He divided all his lands under culture into four farms, and every farm into seven fields of forty acres. Each farm, therefore, consisted of two hundred and eighty acres. He established a system of rotation in cropping which embraced seven years, and this was the reason for the division of each farm into seven fields. In the first

of these years, wheat was cultivated; in the second, Indian corn; in the third, peas or potatoes; in the fourth, vetches; in the fifth, wheat; and in the sixth and seventh, clover. Thus each of his fields yielded some produce every year, and the rotation of culture, while it prepared the soil for the succeeding crop, increased its produce. Each farm under the direction of a particular steward or bailiff was cultivated by four Negroes, four Negresses, four oxen, and four horses. On each field was constructed a barn sufficiently capacious to hold its produce in grain and forage. A few extracts from his private correspondence at this period will show how completely his mind was abstracted from the political world and absorbed in the occupations and enjoyments of his rural retreat.

> To James Madison.-- "I long to see you. I am proceeding in my agricultural plans with a slow but sure step. To get under full way will require four or five years. But patience and perseverance will accomplish it. My little essay in red clover the last year has had the most encouraging success. I sowed then about forty acres. I have sowed this year about 120, which the rain now falling comes very opportunely on. From 160 to 200 acres will be my yearly sowing. The seed-box described in the agricultural transactions of New York, reduces the expense of seeding from six shillings to two shillings, three pence the acre, and does the business better than is possible to be done by the human hand." (Apr. 27, 1795. ME 9:303)
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> To William B. Giles.-- "I sincerely congratulate you on the great prosperities of our two first allies, the French and Dutch. If I could but see them now at peace with the rest of their continent, I should have little doubt of dining with Pichegru in London next autumn, for I believe I should be tempted to leave my clover for a while and go and hail the dawn of liberty and republicanism in that island. I shall be rendered very happy by the visit you promise me. The only thing wanting to make me completely so is the more frequent society of my friends. It is the more wanting as I am become more firmly fixed to the glebe. If you visit me as a farmer, it must be as a condisciple, for I am but a learner -- an eager one indeed -- but yet desperate, being too old to learn a new art. However, I am as much delighted and occupied with it as if I was the greatest adept. I shall talk with you about it from morning till night and put you on very short allowance as to political aliment. Now and then a pious ejaculation for the French and Dutch republicans, returning with due dispatch to clover, potatoes, wheat, etc." (Apr. 27, 1795. ME 9:305)
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> To Mann Page.-- "It was not in my power to attend at Fredericksburg according to the kind invitation in your letter and in that of Mr. Ogilvie. The heat of the weather, the business of the farm, to which I have made myself necessary, forbade it; and to give one round reason for all, *mature sanus,* I have laid up my Rosinante in his stall before his unfitness for the road shall expose him faltering to the world. But why did not I answer you in time? Because in truth I am encouraging myself to grow lazy, and I was sure you would ascribe the delay to anything sooner than a want of affection or respect to you, for this was not among the possible causes. In truth, if anything could ever induce me to sleep another night out of my own house, it would have been your friendly invitation and my solicitude for the subject of it: the education of our youth. I do most anxiously wish to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world and to keep their part of it going on right: for nothing can keep it right but their own vigilant and distrustful superintendence." (Aug. 30, 1795. ME 9:306)

With the peaceful operations of agriculture, Mr. Jefferson combined another gratification, to wit, the pursuit of science. In compliment to his uncommon passion for philosophy and his exalted attainments in science, he was about this time appointed president of the American Philosophical Society, the oldest and most distinguished institution in the United States at that time. This honor had been first conferred on Dr. Franklin and afterwards on David Rittenhouse, at whose death Mr. Jefferson was chosen. His sensibility to this mark of distinction was more profound than he had ever felt on any occasion of political preferment. "The suffrage of a body," said he in reply, "which comprehends whatever the American world has of distinction in philosophy and science in

general, is the most flattering incident of my life, and that to which I am the most sensible. My satisfaction would be complete were it not for the consciousness that it is far beyond my titles. I feel no qualification for this distinguished post but a sincere zeal for all the objects of our institution and an ardent desire to see knowledge so disseminated through the mass of mankind that it may at length reach even the extremes of society: beggars and kings." (1796?)

Of this society he was the pride and ornament. He presided over it for a number of years with great efficiency, elevating its character and extending its operations by those means which his enlarged acquaintance with science and the literary world enabled him to command. His constant attendance at its meetings while he resided in Philadelphia gave them an interest which had not been excited for a number of years. Science under his auspices received a fresh impulse, as will appear by consulting the society's *Transactions* of that period, which were enriched by many valuable contributions from himself.

But it was impossible for Mr. Jefferson utterly to extinguish that inbred republicanism for which he was so remarkable or those anxieties for its preservation and purity which weighed on him so heavily at times. He had left Philadelphia not without some inquietude for the future destinies of the government, yet with a confidence so strong as never permitted him to doubt the final result of the experiment.

Early in the year 1795, the two great parties of the nation became firmly arrayed against each other on the question of providing a successor to General Washington. Mr. Adams was taken up by the Federalists, and Mr. Jefferson was undividedly designated as the Democratic-Republican candidate.

The contest was conducted with great asperity. In fierceness and turbulence of character, in the temper and dispositions of the respective parties, and in the principles which were put in issue, the contest so strongly resembled those of which every generation since then has been eye-witnesses and actors as to render a description unnecessary. The issue was well-recognized. The struggle of the people against the party in power is always an unequal one, and was lost on this occasion. The majority, however, was inconsiderable. On counting the electoral votes in February, 1797, it appeared there were seventy-one for Mr. Adams and sixty-eight for Mr. Jefferson.

The new administration under John Adams commenced on the 4th of March, 1797. Mr. Jefferson had arrived at the seat of government on the 2nd of March. Though there was no necessity for his attendance, he had determined to come on from a principle of respect to the public and the new President. He had taken the precaution, however, to manifest his disapprobation of the forms and ceremonies established at the first inauguration by declining all participation in the homage of the occasion. As soon as he was certified by the public papers of the event of the election, he addressed a letter to Mr. Tazewell, Senator of Virginia, expressing his particular desire to dispense with the formality of notification by a special messenger. At the first election of President and Vice-President, gentlemen of considerable distinction were deputed to notify the parties chosen, and it was made an office of much dignity. But this expensive formality was as unnecessary as it was repugnant to the genius of our government, and he was anxious that the precedent should not be drawn into custom. He therefore authorized Mr. Tazewell to request the Senate, if not incompatible with their views of propriety, to discontinue the practice in relation to himself and to adopt the channel of the post as the least troublesome, the most rapid, and by the use of duplicates and triplicates, always capable of being rendered the most certain. He addressed another letter at the same time to Mr. Madison requesting him to discountenance on his behalf all parades of reception, induction, etc.

There was another point involving an important constitutional principle on which Mr. Jefferson improved the occasion of his election to introduce a salutary reformation in the practice of the government. During the previous administration, the Vice-President was made a member of the cabinet and occasionally participated in the executive consultations equally with the members of the cabinet proper. Since the Vice-President was also

president of the Senate, this practice he regarded as a combination of legislative with executive powers which the Constitution had wisely separated. He availed himself, therefore, of the first opening from a friendly quarter to announce his determination to consider the office of Vice-President as legitimately confined to legislative functions and to sustain no part whatever in the executive consultations. In a letter to Mr. Madison dated January 22, 1797, he said: "My letters inform me that Mr. Adams speaks of me with great friendship and with satisfaction in the prospect of administering the government in concurrence with me. I am glad of the first information because, though I saw that our ancient friendship was affected by a little leaven produced partly by his constitution, partly by the contrivance of others, yet I never felt a diminution of confidence in his integrity and retained a solid affection for him. His principles of government I knew to be changed, but conscientiously changed. As to my participation in the administration, if by that he meant the executive cabinet, both *duty* and *inclination* will shut this door to me. As to duty, the Constitution will know me only as the member of a legislative body, and its principle is that of a separation of legislative, executive, and judiciary functions except in cases specified. If this principle be not expressed in direct terms, yet it is clearly the spirit of the Constitution, and it ought to be so commented and acted on by every friend to free government." (ME 9:367)

In the first moments of the enthusiasm of the inauguration, Mr. Adams forgot party sentiments and indicated a disposition to harmonize with the republican body of his fellow citizens. He called upon Mr. Jefferson on the 3rd of March and expressed great pleasure at finding him alone, as he wished a free conversation with him. He entered immediately on an explanation of the situation of our affairs with France and the danger of a rupture with that nation; that he was impressed with the necessity of an immediate mission to the directory; that it would have been the first wish of his heart to have got Mr. Jefferson to go there, but that he supposed it was now out of the question. That he had determined on sending an embassy which, by its dignity, should satisfy France and, by its selection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he determined to join Madison and Gerry to Pinckney, and he wished Mr. Jefferson to consult Madison in his behalf. He did so, but Mr. Madison declined, as was expected. After that, he never said a word to Mr. Jefferson on the subject nor ever consulted him as to any measures of the administration.

From the warmth with which Mr. Jefferson embarked in opposition to the administration, it might be inferred that he permitted his political feelings to influence him in the discharge of his official duties. But this was not the case. He presided over the Senate with dignity and, although it was composed for the most part of his political enemies, with an impartiality which the rancor of the times never attempted to impeach. How attentive he was to the duties of his station and how accurately he understood the rules of parliamentary order is attested by his "Manual of Parliamentary Practice" -- a work which he at that time published and which became the guide of both houses of Congress.

27. President of the United States

Not long after the election of Mr. Adams, the political contest for his successor was renewed with increased vehemence. Mr. Jefferson was again with one accord selected as the Republican candidate for the Presidency and Aaron Burr of New York for the office of Vice-President. With equal unanimity, John Adams, the incumbent, and Charles Pinkney of South Carolina were designated as the candidates of the Federalist party. It would be tedious to describe the opposition offered to Mr. Jefferson. The press cast the strongest reflections upon his political principles, and in some instances, the pulpit was made the organ of party. The strife which then raged was of a nature, the vehemence of which has seldom been equaled. Mr. Jefferson was accused of having betrayed his native State into the hands of the enemy on two occasions while at the head of the

government by a cowardly abandonment of Richmond on the sudden invasion of Arnold and subsequently, by an ignominious flight from Monticello on the approach of Tarlton, with circumstances of such panic and precipitation as to occasion a fall from his horse and the dislocation of his shoulder. He was charged with being the libeler of Washington and the retainer of mercenary libelers to blast the reputation of the Father of his Country. He was accused of implacable hostility to the Constitution, of employing foreign scribblers to write it down, and of aiming at the annihilation of all law, order, and government and the introduction of general anarchy and licentiousness. He was characterized as an atheist and the patron of French atheists, whom he encouraged to migrate to this country; as a demagogue and disorganizer, industriously sapping the foundations of religion and virtue and paving the way for the establishment of a legalized system of infidelity and libertinism. Decency would revolt were we to pursue the catalogue into that region of invective which was employed to vilify his *private* character and which abounded in fabrications that have been the theme of infinite ridicule in prose and verse.

While the madness of party was thus raging and attempting to despoil him of his reputation, Mr. Jefferson remained a passive spectator of the scene. Supported by a consciousness of his innocence, he surveyed with composure the tempest of detraction which was howling around him. His confidence in the justice of public opinion was stronger than his sensibility under its temporary reproaches, and he quietly submitted to the licentiousness of the press as an alloy which was inseparable from the boon of its freedom. Besides, he felt an animating pride in being made the subject of the first great experiment in the world, which was to test the soundness of his favorite principle, "that freedom of discussion, unaided by power, was sufficient for the protection and propagation of truth." Although frequently solicited by his friends, he never would descend to a newspaper refutation of calumny, and he never in any instance appealed to the retribution of the laws. "I know," he wrote to a friend in Connecticut, "that I might have filled the courts of the United States with actions for these slanders and have ruined, perhaps, many persons who are not innocent. But this would be no equivalent for the loss of character. I leave them, therefore, to the reproof of their own consciences. If these do not condemn them, there will yet come a day when the false witness will meet a judge who has not slept over his slanders. If the Rev. Cotton Mather Smith of Shena believed this as firmly as I do, he would surely never have affirmed that I had obtained my property by fraud and robbery, that in one instance I had defrauded and robbed a widow and fatherless children of an estate to which I was executor, of ten thousand pounds sterling by keeping the property and paying them in money at the nominal rate when it was worth no more than forty for one, and that all this could be proved." (to Uriah McGregory, Aug. 13, 1800. ME 10:171) Every tittle of this grave denunciation was founded in falsehood. Mr. Jefferson was an executor but in two instances, which happened about the beginning of the Revolution, and he never meddled in either executorship. In one of the cases only were there a widow and children. She was his sister and retained and managed the estate exclusively in her own hands. In the other case, he was coparcener and only received on division the equal portion allotted him. Again, his property was all patrimonial except about seven or eight hundred pounds' worth purchased by himself and paid for, not to widows and orphans, but to the gentleman from whom he purchased. The charges against Mr. Jefferson were indeed so audacious and persevered in with such assurance as to excite the solicitude of his friends in different sections of the union, and they addressed him frequent letters of inquiry on the subject. These he invariably answered with frankness and liberality, but he annexed to every answer a restraint against it publication. In a letter of this kind to Samuel Smith of Maryland, he concludes:

> "These observations will show you how far the imputations in the paragraph sent me approach the truth. Yet they are not intended for a newspaper. At a very early period of my life, I determined never to put a sentence into any newspaper. I have religiously adhered to the resolution through my life, and have great reason to be contented with it. Were I to undertake to answer the calumnies of the newspapers, it would be more than all my own time and that of twenty aids could effect. For while I should be answering one, twenty new ones would be invented. I have thought it better to trust to the justice of my countrymen, that they would judge me by what they *see* of my conduct on the stage where they have placed me, and what they knew of me *before* the epoch since which a particular party has supposed it might answer some view of theirs to vilify me in the public eye. Some, I know, will not reflect how apocryphal is the testimony of enemies so palpably betraying the views with which they give it. But this is an injury to

> which duty requires every one to submit whom the public think proper to call into its councils. I thank you, my dear Sir, for the interest you have for me on this occasion. Though I have made up my mind not to suffer calumny to disturb my tranquillity, yet I retain all my sensibilities for the approbation of the good and just. That is, indeed, the chief consolation for the hatred of so many who, without the least personal knowledge and on the evidence of mercenary calumniators alone, cover me with their implacable hatred. The only return I will ever make them will be to do them all the good I can in spite of their teeth." (Aug. 22, 1798. ME 10:58)

Mr. Jefferson was successful over his opponent by a vote of seventy-three to sixty-five in the electoral colleges. The States of New York, Virginia, South Carolina, Georgia, Kentucky, and Tennessee were unanimous for him. The New England States, with Delaware and New Jersey, were unanimous for Mr. Adams. Pennsylvania and North Carolina, acting by districts, gave a majority of votes to Mr. Jefferson, and Maryland was equally divided between the two candidates.

But owing to a defect in the Constitution or an inattention to its provisions, an unexpected contingency arose which threatened to reverse the will of the nation and to place in the executive chair a man who, it was notorious, had not received a solitary vote for that station. Mr. Jefferson was elected President, and Aaron Burr Vice-President, by an *equal* number of votes; and as the Constitution required no specification of the office for which each respectively was designed, but simply confined the choice to the person having the highest number of votes, the consequence was that neither had the majority required by law. In this dilemma, the election devolved on the House of Representatives and produced storms of an unprecedented character. The Federalists seized on the occasion to favor their own peculiar political principles. They held a caucus and resolved on the alternative either to elect Burr in the place of Jefferson or, by preventing a choice altogether, to create an interregnum. In the latter event, they agreed to pass an act of Congress devolving the government on a President Pro Temp of the Senate, who would perhaps have been a person of their choice.

On the 11th of February, the House proceeded in the manner prescribed by the Constitution to elect a President of the United States. The representatives were required to vote by States instead of by persons. On opening the ballots, it appeared that there were eight States for Mr. Jefferson, six for Col. Burr, and two divided; consequently there was no choice. The process was repeated, and the same result was indicated, through FIVE successive days and nights and THIRTY-FIVE ballotings!

During this long suspense, the decision depended on a single vote! Either one of the Federalists from the divided States -- Vermont and Maryland -- coming over to the Republican side would have made a ninth State and decided the election in favor of Mr. Jefferson. But the opposition appeared invincible in the resolution to have a President of their own choice.

> "Mr. N., a representative from Maryland, had been for some weeks confined to his bed and was so ill that his life was considered in danger. Ill as he was, he insisted on being carried to the hall of representatives in order to give his vote. The physicians forbade such a proceeding; Mr. N. insisted, and they appealed to his wife, telling her that such a removal and the consequent excitement might prove fatal to his life. 'Be it so, then,' said she, 'If my husband must die, let it be at the post of duty; no weakness of mine shall oppose his noble resolution.' How little did these physicians expect this courage when they appealed to the influence of one of the fondest and most devoted of wives. They of course withdrew their opposition; the patient was carried in a litter to the capitol, followed by his wife, where a bed was prepared for him in an ante-room adjoining the Senate chamber. During the four or five days and nights of balloting, his wife remained by his side, supporting the strength of the feeble invalid who with difficulty traced the name of Jefferson each time the ballot box was handed to him. Such was the spirit of that day -- the spirit of that party!"

Finally, on the thirty-sixth ballot the opposition gave way, apparently from exhaustion. Mr. Morris of Vermont withdrew, which enabled his only colleague, Lyon, to give the vote of that State to Mr. Jefferson. The four

Federalists from Maryland who had hitherto supported Burr voted blanks, which made the positive ticket of their colleagues the vote of that State. South Carolina and Delaware, both represented by Federalists, voted blanks. So there were on the last ballot ten States for Mr. Jefferson, four for Col. Burr, and two blanks. [note] The result, on being proclaimed, was greeted with applause from the galleries, which were immediately ordered by the Speaker to be cleared. Mr. Jefferson did not receive a Federalist, nor Col. Burr a Democrat-Republican vote. The latter became, of course, Vice-President; but his apostasy separated him irretrievably from the confidence of the republicans, while it demonstrated his fitness for those treasonable purposes of ambition which he subsequently manifested.

On the 4th of March, 1801, Mr. Jefferson was inducted into office. The crowd of strangers who had thronged the city during the previous period of agitation had disappeared on the understanding that it was the pleasure of the President to be made the subject of no homage or ceremony. The city of Washington had been occupied as the seat of government but a few months only; the number of its inhabitants at this time did not exceed that of a small village; the individuals composing the late administration had taken their departure with the ex-President early on the 4th of March, and now, divested of half its migratory population, the infant metropolis presented a solitary appearance. The simplicity of the scene and of the ceremony of inauguration is described by a Washington reminiscent:

> "The sun shone bright on that morning. The Senate was convened. Those members of the Republican party that remained at the seat of government, the judges of the Supreme Court, some citizens and persons from the neighboring country, and about a dozen ladies made up the assembly in the Senate chamber who were collected to witness the ceremony of the President's inauguration. Mr. Jefferson had not yet arrived. He was seen walking from his lodgings, which were not far distant, attended by five or six gentlemen who were his fellow lodgers. Soon afterwards he entered accompanied by a committee of the Senate, and bowing to the Senate, who arose to receive him, he approached a table on which the Bible lay and took the oath which was administered to him by the Chief Justice. He was then conducted by the president of the Senate to his chair, which stood on a platform raised some steps above the floor; after the pause of a moment or two, he arose and delivered that beautiful inaugural address which has since become so popular and celebrated, with a clear, distinct voice, in a firm and modest manner. On leaving the chair, he was surrounded by friends who pressed forward with cordial and eager congratulations. The new President walked home with two or three of the gentlemen who lodged in the same house. At dinner, he took his accustomed place at the bottom of the table, his new station not eliciting from his democratic friends any new attention or courtesy. A gentleman from Baltimore, an invited guest, who accidentally sat next to him, asked permission to wish him joy. "I would advise you," answered Mr. Jefferson smiling, "to follow my example on nuptial occasions when I always tell the bridegroom I will wait till the end of the year before offering my congratulations." And this was the only and solitary instance of any notice taken of the event of the morning."

In the short compass in which the inaugural address of Mr. Jefferson is compressed, the essential principles of a free government are stated with the measures best calculated for their attainment and security and an ample refutation of adverse principles. Nor was it intended as an ostentatious display of his political sentiments. The principles advanced in it were subsequently reduced to practice.

James Madison was appointed Secretary of State, Albert Gallatin Secretary of the Treasury, General Dearborn Secretary of War, Robert Smith Secretary of the Navy, and Levi Lincoln Attorney General. Agreeably to the example set by himself, the Vice-President was not invited to take any part in the executive consultations. Mr. Jefferson addressed a circular to the heads of departments establishing the mode and degree of communication between them and the President. All letters of business addressed to himself were referred by him to the proper department to be acted upon. Those addressed to the Secretaries, with those referred to them, were all communicated to the President, whether an answer was required or not; in the latter case simply for his information. If an answer was requisite, the Secretary of the department communicated the letter and his

proposed answer. If approved, they were simply sent back after perusal; if not, they were returned with an informal note suggesting an alteration or query. If any doubt of importance arose, he reserved it for conference.

At the threshold of his administration, Mr. Jefferson was met by difficulties which called into requisition all the firmness of his character. He found the principal offices of the government and most of the subordinate ones in the hands of his political opponents. This state of things required prompter correctives than the tardy effects of death and resignation. On him, therefore, for the first time devolved the disagreeable enterprise of effecting this change. The general principles of action which he sketched for his guide on this occasion were the following:

> 1st, All appointments to civil office during pleasure, made after the event of the election was certainly known to Mr. Adams, were considered as nullities. He did not view the persons appointed as even candidates for the office, but replaced others without noticing or notifying them.
> 2nd, Officers who had been guilty of *official* malfeasance were proper subjects of removal.
> 3rd, Good men, to whom there was no objection but a difference of political principle, practiced only so far as the right of a private citizen would justify, were not proper subjects of removal except in the case of attorney and marshals. The courts being so decidedly Federalist, it was thought that those offices, being the doors of entrance, should be exercised by Republican citizens as a shield to the republican majority of the nation.
> 4th, Incumbents who had prostituted their offices to the oppression of their fellow citizens ought to be removed, in justice to those citizens and as examples to deter others from like abuses.

To these means of introducing the intended change was added one other in the course of his administration; to wit, removal for electioneering activity or open and industrious opposition to the principles of the government. "Every officer of the government," said he, "may vote at elections according to his own conscience; but we should betray the cause committed to our care were we to permit the influence of official patronage to be used to overthrow that cause." In all new appointments, the President confined his choice to Republicans or republican Federalists.

The change in the public offices was the first measure of importance which gave a character of originality to the administration. Various abuses existed dependent on executive indulgence, which soon called into action the reforming hand of the President. In a letter of the President to Nathaniel Macon, member of Congress from North Carolina, dated May 14, 1801, it is curious to notice the following laconic statement of the progress and intended course of reform:

> "Levees are done away.
> "The first communication to the next Congress will be, like all subsequent ones, by message, to which no answer will be expected.
> "The diplomatic establishment in Europe will be reduced to three ministers.
> "The compensations to collectors depend on you and not on me.
> "The army is undergoing a chaste reformation.
> "The navy will be reduced to the legal establishment by the last of this month.
> "Agencies in every department will be revised.
> "We shall push you to the uttermost in economizing.
> "A very early recommendation had been given to the Post Master General to employ no printer, foreigner, or revolutionary Tory in any of his offices. This department is still untouched.
> "The arrival of Mr. Gallatin yesterday completed the organization of our administration." (ME 10:261)

28. The Revolution of 1800

During the short interval of time between his inauguration and the meeting of the first Congress, the attention of President Jefferson was occupied in maturing his plans for republicanizing the government and in carrying them into execution in all cases where he possessed the power independently of the legislature. The courtly custom of levees with the train of attendant forms and ceremonies had its origin with the inception of the new government. General Washington resisted the importunities to introduce them for three weeks after his induction into office. At last he yielded, and Colonel Humphreys, a gentleman of great parade, was charged with the arrangement of ceremonies on the first occasion. Accordingly, an antechamber and presence-room were provided, and when the company who were to pay their court had assembled, the President advanced, preceded by Humphreys. After passing through the ante-chamber, the door of the inner room was thrown open and Humphreys entered first, calling out with a loud voice, "The President of the United States." The President was so much disconcerted that he never recovered from it during the whole time of the levee. After the company had retired, he said to Humphreys, "Well, you have taken me in once, but by ___ you shall never take me in a second time." He never allowed the same form to be repeated, but had the company introduced as they entered the room, where he stood to receive them. The levees were continued under Mr. Adams. Repeated at short intervals and accompanied, as they were, by a general course of entertainment, they were unnecessarily expensive and obstructive of business. Mr. Jefferson discontinued them. He had but two *public* days for the reception of company -- the fourth of July and first of January. On these occasions, the doors of his house were thrown open and the most liberal hospitality provided for the entertainment of visitors of every grade without distinction.

So much for the demolition of forms. With these, a system of substantial reformation was vigorously prosecuted by the President. The introduction of economy in the public expenditures was the cardinal principle of this system: to diminish the number and weight of public burthens and establish a frugal system of government which "should not take from the mouth of labor the bread it had earned." To this end, the army and navy were reduced into republican peace establishments -- or rather, to the ultimate point of reduction confided to executive discretion. Further than this, he could not go without the concurrence of the legislature. The amount of force, including regulars and militia which the several acts of the preceding administration had authorized the President to raise, was considerably over 100,000 men. Mr. Jefferson reduced the army to four regiments of infantry, two regiments of artillerists and engineers, and two troops of light dragoons. The next year, by the consent of the legislature, he reduced it to two regiments of infantry, one regiment of artillerists, and a corps of engineers -- or to about three thousand men.

He visited in person each of the departments and obtained a catalogue of the officers employed in each with a statement of their wages and amount of duties. Those under his own immediate charge were subjected to the same scrutiny. Thence he extended his enquiries over the whole territory of the republic and comprehended in the revision all those who under any species of public employment drew money from the treasury. This done, he immediately commenced the reduction of all such offices as he deemed unnecessary, whose tenure depended on executive discretion. The inspectors of the internal revenue were discontinued in a mass. They comprised a large body of treasury men dispersed over the country. Various other agencies created by executive authority on salaries fixed by the same authority were deemed superfluous. These were all suppressed. The diplomatic establishment was reduced to three ministers, which were all that the public interests required, namely, to England, France, and Spain. He called in foreign ministers who had been absent eleven and even seventeen years, and established the rule which he had formerly recommended to General Washington, by whom it was approved: that no person should be continued on foreign mission beyond a term of six, seven, or eight years. But the great mass of the public offices, being established by law, required the concurrence of the legislature to discontinue them.

The President formed the design of introducing some wholesome improvements in the established code of international intercourse by engaging in concurrence and peaceable cooperation, a coalition of the most liberal powers of Europe. These improvements respected the rights of neutral nations and were original conceptions with himself and Dr. Franklin. He desired to see the established law of nations abolished which authorized the taking the goods of an enemy from the ship of a friend, and to have substituted in its place by special compacts the more rational and convenient rule that free ships should make free goods. The vexatious effects of the former principle upon neutral nations peaceably pursuing their commerce and its tendency to embroil them with the powers involved in war were sufficient reasons for its universal abandonment, while the operation of the latter principle -- leaving the nations at peace to enjoy the common rights of the ocean unmolested -- was more favorable to the interest of commerce and lessened the occasions and the vexations of war. Besides, the principle of "free bottoms, free goods," he contended, was the genuine dictate of national morality. The converse which had unfortunately obtained -- a corruption originally introduced by accident between two States, Venice and Genoa, then predominating upon the ocean -- was afterwards adopted from the mere force of example by other nations as they successively appeared upon the theatre of general commerce.

The President desired to see this improvement so far carried out as to abolish the pernicious distinction of contraband of war in the articles of neutral commerce. He regarded the practice of entering the ship of a friend to search and seize what was called contraband of war, as a violation of natural right and extremely liable to abuse.

> "War between two nations cannot diminish the rights of the rest of the world remaining at peace. The doctrine that the rights of nations remaining quietly under the exercise of moral and social duties are to give way to the convenience of those who prefer plundering and murdering one another, is a monstrous doctrine and ought to yield to the more rational law that "the wrongs which two nations endeavor to inflict on each other must not infringe on the rights or conveniences of those remaining at peace." And what is *contraband* by the law of nature? Either everything which may aid or comfort an enemy or nothing. Either all commerce which would accommodate him is unlawful or none is. The difference between articles of one or another description is a difference in degree only. No line between them can be drawn. Either all intercourse must cease between neutrals and belligerents or all be permitted. Can the world hesitate to say which shall be the rule? Shall two nations turning tigers break up in one instant the peaceable relations of the whole world? Reason and nature clearly pronounce that the neutral is to go on in the enjoyment of all its rights, that its commerce remains free, not subject to the jurisdiction of another nor consequently its vessels to search or to enquiries whether their contents are the property of an enemy or are of those which have been called contraband of war." (Sept. 9, 1801. ME 10:280)

These opinions and arguments he communicated in the form of instructions to Robert R. Livingston, nominated as Minister Plenipotentiary to France the day after his inauguration. They were communicated unofficially, however, and with the express reservation that they were not to be acted upon until the war in Europe, which threatened to embroil us with the principal belligerents, should be brought to a termination. The same principles had been repeatedly sanctioned by the government, and he entertained little doubt of the concurrence of his constitutional advisers. They formed a part of those instructions of Congress drafted by himself in 1784 to the first American ministers appointed to treat with the nations of Europe, and which were acceded to by Prussia and Portugal. In the renewal of the treaty with Prussia, they had been avoided at the instance of our then administration lest it should seem to commit us against England on a question then threatening decision by the sword; and in the last treaty with the last named power, they had been abandoned by our envoy, which constituted a principal ground of opposition to the memorable negotiation.

Scarcely had the President entered upon the duties of his office when our commerce in the Mediterranean was interrupted by the pirates in that region. Tripoli, the least considerable of the Barbary powers, came forward with demands unfounded either in right or compact and avowed the determination to extort them at the point of the sword on our failure to comply peaceably before a given day. The President with becoming energy immediately put in operation such measures of resistance as the urgency of the case demanded, without

awaiting the advice of Congress. The style of the challenge admitted but one answer. He sent a squadron of frigates into the Mediterranean with assurances to the Bey of Tripoli of our sincere desire to remain in peace, but with orders to protect our commerce at all hazards against the threatened attack. The Bey had already declared war in form. His cruisers were out; two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded, and that of the Atlantic in peril. The arrival of the American squadron dispelled the danger, however. One of the Tripolitan cruisers, having fallen in with and engaged a small schooner of ours which had gone out as a tender to the larger vessels, was captured with a heavy slaughter of her men and without the loss of a single one on our part. This severe chastisement, with the extraordinary skill and bravery displayed by the Americans, quieted the pretensions of the Bey and operated as a caution in future to that desperate community of freebooters.

On the 8th of December, 1801, Mr. Jefferson made his first annual communication to Congress *by message.* It had been the uniform practice with his predecessors to make their first communications on the opening of Congress by personal address, to which a formal answer was immediately returned by each house separately. The President always used to go *in state,* as it was called, to deliver his speech. He moved to the capitol, preceded by the marshal and constables of the District with their white staffs, and accompanied by the heads of departments, the members of Congress, and a numerous procession of citizens. On these occasions he always wore his sword. A desire to impart a more popular character to the government by divesting it of a ceremonial which partook in some degree the character of a royal pageant, a regard to the convenience of the legislature, the economy of their time, and relief from the embarrassments of immediate answers induced Mr. Jefferson to adopt the mode of communication by message, to which no answer was returned. And his example was followed by succeeding Presidents.

The President announced in his message that the cessation of hostilities in Europe had produced a consequent cessation of those irregularities which had afflicted the commerce of neutral nations and restored the ordinary communications of peace and friendship between the principal powers of the earth; that our intercourse with the Indians on our frontiers was marked by a spirit of mutual conciliation and forbearance, highly advantageous to both parties; that our relations with the Barbary States were in a less satisfactory condition, and such as to inspire the belief that measures of offense ought to be authorized sufficient to place our force on an equal footing with that of its adversaries; that the increase of population within the last ten years as indicated by the late census proceeded in such an unexampled ratio as promised a duplication every twenty-two years; that this circumstance combined with others had produced an augmentation of revenue which proceeded in a ration far beyond that of population and authorized a reduction of such of its branches as were particularly odious and oppressive.

Accordingly, he recommended the abolition of *all the internal taxes,* comprehending excises, stamps, auctions, licensed carriages, and refined sugars, to which he added the postage of newspapers to facilitate the progress of information. The remaining sources of revenue aided by the extensive system of economy which he proposed to introduce would be sufficient, he contended, to provide for the support of government, to pay the interest of the public debt, and to discharge the principal in a shorter period than the laws or the general expectation had contemplated.

As supplemental, however, to the proposition for discontinuing the internal taxes, he recommended a diminution of the public disbursements by the abolition of all superfluous drafts upon the treasury. He informed the legislature of the progress he had already made in this department of public duty by the suppression of all unnecessary offices, agencies, and missions which depended on executive authority, and recommended to their consideration a careful revision of the remainder. "Considering," says he, "the general tendency to multiply offices and dependencies and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it may never be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist,

government shall itself consume the residue of what it was instituted to guard." (1st Annual Message, 1801. ME 3:333)

In order to multiply barriers against the dissipation of the public money, he recommended Congress to establish the practice of *specific appropriations* in all cases susceptible of definition, to reduce the undefined field of contingencies, and to bring back to a single department for examination and approval all accountabilities for receipts and expenditures.

He directed the attention of Congress to the army and advised the reduction of the existing establishment to the number of garrisons actually necessary and the number of men requisite for each garrison. A standing army in time of peace was both unnecessary and dangerous. The militia was the main pillar of defence to the country and the only force which could be ready at every point to repel invasion until regulars could be provided to relieve them. This consideration rendered important a careful review of the existing organization of the militia at every session of Congress, and the amendment of such defects as from time to time might show themselves in the system until it should be made sufficiently perfect. "Nor should we now," said he, "or at any time separate, until we can say we have done everything for the militia which we could do were an enemy at our door."

With respect to the navy, although a difference of opinion might exist as to the extent to which it should be carried, yet all would agree that a small force was continually wanted for actual service in the Mediterranean. All naval preparations beyond this, the President thought, should be confined to the provision of such articles as might be kept without waste or consumption and be in readiness for any exigence which might occur.

The President was of opinion that agriculture, manufactures, commerce, and navigation were most disposed to thrive when left most free to individual enterprise. Protection from casual embarrassments, however, might sometimes be seasonably interposed, and was clearly within the constitutional limits of Congress.

He submitted to the serious consideration of the legislature the judiciary system of the United States and suggested the expediency of rescinding that branch of it recently erected, should it appear on examination to be superfluous, of which he entertained no doubt. While on the subject of the judiciary, he commended to their protection the "inestimable institution of juries," urging the propriety of their extension to all cases involving the security of our persons or property and the necessity of their impartial selection.

The President warmly recommended a revisal of the laws on the subject of naturalization and an abbreviation of the period prescribed for acquiring citizenship. The existing regulation requiring a residence of fourteen years was a denial of citizenship to a great proportion of those who asked it, obstructing the prosperous growth of the country and incompatible with the humane spirit of our laws.

After commending to them prudence and temperance in discussion, which were so conducive to harmony and rational deliberation within their own walls and to that consolidation of sentiment among their constituents which was so happily increasing, the President concluded as follows: "That all should be satisfied with any one order of things is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and State governments in their constitutional form and equilibrium; to maintain peace abroad and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property; and to reduce expenses to what is necessary for the useful purpose of government." (1st Annual Message, 1801. ME 3:340)

The first message of the first Democratic-Republican President of the United States was anticipated with a fever of popular impatience. On its appearance, sensations diametrically opposite were excited in the two great division of the political public. The fundamental features of his policy as publicly delineated by the President were too unequivocal and strongly marked not to realize the expectations of his supporters and the necessary apprehensions of his adversaries. His propositions for lessening the expenditures of the previous administrations

by the abolition of sinecures and the establishment of a rigid accountability with the remaining offices of the government; for cutting down the army and relying for ordinary protection on the unpensioned resource of an omnipresent militia; for reducing the navy to the actual force required for covering our commerce from the ravages of the common enemies of civilization; for the gradual and systematic extinguishment of the public debt in derision of the monarchical maxim that "a national debt is a national blessing"; for circumscribing discretionary powers over money by establishing the rule of specific appropriations; for restoring the hospitable policy of the government towards aliens and fugitives from foreign oppression; for multiplying barriers around the sovereignty of the States and the liberties of the people against the encroachments of the federal authorities; for crippling the despotism of the judiciary and lopping from it a supernumerary member engrafted by his predecessors for political purposes -- all these propositions were seized with avidity by his opponents and made one by one a topic of censure or of raillery. On the other hand, innumerable addresses of thanks by republican assemblies and by individual champions of the Republican party were communicated to him from every section of the union. To these he returned public or private answers according to the nature of the address.

But of all the measures of reform recommended in the President's message, none was so extensive as the proposition to suppress all the internal taxes. This was indeed a solid inculcation of the principles of republicanism. In proposing to disband all these at a stroke, the President meditated the disarming the government of an immense resource of executive patronage and preponderance, besides relieving the people of a surcharge of taxation. The disinterestedness of the transaction was only equaled by its boldness, at which the republicans themselves were considerably alarmed. In a letter to one of them dated December 19, 1801, the President wrote:

> "You will perhaps have been alarmed as some have been at the proposition to abolish the whole of the internal taxes. But it is perfectly safe. They are under a million of dollars, and we can economize the government two or three millions a year. The impost alone gives us ten or eleven millions annually, increasing at a compound ratio of six and two-thirds per cent. per annum, and consequently doubling in ten years. But leaving that increase for contingencies, the present amount will support the government, pay the interest of the public debt, and discharge the principal in fifteen years. If the increase proceeds and no contingencies demand it, it will pay off the principal in a shorter time. Exactly one-half of the public debt, to wit, thirty-seven millions of dollars, is owned in the United States. That capital, then, will be set afloat to be employed in rescuing our commerce from the hands of foreigners, or in agriculture, canals, bridges, or other useful enterprises. By suppressing at once the whole internal taxes, we abolish three-fourths of the offices now existing and spread over the land. Seeing the interest you take in the public affairs, I have indulged myself in observations flowing from a sincere and ardent desire of seeing our affairs put into an honest and advantageous train." (to John Dickinson. ME 10:302)

The first Congress which assembled after Mr. Jefferson came into power contained an ascendency of republicanism in both houses, with just enough of opposition to hoop the majority indissolubly together and induce the legislature to move in strong cooperation with the executive. They erected into laws all the fundamental changes recommended by the President and thereby enabled him to carry through a system of administration which substantially revolutionized the government.

To other specific improvements might be added the general simplification of the system of finance, in which he was powerfully aided by Gallatin, and the establishment of the permanent rule of definite appropriations of money for all objects susceptible of definition so that every person in the United States might know for what purpose and to what amount every fraction of the public expenditure was applied. His watchfulness over this department of administration, the operations of which are so intimately interwoven with all human concerns, is forcibly illustrated by the following letter to the Secretary of the Treasury.

> "I have read and considered your report on the operations of the sinking fund and entirely approve of it as the best plan on which we can set out. I think it an object of great importance to be kept in view and

to be undertaken at a fit season, to simplify our system of finance and bring it within the comprehension of every member of Congress.

"I like your idea of kneading all the little scraps and fragments into one batch and adding to it a complementary sum which, while it forms it into a single mass from which everything is to be paid, will enable us, should a breach of appropriation ever be charged on us, to prove that the sum appropriated and more has been applied to its specific object.

"But there is a point beyond this on which I should wish to keep my eye and to which I should aim to approach by every tack which previous arrangements force on us. That is, to form into one consolidated mass all the moneys received into the treasury and to marshal the several expenditures, giving them a preference of payment according to the order in which they shall be arranged. As for example: 1. The interest of the public debt. 2. Such portions of principal as are exigible. 3. The expenses of government. 4. Such other portions of principal as, though not exigible, we are still free to pay when we please. The last object might be made to take up the residuum of money remaining in the treasury at the end of every year after the three first objects were complied with, and would be the barometer whereby to test the economy of the administration. It would furnish a simple measure by which everyone could mete their merit and by which everyone could decide when taxes were deficient or superabundant. If to this can be added a simplification of the form of accounts in the treasury department and in the organization of its officers so as to bring everything to a single centre, we might hope to see the finances of the Union as clear and intelligible as a merchant's books, so that every member of Congress and every man of any mind in the union should be able to comprehend them, to investigate abuses, and consequently to control them.

"I have suggested only a single alteration in the report which is merely verbal and of no consequence. We shall now get rid of the commissioner of the internal revenue and superintendent of stamps. It remains to amalgamate the comptroller and auditor into one and reduce the register to a clerk of accounts; and then the organization will consist as it should at first of a keeper of money, a keeper of accounts, and the head of the department. I have hazarded these hasty and crude ideas which occurred on contemplating your report. They may be the subject of future conversation and correction." (to Albert Gallatin, Apr. 1, 1802. ME 10:306)

29. The Louisiana Purchase

The purchase of Louisiana from France had long been a favorite object with Mr. Jefferson. He viewed it as essential to removing from the United States a source of continual and eternal collision and cause of war with the European possessor, besides securing to us the exclusive navigation of the western waters and an immeasurable region of fertile country. The territory of Louisiana was originally colonized by France. In 1762, all French territory west of the Mississippi including the island of New Orleans was ceded to Spain, and, by the general treaty of peace which followed the French and Indian War in 1763, the whole territory of France eastward of the Mississippi except the Island of Orleans was ceded to Great Britain. Under the former possession by France, the latter territory embraced what is denominated West Florida. Spain conquered this, together with East Florida, from Great Britain during the war of the American Revolution, and acquired the right to them both by the Treaty of 1783. While in the hands of Spain, the United States acquired the right to a free navigation of the Mississippi and to an entrepot at New Orleans. About this time, to wit, in 1800, Spain restored to France the whole of Louisiana according to its ancient and proper limits. This transfer was attended with a suspension of our right of deposit at New Orleans, and opened to us, in the opinion of the President, the

prospect of a complete reversal of all our friendly relations with France. In view of the threatening crisis, he immediately sent Mr. Monroe as envoy extraordinary to Robert R. Livingston, Minister Resident at the French court, with instructions to negotiate the purchase of Louisiana from France. In the letter to Mr. Monroe conveying the notice of his appointment, the President said:

> "All eyes, all hopes, are now fixed on you; and were you to decline, the chagrin would be universal and would shake under your feet the high ground on which you stand with the public. Indeed, I know nothing which would produce such a shock, for on the event of this mission depends the future destinies of this republic. If we cannot by a purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then, as war cannot be distant, it behooves us immediately to be preparing for that course, without, however, hastening it, and it may be necessary (on your failure on the continent) to cross the channel.
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> "We shall get entangled in European politics, and figuring more, be much less happy and prosperous. This can only be prevented by a successful issue to your present mission. I am sensible after the measures you have taken for getting into a different line of business, that it will be a great sacrifice on your part and presents from the season and other circumstances serious difficulties. But some men are born for the public. Nature by fitting them for the service of the human race on a broad scale, has stamped with the evidences of her destination and their duty. (Jan. 13, 1803. ME 10:344)

The personal agency of Mr. Jefferson in this achievement was of the most laborious character. In addition to his official instructions communicated through the Secretary of State, his private letters to our ministers and to influential characters in France on whose fidelity and friendship he relied were ample testimonials of his ardor and indefatigableness in the prosecution of the enterprise. Among these was the following, addressed to Mr. Livingston.

> "The cession of Louisiana and the Floridas by Spain to France works most sorely on the United States. On this subject the Secretary of State has written to you fully. Yet I cannot forbear recurring to it personally, so deep is the impression it makes in my mind. It completely reverses all the political relations of the United States and will form a new epoch in our political course. Of all nations of any consideration, France is the one which hitherto has offered the fewest points on which we could have any conflict of right and the most points of a communion of interests. From these causes, we have ever looked to her as our *natural friend,* as one with which we never could have an occasion of difference. Her growth, therefore, we viewed as our own, her misfortunes ours. There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce and contain more than half our inhabitants. France placing herself in that door assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific dispositions, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us, and it would not perhaps be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character placed in a point of eternal friction with us, and our character, which though quiet and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth -- these circumstances render it impossible that France and the United States can continue long friends when they meet in so irritable a position. They as well as we must be blind if they do not see this; and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. We must turn all our attentions to a maritime force, for which our resources place us on very high grounds: and having formed and cemented together

a power which may render reinforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for tearing up any settlement she may have made and for holding the two continents of America in sequestration for the common purposes of the united British and American nations. This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us as necessarily as any other cause, by the laws of nature, brings on its necessary effect. It is not from a fear of France that we deprecate this measure proposed by her. For however greater her force is than ours compared in the abstract, it is nothing in comparison of ours when to be exerted on our soil. But it is from a sincere love of peace and a firm persuasion that, bound to France by the interests and the strong sympathies still existing in the minds of our citizens and holding relative positions which ensure their continuance, we are secure of a long course of peace. Whereas, the change of friends which will be rendered necessary if France changes that position embarks us necessarily as a belligerent power in the first war of Europe. In that case, France will have held possession of New Orleans during the interval of a peace, long or short, at the end of which it will be wrested from her. Will this short-lived possession have been an equivalent to her for the transfer of such a weight into the scale of her enemy? Will not the amalgamation of a young, thriving nation continue to that enemy the health and force which are at present so evidently on the decline? And will a few years possession of New Orleans add equally to the strength of France? She may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace. And in war she could not depend on them because they would be so easily intercepted. I should suppose that all these considerations might in some proper form be brought into view of the government of France. Though stated by us, it ought not to give offense because we do not bring them forward as a menace, but as consequences not controllable by us but inevitable from the course of things. We mention them not as things which we desire by any means, but as things we deprecate; and we beseech a friend to look forward and to prevent them for our common interests...

"I have no doubt you have urged these considerations on every proper occasion with the government where you are. They are such as must have effect if you can find the means of producing thorough reflection on them by that government. The idea here is that the troops sent to St. Domingo were to proceed to Louisiana after finishing their work in that island. If this were the arrangement, it will give you time to return again and again to the charge, for the conquest of St. Domingo will not be a short work. It will take considerable time to wear down a great number of soldiers. Every eye in the United States is now fixed on this affair of Louisiana. Perhaps nothing since the revolutionary war has produced more uneasy sensations through the body of the nation. Notwithstanding temporary bickerings have taken place with France, she has still a strong hold on the affections of our citizens generally. I have thought it not amiss, by way of supplement to the letters of the Secretary of State, to write you this private one to impress you with the importance we affix to this transaction. I pray you to cherish Dupont. He has the best disposition for the continuance of friendship between the two nations, and perhaps you may be able to make a good use of him." (Apr. 18, 1802. ME 10:311)

On the 30th of April, 1803, the negotiation was concluded and the entire province of Louisiana was ceded to the United States for the sum of fifteen millions of dollars. The American negotiators seized the favorable moment to urge the claims of American merchants on the French government for spoilations on their property, which were allowed to the amount of three millions, seven hundred and fifty thousand dollars, and the bargain was closed. This important acquisition more than doubled the territory of the United States, trebled the quantity of fertile country, secured the uncontrolled navigation of the Mississippi River and its tributaries, and opened an independent outlet for the produce of the western States free from collision with other powers and the perpetual dangers to our peace from that source. The treaty was received with approbation by the great majority of the nation. There were some, however, particularly in the eastern States, who wrote and declaimed strenuously against it. They saw in the great enlargement of our territory the seeds of a future dismemberment of the union by a separation into eastern and western confederacies. On the other hand, it was the opinion of the President that the acquisition would prove an additional bond of union rather than a cause of dismemberment; that the

larger our association was, the less it would be shaken by local factions, and that no one could presume to limit the extent to which the federative principle might operate effectively. Mr. Madison maintained the same opinion in the Federalist, and experience has thereafter confirmed it. But in any view of the case, were those apocryphal dangers worthy a moment's consideration when contrasted with the certain and incalculable blessings of the conquest; when compared with advantages both positive and immediate, as well as the avoidance in the future of those interminable calamities which would have ensued from a contrary state of things? Was it not better that the opposite bank of the Mississippi should be settled by our own brethren and children than by strangers of adverse feelings and principles? With which of those should we have been most likely to have lived in harmony and friendly intercourse in the future?

> To General Gates.-- "I accept with pleasure and with pleasure reciprocate your congratulations on the acquisition of Louisiana; for it is a subject of mutual congratulation as it interests every man of the nation. The territory acquired, as it includes all the waters of the Missouri and Mississippi, has more than doubled the area of the United States, and the new part is not inferior to the old in soil, climate, productions, and important communications. If our legislature dispose of it with the wisdom we have a right to expect, they may make it the means of tempting all our Indians on the east side of the Mississippi to remove to the West, and of condensing instead of scattering our population." (July 11, 1803. ME 10:402)
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> To M. Dupont de Nemours.-- "The treaty which has so happily sealed the friendship of our two countries has been received here with general acclamation. Some inflexible opponents have still ventured to brave the public opinion. For myself and my country, I thank you for the aids you have given in it, and I congratulate you on having lived to give those aids in a transaction replete with blessings to unborn millions of men, and which will mark the face of a portion on the globe so extensive as that which now composes the United States of America... Our policy will be to form New Orleans and the country on both sides of it on the Gulf of Mexico into a State, and as to all above that, to transplant our Indians into it, constituting them a *Marechaussee* to prevent immigrants crossing the river until we shall have filled up all the vacant country on this side. This will secure both Spain and us as to the mines of Mexico for half a century, and we may safely trust the provisions for that time to the men who shall live in it." (Nov. 1, 1803. ME 10:422)

When the treaty arrived, the President convened Congress at the earliest day practicable for its ratification and execution. The Federalists in both houses declaimed and voted against it, but they were now so reduced in numbers as to be incapable of serious opposition. The question on its ratification in the Senate was decided by twenty-four to seven. The vote in the House of Representative for making provision for its execution was carried by eighty-nine to twenty-three. Mr. Pichon, Minister of France, proposed, according to instructions from his government, to have added to the ratification a protestation against any failure in time or other circumstances of execution on our part. He was told by the President that in that case, a counter protestation would be annexed on our part which would leave the thing exactly where it was; that the negotiation had been conducted from the commencement to its present stage with a frankness and sincerity honorable to both nations; that to annex to this last chapter of the transaction such an evidence of mutual distrust would be to change its aspect dishonorably to both parties; that we had not the smallest doubt that France would punctually execute her part. Seeing the ratification passed and the bills for execution carrying by large majorities in both houses, Mr. Pichon, like an able and honest minister, undertook to do what he knew his employers would have done with a like knowledge of the circumstances and exchanged the ratifications. Commissioners were immediately deputed to receive possession. They proceeded to New Orleans with such regular troops as were garrisoned in the nearest posts and some militia of the Mississippi territory. To be prepared for anything unexpected which might arise out of the transaction, a respectable body of militia was ordered to be in readiness in the states of Ohio, Kentucky, and Tennessee. No occasion, however, arose for their services. Our commissioners, on their arrival at New Orleans, found the province already delivered by the commissaries of Spain to that of France, who delivered it over to them on the 20th of December, 1803.

The circumstances ought not to be overlooked that this mighty acquisition, exceeding in territory the greatest monarchy in Europe, was achieved without the guilt or calamities of blood from a military autocrat whose ceaseless ambition was a universality of empire, and who, in the untamable pursuit of his purpose, went on demolishing nations at a blow and partitioning the earth at pleasure until vanquished by the consolidated power of Europe. "There is no country," wrote one writer, "like the valley of the Mississippi on the face of the globe. Follow the mighty amphitheatre of rocks that nature has heaped around it. Trace the ten thousand rivers that unite their waters in the mighty Mississippi; count the happy millions that already crowd and animate their banks, loading their channels with a mighty produce. Then see the whole, bound by the hand of nature in chains which God alone can sever to a perpetual union at one little connecting point, and by that point fastening itself by every tie of interest, consanguinity, and feeling to the remotest promontory on our Atlantic coast. A few short years have done all this, and yet ages are now before us: ages in which myriads are destined to multiply throughout its wide spread territory, extending the greatness and the happiness of our country from sea to sea. What would we have been without the acquisition of Louisiana? What were we before it? God and nature fixed the unalterable decree that the nation which held New Orleans should govern the whole of that vast region. France, Spain, and Great Britain had bent their envious eyes upon it. And their intrigues, if matured, would eventually have torn from us that vast paradise which reposes upon the western waters... Other conquests bring with them misery and oppression to the luckless inhabitant. This brought emancipation, civil and religious freedom, laws, wealth."

The humane and conciliatory policy extended towards the Indians on our frontiers was another distinguishing feature of this administration. A free and friendly commerce was opened between them and the United States. Trading houses were established among them, and necessaries furnished them in exchange for their commodities at such moderate prices as were only a remuneration to us, while highly advantageous to them. Instead of relying on an augmentation of military force proportioned to our constant extension of frontier, the President recommended a gradual enlargement of the capital employed in this species of commerce as a more effectual, economical, and humane instrument for preserving peace with the aborigines. The visible and tangible advantages of civilization were spread before their eyes with a view to train their minds insensibly to the reception of its moral blessings. They were liberally supplied with the implements of husbandry and household use; instructors in the arts of first necessity were stationed and maintained among them; the introduction of ardent spirits into their limits was prohibited at the request of many of their chiefs; and the punishment of death by hanging was commuted into death by military execution, which was less repugnant to their minds and diminished the obstacles to the surrender of the criminal.

The practice of the art of vaccination, recommended early on to his countrymen by Mr. Jefferson, was made by him to diffuse its blessings among the Indians with an effect as astonishing as it was humane and endearing. The terrible pestilence of which this discovery proved an antidote was even more fatal in its ravages among the natives of the wilderness than in civilized society. The medical skill of their physicians had not attained even to an assuagement of its violence. Whole tribes were swept away at a blast. They opposed no other shield against its attacks than flight or the fortitude of martyrs. By the persuasions and exertions of the President, they were induced to believe in the efficacy of vaccination as a preventive. Coming from so good a father, they thought it must have been sent him from the Great Spirit, and whole nations submitted to the process of inoculation with the warmest benedictions on their benevolent protector.

These conciliatory measures of the government, with the most rigorous enactments against the intrusion of incendiaries and hostile emissaries, established and maintained a course of friendly relations with the Indians which was uninterrupted by war with any tribe during Mr. Jefferson's administration. Out of this continued state of peace and reciprocal kindness, treaties sprung up annually which secured to the United States great accessions to their territorial title. The same year of the acquisition of Louisiana was distinguished by the purchase from the Kaskaskias of that vast and fertile country extending along the Mississippi River from the mouth of the Illinois to the Ohio, which was followed the next year by the relinquishment from the Delawares of the native title to all the country between the Wabash and Ohio. These acquisitions comprehended the

territory which forms the present states of Illinois and Indiana. They were soon followed by other purchases of great extent and fertility from the northern tribes and from the Chickasaws, Cherokees, and Creeks of the southern. The amount of national domain to which the native title was extinguished under Mr. Jefferson embraced nearly one hundred millions of acres. In exchange for this, with the addition of an uninterrupted peace with them, the United States had only to pay inconsiderable annuities in animals, in money, in the implements of agriculture, and to extend to them their patronage and protection.

30. Foreign Policy and Naval Power

The administration of Mr. Jefferson in relation to foreign powers was based upon the broad principles of his inaugural maxim: "peace, commerce, and honest friendship with all nations, entangling alliances with none." His opinions on commerce were the same as those inculcated in his report in 1793, and they were such as continued to be sanctioned by the successive administrations. The ports of the United States were declared open to all nations without distinction, and the unmolested enjoyment of the ocean as the common theatre of navigation was claimed as an inviolable right. Freedom was offered for freedom, and prohibition was opposed to prohibition with every nation on the globe. A free system of commerce that should leave to nations the exchange of mutual surpluses for mutual wants on the basis of easy and exact reciprocity was his desire; but if any nation, deceived by calculations of interest into a contrary system, should defeat that wish, his determination was fixed to meet inequalities abroad by countervailing inequalities at home as the only effectual weapon of coercion and of self-protection. With regard to treaties, it was the system of the President to have none with any nation as far as could be avoided.

The United States were not in a situation to command reciprocal advantages, and to none other would he succumb by a written compact. The existing treaties, therefore, were permitted to expire without renewal, and all overtures for treaty with other nations were declined. He believed also that with nations as with individuals, dealings might be carried on as advantageously -- perhaps more so -- while their continuance depended on voluntary and reciprocal good treatment, as when fixed by a permanent contract which, if it became injurious to either party, was made by forced constructions to mean what suited them and became a cause of war instead of a bond of peace. He had a perfect horror of everything like connecting ourselves with the politics of Europe. They were governed by so many false principles that he deemed a temporary acquiescence under these preferable to entangling ourselves with them by alliances extorted from our present incapacity on the water. Peace and a recovery from debt were now our most important interests. "If we can delay but for a few years," he wrote to an American minister, "the necessity of vindicating the laws of nature on the ocean, we shall be the more sure of doing it with effect. *The day is within my time as well as yours when we may say by what laws other nations shall treat us on the sea. And we will say it.* In the meantime, we wish to let every treaty we have drop off without renewal." (to William Short, Oct. 3, 1801. Emphasis added. ME 10:287) With regard to the British government in particular, he had so little confidence that they would voluntarily retire from their habitual wrongs in the impressment of our seamen that without an express stipulation to that effect, he was satisfied we ought never to tie up our hands by treaty from the right of passing non-importation or non-intercourse acts to make it their interest to become just.

Out of this keen sensibility to maritime injuries, a transaction arose which afforded a pretext for torrents of abuse upon the President. A committee of the Senate called on him with two resolutions of that body on the subject of impressment and spoliations by Great Britain, and urged the importance of an extraordinary mission to demand satisfaction. The President was averse to the measure. The members of the other house applied to him individually and represented the responsibility which a failure to obtain redress would throw on him while pursuing a course in opposition to the opinion of nearly every member of the legislature. He found it necessary

at length to yield to the general sense of the legislative body, and accordingly nominated Mr. Monroe as minister extraordinary to join Mr. Pinckney at the British Court. Explicit instructions were given them to conclude no treaty without a specific article guarding against impressments. After a tedious negotiation, they succeeded in concluding a treaty -- the best, probably, that could be procured -- but containing no provision against future aggressions on our seamen, which was made an express *sine qua non* in their instructions. There was no excuse for such an omission, for on receiving information from our negotiators that they had it in their power to sign such a treaty, the President in return had apprised them that should it be forwarded, it could not be ratified, and he recommended a resumption of negotiations for inserting the stipulation in question. The treaty came to hand exactly in the exceptionable shape which the administration had predetermined against. The President rejected it *on his own responsibility* and transmitted instructions to put the treaty into an acceptable form if practicable; otherwise to back out of the negotiation as well as they could.

Besides the abandonment of the principle which was the great object of the extraordinary mission, there were other material objections to the treaty which were such as to justify the President in rejecting it. The British commissioners appeared to have strained every article as far as it would bear, to have surrendered nothing and taken everything. There was but a single article in the treaty, the expunging of which would have left such a preponderance of evil in all the others as to have made it worse than no treaty; and even that article admitted only our right to enjoy the indirect colonial trade *during the present hostilities*. If peace were made that year and war resumed the next, the benefit of this stipulation would be gone: and yet we would be bound for ten years to pass no non-importation or non-intercourse laws, nor take any other measures to restrain the usurpations of the "Leviathan of the ocean." And to crown the whole, a protestation was annexed by the British ministers at the time of the signature, the effect of which was to leave that government free to consider it a treaty or no treaty according to their own convenience, while it bound the United States finally and unconditionally.

This proceeding of the President was considered a fatal error by the opponents of the administration, and many sensible republicans were inclined to the opinion that he should have consulted the coordinate branch of the treaty-making power on the question of rejection. But the Constitution had made the concurrence of both branches necessary to the *confimation*, not to the *rejection* of a treaty; and where that instrument has confided independent matters to either department of government, it is the right and duty of such department to decide independently as to the course it shall pursue. Mr. Jefferson acted upon this construction, and the same principle has been recognized in repeated instances under Federalist and Republican administrations. The leading principle of the Constitution evidently is the independence of the legislature, executive, and judiciary of each other; and the utmost jealousy should be exercised by each to prevent either of the others from becoming a despotic branch. This was the deliberate opinion of Mr. Jefferson on which he always acted and declared he would act, and that he would maintain it with the powers of the government against any control which might be attempted by the judiciary or legislature in subversion of his right to move independently in his peculiar province. Examples in which this position has been maintained -- and sufficient to establish its soundness -- have abounded in the practice of the government.

The opinions of the President on the subject of the navy were not, perhaps, such as have been generally approved, though it is certain they have been greatly misunderstood and misrepresented. Serious apprehensions were entertained by the Federalist party that Mr. Jefferson would annihilate the whole marine establishment; but they were totally discredited by the event. His first act after having executed a law passed under his predecessor for the sale of certain vessels and for reducing the number of our naval officers, was to fit out a squadron for the Mediterranean to resist a threatened aggression from Tripoli; and this force, subsequently increased from time to time by his recommendations, was the means of effecting the suppression of Algerine piracy. He afterwards recommended the construction of some additional vessels of strength to be in readiness for the first moment of war, provided they could be preserved from decay and perpetual expense by being kept in dry dock. But the majority of the legislature were opposed to any augmentation of the navy, and none consequently was made. This circumstance is worthy of notice as illustrative of the fact that Mr. Jefferson was less hostile to the navy than the great body of his supporters. "I know," said Samuel Smith, who executed the duties of that department

for some time, "that no man was a greater friend to the navy than Mr. Jefferson. His acts brought it into notice; its own gallantry and bravery have done the rest. It now occupies a proud station in the eyes of the world. The bravery displayed by the Mediterranean squadron in the war with Tripoli raised the American character in Europe and gave to our officers confidence in themselves. By affording them much instruction and an opportunity of acquiring a practical knowledge of their profession, it prepared them for a future contest in which they crowned themselves and their country with glory. They fought their way to popularity at home, to the admiration of the world, and to the affections of their countrymen." It is more generally admitted that the efforts of Mr. Jefferson while in Paris to form a perpetual alliance of the principal European powers against the Barbary States, and subsequently while Secretary of State to induce the administration to dispatch a force into the Mediterranean adequate to the protection of our commerce, laid the first foundations of the American navy. Upon this point there is extant the authority of a gentleman whose knowledge of the subject enabled him to pronounce an opinion which will not be questioned. The following letter from John Adams to Mr. Jefferson in 1822, with the answer of the latter annexed, places the history of the American navy in a light which ought to go far towards removing the injurious misapprehensions that have prevailed on the subject.

> "I have long entertained scruples about writing this letter upon a subject of some delicacy. But old age has overcome them at last.
>
> You remember the four ships ordered by Congress to be built and the four captains appointed by Washington -- Talbot and Truxton and Barry, etc. -- to carry an ambassador to Algiers and protect our commerce in the Mediterranean. I have always imputed this measure to you for several reasons. First, because you frequently proposed it to me while we were at Paris negotiating together for peace with the Barbary powers. Secondly, because I knew that Washington and Hamilton were not only indifferent about a navy, but averse to it. There was no Secretary of the Navy; only four heads of department. You were Secretary of State; Hamilton, Secretary of the Treasury; Knox, Secretary of War; and I believe Bradford was Attorney General. I have always suspected that you and Knox were in favor of a navy. If Bradford was so, the majority was clear. But Washington, I am confident, was against it in his judgment. But his attachment to Knox and his deference to your opinion -- for I know he had a great regard for you -- might induce him to decide in favor of you and Knox, even though Bradford united with Hamilton in opposition to you. That Hamilton was averse to the measure, I have personal evidence; for while it was pending, he came in a hurry and a fit of impatience to make a visit to me. He said he was likely to be called upon for a large sum of money to build ships of war to fight the Algerines, and he asked my opinion of the measure. I answered him that I was clearly in favor of it. For I had always been of opinion from the commencement of the Revolution that a navy was the most powerful, the safest, and the cheapest national defense for this country. My advice, therefore, was that as much of the revenue as could possibly be spared should be applied to the building and equipping of ships. The conversation was of some length, but it was manifest in his looks and in his air that he was disgusted at the measure as well as at the opinion that I had expressed.
>
> "Mrs. Knox not long since wrote a letter to Doctor Waterhouse requesting him to procure a commission for her son in the navy. 'That navy,' says her ladyship, 'of which his father was the parent.' 'For,' says she, 'I have frequently heard General Washington say to my husband, The navy was your child.' I have always believed it to be Jefferson's child, though Knox may have assisted in ushering it into the world. Hamilton's hobby was the army. That Washington was averse to a navy, I had full proof from his own lips in many different conversations, some of them of length, in which he always insisted that it was only building and arming ships for the English. *'Si quid novisti rectius istis, candidus imperti; si non, his utere mecum.'*" (Oct. 15, 1822. ME 15:397)

Mr. Jefferson's reply:

> "I have racked my memory and ransacked my papers to enable myself to answer the enquiries of your favor of October the 15th, but to little purpose. My papers furnish me nothing; my memory, generalities only. I know that while I was in Europe and anxious about the fate of our seafaring men, for some of

whom then in captivity in Algiers we were treating, and all were in like danger, I formed, undoubtingly, the opinion that our government as soon as practicable should provide a naval force sufficient to keep the Barbary States in order; and on this subject we communicated together, as you observe. When I returned to the United States and took part in the administration under General Washington, I constantly maintained that opinion; and in December, 1790, took advantage of a reference to me from the first Congress which met after I was in office to report in favor of a force sufficient for the protection of our Mediterranean commerce; and I laid before them an accurate statement of the whole Barbary force, public and private. I think General Washington approved of building vessels of war to that extent. General Knox I know did. But what was Colonel Hamilton's opinion, I do not in the least remember. Your recollections on that subject are certainly corroborated by his known anxieties for a close connection with Great Britain, to which he might apprehend danger from collisions between their vessels and ours. Randolph was then Attorney General; but his opinion on the question I also entirely forget. Some vessels of war were accordingly built and sent into the Mediterranean. The additions to these in your time I need not note to you, who are well known to have ever been an advocate for the wooden walls of Themistocles. Some of those you added were sold under an Act of Congress passed while you were in office. I thought afterwards that the public safety might require some additional vessels of strength to be prepared and in readiness for the first moment of a war; provided they could be preserved against the decay which is unavoidable if kept in the water, and clear of the expense of officers and men. With this view, I proposed that they should be built in dry docks above the level of the tide waters and covered with roofs. I further advised that places for these docks should be selected where there was a command of water on a high level, as that of the Tiber at Washington, by which the vessels might be floated out on the principle of a lock. But the majority of the legislature was against any addition to the navy, and the minority, although for it in judgment, voted against it on a principle of opposition. We are now, I understand, building vessels to remain on the stocks under shelter until wanted, when they will be launched and finished. On my plan, they could be in service at an hour's notice. On this, the finishing after launching will be a work of time.

This is all I recollect about the origin and progress of our navy. That of the late war certainly raised our rank and character among nations. Yet a navy is a very expensive engine. It is admitted that in ten or twelve years a vessel goes to entire decay; or if kept in repair, costs as much as would build a new one; and that a nation who could count on twelve or fifteen years of peace would gain by burning its navy and building a new one in time. Its extent, therefore, must be governed by circumstances. Since my proposition for a force adequate to the practices of the Mediterranean, a similar necessity has arisen in our own seas for considerable addition to that force. Indeed, I wish we could have a convention with the naval powers of Europe for them to keep down the pirates of the Mediterranean and the slave ships on the coast of Africa, and for us to perform the same duties for the society of nations in our seas. In this way, those collisions would be avoided between the vessels of war of different nations which beget wars and constitute the weightiest objection to navies. I salute you with constant affection and respect." (Nov. 1, 1822. ME 15:400)

It appears that the only difference of opinion between these illustrious statesmen on the subject of a navy was as to the extent to which it should be carried. Mr. Adams was for a heavy establishment, ready at all time and sufficient to compete with that of the most powerful nation on the water the moment it should become our adversary. Mr. Jefferson thought that its extent should always be regulated by circumstances, and this is probably the republican doctrine. Being a very expensive engine both in its first creation and in its maintenance against the unavoidable ravages of time, he was for restraining it in time of peace to a force sufficient only for the protection of our commerce, and for confining all naval preparations against the contingency of war to the building of ships in dry docks where they could be kept free from decay, from the expense of officers and men, and ready at any moment for actual service.

In addition to the incompetency of our resources to maintain a powerful navy, other and weighty objections existed at this time which always had great influence on the mind of the President. The inevitable multiplication of habitual violations of natural right in the form of impressments and the collisions from other sources designed to embroil us continually with the nations whom we could indeed master on the land, were sensible reasons against exhausting our strength on a navy and transferring the scene of combat to a theatre where the enemy were omnipotent and we were nothing. To these might perhaps be added equality in the distribution of the public burden -- a favorite principle of administration with the President. One portion of the union whose contributions were least would be elevated to greatness and wealth, to the depression of another portion, whose contributions were greatest and pecuniary remuneration comparatively little. If there was error in this consideration, it was founded in a too great anxiety for the good of the whole rather than an undue influence of sectional feeling, of which a suspicion could scarcely find place, even in the credulity of his enemies.

The plan for the establishment of dry docks in pursuance of his naval system was always a fruitful theme of raillery against the President; and yet, it is somewhat surprising that the principle should have since been sanctioned by the government and have obtained the approbation of the greatest maritime powers in Europe. A plan agreeing in its chief features with that of Mr. Jefferson, though inferior to it in others, has since been adopted both in this country and in Europe for preventing ships from early decay by keeping them out of the water and protecting them from the weather. The most prodigal and aristocratic governments on the globe have now become converts to a practice which, it was alleged, originated in parsimony and ignorance.

The use of gunboats, which composed a part of the naval system recommended by the President, has received an unlimited measure of condemnation at the hands of his political opponents. They were principally intended in connection with land batteries for the defense of our harbors and sea-port towns. The outlines of the plan are exhibited in the following statement of the President:

> "If we cannot hinder vessels from entering our harbors, we should turn our attention to the putting it out of their power to lie, or come to, before a town, to injure it. Two means of doing this may be adopted in aid of each other. 1. Heavy cannon on traveling carriages, which may be moved to any point on the bank or beach most convenient for dislodging the vessel. A sufficient number of these should be lent to each sea-port town, and their militia trained to them. The executive is authorized to do this; it has been done in a smaller degree and will now be done more competently.
>
> "2. Having cannon on floating batteries or boats which may be so stationed as to prevent a vessel entering the harbor or force her after entering to depart. There are about fifteen harbors in the United States which ought to be in a state of substantial defense. The whole of these would require, according to the best opinions, two hundred and forty gunboats. Their cost was estimated by Captain Rodgers at two thousand dollars each; but we had better say four thousand dollars. The whole would cost one million of dollars. But we should allow ourselves ten years to complete it, unless circumstances should force it sooner. There are three situations in which the gunboat may be. 1. Hauled up under a shed in readiness to be launched and manned by the seamen and militia of the town on short notice. In this situation, she costs nothing but an enclosure or a sentinel to see that no mischief is done to her. 2. Afloat, and with men enough to navigate her in harbor and take care of her, but depending on receiving her crew from the town on short warning. In this situation, her annual expense is about two thousand dollars, as by an official estimate at the end of this letter. 3. Fully manned for action. Her annual expense in this situation is about eight thousand dollars, as per estimate subjoined. When there is a general peace, we should probably keep about six or seven afloat in the second situation; their annual expense twelve to fourteen thousand dollars; the rest all hauled up. When France and England are at war, we should keep at the utmost twenty-five in the second situation, their annual expense fifty thousand dollars. When we should be at war ourselves, some of them would probably be kept in the third situation at an annual expense of eight thousand dollars; but how many must depend on the circumstances of the war. We now possess ten, built and building. It is the opinion of those consulted that fifteen more would enable us to put every harbor under our view into a respectable condition; and that this should limit the views of the present

year. This would require an appropriation of sixty thousand dollars, and I suppose *that* the best way of limiting it without declaring the number, as perhaps that sum would build more." (to Joseph H. Nicholson, Jan 29, 1805. ME 11:60)

In the Mediterranean, the superiority of the gunboats for harbor service has been illustrated by experience. Algiers is known to have owed the safety of its city since the epoch of their construction, to these vessels. Before that, it had been repeatedly insulted and injured. The effect of gunboats in the neighborhood of Gibraltar is well known, and how much they were used both in the attack and defense of that place during a former war. The remarkable action between the Russian flotilla of gunboats and galleys and a Turkish fleet of ships of the line and frigates in the Liman sea in 1788 is a matter of historical record. The latter were completely defeated and several of their ships of the line destroyed. There is not, it is believed, a maritime nation in Europe which has not adopted the same species of armament for the defense of some of its harbors: the English and the French certainly have; by the northern powers of the continent whose seas are particularly adapted to them, they were still more used; and the only occasion on which Admiral Nelson was ever foiled was by the gunboats at Boulogne.

31. Second Term as President

Mr. Jefferson was re-elected by a vote of one hundred and sixty-two to fourteen. The only States which voted for his opponent, Pinckney, were Connecticut and Delaware, with two districts in Maryland. George Clinton was elected Vice-President by the same majority over Rufus King. The unanimity of the vote on this occasion, while it pronounced judgment of approbation on the character of the administration, is really unexampled in the history of the United States, considering the circumstances of the times. The vote subsequently given to Mr. Monroe, for example, though more nearly unanimous, was much less extraordinary. The latter vote was given in a season of calm; the former amid the violence of a political tempest.

On the 4th of March, 1805, Mr. Jefferson re-entered upon the duties of the chief magistrate for another term. The same absence of all parade and ostentation that characterized the former was rigorously observed on this occasion.

In his second inaugural message, Mr. Jefferson spoke of the influence of seditious intruders operating upon the prejudices and ignorance of the Indians, which had always embarrassed the general government in its efforts to change their pursuits and ameliorate their unhappy condition. "These persons," said he, "inculcate a sanctimonious reverence [in the Indians] for the customs of their ancestors: that whatsoever they did must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral, or political condition is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety and knowledge full of danger. In short, my friends, among them is seen the action and counteraction of good sense and bigotry. They, too, have their anti-philosophers who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendency of habit over the duty of improving our reason and obeying its mandates." (2nd Inaugural, 1805. ME 3:379)

New principles were advanced in this message regarding the appropriation of the surplus revenue of the nation after the final redemption of the public debt. The epoch being not far distant when that propitious event might be safely calculated to happen, the President thought it a fit occasion to suggest his views on the most eligible arrangement and disposal of the public contributions upon the basis which would then be presented. Should the impost duties be suppressed and that advantage given to foreign over domestic manufactures? Should they be diminished, and upon what principles? Or should they be continued and applied to the purposes of internal improvement, education, etc.? These were questions that he submitted to the consideration of the people and subsequently urged upon the attention of the legislature in his official communications. The President did not

hesitate to recommend that the revenue, when liberated by the redemption of the public debt, should, by a just repartition among the States and a corresponding amendment of the Constitution, be applied in time of peace to rivers, canals, roads, arts, manufactures, education, and other great objects of public utility within each State; and in time of war, to defraying the accumulated expenses of such a crisis from year to year, to which the current resources would be fully adequate without encroaching on the rights of future generations by burthening them with the debts of the past. War would then be but a suspension for the time being of useful works, and the restoration of peace, a return to the progress of improvement untrammeled by pecuniary embarrassments. Instead, therefore, of reducing the revenue arising from the consumption of foreign articles to the actual amount necessary for the current expenses of the government, the President recommended its continuance with certain modifications and its application to works of internal improvement. On some articles of more general and necessary use, he advised a suppression of the impost; but the great mass of the articles on which duties were paid were foreign luxuries, purchased by those who were rich enough to use them without feeling the tax. Their patriotism certainly, he thought, would prefer a continuance of the general system which, while not oppressive to themselves, would prove advantageous to the nation by furnishing the means of such objects of public improvement as might be thought proper to add to the constitutional enumeration of federal powers. By these operations, new channels of communication would be opened between the States, the lines of separation made to disappear, their several interests identified, and their union cemented by new and indissoluble ties.

He placed education among the first and worthiest of the objects of public care in its application of the surplus revenue; "not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation." (6th Annual Message, Dec. 2, 1806. ME 3:423) In pursuance of this idea, he recommended to the consideration of Congress "a national establishment for education," with such an extension of the federal powers as should bring it within their jurisdiction. He believed an amendment of the Constitution, by consent of the States, necessary as well for this as for the other objects of public improvement that he recommended because they were not among those enumerated in the Constitution and to which it permitted the public money to be applied. So early as 1806, he informed Congress that by the time the State legislatures should have deliberated upon the appropriate amendment to the Constitution, the necessary laws be passed, and arrangements made for their execution, the requisite amount of funds would be on hand and without employment. He contributed liberally to the establishment of the proposed institution and used every exertion to carry it into operation; but the germ was unhappily blighted by sectional jealousies.

The happy and advantageous train in which the affairs of the nation were established during the President's first term left little for the remainder of his administration except to maintain peace and neutrality amidst the convulsions of a warring world and to rescue the union from one of the most nefarious and daring conspiracies recorded in modern history. The measures called into action by these two formidable difficulties developed two opposite extremes of character in the government which were so admirably adapted each to its respective exigency as to have worked out for the country an almost supernatural deliverance. The forbearance and moderation manifested under the pressure of the crisis were as necessary to our safety as the energy and promptitude with which the internal enemy was crushed and laid prostrate at the feet of government.

The traitorous conspiracy of Burr was one of the most flagitious of which history will ever furnish an example; and there was probably not a person in the United States who entertained a doubt of the real guilt of the accused. His purpose was to separate the western States from the union, annex Mexico to them, establish a monarchical government with himself at the head, and thus provide an example and an instrument for the subversion of our liberties. This American Cataline, cool, sagacious, and wary, had apparently engaged one thousand men to follow his fortunes without letting them know his projects further than by assurances that the government had approved them. The great majority of his adherents took his assertion for fact, but with those who would not and were unwilling to embark in his enterprises without the approbation of the government, the

following stratagem was practised: A forged letter, purporting to be from the Secretary of War, was made to express this approbation and to say that the President was absent at Monticello, but that on his return, the enterprise would be sanctioned by him without hesitation. This letter was spread open on Burr's table so as to invite the eye of all who entered his room. By this means he avoided exposing himself to any liability to prosecution for forgery, while he proved himself a master in the arts of the conspirator. The moment the proclamation of the President appeared, undeceiving his deluded partisans, Burr found himself stripped of his surreptitious influence and left with about thirty desperadoes only. The people rose in mass wherever he appeared or was suspected to be, and by their energy the rebellion was crushed without the necessity of employing a detachment of the military, except to guard their respective stations. His first enterprise was to seize New Orleans, which he supposed would effectually bridle the upper country, reduce it to ready subjection, and plant him at the door of Mexico without an enemy in the rear. But when the ensigns of the union were unfurled, there was not a single native Creole and only one American that did not abandon his standard and rally under the banners of the Constitution. His real partisans were the new emigrants from the United States and elsewhere: fugitives from justice, disaffected politicians, and desperate adventurers.

The event was a happy one, however. It was always a source of exultation to the President, inasmuch as it realized his declaration on assuming the helm of public affairs that a republican government was "the strongest Government on earth... the only one where every man, at the call of the laws, would fly to the standard of the law and would meet invasions of the public order as his own personal concern." (1st Inaugural, 1801. ME 3:319) The atrocity of the crime, however, and the existence of the most conclusive proof compelled the President, as it did every other reflecting mind, to seek in some other hypothesis than the jealous provision of the laws in favor of life, the requital of this modern parricide. The result of the trial astonished the world and confounded the spectators from whose minds every doubt had vanished, when the investigation was suddenly arrested by the decision of the court. The very verdict of the jury, "that the accused was not proved guilty *by any evidence submitted to them*," was a virtual acknowledgment that the effect was in the application of the law or the law itself, not in the evidence of guilt; and this verdict was ordered to be recorded simply, "Not guilty." Indeed, all the consequences of the immovable tenure of the judiciary -- except by process of impeachment -- and their consequent irresponsibility to any practicable control were conspicuously demonstrated on this occasion. No further evidence was wanting to fix the President unalterably in the opinion which he had long entertained that in this defect of the Constitution lurked the canker which, unless timely eradicated, was destined to destroy the equilibrium of powers in the general government and between the general and state governments. In a letter written at this time, he wrote:

> "All this, however, will work well. The nation will judge both the offender and judges for themselves. If a member of the Executive or Legislature does wrong, the day is never far distant when the people will remove him. They will see then and amend the error in our Constitution, which makes any branch independent of the nation. They will see that one of the great coordinate branches of the government, setting itself in opposition to the other two and to the common sense of the nation, proclaims impunity to that class of offenders which endeavors to overturn the Constitution, and are themselves protected in it by the Constitution itself; for impeachment is a farce which will not be tried again. If their protection of Burr produces this amendment, it will do more good than his condemnation would have done. Against Burr, personally, I never had one hostile sentiment. I never, indeed, thought him an honest, frank-dealing man, but considered him as a crooked gun or other perverted machine whose aim or stroke you could never be sure of. Still, while he possessed the confidence of the nation, I thought it my duty to respect in him their confidence, and to treat him as if he deserved it; and if this punishment can be commuted now for any useful amendment of the Constitution, I shall rejoice in it." (to William B. Giles, Apr. 20, 1807. ME 11:190)

While on the subject of the independence of the judiciary, it may be proper to examine the opinions of Mr. Jefferson at a subsequent date and under a more dispassionate contemplation of the question than was practicable in the state of feeling excited by the case of Burr. The tenure of good behavior allotted to the federal judges was a defect in the Constitution which no one sought to correct at the time of its adoption, nor until the

tendencies of the principle had begun to develop themselves by action. The amplitude of jurisdiction assumed during the federal ascendency, which made it nearly co-extensive with the common law, seems first to have awakened the thinking part of the public in general and Mr. Jefferson in particular to a sense of the dangerous error which made one of the three branches of government so effectually independent of the nation. His solicitude upon this important subject appeared to increase every year afterwards, following him steadily into his retirement as new occasions administered new aliment to his fears. The following extract of a letter to William T. Barry in 1822 evinces the state of his mind at that period and the earnestness of his endeavors to procure an amendment of the Constitution.

> "I consider the party division of Whig and Tory the most wholesome which can exist in any government, and well worthy of being nourished to keep out those of a more dangerous character. We already see the power, installed for life, responsible to no authority (for impeachment is not even a scare-crow), advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. Let the future appointments of judges be for four or six years and removable by the President and Senate. This will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism in a republic of the first order of absurdity and inconsistency." (July 2, 1822. ME 15:388)

At the revolution in England, it was considered a great point gained in favor of liberty that the commissions of the judges, which had hitherto been during the pleasure of the king, should thenceforth be given during good behavior; and that the question of good behavior should be left to the vote of a simple majority in the two houses of parliament. A judiciary dependant on the will of the king could never have been any other than an instrument of tyranny; nothing, then, could be more salutary than a change to the tenure of good behavior, with the concomitant restraint of impeachment by a simple majority. The founders of the American republic were more cordial in their jealousies of the executive than either of the other branches. They therefore very properly and consistently adopted the English reformation of making the judges independent of the executive. But in doing this, they as little suspected they had made them independent of the nation by requiring a vote of two-thirds in the Senatorial branch to effect a removal. Experience has proved such a majority impracticable where any defense is made in a body that has the strong political partialities and antipathies that ordinarily prevail. In the impeachment of Judge Pickering of New Hampshire, no defense was attempted, otherwise the party vote of more than one-third of the Senate would have acquitted him.

The judiciary of the United States, then, is an irresponsible body; and history has established, if reason could not have foreseen, its slow and noiseless accession of influence under the sanctuary of such a tenure. If the mischief is acknowledged, the only question should be not when, but what should be the remedy. "I would not, indeed," writes Mr. Jefferson, "make them dependant on the Executive authority, as they formerly were in England; but I deem it indispensable to the continuance of this government that they should be submitted to some practical and impartial control: and that this, to be impartial, must be compounded of a mixture of state and federal authorities. It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the *esprit de corps*, of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the absence of responsibility, and how can we expect impartial decision between the General

government, of which they are themselves so eminent a part, and an individual State from which they have nothing to hope or fear. We have seen too that, contrary to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a freehold estate. But it is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected." "I repeat," he adds, "that I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges should be withdrawn from their bench, whose erroneous biases are leading us to dissolution. It may indeed injure them in fame or in fortune; but it saves the republic, which is the first and supreme law." (Autobiography, 1821. ME 1:121)

The latter part of Mr. Jefferson's administration was afflicted by a crisis in our foreign relations which demanded the exercise of all that fortitude and self-denial which immortalized the introductory stages of the Revolution and charged the entire responsibility of the war upon Great Britain. Unfortunately, the political animosities engendered by the contests of opinion which had distracted the nation, and the mania of commercial cupidity and avarice engendered by a twenty-four year's interval of peace, greatly interrupted on this occasion that spirit of cohesion between the States which alone carried us triumphantly through the Revolution. The enthusiasm of the Spirit of '76 had in a considerable measure evaporated. Every description of embargo and every degree of commercial deprivation, which was then too little to satisfy the rivalry of self-immolation in the cause of country, was now too great to be endured, though clothed with the authority of law and intended to avert the calamities of war.

From the renewal of hostilities between great Britain and France in 1803 down to the period at which the embargo was enacted, the commerce of the United States was subjected to depredations by the belligerents until it was nearly annihilated. In the tremendous struggle for ascendency which animated these powerful competitors and convulsed the European world to its center, the laws of nature and of nations were utterly disregarded by both, and the injuries inflicted on our commerce by the one were retaliated by the other: not on the aggressor, but on the innocent and peaceable victim to their united aggression.

Under the joint operation of their edicts and proclamations, there was not a single port in Europe or her dependencies to which American vessels could navigate without being exposed to capture and condemnation. In this situation, the President wisely recommended an embargo; and in pursuance of his recommendation, the measure was adopted by Congress on the 22nd day of December, 1807, by overwhelming majorities in both houses.

In addition to the joint aggressions on our neutral rights under the sweeping paper blockades of both belligerents, Great Britain was in the separate habit of daily violations of our sovereignty in the form of impressments. The injuries perpetually arising from this source alone constituted an abundant cause of war and consequently of embargo. Denying the right of expatriation, the British ministry authorized the seizure of *naturalized* Americans wherever they could be found, under color of their having been born within the British dominions. From the abuses of this practice, sufficiently oppressive in its ordinary exercise, thousands of American citizens *native born* as well as naturalized were subjected to the petty despotism of naval officers acting as judges, juries, and executioners, and doomed to slavery and death or to become instruments of destruction to their own countrymen.

Minor provocations and injuries were, in June 1807, absorbed in the audacity of an aggression which is without a parallel in the history of independent nations at peace. By order of the British Admiral Berkley, the ship Leopard of fifty guns fired on the United States frigate Chesapeake of thirty-six guns within the waters of the United States in order to compel the delivery of part of her crew claimed as British subjects. After several broadsides from the Leopard and four men killed on board the Chesapeake, the latter struck, was boarded by the

British, and had four men taken from her, three of them native American citizens, one of whom was hanged as a British deserter. Never since the battle of Lexington had there existed such a state of universal exasperation in the public mind as was produced by this aggression. Popular assemblies were convened in every considerable place at which resolutions were passed expressive of indignation at the outrage.

The President forthwith issued a proclamation interdicting British armed vessels from entering the waters of the United States and commanding all those therein immediately to depart. In this manner, peace was prolonged without any compromise of the national honor, and saving the right to declare war under better auspices on failure of an amicable reparation of the injury. By the time Congress assembled, the affair of the Chesapeake was hopefully committed to negotiation with the additional constraint which it imposed on the British government to settle the whole subject of impressments. And the depredations on our neutral rights by the rival belligerents under their orders in council or imperial decrees were put upon an equal footing and made the occasion of an embargo operating equally and impartially against both.

As a substitute for war, an embargo was the choice of a lesser evil in place of a greater, and at the same time annoyed the belligerent powers more than could have been done by open warfare. England felt it in her manufactures by privations of the raw material, in her maritime interests by the loss of her naval stores, and above all in the discontinuance of supplies essential to her colonies. Our commerce was the second in the world, our carrying trade the very first, and had the restraint upon them been rigidly observed, it might have inclined the European nations to justice. But the popular resistance was so great, so determined, and so daring that it was found impracticable to enforce obedience without provoking violence and insurrection. The consequence was that the practical efficacy of the embargo as an engine of coercion proved far less than the reasonable expectations of its friends.

Those engaged in foreign commerce and in the carrying trade were found to prefer the hazard of seizure and confiscation to a general embargo; and where the interests of any portion of the community are supposed to be affected by a public measure, no consideration of national advantage or dignity will ever reconcile the aggrieved party to the smallest pecuniary sacrifice. The opposition to the embargo was no doubt more strenuous from the circumstance that that portion of our citizens who were more immediately affected by its operation, particularly the merchants, considered themselves the best judges relative to the expediency of any restriction of the kind, and were inclined to look upon the act of the executive as arbitrary and ill-advised. So impracticable must it ever be found for the wisest government to consult the general welfare of the nation and at the same time provide for local wants or administer to sectional monopoly.

32. Principles and Policies

Among the distinguishing ornaments of the administrative policy of Mr. Jefferson, none was more conspicuous, none more congenial to the distinctive nature of republicanism, than his scrupulous adherence to the inviolability of freedom of speech, of the press, and of religion. The utmost latitude of discussion was not only tolerated, but invited and protected as a fundamental ingredient in the composition of republican government. The celebrated traveler, Baron Humboldt, calling on the President one day, was received into his council chamber. On taking up one of the public journals which lay upon the table, he was shocked to find its columns teeming with the most wanton abuse and licentious calumnies against the President. He threw it down with indignation, exclaiming, "Why do you not have the fellow hung who dares to write these abominable lies?" The President smiled at the warmth of the Baron and replied, "What! Hang the guardians of the public morals? No sir,-- Rather would I protect the spirit of freedom which dictates even that degree of abuse. Put that paper into your pocket, my good friend, carry it with you to Europe, and when you hear anyone doubt the reality of American freedom, show them that paper and tell them where you found it." "But is it not shocking that virtuous characters should be defamed?" replied the Baron. "Let their actions refute such libels. Believe me,"

continued the President, "virtue is not long darkened by the clouds of calumny; and the temporary pain which it causes is infinitely overweighed by the safety it insures against degeneracy in the principles and conduct of public functionaries. When a man assumes a public trust, he should consider himself as public property." (Winter in Washington, 1807)

In pursuance of this principle, he discharged all those who were suffering persecution for opinion's sake under the Sedition Law immediately on coming into office. He interposed the executive prerogative in every instance by ordering the prosecutions to be arrested; or, if judgment and execution had already passed, by remitting the fines of the sufferers and releasing them from imprisonment. The grounds on which he rested his right to act in these cases are forcibly stated in answer to a correspondent in Massachusetts who questioned the constitutionality of his interference.

> "But another fact is that I 'liberated a wretch who was suffering for a libel against Mr. Adams.' I do not know who was the particular wretch alluded to; but I discharged every person under punishment or prosecution under the Sedition law, because I considered, and now consider, that law to be a nullity, as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image; and that it was as much my duty to arrest its execution in every stage as it would have been to have rescued from the fiery furnace those who should have been cast into it for refusing to worship the image. It was accordingly done in every instance without asking what the offenders had done or against whom they had offended, but whether the pains they were suffering were inflicted under the pretended Sedition law. It was certainly possible that my motives for contributing to the relief of Callendar and liberating sufferers under the Sedition law might have been to protect, encourage, and reward slander; but they may also have been those which inspire ordinary charities to objects of distress, meritorious or not, or the obligation of an oath to protect the Constitution violated by an unauthorized act of Congress. Which of these were my motives must be decided by a regard to the general tenor of my life. On this I am not afraid to appeal to the nation at large, to posterity, and still less to that Being who sees himself our motives, who will judge us from his own knowledge of them, and not on the testimony of Porcupine or Fenno." (to Mrs. Abigail Adams, July 22, 1804. ME 11:43)

On the subject of religion, it was the policy of the President to maintain freedom of thought and speech in all the latitude of which the human mind is susceptible and to discountenance by all the means in his power every tendency to predominance and persecution in any sect by proscription of the least degree, even in public opinion.

In reply to the solicitation of a very respectable clergyman for the appointment of a national fast in conformity to the practice of his predecessors, he assigns the reasons of his departure from their example in the following words:

> "I consider the government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises. This results not only from the provision that no law shall be made respecting the establishment or free exercise of religion, but from that also which reserves to the States the powers not delegated to the United States. Certainly, no power to prescribe any religious exercise or to assume authority in religious discipline has been delegated to the general government. It must then rest with the States, as far as it can be in any human authority. But it is only proposed that I should *recommend*, not prescribe, a day of fasting and prayer. That is, that I should *indirectly* assume to the United States an authority over religious exercises which the Constitution has directly precluded them from. It must be meant, too, that this recommendation is to carry some authority and to be sanctioned by some penalty on those who disregard it; not indeed of fine and imprisonment, but of some degree of proscription perhaps in public opinion. And does the change in the nature of the penalty make the recommendation the less *a law* of conduct for those to whom it is directed? I do not believe it is for the interest of religion to invite the civil magistrate to direct its exercises, its discipline, or its doctrines, nor of the religious societies that the general government should

be invested with the power of effecting any uniformity of time or matter among them. Fasting and prayer are religious exercises. The enjoining them an act of discipline. Every religious society has a right to determine for itself the times for these exercises and the objects proper for them according to their own particular tenets; and this right can never be safer than in their own hands, where the Constitution has deposited it.

"I am aware that the practice of my predecessors may be quoted. But I have ever believed that the example of State executives led to the assumption of that authority by the general government without due examination, which would have discovered that what might be a right in a State government was a violation of that right when assumed by another. Be this as it may, every one must act according to the dictates of his own reason, and mine tells me that civil powers alone have been given to the President of the United States, and no authority to direct the religious exercises of his constituents." (to Rev. Samuel Miller, Jan. 23, 1808. ME 11:428)

With regard to the personal piety of the President, if external observances are of any account, it is well known that he was a constant and exemplary attendant upon public worship, liberal in contributions to the support of the simple religion of Jesus, but frowning and inflexible on all sectarian projects. It is stated with much confidence by S. H. Smith, a living chronicle of those times whose personal intimacy with the President enabled him to speak with authority on the subject, that "he contributed to found more temples for religion and education than any other man of that age."

The minor traits of Mr. Jefferson's administration open a range of topics on which the historian might dwell at length. His *simplicity* was only equaled by his economy, of which he presented an example in the extinguishment of more than thirty-three millions of the public debt. The diplomatic agents of foreign governments, on their introduction to him, were often embarrassed and sometimes mortified at the entire absence of formality with which they were received. His arrivals at the seat of government and his departures therefrom were so timed and conducted as to be unobserved and unattended. His inflexibility upon this point, so different from the practice of his predecessors, could never be overcome, and he was finally permitted to pursue his own course undisturbed by any manifestations of popular feeling. His uniform mode of riding was on horseback, which was daily and usually unattended. In one of these solitary excursions, while passing a stream of water, he was beseeched by a feeble beggar, who implored his assistance to transport him and his baggage across the stream. He without hesitation mounted the beggar behind him and carried him over. On perceiving that he had neglected the beggar's gripsack, he as good humoredly recrossed the stream and brought it over to him. [note]

Although repeatedly and warmly solicited by his friends to make a tour to the North, he never could reconcile it to his feelings of propriety as chief magistrate. In a private answer to Governor Sullivan of Massachusetts on the subject, he wrote: "The course of life which General Washington had run, civil and military, the services he had rendered and the space he therefore occupied in the affections of his fellow citizens take from his examples the weight of precedents for others, because no others can arrogate to themselves the claims which he had on the public homage. To myself, therefore, it comes as a new question to be viewed under all the phases it may present. I confess that I am not reconciled to the idea of a chief magistrate parading himself through the several States as an object of public gaze, and in quest of an applause which, to be valuable, should be purely voluntary. I had rather acquire silent good will by a faithful discharge of my duties than owe expressions of it to my putting myself in the way of receiving them."

While eschewing extravagance and ostentation, he nevertheless embraced a high level of elegance and an adoption of "some one of the models of antiquity for public buildings." For the President's house, he recommended "the celebrated fronts of modern buildings which have already received the approbation of all good judges." (to Pierre L'Enfant, April 10, 1791. ME 8:163) His preference for frugality, simplicity, and plainness proceeded from a sense of his obligations as a public man, but these never overcame his sensitivity to

the charms of elegance. His own magnificent mansion, Monticello, in the various buildings and rebuildings it underwent at his hands to suit the progress of his taste in the arts, is believed to have cost little less than the mansion of the chief magistrate. In his *private* expenditures, he was indeed liberal to a fault. Humane towards his fellow man on a scale of benevolence which comprehended every distinction of color and condition, few practicable object of philanthropy were presented to him which he did not encourage by his assistance. But in the immediate circle of his friends to whom he was ever devoted, his liberality appeared to know no limits. In the profusion of presents which he lavished upon them, in the accommodations of money with which he succored them under embarrassment, in the hospitality with which he entertained strangers and visitors from every country, and in his ordinary habits of living, such evidences of a private munificence appeared as formed a perfect contrast with his frugality and simplicity as a public man.

One other trait of Mr. Jefferson revealed in the discharge of his official duties deserves notice, to wit, his *disinterestedness.* This quality is evident from the fact that in all the splendid stations which he occupied, he accumulated nothing, but retired from each of them much poorer than he entered, and from the last and greatest station, "with hands," to use his own expression, "as clean as they were empty" -- indeed, on the very verge of bankruptcy. While in the short interval of eight years he had saved his country millions and millions of dollars -- enough to make her rich and free who was before poor and oppressed with taxation -- he, to the immense fortune with which he set out in life, had added nothing but had lost almost everything. If any further testimony were wanting on this theme, it might be drawn from the fact of his having refrained from appointing a single relation to office. This was not only true of him while President, but in every public station which he filled. Writing to a friend in 1824, he said: "In the course of the trusts I have exercised through life with powers of appointment, I can say with truth and with unspeakable comfort that I never did appoint a relation to office, and that merely because I never saw the case in which someone did not offer, or occur, better qualified." Nor, in the multiplied removals and replacements which he was compelled to make, did he eject a *personal* enemy or appoint a *personal* friend. He felt it his duty to observe these rules for reasons expressed in answer to an application for office by a relative: "That my constituents may be satisfied that in selecting persons for the management of their affairs, I am influenced by neither personal nor family interests, and especially that the field of public office will not be perverted by me into a family property. On this subject, I had the benefit of useful lessons from my predecessors, had I needed them, marking what was to be imitated and what avoided. But in truth, the nature of our government is lesson enough. Its energy depending mainly on the confidence of the people in their chief magistrate make it his duty to spare nothing which can strengthen him with that confidence." (to Horatio Turpin, June 10, 1807. ME 11:221)

In the crowd of official occupations which devolve on the executive magistrate, Mr. Jefferson found time to accomplish a succession of private labors and enterprises which would have been enough of themselves to have exhausted the ordinary measure of application and talent. A simple enumeration of the topics on which his leisure moments were employed will suffice to exhibit the extent of his efforts for the improvement and happiness of the nation. Regular essays abound in his correspondence during this period on physics, law, and medicine; on natural history, particularly as connected with the aborigines of America; on maxims for the regulation and improvement of our moral conduct, addressed to young men; on agriculture, navigation, and manufactures; on politics and political parties, science, history, and religion. In some of those intervals when he could justifiably abstract himself from the public affairs, his meditations turned upon the subject of Christianity. He had some years before promised his views of the Christian religion to Dr. Rush, with whom, and with Dr. Priestley, he was in habits of intercommunication on the subject. The more he reflected upon it, the more, he confessed, it expanded beyond the measure of either his time or information. But he availed himself of a day or two while on the road to Monticello in 1803 to digest in his mind a comprehensive outline entitled "A Syllabus of an estimate of the merit of the doctrine of Jesus compared with those of others." This he afterwards wrote out and forwarded to Dr. Rush in discharge of his promise, but under a strict injunction of secrecy "to avoid torture," as he expressed himself, "of seeing it disemboweled by the Aruspices of modern Paganism." It embraced a comparative view of the ethics of Christianity with those of Judaism and of ancient philosophy under its most esteemed authors, particularly Pythagoras, Socrates, Epicurus, Cicero, Epictetus, Seneca,

Antoninus. The result was such a development of the immeasurable superiority of the doctrine of Christianity that he declared "its Author had presented to the world a system of morals which, if filled up in the style and spirit of the rich fragments he has left us, would be the most perfect and sublime that has ever been taught by man." Space can only be spared for the conclusions he arrived at, which were all on the side of Christianity. "They are the result," said he, "of a life of inquiry and reflection, and very different from that anti-Christian system imputed to me by those who know nothing of my opinions." The question of the divinity, or inspiration of Christ, being foreign to his purpose, did not enter into the estimate.

> "1. He [Jesus] corrected the Deism of the Jews, confirming them in their belief of one only God, and giving them juster notions of his attributes and government.
>
> "2. His moral doctrines relating to kindred and friends were more pure and perfect than those of the most correct of the philosophers and greatly more so than those of the Jews; and they went far beyond both in inculcating universal philanthropy, not only to kindred and friends, to neighbors and countrymen, but to all mankind, gathering all into one family under the bonds of love, charity, peace, common wants, and common aids. A development of this head will evince the peculiar superiority of the system of Jesus over all others.
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> "3. The precepts of philosophy and of the Hebrew code laid hold of actions only. He pushed his scrutinies into the heart of man, erected his tribunal in the region of his thoughts, and purified the waters at the fountain head.
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> "4. He taught emphatically the doctrines of a future state, which was either doubted or disbelieved by the Jews, and wielded it with efficacy as an important incentive, supplementary to the other motives to moral conduct." (to Benjamin Rush, Apr. 21, 1803. ME 10:384)

The President was in habits of frequent communication with the fraternity of literary men spread over Europe and with the various societies instituted for benevolent or useful purposes, particularly the Agricultural Society of Paris and the Board of Agriculture of London, of both of which he was a member. He was indefatigable in endeavoring to obtain the useful discoveries of these societies as they occurred and in communicating to them in return those of the western hemisphere. He imported from France at his own expense two flocks of Merino sheep -- among the first introduced into this country -- with a variety of new inventions in the agricultural and mechanic arts and new articles of culture which have since become of general use in the United States. He transmitted to the Society of Paris in return several tierces of South Carolina rice for cultivation in France; and to the Board of Agriculture of London, several barrels of the genuine May wheat of Virginia. Some of these exportations happened during the restraints of the embargo and, on its getting into the newspapers, excited a resentful uproar against the President. His correspondence with the eminent philanthropists of Europe, particularly on the subject of vaccination at the epoch of the first intelligence of its discovery; his efforts for introducing it into this country against the weight of scepticism and ridicule which it encountered; and his subsequent correspondence with Dr. Waterhouse and others mingled with experimental exertions for establishing and propagating its efficacy, are among the standing monuments of his perseverance in the general cause of humanity while at the head of the nation.

The plan of colonizing the free people of color in some place remote from the United States originated with Mr. Jefferson at an early period, and on coming into the office of President, he prosecuted the enterprise with renewed energy. A correspondence was opened between him and Mr. Monroe, then governor of Virginia, and the first formal proceeding on the subject was made in the Virginia legislature soon afterwards, to wit, about the year 1803. The purpose of his correspondence with Mr. Monroe is explained in a letter from him about ten years afterwards and published in the first annual report of the Colonization Society. He proposed to gain admittance for the free people of color into the establishment at Sierra Leone, which then belonged to a private company in England; or in failure of that, to procure a situation in some of the Portuguese settlements in South America. He wrote to Mr. King, then our minister in London, to apply to the Sierra Leone Company. The application was made, but without success, on the ground that the company was about to dissolve and relinquish

its possessions to the government. An attempt to negotiate with the Portuguese governor was equally unproductive, which suspended all active measures for a time. But the enterprise was kept alive by Mr. Jefferson, who by his impressive admonitions of its importance, held the legislature of Virginia firm to its purpose. The subject was from time to time discussed in that body till in the year 1816, a formal resolution was passed almost unanimously, being but a repetition of certain resolutions which had been adopted in secret session at three distinct antecedent periods. It was truly the feeling and voice of Virginia, which was followed by the States of Maryland, Tennessee, and Georgia. Colonization societies were then for the first time formed. (N. A. Review, vol. 18, p. 41)

In the catalogue of unofficial services, the improvements which Mr. Jefferson bestowed upon the national metropolis are not among the least engaging. Almost everything that was beautiful in the artificial scenery of Washington introduced during his administration was due to his taste and industry. He planted its walks with trees and strewed its gardens with flowers. He was familiar with every tree and plant, from the oak of the forest to the lowliest flower of the valley. The willow-oak was among his favorite trees, and he was often seen standing on his horse to gather the acorns from this tree. He was preparing to raise a nursery of them which, when large enough to give shade, should be made to adorn the walks of all the avenues in the city. In the meantime, he planted them with the Lombardy poplar, being of the most rapid growth, contented that, though he could not enjoy their shade, his successors would. Those who have stood on the western portico of the capitol and looked down the long avenue of a mile in length to the President's House have been struck with the beautiful colonnade of trees which adorns the whole distance on either side. These were all planted under the direction of Mr. Jefferson, who often joined in the task with his own hands. He always lamented the spirit of extermination which had swept off the noble forest trees that overspread Capitol Hill, extending down to the banks of the Tiber and the shores of the Potomac. He would have converted the grounds into extensive parks and gardens. "The loss is irreparable," said he to a European traveler, "nor can the evil be prevented. When I have seen such depredations, I have wished for a moment to be a despot, that, in the possession of absolute power, I might enforce the preservation of these valuable groves. Washington might have boasted one of the noblest parks and most beautiful malls attached to any city in the world."

Such are a few of the private efforts and enterprises which Mr. Jefferson intermingled with the discharge of his public avocations. They were performed, too, without any neglect of the sweets of social intercourse or of literary occupation which ever constituted the predominant passions of his soul. A regular portion of every day was devoted to the acquisition of science, and the most liberal portions to the reception of company. The facility with which he discharged these demands upon his attention amidst the complication of public and necessary duties was wont to excite the astonishment of those who visited him. The impression produced by his notice of a remark of a visitor, dropped in the freedom of conversation and expressive of surprise at his being able to transact the public business amidst such numerous interruptions was long remembered by those who heard it. "Sir," said Mr. Jefferson, "I have made it a rule since I have been in public life never to let the sun rise before me, and before I breakfasted, to transact all the business called for by the day." Much of the ease with which he acquitted himself under such an accumulation of engagements is ascribable to his industry and versatility of practical talent; but more, perhaps, to system and a methodical arrangement of time. So exact were his habits of order that in a cabinet over-burthened with papers, every one was so labeled and arranged as to be capable of access in a moment.

33. Retirement from Public Office

Mr. Jefferson had long contemplated the approach of the happy day that was to relieve him from the "distressing burthen of power" and restore him to the enjoyment of his family, his books, and his farm. Soon after the commencement of his second term, he had requested his fellow citizens to think of a successor for him, to whom, he declared, "he should deliver the public concerns with greater joy than he received them." Mr.

Madison was evidently his first choice, Mr. Monroe his second; but as the public sentiment appeared at first to show some symptoms of vacillation between them, he abstained from any agency in deciding its final direction, not only from a principle of duty, but from a desire to carry into his retirement the equal cordiality of those whom he fondly characterized as "two principal pillars" of his happiness. His wishes were successively ratified by the nation in its successive choices, and their respective administrations, particularly that of Mr. Madison, were so conformable to his own in principle and in spirit that they seemed but a continuation of power in the same hands. When a distinguished French citizen who had visited our country under the sway of this policy returned to France, one of the first questions which Bonaparte asked him was, "What kind of a government is that of the United States?" To which he replied, "It is one, Sir, which you can neither *feel* nor *see.*" The First Consul asked no more questions, feeling that such a panegyric on this government was the severest satire on his own.

The voice of the nation was strong and importunate for a re-election of Mr. Jefferson, but he rejected the allurement in inflexible adherence to a principle which he wished to become as inviolable as if incorporated into the Constitution. Not only principle, but the strongest of inclinations dictated to him such a course. If there was any one sentiment, next to love of country, that was now uppermost in the breast of Mr. Jefferson, it was that of his familiar assertion, that he never felt so happy as when shifting power from his own shoulders upon those of another. The impatience with which he anticipated the appointed epoch and the satisfaction with which he saluted its arrival are expressed in various letters to his friends.

> "I have tired you, my friend, with a long letter. But your tedium will end in a few lines more. Mine has yet two years to endure. I am tired of an office where I can do no more good than many others, who would be glad to be employed in it. To myself, personally, it brings nothing but unceasing drudgery and daily loss of friends. Every office becoming vacant, every appointment made, *me donne un ingrat, et cent ennemis.* My only consolation is in the belief that my fellow citizens at large give me credit for good intentions. I will certainly endeavor to merit the continuance of that good-will which follows well-intended actions, and their approbation will be the dearest reward I can carry into retirement." (to John Dickinson, Jan. 13, 1807. ME 11:137)
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> "At the end of my present term, of which two years are yet to come, I propose to retire from public life and to close my days on my patrimony of Monticello in the bosom of my family. I have hitherto enjoyed uniform health, but the weight of public business begins to be too heavy for me, and I long for the enjoyment of rural life among my books, my farms, and my family. Having performed my *quadragena stipendia,* I am entitled to my discharge and should be sorry, indeed, that others should be sooner sensible than myself when I ought to ask it." (to M. Le Comte Diodati, March 29, 1807. ME 11:182)
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> "Within a few days I retire to my family, my books, and farms; and having gained the harbor myself, I shall look on my friends still buffeting the storm with anxiety indeed, but not with envy. Never did a prisoner released from his chains feel such relief as I shall on shaking off the shackles of power. Nature intended me for the tranquil pursuits of science by rendering them my supreme delight. But the enormities of the times in which I have lived have forced me to take a part in resisting them and to commit myself on the boisterous ocean of political passions. I thank God for the opportunity of retiring from them without censure and carrying with me the most consoling proofs of public approbation. I leave everything in the hands of men so able to take care of them, that if we are destined to meet misfortunes, it will be because no human wisdom could avert them. Should you return to the United States, perhaps your curiosity may lead you to visit the hermit of Monticello. He will receive you with affection and delight; hailing you in the mean time with his affectionate salutations and assurances of constant esteem and respect." (to P. S. Dupont de Nemours, March 2, 1809. ME 12:259)

In the spring of 1809, Mr. Jefferson made his last retreat to the hermitage of Monticello. He retired from a forty years' possession of accumulative honors and from the summit of human popularity with a mind unshaken in its

principles, with the same jealousy of power, the same love of equality and abhorrence of aristocracy, and the same unbounded confidence in the majority of the people. He was sixty-six years old. At the same age -- a singular coincidence -- have all the other chief magistrates in the early years of our republic retired from office -- Washington, Adams, Madison, Monroe -- except the younger Adams, who wanted but the ordinary term of service to complete the same number of years.

He was accompanied into retirement with the plaudits and benedictions of his grateful countrymen. Addresses upon addresses, public and private, by political assemblies, religious associations, and literary institutions were showered upon him, expressive of approbation of his conduct in the administration of the government and containing prayers for his future tranquillity and happiness. To the citizens of Washington who assembled to pay him a farewell tribute of their affection, he replied:

> "I receive with peculiar gratification the affectionate address of the citizens of Washington, and in the patriotic sentiments it expresses, I see the true character of the national metropolis. The station which we occupy among the nations of the earth is honorable but awful. Trusted with the destinies of this solitary republic of the world, the only monument of human rights and the sole depository of the sacred fire of freedom and self-government, from hence it is to be lighted up in other regions of the earth, if other regions of the earth shall ever become susceptible of its genial influence. All mankind ought, then, with us to rejoice in its prosperous, and sympathize in its adverse fortunes as involving everything dear to man. And to what sacrifices of interest or convenience ought not these considerations to animate us! To what compromises of opinion and inclination, to maintain harmony and union among ourselves and to preserve from all danger this hallowed ark of human hope and happiness! That differences of opinion should arise among men on politics, on religion, and on every other topic of human enquiry, and that these should be freely expressed in a country where all our faculties are free, is to be expected. But these valuable privileges are much perverted when permitted to disturb the harmony of social intercourse and to lessen the tolerance of opinion. To the honor of society here, it has been characterized by a just and generous liberality and an indulgence of those affections which, without regard to political creeds, constitute the happiness of life." (March 4, 1809. ME 16:347)

The inhabitants of his native county, Albermarle, were eager for the occasion to testify those emotions of gratitude and affection which they felt for their "illustrious neighbor and friend"; and to welcome him "to those sweets of retirement for which he had so often sighed." With this view, they formed the determination at a public meeting to receive him in a body at the extremity of the county and conduct him home. Fearful, however, lest the zeal of friendship might inflict a wound on his characteristic modesty, they previously submitted to him their intention. In reply, he expressed his wish that his "neighbors would not take so much trouble on his account." The idea was accordingly relinquished. But at a subsequent meeting of the inhabitants of the county, an address was unanimously adopted and ordered to be presented to him in which they added to the general congratulations of the nation their particular sentiments of respect in the most affecting terms. "As individuals," it concluded, "among whom you were raised and to whom you have at all times been dear, we again welcome your return to your native county, to the bosom of your family, and to the affections of those neighbors who have long known and have long revered you in private life. We assure you, sir, we are not insensible to the many sacrifices you have already made to the various stations which have been assigned you by your country; we have witnessed your disinterestedness; and while we feel the benefits of your past services, it would be more than ingratitude in us did we not use our best efforts to make your latter days as tranquil and as happy as your former have been bright and glorious."

To this address Mr. Jefferson returned the following answer:

> "Returning to the scenes of my birth and early life, to the society of those with whom I was raised and who have been ever dear to me, I receive, fellow citizens and neighbors, with inexpressible pleasure the cordial welcome you are so good as to give me. Long absent on duties which the history of a wonderful era made incumbent on those called to them, the pomp, the turmoil, the bustle, and splendor of office

have drawn but deeper sighs for the tranquil and irresponsible occupations of private life, for the enjoyment of an affectionate intercourse with you, my neighbors and friends, and the endearments of family love, which nature has given us all as the sweetener of every hour. For these I gladly lay down the distressing burthen of power and seek with my fellow citizens repose and safety under the watchful cares, the labors, and perplexities of younger and abler minds. The anxieties you express to administer to my happiness do of themselves confer that happiness; and the measure will be complete if my endeavors to fulfil my duties in the several public stations to which I have been called have obtained for me the approbation of my country. The part which I have acted on the theatre of public life has been before them, and to their sentence I submit it: but the testimony of my native county of the individuals who have known me in private life, to my conduct in its various duties and relations, is the more grateful as proceeding from eye witnesses and observers, from triers of the vicinage. Of you, then, my neighbors, I may ask in the face of the world, 'Whose ox have I taken, or whom have I defrauded? Whom have I oppressed, or of whose hand have I received a bribe to blind mine eyes therewith?' On your verdict I rest with conscious security. Your wishes for my happiness are received with just sensibility, and I offer sincere prayers for your own welfare and prosperity." (April 3, 1809. ME 12:269)

Among the numerous testimonials of the public gratitude elicited on this occasion, the "Valedictory Address of the General Assembly of Virginia" is deservedly the most distinguished. It is too rich a document intrinsically and too proudly associated with the reputation of him whose merits it was intended to commemorate not to be presented here. It was agreed to by both houses on the 7th of February, 1809.

"Sir,-- The General Assembly of your native State cannot close their session without acknowledging your services in the office which you are just about to lay down, and bidding you a respectful and affectionate farewell.

"We have to thank you for the model of an administration conducted on the purest principles of republicanism; for pomp and state laid aside; patronage discarded; internal taxes abolished; a host of superfluous officers disbanded; the monarchic maxim that 'a national debt is a national blessing' renounced, and more than thirty-three millions of our debt discharged; the native right to nearly one hundred millions of acres of our national domain extinguished; and without the guilt or calamities of conquest, a vast and fertile region added to our country, far more extensive than her original possessions, bringing along with it the Mississippi and the port of Orleans, the trade of the West to the Pacific ocean, and in the intrinsic value of the land itself, a source of permanent and almost inexhaustible revenue. These are points in your administration which the historian will not fail to seize, to expand, and teach posterity to dwell upon with delight. Nor will he forget our peace with the civilized world, preserved through a season of uncommon difficulty and trial; the good will cultivated with the unfortunate aborigines of our country, and the civilization humanely extended among them; the lesson taught the inhabitants of the coast of Barbary, that we have the means of chastising their piratical encroachments, and awing them into justice; and that theme on which, above all others, the historic genius will hang with rapture, the liberty of speech and of the press, preserved inviolate, without which genius and science are given to man in vain.

"In the principles on which you have administered the government, we see only the continuation and maturity of the same virtues and abilities which drew upon you in your youth the resentment of Dunmore. From the first brilliant and happy moment of your resistance to foreign tyranny until the present day, we mark with pleasure and with gratitude the same uniform, consistent character, the same warm and devoted attachment to liberty and the republic, the same Roman love of your country, her rights, her peace, her honor, her prosperity.

"How blessed will be the retirement into which you are about to go! How deservedly blessed will it be! For you carry with you the richest of all rewards, the recollection of a life well spent in the service of your country and proofs the most decisive of the love, the gratitude, the veneration of your countrymen.

"That your retirement may be as happy as your life has been virtuous and useful; that our youth may see in the blissful close of your days an additional inducement to form themselves on your model, is the devout and earnest prayer of your fellow-citizens who compose the General Assembly of Virginia."

Thus terminated the political career of one who had been a principal agent of two revolutions and an eye-witness of a third; of one who, from his entrance into manhood, had continued the advocacy of principles which, first discarded, next endured, then embraced, had eventually swayed the destinies of his country through the perilous and successive convulsions of transformation from a monarchical to a free structure of government, and of deliverance from the fatal catastrophe of a counter-revolution in the last extremities of exhaustion, despair, and self-abandonment; who had lived to see the energies of those principles so extensively transfused into the very sycophants of the tyrants of the old world, temporal and spiritual, as that the earth was everywhere shaking under their feet; and who, at last, enjoyed the satisfaction of seeing his name become the synonym of political orthodoxy at home and the watch-word of the aspirants for its attainment in all parts of the civilized world.

Bright are the memories link'd with thee,
BOAST of a glory-hallowed land,
HOPE of the valiant and the free.

Thus had he performed his distinguished course, and thus, full of years and covered with glory, he was ready as to all political affairs to utter his favorite invocation: *Nunc dimittas, Domine*-- "Lord, now lettest thou thy servant depart in peace."

34. Philosopher of Monticello

In repairing with so much eagerness to the shades of his native mountains, it seems not to have entered the mind of Mr. Jefferson to relax his efforts for the benefit of mankind, but to divert them into another channel. His whole life, he was in the habit of remarking, had been at war with his natural tastes, feelings, and wishes. Circumstances had led him along step-by-step the path he had trodden.

His was not the retirement of one who sought refuge from the pangs of disappointed ambition, and the world's mockery of them, in the resource of oblivion and stoical insensibility; or who coveted repose from the turbulence of the scene to indulge in indolence. No, his was the voluntary seclusion of one "who," as it has been beautifully said, "had well-filled a noble part in public life from which he was prepared and anxious to withdraw; who sought retirement to gratify warm affections and to enjoy his well-earned fame; who desired to turn those thoughts which had been necessarily restrained and limited, to the investigation of all the sources of human happiness and enjoyment; who felt himself surrounded in his fellow citizens by a circle of affectionate friends, and had no need to attribute to a rude expulsion from the theatre of ambition, his sincere devotion to the pursuits of agriculture and philosophy; and who, receiving to the last moment of his existence continued proofs of admiration and regard which penetrated his remote retirement, devoted the remainder of his days to record those various reflections for which the materials had been collected and treasured up, unknown to himself, on the long and various voyage of his life."

In the possession of undecayed intellectual powers and a physical strength unsubdued by the labors which "the history of a wonderful era had made incumbent on him," he devoted the remnant of his days to unlocking all the storehouses of knowledge and dispensing their treasures to the generation who had succeeded him on the theatre of public affairs, and to laying the foundations for the still greater extension of science by the establishment of a seminary of learning which should rival the institutions of Cambridge and Oxford.

To give a few choice selections from his cabinet, developing the OPINIONS of the Monticellian philosopher on questions interesting and important to mankind and which we have not yet brought into special review; his observations on the distinguished characters with whom he acted or came in contact in the course of his career; on the parties and political occurrences of the passing day; his daily occupations and habits of living -- all expressed in the freedom of private and unrestrained confidence -- seems the most satisfactory method of supplying that portion of his history for which the materials are of too abstract a nature to be adapted to historical narrative. The quotations must be necessarily limited, but possess great interest and value.

The Constitution and Popular Rights

"Some men look at constitutions with sanctimonious reverence and deem them like the Ark of the Covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human and suppose what they did to be beyond amendment. I knew that age well; I belonged to it and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead. [We had not yet penetrated to the mother principle, that 'governments are republican only in proportion as they embody the will of their people, and execute it.' Hence, our first constitutions had really no leading principles in them... Though we may say with confidence that the worst of the American constitutions is better than the best which ever existed before in any other country, and that they are wonderfully perfect for a first essay, yet every human essay must have defects. It will remain, therefore, to those now coming on the stage of public affairs to perfect what has been so well begun by those going off it.] [note] I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with, because when once known, we accommodate ourselves to them and find practical means of correcting their ill effects. But I know also that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors. It is this preposterous idea which has lately deluged Europe in blood. Their monarchs, instead of wisely yielding to the gradual change of circumstances, of favoring progressive accommodation to progressive improvement, have clung to old abuses, entrenched themselves behind steady habits, and obliged their subjects to seek through blood and violence rash and ruinous innovations which, had they been referred to the peaceful deliberations and collected wisdom of the nation, would have been put into acceptable and salutary forms. Let us follow no such examples nor weakly believe that one generation is not as capable as another of taking care of itself and of ordering its own affairs. Let us... avail ourselves of our reason and experience to correct the crude essays of our first and unexperienced, although wise, virtuous, and well-meaning councils. And lastly, let us provide in our constitution for its revision at stated periods. What these periods should be, nature herself indicates. By the European tables of mortality, of the adults living at any one moment of time, a majority will be dead in about nineteen years. At the end of that period, then, a new majority is come into place; or, in other words, a new generation. Each generation is as independent as the one preceding, as that was of all which had gone before. It has, then, like them a right to choose for itself the form of government it believes most promotive of its own happiness; consequently, to accommodate to the circumstances in which it finds itself that received from its predecessors; and it is for the peace and good of mankind that a solemn opportunity of doing this every nineteen or twenty years should be provided by the constitution; so that it may be handed on, with periodical repairs, from generation to generation, to the end of time, if anything human can so long endure. It is now forty years since the constitution of Virginia was formed. The same tables inform us that within that period, two-thirds of the adults then living are now dead. Have then the remaining third, even if they had the wish, the right to hold in obedience to their will and to laws heretofore made by them, the other two-thirds who, with themselves compose the present mass of adults? If they have not, who has? The dead? But the dead have no rights. They are nothing; and nothing cannot own something. Where there is no substance, there can be no accident. This corporeal globe and everything upon it belong to its present corporeal inhabitants during their generation. They

alone have a right to direct what is the concern of themselves alone and to declare the law of that direction; and this declaration can only be made by their majority. That majority, then, has a right to depute representatives to a convention and to make the constitution what they think will be the best for themselves... If this avenue be shut to the call of sufferance, it will make itself heard through that of force, and we shall go on as other nations are doing in the endless circle of oppression, rebellion, reformation; and oppression, rebellion, reformation, again; and so on forever." (to Samuel Kercheval, July 12, 1816. ME 15:40)

Relative Powers of the
General and State Governments

"With respect to our State and federal governments, I do not think their relations correctly understood by foreigners. They generally suppose the former subordinate to the latter. But this is not the case. They are coordinate departments of one simple and integral whole. To the State governments are reserved all legislation and administration in affairs which concern their own citizens only, and to the federal government is given whatever concerns foreigners or the citizens of other States; these functions alone being made federal. The one is the domestic, the other the foreign branch of the same government; neither having control over the other, but within its own department. There are one or two exceptions only to this partition of power. But, you may ask, if the two departments should claim each the same subject of power, where is the common umpire to decide ultimately between them? In cases of little importance or urgency, the prudence of both parties will keep them aloof from the questionable ground: but if it can neither be avoided nor compromised, a convention of the States must be called to ascribe the doubtful power to that department which they may think best." (to John Cartwright, June 5, 1824. ME 16:47)

Relative Powers of Each Branch
in the General Government

"You seem to think it devolved on the judges to decide on the validity of the Sedition law. But nothing in the Constitution has given them a right to decide for the executive, more than to the executive to decide for them. Both magistracies are equally independent in the sphere of action assigned to them. The judges, believing the law constitutional, had a right to pass a sentence of fine and imprisonment, because the power was placed in their hands by the Constitution. That instrument meant that its coordinate branches should be checks on each other. But the opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action but for the Legislature and executive also in their spheres, would make the judiciary a despotic branch." (to Abigail Adams, Sept. 11, 1804. ME 11:50)

"If this opinion be sound, then indeed is our Constitution a complete *felo de se* [act of suicide]. For intending to establish three departments, coordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by and independent of the nation. For experience has already shown that the impeachment it has provided is not even a scare-crow; that such opinions as the one you combat, sent cautiously out as you observe also by detachment, not belonging to the case often, but sought for out of it as if to rally the public opinion beforehand to their views and to indicate the line they are to walk in, have been so quietly passed over as never to have excited animadversion, even in a speech of anyone of the body entrusted with impeachment. The Constitution on this hypothesis is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered as an axiom of eternal truth in politics, that whatever power in any government is independent, is absolute also; in theory only at first while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law." (to Spencer Roane, Sept. 6, 1819. ME 15:212)

Internal Improvement, Constructive Interpretations, Etc.

"You will have learned that an act for internal improvement, after passing both houses, was negatived by the President [in 1817]. The act was founded, avowedly, on the principle that the phrase in the Constitution which authorizes Congress 'to levy taxes, to pay the debts, and provide for the general welfare,' was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this, you know, was the federal doctrine. Whereas, our tenet ever was, and indeed it is almost the only land-mark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant that they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise money. I think the passage and rejection of this bill a fortunate incident. Every State will certainly concede the power, and this will be a national confirmation of the grounds of appeal to them, and will settle forever the meaning of this phrase which, by a mere grammatical quibble, has countenanced the general government in a claim of universal power." (to Albert Gallatin, June 16, 1817. ME 15:133)

Domestic Manufactures

"I have now thirty-five spindles agoing, a hand carding machine, and looms with the flying shuttle for the supply of my own farms, which will never be relinquished in my time. I have not formerly been an advocate for great manufactories. I doubted whether our labor employed in agriculture and aided by the spontaneous energies of the earth would not procure us more than we could make ourselves of other necessaries. But other considerations entering into the question have settled my doubts." (to John Melish, Jan. 13, 1813. ME 13:207)

"You tell me I am quoted by those who wish to continue our dependence on England for manufactures. There was a time when I might have been so quoted with more candor, but within the thirty years which have since elapsed, how are circumstances changed! We were then in peace. Our independent place among nations was acknowledged. A commerce which offered the raw material in exchange for the same material after receiving the last touch of industry, was worthy of welcome to all nations. It was expected that those especially to whom manufacturing industry was important would cherish the friendship of such customers by every favor, by every inducement, and particularly cultivate their peace by every act of justice and friendship. Under this prospect, the question seemed legitimate, whether with such an immensity of unimproved land, courting the hand of husbandry, the industry of agriculture, or that of manufactures would add most to the national wealth? And the doubt [on the utility of the American manufactures] was entertained on this consideration chiefly, that to the labor of the husbandman a vast addition is made by the spontaneous energies of the earth on which it is employed: for one grain of wheat committed to the earth, she renders twenty, thirty, and even fifty fold, whereas to the labor of the manufacturer nothing is added. Pounds of flax in his hands yield, on the contrary, but penny-weights of lace. This exchange, too, laborious as it might seem, what a field did it promise for the occupations of the ocean; what a nursery for that class of citizens who were to exercise and maintain our equal rights on that element! This was the state of things in 1785, when the 'Notes on Virginia' were first printed; when, the ocean being open to all nations, and their common right in it acknowledged and exercised under regulations sanctioned by the assent and usage of all, it was thought that the doubt might claim some consideration...

"We have [since] experienced what we did not then believe, that there exists both profligacy and power enough to exclude us from the field of interchange with other nations: that to be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The former question is suppressed, or rather assumes a new form. Shall we make our own comforts, or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufacture must be for reducing us either to dependence on that foreign nation, or to be clothed in skins and to live like wild beasts in dens and

caverns. I am not one of these; experience has taught me that manufactures are now as necessary to our independence as to our comfort." (to Benjamin Austin, January 9, 1816. ME 14:389)

Laboring Classes, Agriculture

"These circumstances have long since produced an overcharge in the class of competitors for learned occupation, and great distress among the supernumerary candidates; and the more as their habits of life have disqualified them for re-entering into the laborious class. The evil cannot be suddenly nor perhaps ever entirely cured: nor should I presume to say by what means it may be cured. Doubtless there are many engines which the nation might bring to bear on this object. Public opinion and public encouragement are among these. The class principally defective is that of agriculture. It is the first in utility and ought to be the first in respect. The same artificial means which have been used to produce a competition in learning may be equally successful in restoring agriculture to its primary dignity in the eyes of men. It is a science of the very first order. It counts among its handmaids the most respectable sciences, such as chemistry, natural philosophy, mechanics, mathematics generally, natural history, botany. In every college and university, a professorship of agriculture and the class of its students might be honored as the first. Young men closing their academical education with this as the crown of all other sciences, fascinated with its solid charms, and at a time when they are to choose an occupation, instead of crowding the other classes, would return to the farms of their fathers, their own, or those of others, and replenish and invigorate a calling now languishing under contempt and oppression. The charitable schools, instead of storing their pupils with a lore which the present state of society does not call for, converted into schools of agriculture, might restore them to that branch, qualified to enrich and honor themselves and to increase the productions of the nation instead of consuming them. A gradual abolition of the useless offices, so much accumulated in all governments, might close this drain also from the labors of the field and lessen the burthens imposed on them. By these and the better means which will occur to others, the surcharge of the learned might in time be drawn off to recruit the laboring class of citizens, the sum of industry be increased, and that of misery diminished." (to David Williams, Nov. 14, 1803. ME 10:429)

A National Bank

"From a passage in the letter of the President, I observe an idea of establishing a branch bank of the United States in New Orleans. This institution is one of the most deadly hostility existing against the principles and form of our Constitution. The nation is at this time so strong and united in its sentiments that it cannot be shaken at this moment. But suppose a series of untoward events should occur sufficient to bring into doubt the competency of a republican government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating by its branches every part of the union, acting by command and in phalanx may, in a critical moment, upset the government. I deem no government safe which is under the vassalage of any self-constituted authorities, or any other authority than that of the nation or its regular functionaries. What an obstruction could not this Bank of the United States, with al its branch banks, be in time of war! It might dictate to us the peace we should accept, or withdraw its aids. Ought we then to give further growth to an institution so powerful, so hostile? That it is so hostile we know, 1. from a knowledge of the principles of the persons composing the body of directors in every bank, principal or branch, and those of most of the stock-holders; 2. from their opposition to the measures and principles of the government and to the election of those friendly to them; and, 3. from the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution to bring this powerful enemy to a perfect subordination under its authorities. The first measure would be to reduce them to an equal footing only with other banks as to the favors of the government. But in order to be able to meet a general combination of the banks against us in a critical emergency, could we not make a beginning towards an independent use of our own money, towards holding our own bank in all the deposits where it is received, and letting the Treasurer give his draft or note for payment at any particular place which, in a well-conducted government, ought to have as much credit as any private draft or bank note or bill, and would give us the same

facilities which we derive from the banks? I pray you to turn this subject in your mind and give it the benefit of your knowledge of details; whereas, I have only very general views of the subject." (to Albert Gallatin, Dec. 13, 1803. ME 10:437)

Political Parties

"I know too well the weakness and uncertainty of human reason to wonder at its different results. Both of our political parties, at least the honest part of them, agree conscientiously in the same object: the public good; but they differ essentially in what they deem the means of promoting that good. One side believes it best done by one composition of the governing powers, the other by a different one. One fears most the ignorance of the people; the other the selfishness of rulers independent of them. Which is right, time and experience will prove. We think that one side of this experiment has been long enough tried and proved not to promote the good of the many, and that the other has not been fairly and sufficiently tried. Our opponents think the reverse. With whichever opinion the body of the nation concurs, that must prevail. My anxieties on this subject will never carry me beyond the use of fair and honorable means of truth and reason; nor have they ever lessened my esteem for moral worth, nor alienated my affections from a single friend who did not first withdraw himself. Wherever this has happened, I confess I have not been insensible to it, yet have ever kept myself open to a return of their justice." (to Abigail Adams,Sept. 11, 1804. ME 11:52)

"The fact is, that at the formation of our government, many had formed their political opinions on European writings and practices, believing the experience of old countries, and especially of England, abusive as it was, to be a safer guide than mere theory. The doctrines of Europe were, that men in numerous associations cannot be restrained within the limits of order and justice but by forces physical and moral, wielded over them by authorities independent of their will. Hence their organization of kings, hereditary nobles, and priests. Still further to constrain the brute force of the people, they deem it necessary to keep them down by hard labor, poverty, and ignorance, and to take from them, as from bees, so much of their earnings as that unremitting labor shall be necessary to obtain a sufficient surplus barely to sustain a scanty and miserable life. And these earnings they apply to maintain their privileged orders in splendor and idleness, to fascinate the eyes of the people, and excite in them an humble adoration and submission, as to an order of superior beings." (to William Johnson, June 12, 1823. ME 15:440)

35. Observations on People & Life

Sovereigns of Europe

"When I observed... that the King of England was a cypher, I did not mean to confine the observation to the mere individual now on that throne. The practice of Kings marrying only into the families of Kings has been that of Europe for some centuries. Now, take any race of animals, confine them in idleness and inaction, whether in a sty, a stable, or a stateroom, pamper them with high diet, gratify all their sexual appetites, immerse them in sensualities, nourish their passions, let every thing bend before them, and banish whatever might lead them to think, and in a few generations they become all body and no mind: and this, too, by a law of nature -- by that very law by which we are in the constant practice of changing the characters and propensities of the animals we raise for our own purposes. Such is the regimen in raising Kings, and in this way they have gone on for centuries. While in Europe, I often amused myself with contemplating the characters of the then reigning sovereigns of Europe. Louis the XVI was a fool, of my own knowledge, and in despite of the answers made for him at his trial. The King of Spain was a fool, and of Naples the same. They passed their lives in hunting and despatched two couriers a week, one thousand miles, to let each other know what game they had killed the preceding days. The King of Sardinia was a fool. All these were Bourbons. The Queen of Portugal, a Braganza, was an idiot by nature. And so was the King of Denmark. Their sons, as regents, exercised the powers of

government. The King of Prussia, successor to the great Frederick, was a mere hog in body as well as in mind. Gustavus of Sweden and Joseph of Austria were really crazy, and George of England you know was in a straight waistcoat. There remained, then, none but old Catherine, who had been too lately picked up to have lost her common sense. In this state Bonaparte found Europe; and it was this state of its rulers which lost it with scarce a struggle. These animals had become without mind and powerless; and so will every hereditary monarch be after a few generations. Alexander, the grandson of Catherine, is as yet an exception. He is able to hold his own. But he is only of the third generation. His race is not yet worn out. And so endeth the book of Kings, from all of whom the Lord deliver us and have you, my friend, and all such good men and true, in his holy keeping." (to Gov. John Langdon, March 5, 1810. ME 12:377)

Portraiture of Washington

"You say that in taking General Washington on your shoulders to bear him harmless through the federal coalition you encounter a perilous topic. I do not think so. You have given the genuine history of the course of his mind through the trying scenes in which it was engaged and of the seductions by which it was deceived but not depraved. I think I knew General Washington intimately and thoroughly; and were I called on to delineate his character, it should be in terms like these.

"His mind was great and powerful without being of the very first order; his penetration strong, though not so acute as that of a Newton, Bacon, or Locke; and as far as he saw, no judgment was ever sounder. It was slow in operation, being little aided by invention or imagination, but sure in conclusion. Hence the common remark of his officers, of the advantage he derived from councils of war, where, hearing all suggestions, he selected whatever was best; and certainly no General ever planned his battles more judiciously. But if deranged during the course of the action, if any member of his plan was dislocated by sudden circumstances, he was slow in readjustment. The consequence was that he often failed in the field, and rarely against an enemy in station, as at Boston and York. He was incapable of fear, meeting personal dangers with the calmest unconcern. Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed; refraining if he saw a doubt, but, when once decided, going through with his purpose whatever obstacles opposed. His integrity was most pure, his justice the most inflexible I have ever known, no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the words, a wise, a good, and a great man. His temper was naturally high toned; but reflection and resolution had obtained a firm and habitual ascendency over it. If ever, however, it broke its bonds, he was most tremendous in his wrath. In his expenses he was honorable but exact; liberal in contributions to whatever promised utility, but frowning and unyielding on all visionary projects and all unworthy calls on his charity. His heart was not warm in its affections; but he exactly calculated every man's value and gave him a solid esteem proportioned to it. His person, you know, was fine, his stature exactly what one would wish, his deportment easy, erect and noble; the best horseman of his age, and the most graceful figure that could be seen on horseback. Although in the circle of his friends, where he might be unreserved with safety, he took a free share in conversation, his colloquial talents were not above mediocrity, possessing neither copiousness of ideas nor fluency of words. In public, when called on for a sudden opinion, he was unready, short, and embarrassed. Yet he wrote readily, rather diffusely, in an easy and correct style. This he had acquired by conversation with the world, for his education was merely reading, writing, and common arithmetic, to which he added surveying at a later day. His time was employed in action chiefly, reading little, and that only in agriculture and English history. His correspondence became necessarily extensive, and, with journalizing his agricultural proceedings, occupied most of his leisure hours within doors. On the whole, his character was, in its mass, perfect, in nothing bad, in few points indifferent; and it may truly be said that never did nature and fortune combine more perfectly to make a man great and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance. For his was the singular destiny and merit of leading the armies of his country successfully through an arduous war for the establishment of its independence; of conducting its councils through the birth of a government, new in its forms and principles, until it had settled down into a quiet and

orderly train; and of scrupulously obeying the laws through the whole of his career, civil and military, of which the history of the world furnishes no other example." (to Dr. Walter Jones, Jan. 2, 1814. ME 14:47)

Religion

"The priests indeed have heretofore thought proper to ascribe to me religious, or rather anti-religious sentiments of their own fabric, but such as soothed their resentments against the act of Virginia for establishing religious freedom. They wished him to be thought atheist, deist, or devil, who could advocate freedom from their religious dictations. But I have ever thought religion a concern purely between our God and our consciences, for which we were accountable to him and not to the priests. I never told my own religion, nor scrutinized that of another. I never attempted to make a convert, nor wished to change another's creed. I have ever judged of the religion of others by their lives... For it is in our lives, and not from our words, that our religion must be read. By the same test the world must judge me. But this does not satisfy the priesthood. They must have a positive, a declared assent to all their interested absurdities. My opinion is that there would never have been an infidel if there had never been a priest. The artificial structures they have built on the purest of all moral systems for the purpose of deriving from it pence and power revolts those who think for themselves and who read in that system only what is really there. These, therefore, they brand with such nick-names as their enmity chooses gratuitously to impute. I have left the world in silence to judge of causes from their effects; and I am consoled in this course, my dear friend, when I perceive the candor with which I am judged by your justice and discernment; and that, notwithstanding the slanders of the saints, my fellow citizens have thought me worthy of trusts. The imputations of irreligion having spent their force; they think an imputation of change might now be turned to account as a bolster for their duperies. I shall leave them, as heretofore, to grope on in the dark." (to Mrs. Samuel H. Smith, Aug. 6, 1816. ME 15:60)

On the Loss of Friends

"When you and I look back on the country over which we have passed, what a field of slaughter does it exhibit. Where are all the friends who entered it with us under all the inspiring energies of health and hope? As if pursued by the havoc of war, they are strewed by the way, some earlier, some later, and scarce a few stragglers remain to count the numbers fallen and to mark yet, by their own fall, the last footsteps of their party. Is it a desirable thing to bear up through the heat of the action to witness the death of all our companions and merely be the last victim? I doubt it. We have, however, the traveler's consolation. Every step shortens the distance we have to go; the end of our journey is in sight, the bed wherein we are to rest and to rise in the midst of the friends we have lost. 'We sorrow not, then, as others who have no hope,' but look forward to the day which 'joins us to the great majority.' But whatever is to be our destiny, wisdom as well as duty dictates that we should acquiesce in the will of Him whose it is to give and take away, and be contented in the enjoyment of those who are still permitted to be with us. Of those connected by blood, the number does not depend on us. But friends we have, if we have merited them. Those of our earliest years stand nearest in our affections. But in this, too, you and I have been unlucky. Of our college friends (and they are the dearest), how few have stood with us in the great political questions which have agitated our country; and these were of a nature to justify agitation. I did not believe the Lilliputian fetters of that day strong enough to have bound so many." (to John Page, June 25, 1804. ME 11:31)

Moral Advice for a Young Man

"Moral philosophy. I think it lost time to attend lectures in this branch. He who made us would have been a pitiful bungler if he had made the rules of our moral conduct a matter of science. For one man of science, there are thousands who are not. What would have become of them? Man was destined for society. His morality therefore was to be formed to this object. He was endowed with a sense of right and wrong merely relative to

this. This sense is as much a part of his nature as the sense of hearing, seeing, feeling; it is the true foundation of morality, and not the *to kalon*, truth, etc., as fanciful writers have imagined. The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree. It may be strengthened by exercise, as may any particular limb of the body. This sense is submitted indeed in some degree to the guidance of reason; but it is a small stock which is required for this: even a less one than what we call common sense. State a moral case to a ploughman and a professor. The former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules. In this branch, therefore, read good books because they will encourage as well as direct your feelings. The writings of Sterne particularly form the best course of morality that ever was written... Above all things, lose no occasion of exercising your dispositions to be grateful, to be generous, to be charitable, to be humane, to be true, just, firm, orderly, courageous, etc. Consider every act of this kind as an exercise which will strengthen your moral faculties and increase your worth." (to Peter Carr, Aug. 10, 1787. ME 6:257)

Traveling

"This makes men wiser, but less happy. When men of sober age travel, they gather knowledge which they may apply usefully for their country, but they are subject ever after to recollections mixed with regret, their affections are weakened by being extended over more objects, and they learn new habits which cannot be gratified when they return home. Young men who travel are exposed to all these inconveniences in a higher degree, to others still more serious, and do not acquire that wisdom for which a previous foundation is requisite by repeated and just observations at home. The glare of pomp and pleasure is analogous to the motion of their blood, it absorbs all their affection and attention, they are torn from it as from the only good in this world, and return to their home as to a place of exile and condemnation. Their eyes are forever turned back to the object they have lost, and its recollection poisons the residue of their lives. Their first and most delicate passions are hackneyed on unworthy objects here, and they carry home only the dregs, insufficient to make themselves or anybody else happy. Add to this that a habit of idleness, an inability to apply themselves to business is acquired and renders them useless to themselves and their country. These observations are founded in experience. There is no place where your pursuit of knowledge will be so little obstructed by foreign objects as in your own country, nor any wherein the virtues of the heart will be less exposed to be weakened. Be good, be learned, and be industrious and you will not want the aid of traveling to render you precious to your country, dear to your friends, happy within yourself. I repeat my advice to take a great deal of exercise, and on foot. Health is the first requisite after morality." (to Peter Carr, Aug. 10, 1787. ME 6:261)

Rules for Conduct

"This letter will, to you, be as one from the dead. The writer will be in the grave before you can weigh its counsels. Your affectionate and excellent father has requested that I would address to you something which might possibly have a favorable influence on the course of life you have to run, and I too, as a namesake, feel an interest in that course. Few words will be necessary, with good dispositions on your part. Adore God. Reverence and cherish your parents. Love your neighbor as yourself and your country more than yourself. Be just. Be true. Murmur not at the ways of Providence. So shall the life into which you have entered be the portal to one of eternal and ineffable bliss. And if to the dead it is permitted to care for the things of this world, every action of your life will be under my regard. Farewell." (to Thomas Jefferson Smith, Feb. 21, 1825. ME 16:110)

The Portrait of a Good Man
by the Most Sublime of Poets,
for your imitation

Lord, who's the happy man that may to thy blest courts repair;
Not stranger-like to visit them but to inhabit there?

'Tis he whose every thought and deed by rules of virtue moves;
Whose generous tongue disdains to speak the thing his heart disproves.
Who never did a slander forge, his neighbor's fame to wound;
Nor hearken to a false report, by malice whispered round.
Who vice in all its pomp and power, can treat with just neglect;
And piety, though clothed in rags, religiously respect.
Who to his plighted vows and trust has ever firmly stood;
And though he promise to his loss, he makes his promise good.
Whose soul in usury disdains his treasure to employ;
Whom no rewards can ever bribe the guiltless to destroy.
The man, who, by his steady course, has happiness insur'd.
When earth's foundations shake, shall stand, by Providence secur'd.

--to Thomas Jefferson Smith.

A Decalogue of Canons
For Observation in Practical Life

1. Never put off till tomorrow what you can do today.
2. Never trouble another for what you can do yourself.
3. Never spend your money before you have it.
4. Never buy what you do not want, because it is cheap; it will be dear to you.
5. Pride costs us more than hunger, thirst and cold.
6. We never repent of having eaten too little.
7. Nothing is troublesome that we do willingly.
8. How much pain have cost us the evils which have never happened.
9. Take things always by their smooth handle.
10. When angry, count ten before you speak; if very angry, an hundred.

--to Thomas Jefferson Smith.

Habits of Living

"Your... request of the history of my physical habits would have puzzled me not a little, had it not been for the model with which you accompanied it of Doctor Rush's answer to a similar inquiry. I live so much like other people, that I might refer to ordinary life as the history of my own. Like my friend the Doctor, I have lived temperately, eating little animal food and that not as an aliment so much as a condiment for the vegetables which constitute my principal diet. I double, however, the Doctor's glass and a half of wine, and even treble it with a friend, but halve its effects by drinking the weak wines only. The ardent wines I cannot drink, nor do I use ardent spirits in any form. Malt liquors and cider are my table drinks, and my breakfast, like that also of my friend, is of tea and coffee. I have been blest with organs of digestion which accept and concoct, without ever murmuring, whatever the palate chooses to consign to them, and I have not yet lost a tooth by age. I was a hard student until I entered on the business of life, the duties of which leave no idle time to those disposed to fulfil them; and now retired and at the age of seventy-six, I am again a hard student. Indeed, my fondness for reading and study revolts me from the drudgery of letter writing. And a stiff wrist, the consequence of an early dislocation, makes writing both slow and painful. I am not so regular in my sleep as the Doctor says he was, devoting to it from five to eight hours, according as my company or the book I am reading interests me; and I never go to bed without an hour or half hour's previous reading of something moral whereon to ruminate in the intervals of sleep. But whether I retire to bed early or late, I rise with the sun. I use spectacles at night, but not necessarily in the day unless in reading small print. My hearing is distinct in particular conversation, but confused when several voices cross each other, which unfits me for the society of the table. I have been more

fortunate than my friend in the article of health. So free from catarrhs that I have not had one (in the breast, I mean) on an average of eight or ten years through life. I ascribe this exemption partly to the habit of bathing my feet in cold water every morning for sixty years past. A fever of more than twenty-four hours I have not had above two or three times in my life. A periodical headache has afflicted me occasionally; once, perhaps, in six or eight years, for two or three weeks at a time, which seems now to have left me; and except on a late occasion of indisposition, I enjoy good health; too feeble, indeed, to walk much, but riding without fatigue six or eight miles a day, and sometimes thirty or forty. I may end these egotisms, therefore, as I began, by saying that my life has been so much like that of other people, that I might say with Horace, to every one "*Nomine mutato, narratur fabula de te*." (to Dr. Vine Utley, March 21, 1819. ME 15:186)

The limits to which we are confined are a warning against an extension of this interesting catalogue, or it might be perused indefinitely. The cabinet of the illustrious recluse, besides exhibiting a faithful portrait of himself, contains the wisdom of a long life of wonderful experience and opportunities, and opens an inexhaustible store of materials for the historian, the philosopher, the moralist, patriot, philanthropist, and statesman. His course of life while in retirement was filled with activity and indulged in those occupations which were the master passions of every portion of it: reading, science, correspondence, the cultivation of his farm, the endearments of family, and delights of social intercourse. He carried into his retirement the same order and severity of system which had enabled him to surmount the greatest complication of duties in public life. He rose with the sun. From that time to breakfast and often until noon, he was in his cabinet, chiefly employed in epistolary correspondence. From breakfast, or noon at latest, to dinner, he was engaged in his workshops, his garden, or on horseback among his farms. From dinner to dark, he gave to society and recreation with his neighbors and friends; and from candle-light to bed-time, he devoted himself to reading and study. Gradually, as he grew older, he became seized with a canine appetite for reading, as he termed it, and he indulged it freely as promising a relief against the *tedium senectutis.* His reading was of the most substantial kind. Thucydides, Tacitus, Horace, Newton, and Euclid were his constant companions. When young, mathematics was his passion. The same returned upon him in his old age, but probably with unequal power. Processes, he complained, which he could then read off with the facility of common discourse, now cost him labor and time and slow investigation. Yet no one but himself was sensible of any decay in his intellectual energies. He possessed uncommon health, with a constitutional buoyancy unbroken and improved by the salubrity of his mountain residence; and his strength, which was yielding under the weight of years, was considerably reinforced by the activity of the course he pursued. "I talk of ploughs and harrows," he wrote to a friend, "of seeding and harvesting with my neighbors, and of politics too, if they choose, with as little reserve as the rest of my fellow citizens, and feel, at length, the blessing of being free to say and do what I please without being responsible for it to any mortal." A part of his occupation was the direction of the studies of young men, multitudes of whom resorted to him. They located themselves in the neighboring village of Charlottesville, where they were invited to a free access to his library, enjoyed the benefit of his counsel, participated of his hospitality, and made a part of his daily society. "In advising the course of their reading," said he, "I endeavor to keep their attention fixed on the main objects of all science, the freedom and happiness of man. So that coming to bear a share in the councils and government of their country, they will keep ever in view the sole objects of all legitimate government." (to Thaddeus Kosciusko, Feb. 26, 1810. ME 12:369)

36. At Home at Monticello

The agricultural operations of Mr. Jefferson were conducted upon an extensive scale, and consequently engaged a great share of his attention. The domains at Monticello, including the adjoining estates, contained about eleven thousand acres, of which about fifteen hundred were cleared. In addition to this, he owned a large estate in Bedford county by right of his wife from which he raised annually about 40,000 weight of tobacco, and grain

sufficient to maintain the plantation. He visited this estate, about seventy miles distant, once every year, which kept him from home six or seven weeks at a time. He had about two hundred Negroes on his farms who required a constant superintendence, more especially under the peculiar system of agriculture which he pursued. But his choicest labors in this department were bestowed on that delightful and beloved spot where all his labors were to end, as they had been begun. He had reclaimed its ruggedness when a very young man and of its wilderness made a garden; and now, in his old age, he returned to the further development and improvement of its natural beauties.

MONTICELLO is derived from the Italian. It signifies "little mountain" -- a modest title for an eminence rising six hundred feet above the surrounding country and commanding one of the most extensive and variegated prospects in the world. The base of the mountain, which is washed by the Ravanna, exceeds a mile in diameter, and its sides are encompassed by four parallel roads sweeping round it at equal distances and so connected with each other by easy ascents as to afford, when completed, a level carriage-way of almost seven miles. The whole mountain, with the exception of the summit, is covered with a dense and lofty forest. On the top is an elliptic plain of about ten acres formed by an artful hand, cutting down the apex of the mountain. This extensive artificial level is laid out in a beautiful lawn, broken only by lofty weeping willows, poplars, acacias, catalpas, and other trees of foreign origin, distributed at such distances as not to obstruct the view from the center in any direction. On the West, stretching away to the North and the South, the prospect is bounded only by the Alleghenies -- a hundred miles distant in some parts -- overreaching all the intervening mountains, commanding a view of the Blue Ridge for a hundred and fifty miles, and looking down upon an enchanting landscape, broad as the eye can compass, of intermingling villages and deserts, forest and cultivation, mountains, valleys, rocks, and rivers. On the East is a literal immensity of prospect bounded only by the horizon in which "nature seems to sleep in eternal repose." From this grand point, bringing under the eye a most magnificent panorama, are overlooked like pygmies all the neighboring mountains as far as Chesapeake Bay. Hence it was that the youthful philosopher, before the revolution, was wont to scrutinize the motions of the planets, with the revolutions of the celestial sphere, and to witness that phenomenon described in his Notes on Virginia as among the sublimest of nature's operations, the looming of the distant mountains. From this elevated seat he was wont to enjoy those scenes to which he reverted with so much fondness while in France: "And our own dear Monticello, where has nature spread so rich a mantle under the eye? --mountains, forests, rocks, rivers. With what majesty do we there ride above the storms! How sublime to look down into the workhouse of nature, to see her clouds, hail, snow, rain, thunder, all fabricated at our feet! and the glorious sun when rising as if out of a distant water, just gilding the tops of the mountains, and giving life to all nature!" (to Maria Cosway, October 12, 1786. ME 5:436) From this proud summit, too, "the patriot," in the language of a visitor, "could look down with uninterrupted vision upon the wide expanse of the world around, for which he considered himself born; and upward to the open and vaulted heavens, which he seemed to approach, as if to keep him continually in mind of his high responsibility. It is indeed a prospect in which you see and feel at once that nothing mean or little could live. It is a scene fit to nourish those great and high-souled principles which formed the elements of his character and was a most noble and appropriate post for such a sentinel over the rights and liberties of man."

In the center of this eminence rose the magnificent mansion of the patriarch. It was erected and furnished in the days of his affluence, and was such a one, in all respects, as became the character and fortune of the man. The main structure is one hundred feet in length from East to West, and above sixty in depth from North to South, presenting a front in every direction. The basement story is raised five or six feet above the ground, from which springs the principal story, above twenty feet in height, whereon rests an attic of about eight feet. The whole is surmounted by a lofty dome of twenty-eight feet in diameter rising from the center of the building. The principal front faces the East and is adorned with a noble portico balancing a corresponding one on the West. The north and south fronts present arcades or piazzas, under which are cool recesses that open upon a floored terrace projecting a hundred feet at right angles until terminated by pavilions of two stories high. Under the whole length of these terraces is a range of one-story buildings in which are the offices requisite for domestic purposes and the lodgings of the household servants. The exterior of the structure is finished in the Doric order complete with balustrades on the top of it; the internal contains specimens of all the different orders except the composite, which is not introduced. The hall is in the Ionic, the dining room in the Doric, the parlor in the

Corinthian, and the dome in the Attic. Improvements and additions, both useful and ornamental, were continually going on as they were suggested by the taste of the owner. Indeed, the whole building had been almost in a constant state of rebuilding, commencing with its ante-revolutionary form, which was highly finished; "and so I hope it will remain during my life," said he to a visitor, "as architecture is my delight, and putting up and pulling down one of my favorite amusements."

On the declivities of the mountain are arranged the dwellings of artificers and mechanics of every description and their work shops; for it was the study of the illustrious proprietor to make himself perfectly independent. He had his carpenter's shop, his blacksmith's shop, cabinet shop, etc., etc., with a complete suite of manufactories for cottons and woollens, grain mills, sawing mills, and a nail factory conducted by boys. His carriage was made by his own workmen, as were also many articles of his fine furniture. The fabrication with his own hands of curious implements and models was one of his favorite amusements.

On entering the mansion by the east front, the visitor is ushered into a spacious and lofty hall whose hangings announce at once the character and ruling passions of the man. On the right, on the left, and around, one's eye is struck with objects of science and taste. On one side are specimens of sculpture in the form of statues and busts, disposed in such order as to exhibit at one view the historical progress of the art; from the first rude attempts of the aborigines of our country to the most finished models of European masters, including a bust of the patriot himself from the hand of Caracci. Among others are noticed the bust of a male and female sitting in the Indian position, supposed to be very ancient, having been ploughed up in Tennessee; a full length figure of Cleopatra in a reclining position after she had applied the asp; the busts of Voltaire and Turgot, in plaster. His own bust stands on a truncated column, on the pedestal of which are represented the twelve tribes of Israel and the twelve signs of the Zodiac. On the other side of the hall are displayed a vast collection of specimens of Indian art, their paintings, engravings, weapons, ornaments, manufactures, statues, and idols; and on another, a profusion of natural curiosities, prodigies of ancient art, fossil productions of every description, mineral and animal, etc., etc. Among others are particularly noticed a model of the great pyramid of Egypt; the upper and lower jaw bones and tusks of the mammoth, advantageously contrasted with those of an elephant.

From the hall, the visitor enters a spacious salon through large folding doors. In this apartment, the walls are covered with the modern productions of the pencil, historical paintings of the most striking subjects from all countries and all ages; scriptural paintings, among which are the ascension, the holy family, the scourging of Christ, and the crucifixion; the portraits of distinguished characters, both of Europe and America, with engravings, coins, and medallions in endless profusion. Here and in the other rooms are the portraits of Bacon, Newton, and Locke; of Columbus, Vespucius, Cortez, Magellan, Raleigh; of Franklin, Washington, Lafayette, Adams, Madison, Rittenhouse, Paine, and many other remarkable men. Here, too, are the busts of Alexander and Napoleon, placed on pedestals upon each side of the door of entrance.

The whole of the southern wing is occupied by the library, private study, and chamber of Mr. Jefferson. The library is divided into three apartments, opening into each other, the walls of which are covered with books and maps. It contained at one time the greatest private collection of books ever known in the United States and incontestably the most valuable, from the multitude of rare works and the general superiority of the editions. He had been fifty years enriching and perfecting his collection, omitting no pains, opportunities or expense. While in Paris, he devoted every afternoon he was disengaged, for a summer or two, in examining the principal book stores and putting by everything which related to America with whatever was valuable in the sciences. Besides this, he had standing orders during the whole time he was in Europe in its principal book marts for all such works as could not be found in Paris. After the conflagration of Washington in the War of 1812 and the destruction of the Congressional library, he sold about ten thousand volumes to the government "to replace the devastations of British Vandalism." Confiding in the honor of Congress, he made a tender of them to the government at their own price. In his private study, he was surrounded with several hundred of his favorite authors lying near at hand with every accommodation and luxury which ease or taste could suggest. This apartment opened into a greenhouse filled with a collection of rare plants, and he was seldom without some

geranium or other plant beside him. Connected with his study were extensive apparatus for mathematical, philosophical, and optical purposes. It was supposed there was no private gentleman in the world in possession of so perfect and complete a scientific, useful, and ornamental collection as Mr. Jefferson.

Such is an imperfect representation of the patriarchal seat and appendages whose just celebrity has attracted the wayfarer of every land. But who shall describe its great architect and occupant? Let this duty be discharged by adopting the record of a distinguished guest:

> "While the visitor was yet lost in the contemplation of these treasures of the arts and sciences, he was startled by the approach of a strong and sprightly step; and turning with instinctive reverence to the door of entrance, he was met by the tall and animated and stately figure of the patriot himself -- his countenance beaming with intelligence and benignity, and his outstretched hand, with its strong and cordial pressure, confirming the courteous welcome of his lips. And then came that charm of manner and conversation that passes all description -- so cheerful -- so unassuming -- so free and easy and frank and kind and gay -- that even the young and overawed and embarrassed visitor at once forgot his fears and felt himself by the side of an old and familiar friend. There was no effort, no ambition in the conversation of the philosopher. It was as simple and unpretending as nature itself. And while, in this easy manner, he was pouring out instruction like light from an inexhaustible solar fountain, he seemed continually to be asking instead of giving information. The visitor felt himself lifted by the contact into a new and nobler region of thought and became surprised at his own buoyancy and vigor. He could not, indeed, help being astounded now and then at those transcendental leaps of the mind which he saw made without the slightest exertion and the ease with which this wonderful man played with subjects which he had been in the habit of considering among the *argumenta crucis* of the intellect. And then there seemed to be no end to his knowledge. He was a thorough master of every subject that was touched. From the details of the humblest mechanic art up to the highest summit of science, he was perfectly at his ease and everywhere at home. There seemed to be no longer any *terra incognita* of the human understanding; for, what the visitor had thought so, he now found reduced to a familiar garden walk; and all this carried off so lightly, so playfully, so gracefully, so engagingly, that he won every heart that approached him as certainly as he astonished every mind."

Although reposing in the bosom of his native mountains and happy in the indulgence of pursuits and enjoyments from which nothing but revolutionary duties would ever have separated him, his seclusion did not shield him from those annoyances which are inseparable from renown. He was persecuted with a deluge of letters, of which every mail brought a fresh accumulation: not those from his intimate friends, but from strangers and others who, as he said, oppressed him "in the most friendly dispositions with their concerns." This drew upon him a burden which formed a great obstacle to the delights of retirement; for it was a rule with Mr. Jefferson never to omit answering any respectful letter, however obscure the writer or insignificant the object. Happening on one occasion to turn to his letter-list, his curiosity was excited to ascertain the number received in the course of a single year; and on counting, it appeared there were one thousand two-hundred and sixty-seven, "many of them requiring answers of elaborate research, and all to be answered with due attention and consideration." Taking an average of this number for a week or a day, and he might well compare his drudgery at the writing table to "the life of a mill-horse who sees no end to his circle but in death," or to "the life of a cabbage which was a paradise in contrast." For these intrusions, however, not a murmur escaped from him in public; and when compelled to allude to them in his letters of friendship as apologies for his apparent remissness in this department, he would lament them only as "the kind indiscretions which were so heavily oppressing the departing hours of life."

To his persecutions from this source was occasionally superadded the treachery of correspondents in the publication of his letters, which subjected him to much mortification and uneasiness when his strongest desire was to die in the good will of all mankind. Conscious of his own singleness and honesty, he habitually trusted his fellowman; and though often betrayed, he would never surrender the happiness of this confidence. To the possession of this attribute are to be ascribed in great part the firmness and fidelity of that phalanx which, under

every pressure of injustice, in every tempest of political dissension, supported him undismayed. He who so fondly trusted others was sure to be trusted himself. "Thus am I situated," he wrote to a friend. "I receive letters from all quarters, some from known friends, some from those who write like friends on various subjects. What am I to do? Am I to button myself up in jesuitical reserve, rudely declining any answer, or answering in terms so unmeaning as only to prove my distrust? Must I withdraw myself from all interchange of sentiment with the world? I cannot do this. It is at war with my habits and temper. I cannot act as if all men were unfaithful because some are so, nor believe that all will betray me because some do. I had rather be the victim of occasional infidelities than relinquish my general confidence in the honesty of man."

37. Reconciliation With John Adams

There is nothing more beautiful in the history of the retirement of this great man than his exertions to revive the revolutionary affections between Mr. Adams and himself that had been interrupted by the factional conflicts of political opinion. They had ceased in expression only, not in their existence or cordiality, on the part of Mr. Jefferson, who regarded the discontinuance of friendly correspondence between them as "one of the most painful occurrences" in his life. With Mr. Adams, they had been affected, though never destroyed, partly by the sanguine cast of his constitution, but principally by the artful and imposing suggestions of busy intriguers that Mr. Jefferson perhaps participated in the electioneering activity and licentiousness of the contest which was overthrowing his administration. The injustice of this imputation is apparent from the fact that in his most confidential letters, he never alluded to Mr. Adams with personal disrespect and even charged the errors of his administration upon his ministers and advisers, not upon him. An instance of magnanimity towards his contender has been recorded of him by a political opponent, who was an eye-witness of the scene. In Virginia, where the opposition to the federal ascendency ran high, the younger spirits of the day, catching their tone from the public journals, imputed to Mr. Adams on various occasions in the presence of Mr. Jefferson a concealed design to overturn the republic and supply its place with a monarchy on the British model. The answer of Mr. Jefferson to this charge will never be forgotten by those who heard it, of whom there were many besides the particular narrator. It was this: "Gentlemen, you do not know that man. There is not upon this earth a more perfectly honest man than John Adams. Concealment is no part of his character; of that he is utterly incapable. It is not in his nature to meditate anything that he would not publish to the world. The measures of the general government are a fair subject for difference of opinion. But do not found your opinions on the notion that there is the smallest spice of dishonesty, moral or political, in the character of John Adams; for I know him *well*, and I repeat it: that a man more perfectly honest never issued from the hands of his Creator." (Wirt's Eulogy)

Two or three years after, to wit, in 1804, Mr. Jefferson having had the misfortune to lose a daughter, between whom and Mrs. Adams there had been considerable intimacy, she made it the occasion of writing Mr. Jefferson a letter of condolence in which, with sentiments of concern for the event, she avoided a single expression of friendship towards himself and even concluded it with the wishes "of her who *once* took pleasure in subscribing herself your friend," etc. Unpromising as was the complexion of this letter, he seized the partial opening which it offered to make an effort towards removing the clouds from between them. The answer of Mr. Jefferson expressed the warmest sensibility for the kindness manifested towards his daughter, went largely into explanations of the circumstances which had seemed to draw a line of separation between them, and breathed fervent wishes for a reconciliation with herself and Mr. Adams. In conclusion he wrote:

> "I have thus, my dear Madam, opened myself to you without reserve, which I have long wished an opportunity of doing; and without knowing how it will be received, I feel relief from being unbosomed. And I have now only to entreat your forgiveness for this transition from a subject of domestic affliction to one which seems of a different aspect. But though connected with political events, it has been viewed by me most strongly in its unfortunate bearings on my private friendships. The injury these have sustained has been a heavy price for what has never given me equal pleasure. That you may both be

favored with health, tranquility, and long life, is the prayer of one who tenders you the assurances of his highest consideration and esteem." (June 13, 1804. ME 11:30)

This letter was followed by a further correspondence between the parties from which, soon finding that reconciliation was desperate, he yielded to an intimation in the last letter of Mrs. Adams and ceased from further explanation.

Being now retired from all connection with the political world, with every ground of jealousy removed, his determination together with his hopes revived to make another effort towards restoring a friendly understanding with his revolutionary colleague. To this end he opened a correspondence with Dr. Rush, a mutual friend, upon the subject to whom he gave a history of all that had happened between them, enclosed to him the late unsuccessful correspondence, and expressed his undiminished attachment to Mr. Adams with the wish that he would use his endeavors to re-establish ancient dispositions between them. A short time after, two of Mr. Jefferson's neighbors and friends while on a tour to the northward fell in company with Mr. Adams at Boston and passed a day with him at Braintree. In the freedom and enthusiasm of the occasion, he spoke out on everything that came uppermost without reserve, dwelt particularly upon his own administration, and alluded to his *masters*, as he called his heads of department, representing them as having acted above his control and often against his opinions. Among other topics, he adverted to the unprincipled licentiousness of the press against Mr. Jefferson, adding, "I always loved Jefferson and still love him."

The moment Mr. Jefferson received this intelligence, he again wrote to his friend, Dr. Benjamin Rush:

> "This is enough for me. I only needed this knowledge to revive towards him all the affections of the most cordial moments of our lives. Changing a single word only in Dr. Franklin's character of him, I knew him to be always an honest man, often a great one, but sometimes incorrect and precipitate in his judgments; and it is known to those who have ever heard me speak of Mr. Adams that I have ever done him justice myself and defended him when assailed by others, with the single exception as to his political opinions. But with a man possessing so many other estimable qualities, why should we be dissocialized by mere differences of opinion in politics, in religion, in philosophy, or anything else? His opinions are as honestly formed as my own. Our different views of the same subject are the result of a difference in our organization and experience. I never withdrew from the society of any man on this account, although many have done it from me; much less should I do it from one with whom I had gone through with hand and heart so many trying scenes. I wish, therefore, but for an apposite occasion to express to Mr. Adams my unchanged affections for him. There is an awkwardness which hangs over the resuming a correspondence so long discontinued unless something could arise which should call for a letter. Time and chance may perhaps generate such an occasion, of which I shall not be wanting in promptitude to avail myself. From this fusion of mutual affections, Mrs. Adams is, of course, separated. It will only be necessary that I never name her. In your letters to Mr. Adams, you can perhaps suggest my continued cordiality towards him, and knowing this, should an occasion of writing first present itself to him, he will perhaps avail himself of it as I certainly will, should it first occur to me. No ground for jealousy now existing, he will certainly give fair play to the natural warmth of his heart. Perhaps I may open the way in some letter to my old friend Gerry, who I know is in habits of the greatest intimacy with him.
>
> "I have thus, my friend, laid open my heart to you because you were so kind as to take an interest in healing again revolutionary affections which have ceased in expression only, but not in their existence. God ever bless you and preserve you in life and health." (Dec. 5, 1811. ME 13:116)

In the course of another month, these two patriarchs of the revolution were brought together after a ten years' suspension of all friendly intercommunication. The correspondence which passed between them is highly interesting. It has been well described as resembling more than anything else one of those conversations in the

Elysium of the ancients which the shades of the departed great were supposed to hold with regard to the affairs of the world they had left. This exchange, which has already been presented to the world in its entirety, makes up a volume of itself. A few disjointed fragments of a personal and desultory kind, taken promiscuously from Mr. Jefferson's letters of different dates, are all that can be entered here into this general view of the correspondence.

> "A letter from you calls up recollections very dear to my mind. It carries me back to the times when, beset with difficulties and dangers, we were fellow laborers in the same cause, struggling for what is most valuable to man, his right of self-government. Laboring always at the same oar, with some wave ever ahead threatening to overwhelm us and yet passing harmless under our bark we knew not how, we rode through the storm with heart and hand, and made a happy port. Still we did not expect to be without rubs and difficulties; and we have had them. First the detention of the Western posts: then the coalition of Pilnitz, outlawing our commerce with France, and the British enforcement of the outlawry. In your day French depredations: in mine English, and the Berlin and Milan decrees: now the English orders of council and the piracies they authorize: when these shall be over, it will be the impressment of our seamen, or something else: and so we have gone on, and so we shall go on, puzzled and prospering beyond example in the history of man. And I do believe we shall continue to grow, to multiply and prosper until we exhibit an association, powerful, wise, and happy beyond what has yet been seen by men." (Jan. 21, 1812)
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> "I have thus stated my opinion on a point on which we differ, not with a view to controversy, for we are both too old to change opinions which are the result of a long life of inquiry and reflection, but on the suggestion of a former letter of yours that we ought not to die before we have explained ourselves to each other. We acted in perfect harmony through a long and perilous contest for our liberty and independence. A constitution has been acquired which, though neither of us think perfect, yet both consider as competent to render our fellow citizens the happiest and the securest on whom the sun has ever shone. If we do not think exactly alike as to its imperfections, it matters little to our country which, after devoting to it long lives of disinterested labor, we have delivered over to our successors in life, who will be able to take care of it and of themselves." (Oct. 28, 1813. ME 13:402)
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> "I learned with great regret the serious illness mentioned in your letter, and I hope Mr. Rives will be able to tell me you are entirely restored. But our machines have now been running for seventy or eighty years, and we must expect that, worn as they are, here a pivot, there a wheel, now a pinion, next a spring, will be giving way: and however we may tinker them up for awhile, all will at length surcease motion. Our watches, with works of brass and steel, wear out within that period. Shall you and I last to see the course the seven-fold wonders of the times will take? The Attila of the age dethroned, the ruthless destroyer of ten millions of the human race, whose thirst for blood appeared unquenchable, the great oppressor of the rights and liberties of the world, shut up within the circuit of a little island of the Mediterranean and dwindled to the condition of an humble and degraded pensioner on the bounty of those he had most injured. How miserably, how meanly, has he closed his inflated career! What a sample of the Bathos will his history present! He should have perished on the swords of his enemies under the walls of Paris." (July 5, 1814. ME 14:144)
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> "You ask if I would agree to live my seventy or rather seventy-three years over again? To which I say, Yea. I think with you that it is a good world on the whole, that it has been framed on a principle of benevolence, and more pleasure than pain dealt out to us. There are indeed (who might say Nay) gloomy and hypochondriac minds, inhabitants of diseased bodies, disgusted with the present, and despairing of the future; always counting that the worst will happen, because it may happen. To these I say, How much pain have cost us the evils which have never happened! My temperament is sanguine. I steer my bark with Hope in the head, leaving Fear astern. My hopes indeed sometimes fail; but not oftener than the forebodings of the gloomy. There are, I acknowledge, even in the happiest life some terrible convulsions, heavy set-offs against the opposite page of the account. I have often wondered for what

good end the sensations of Grief could be intended. All our other passions, within proper bounds, have a useful object. And the perfection of the moral character is, not in a Stoical apathy, so hypocritically vaunted, and so untruly too, because impossible, but in a just equilibrium of all the passions. I wish the pathologists then would tell us what is the use of grief in the economy, and of what good it is the cause, proximate or remote." (Apr. 8, 1816. ME 14:467)

"The public papers, my dear friend, announce the fatal event of which your letter of October the 20th had given me ominous foreboding. Tried myself in the school of affliction by the loss of every form of connection which can rive the human heart, I know well and feel what you have lost, what you have suffered, are suffering, and have yet to endure. The same trials have taught me that, for ills so immeasurable, time and silence are the only medicine. I will not, therefore, by useless condolences, open afresh the sluices of your grief, nor, although mingling sincerely my tears with yours, will I say a word more where words are vain, but that it is of some comfort to us both that the term is not very distant at which we are to deposit in the same cerement our sorrows and suffering bodies and to ascend in essence to an ecstatic meeting with the friends we have loved and lost and whom we shall still love and never lose again. God bless you and support you under your heavy affliction." (Nov. 13, 1818. ME 15:174)

"Putting aside these things however for the present, I write this letter as due to a friendship coeval with our government, and now attempted to be poisoned [note] when too late in life to be replaced by new affections. I had for some time observed in the public papers dark hints and mysterious innuendoes of a correspondence of yours with a friend to whom you had opened your bosom without reserve, and which was to be made public by that friend or his representative. And now it is said to be actually published. It has not yet reached us, but extracts have been given and such as seemed most likely to draw a curtain of separation between you and myself. Were there no other motive than that of indignation against the author of this outrage on private confidence, whose shaft seems to have been aimed at yourself more particularly, this would make it the duty of every honorable mind to disappoint that aim by opposing to its impression a seven-fold shield of apathy and insensibility. With me however no such armor is needed. The circumstances of the times in which we have happened to live and the partiality of our friends at a particular period placed us in a state of apparent opposition, which some might suppose to be personal also; and there might not be wanting those who wished to make it so by filling our ears with malignant falsehoods, by dressing up hideous phantoms of their own creation, presenting them to you under my name, to me under your's, and endeavoring to instill into our minds things concerning each other the most destitute of truth. And if there had been at any time a moment when we were off our guard and in a temper to let the whispers of these people make us forget what we had known of each other for so many years, and years of so much trial, yet all men who have attended to the workings of the human mind, who have seen the false colors under which passion sometimes dresses the actions and motives of others, have seen also these passions subsiding with time and reflection, dissipating, like mists before the rising sun, and restoring to us the sight of all things in their true shape and colors. It would be strange indeed if, at our years, we were to go an age back to hunt up imaginary or forgotten facts to disturb the repose of affections so sweetening to the evening of our lives. Be assured, my dear Sir, that I am incapable of receiving the slightest impression from the effort now made to plant thorns on the pillow of age, worth, and wisdom, and to sow tares between friends who have been such for near half a century. Beseeching you then not to suffer your mind to be disquieted by this wicked attempt to poison its peace and praying you to throw it by among the things which have never happened, I add sincere assurances of my unabated and constant attachment, friendship, and respect." (Oct. 12, 1823. ME 15:474)

38. The University of Virginia

The cultivation of the affections and the delights of philosophical and agricultural occupation were subjects which engaged only a subordinate share of the attention of Mr. Jefferson. One other enterprise of public utility which it was reserved for him to accomplish constituted the engrossing topic of his mind from the moment of his return to private life to the hour of his death. This was the establishment of the University of Virginia. Having assisted in achieving for his country the blessings of civil and religious liberty, he considered the work but half completed without securing to posterity the means of preserving that condition of moral culture on which the perpetuation of those blessings depends. It was one of the first axioms established in his mind that the liberties of a nation could never be safe but in the hands of the people, and that too of a people with a certain degree of instruction. A system of education, therefore, which should reach every description of citizens, as it was the earliest, so it was the latest of public concerns in which he permitted himself to take an interest.

The opinions of Mr. Jefferson on the subject of education were given in detail while the revised code of Virginia was under consideration, of which the "Bill for the General Diffusion of Knowledge," drafted by him, was a distinguishing feature. The system marked out in that bill proposed three distinct grades of instruction, which may be explained by adopting a single expression of the author: "to give the highest degree of education to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world and to keep their part of it going on right." No part of this system was carried into effect by the legislature except that proposing the elementary grade of instruction, and the intention of this was completely defeated by the option given to the county courts. [note] The university composed the ultimate grade of the system and was the one which peculiarly enlisted the zeal of the founder without, however, subtracting from his devotion to the whole scheme. In this institution, like those of the university rank in Europe, it was his intention to have taught every branch of science useful to mankind and in its highest degree, with such a classification of the sciences into particular groups as to require so many professors only as might bring them within the purview of a just economy.

The plan of the university was original with Mr. Jefferson: the offspring of his genius aided by his extensive observations while in Europe. The University of Virginia was emphatically his work. His was the first conception, having been envisioned by him more than forty years before; his, the subsequent impulse which brought it to maturity; his, the whole scheme of its studies, organization, and government; and his, the architecture of its buildings in which he took advantage of the occasion to present a specimen of each of the orders of the art, founded on Grecian and Roman models. He did this last with a view to inspire the youth who resorted thither with "the imposing associations of antiquity," and to retrieve as far as he could the character of his country from that pointed sarcasm in his Notes on Virginia that "the genius of architecture seems to have shed its maledictions over this land." Being located within four miles of Monticello, he superintended its erection daily and with the purest satisfaction. The plan of the building embraced:

1st. *Pavilions*, arranged on either side of a lawn, indefinite in length, to contain each a lecture room and private apartments sufficient to accommodate a professor and his family.

2nd. A range of *Dormitories*, connecting the pavilions, of one story high, sufficient each for the accommodation of two students only -- as the most advantageous to morals, order and uninterrupted study -- with a passage under cover from the weather, giving a communication along the whole range.

3rd. *Hotels (Refectories)* for the dieting of the students, to contain each a single room for dining and accommodations sufficient for the tenants charged with this department.

4th. A *Rotunda*, or large circular building, in which were rooms for religious worship under such regulations as the Visitors should prescribe, for public examinations, for a library, for schools of music, drawing, and other purposes.

The principal novelties in the scheme of its studies were a professorship of the principles of government "to be founded in the rights of man," to use the language of the originator; a professorship of agriculture; one of modern languages, among which the Anglo-Saxon was included that the learner might imbibe with their language their free principles of government; and the absence of a professorship of divinity, "to give fair play to the cultivation of reason," as well as to avoid the constitutional objection against a public establishment of any religious instruction. A Rector and Board of Visitors appointed by the legislature composed the government of the institution, and their first meeting was in August, 1818, at Rockfish Gap on the Blue Ridge, at which Mr. Jefferson presided and drafted the first annual report to the legislature. He was also appointed Rector of the University, in which office he continued until his death, when he was succeeded by Mr. Madison. The establishment went into operation in the spring of 1825, and has continued in a flourishing condition ever since.

The weight of opposition which this institution encountered through every stage of its progress were such as would have been insurmountable to any person possessing less perseverance or less ascendency of personal character than Mr. Jefferson. Besides the ordinary circumstances of resistance common to every enterprise of the kind in this country, it was met at the outset by a combination of religious jealousies, probably never equaled. Hostile as they were in every other point to one another, all the religious sects in the State cordially cooperated in the effort to frustrate an institution which, from the circumstance of its favoring no particular school of divinity to the exclusion of another, was presumed to be inimical to all religion. These antipathies, with the host of sectional rivalries, the steady counteraction of William and Mary College, and the tardy pace of the public patronage, produced an array of difficulties which was observed to cloud the brow of Mr. Jefferson with an anxiety to which he was a stranger under the most afflicting occurrences of his political career. Yet he never despaired, resolving to "die in the last ditch rather than give way." Early on, he burst forth in a letter to one of his colleagues in a strain of despondency mingled with supplication, strongly portraying the difficulties in the way and the solicitude which he felt for the result:

> "But the gloomiest of all prospects is in the desertion of the best friends of the institution, for desertion I must call it. I know not the necessities which may force this on you. General Cocke, you say, will explain them to me; but I cannot conceive them nor persuade myself they are controllable. I have ever hoped that yourself, General Breckenridge, and Mr. Johnson would stand at your posts in the legislature until everything was effected and the institution opened. If it is so difficult to get along with all the energy and influence of our present colleagues in the legislature, how can we expect to proceed at all reducing our moving power? I know well your devotion to your country and your foresight of the awful scenes coming on her sooner of later. With this foresight, what service can we ever render her equal to this? What object of our lives can we propose so important? What interest of our own which ought not to be postponed to this? Health, time, labor -- on what in the single life which nature has given us can these be better bestowed than on this immortal boon to our country? The exertions and the mortifications are temporary; the benefits eternal. If any member of our College of Visitors could justifiably withdraw from this sacred duty, it would be myself, who *quadragenis stipendiis jamdudum peractis*, have neither vigor of body nor mind left to keep the field; but I will die in the last ditch, and so I hope you will, my friend, as well as our firm-breasted brothers and colleagues, Mr. Johnson and General Breckenridge. Nature will not give you a second life wherein to atone for the omissions of this. Pray then, dear and very dear Sir, do not think of deserting us, but view the sacrifices which seem to stand in your way as the lesser duties and such as ought to be postponed to this, the greatest of all. Continue with us in these holy labors until, having seen their accomplishment, we may say with old Simeon, *Nunc dimittis, Domine*." (to Joseph C. Cabell, Jan. 31, 1821. ME 15:311)

After an exhortation to one of his colleagues to exert all his faculties to allay the opposition and arouse the legislature to a sense of their distresses, he wrote:

> "I have brooded, perhaps with fondness, over this establishment, as it held up to me the hope of continuing to be useful while I continued to live. I had believed that the course and circumstances of my life had placed within my power some services favorable to the outset of the institution. But this may be

egotism: pardonable, perhaps, when I express a consciousness that my colleagues and successors will do as well, whatever the legislature shall enable them to do." (to James Breckinridge, Feb. 15, 1821. 15:317)

Later, he wrote to an old friend of the university and reviewed the struggle in the legislature:

"When I retired from the administration of public affairs, I thought I saw some evidence that I retired with a good degree of public favor and that my conduct in office had been considered by the one party at least with approbation, and with acquiescence by the other. But the attempt in which I have embarked so earnestly to procure an improvement in the moral condition of my native State, although, perhaps, in other States it may have strengthened good dispositions, has assuredly weakened them in our own. The attempt ran foul of so many local interests, of so many personal views, and so much ignorance, and I have been considered as so particularly its promoter, that I see evidently a great change of sentiment towards myself. I cannot doubt its having dissatisfied with myself a respectable minority, if not a majority of the House of Delegates. I feel it deeply and very discouragingly, yet I shall not give way. I have ever found in my progress through life that acting for the public, if we do always what is right, the approbation denied in the beginning will surely follow us in the end. It is from posterity we are to expect remuneration for the sacrifices we are making for their service of time, quiet, and good will." (to Joseph C. Cabell, Jan. 11, 1825. ME 16:99)

The enthusiasm with which the patriarch embarked in this great undertaking arose in a principal degree from its contemplated bearing on the future destinies of his country in a *political* sense. He intended it as a school for the future politicians and statesmen of the republic in whose service he had worn out his life. The illustrious man who succeeded him in its rectorship has said: "This temple dedicated to science and liberty was, after Mr. Jefferson's retirement from the political sphere, the object nearest his heart and so continued to the end of his life. His devotion to it was intense and his exertions unceasing. It bears the stamp of his genius and will be a noble monument to his fame. His general view was to make it *a nursery of republican patriots*, as well as genuine scholars."

The satisfaction with which he reflected on the success of his labors is expressed with a noble pride in a personal communication to the legislature a little before his death.

"The effect," wrote he, "of this institution on the future fame, fortune, and prosperity of our country can as yet be seen but at a distance. But a hundred well-educated youths which it will turn out annually and, ere long, will fill all its offices with men of superior qualifications, will raise it from its humble state to an eminence among its associates which it has never yet known, no, not in its brightest days. That institution is now qualified to raise its youth to an order of science unequaled in any other State, and this superiority will be the greater from the free range of mind encouraged there and the restraint imposed at other seminaries by the shackles of a domineering hierarchy and a bigoted adhesion to ancient habits. Those now on the theatre of affairs will enjoy the ineffable happiness of seeing themselves succeeded by sons of a grade of science beyond their own ken. Our sister States will also be repairing to the same fountains of instruction, will bring hither their genius to be kindled at our fire, and will carry back the fraternal affections which, nourished by the same Alma Mater, will knit us to them by the indissoluble bonds of early personal friendships. The good old dominion, the blessed mother of us all, will then raise her head with pride among the nations, will present to them that splendor of genius which she has ever possessed but has too long suffered to rest uncultivated and unknown, and will become a center of ralliance to the States whose youths she has instructed, and, as it were, adopted. I claim some share in the merits of this great work of regeneration. My whole labors now for many years have been devoted to it, and I stand pledged to follow it up through the remnant of life remaining to me."

39. Nunc Dimittis, Domine

The work of establishing the University of Virginia represented the concluding labors of one who had numbered more than four score years and devoted sixty of them uninterruptedly to the service of his country. Long after most of those who were his original adherents or opponents had disappeared from the world, he continued the championing of the same political doctrines which he espoused in the fire of youth; nay, upon the verge of the grave he stood, as it were, the embodied spirit of the Revolution in all its purity and power, nourishing with its wholesome influence the acting generation of his country and distributing its revolutionary energies among the nations of the earth which still slumbered in despotism.

Why should we attempt coolly to particularize the distinguishing features of a public character whose developments in the aggregate were so extraordinary and have given so powerful and lasting a direction to the current of human thought? Adopting a humble imitation of his delineation of General Washington, may it not be summarily represented as "in the mass perfect, in many points unrivaled, in nothing bad, in few points indifferent," save perhaps to add, "in most points unrivalled."

His heart was most fervent in its affections and as confiding as innocence itself, never harboring a suspicion of the depository of its trust and, what is more uncommon, as tenacious as it was ardent and confiding, holding on to its object without abatement under every vicissitude. His friendships were indissoluble, those contracted earliest continuing the same through life. His justice was severe, sacrificing the claims of the closest ties of affection to avoid the contamination of dishonor. His temper was proverbially even, serene, and buoyant, thrusting fear always aside and cherishing habitually the fond incitements of hope. Of domestic life he was at once the adorer and the idol, ever anxious to forego honors and emoluments for its enjoyment, and such was the influence of his affection upon those around him that he was almost worshiped by his family. He delighted in the society of children, with whom he was accustomed in his old age to practice feats of agility which few could imitate. Being take by surprise on one of these occasions by the entrance of a stranger, he grasped his hand and smiling said: "I will make no other apology than the good Henry the Fourth did, when he was caught by an ambassador playing horse and riding one of his children on his back, by asking, Are you a father? --if you are, no apology is necessary."

His powers of conversation were of the highest order and made him the soul and center of the social circle. Of the warmth of his social dispositions, the range of his private correspondence affords the most convincing proofs. Even in the angry period of 1798, so memorable for its dissocializing spirit, he wrote to a distinguished political opponent: "I feel extraordinary gratification in addressing this letter to you with whom shades of difference in political sentiment have not prevented the interchange of good opinion, nor cut off the friendly offices of society and good correspondence. This political tolerance is the more valued by me, who consider social harmony as the first of human felicities and the happiest moments those which are given to the effusions of the heart."

But the most interesting fragment of this nature is found in a letter of affection and friendship, written while in France, of which the following are extracts:

> "I hope in God no circumstance may ever make either [of his two friends] seek an asylum from grief! With what sincere sympathy I would open every cell of my composition to receive the effusion of their woes! I would pour my tears into their wounds: and if a drop of balm could be found on the top of the Cordilleras, or at the remotest sources of the Missouri, I would go thither myself to seek and to bring it. Deeply practised in the school of affliction, the human heart knows no joy which I have not lost, no sorrow of which I have not drunk! Fortune can present no grief of unknown form to me! Who then can so softly bind up the wound of another as he who has felt the same wound himself?...

"And what more sublime delight than to mingle tears with one whom the hand of heaven hath smitten! to watch over the bed of sickness, and to beguile its tedious and its painful moments! to share our bread with one to whom misfortune has left none! This world abounds indeed with misery: to lighten its burthen we must divide it with one another. But let us now try the virtues of your mathematical balance, and as you have put into one scale the burthen of friendship, let me put its comforts into the other. When languishing then under disease, how grateful is the solace of our friends! how are we penetrated with their assiduities and attentions! how much are we supported by their encouragements and kind offices! When heaven has taken from us some object of our love, how sweet is it to have a bosom whereon to recline our heads and into which we may pour the torrent of our tears! Grief with such a comfort is almost a luxury! In a life where we are perpetually exposed to want and accident, yours is a wonderful proposition: to insulate ourselves, to retire from all aid, and to wrap ourselves in the mantle of self-sufficiency! For assuredly nobody will care for him who cares for nobody. But friendship is precious, not only in the shade but in the sunshine of life; and thanks to a benevolent arrangement of things, the greater part of life is sunshine... Let the gloomy monk, sequestered from the world, seek unsocial pleasures in the bottom of his cell! Let the sublimated philosopher grasp visionary happiness while pursuing phantoms dressed in the garb of truth! Their supreme wisdom is supreme folly; and they mistake for happiness the mere absence of pain. Had they ever felt the solid pleasure of one generous spasm of the heart, they would exchange for it all the frigid speculations of their lives, which you have been vaunting in such elevated terms. Believe me then my friend, that that is a miserable arithmetic which could estimate friendship at nothing, or at less than nothing." (to Maria Cosway, Oct. 12, 1786. ME 5:437)

Owing in part, if not altogether, to a general pressure upon the landed interest in Virginia which had been felt for several preceding years, the affairs of Mr. Jefferson became embarrassed, and in February, 1826, an act passed the legislature of Virginia allowing him to dispose of his estates by means of a lottery. The scheme of the lottery embraced three great prizes, to wit, the Monticello estate, valued at 71,000 dollars; the Shadwell mills adjoining it, valued at 30,000; and the Albermarle estate, at 11,500. The Bedford tract was not included because, being derived from his wife, Mr. Jefferson had only a life estate in it with power only to convey it to their descendants in such portions as he chose. Otherwise this estate would have gone in with the rest.

Simultaneously with the proceedings in the Virginia legislature, and as soon as it became known that Mr. Jefferson was in a state of pecuniary distress, a spontaneous feeling of gratitude burst forth in every section of the union. The paltry expedient of a lottery was considered too cold and calculating a remedy for a case which addressed itself to all the nobler sympathies of the human heart. Public meetings were called in all the considerable cities of the union at which feeling and high-spirited resolutions were passed and subscriptions opened which were as suddenly filled with contributions to the relief of the suffering apostle of human liberty. The legislature of Louisiana, actuated by a peculiar sense of gratitude to the author of their admission into the republic, immediately passed an act appropriating ten thousand dollars to be placed at his disposal. The legislature of South Carolina, it is believed, did the same. Various schemes were proposed in different places in all of which the leading object appeared to be how to bestow their bounty so as to give least pain to the delicacy of his feelings.

But Mr. Jefferson lived to derive very little benefit from these voluntary offerings of a grateful people, and none from the legislative provision of his native State. His health had been impaired by a too free use of the hot spring bath in 1818. From that time, his indisposition steadily increased until the spring of 1826, when it attained a troublesome and alarming violence, giving certain indications of a gradual approach of dissolution. Of the issue, he seemed perfectly aware. On the 5th of June, he observed to a friend that "he doubted his weathering the present summer." On the 24th of June, his disorder and weakness having reached a distressing point, he yielded to the entreaties of his family and saw his physician, Dr. Dunglison of the university. On this occasion he warned a friend who came to see him on private business that "there was no time to be lost," and expressed with regret his only apprehension that "he could not hold out to see the blessed Fourth of July," that

he had called in a physician and to gratify his family would follow his prescriptions, but that it would prove unavailing: the machine had worn out and would go on no longer. On the same day, he addressed that most remarkable letter to the mayor of Washington, copies of which, elegantly printed and framed, adorned the mantelpieces of many of the private dwellings in that city and the walls of its public edifices. This was the last letter he ever wrote, and surely none was better fitted to be the last.

> "RESPECTED SIR, -- The kind invitation I receive from you on the part of the citizens of the city of Washington, to be present with them at their celebration on the fiftieth anniversary of American Independence as one of the surviving signers of an instrument pregnant with our own, and the fate of the world, is most flattering to myself, and heightened by the honorable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness, to be deprived by it of a personal participation in the rejoicings of that day. But acquiescence is a duty under circumstances not placed among those we are permitted to control. I should, indeed, with peculiar delight, have met and exchanged there congratulations personally with the small band, the remnant of that host of worthies, who joined with us on that day in the bold and doubtful election we were to make for our country between submission or the sword; and to have enjoyed with them the consolatory fact that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world what I believe it will be (to some parts sooner, to others later, but finally to all): the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. That form which we have substituted restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.
>
> "I will ask permission here to express the pleasure with which I should have met my ancient neighbors of the city of Washington and its vicinities, with whom I passed so many years of a pleasing social intercourse; an intercourse which so much relieved the anxieties of the public cares and left impressions so deeply engraved in my affections as never to be forgotten. With my regret that ill health forbids me the gratification of an acceptance, be pleased to receive for yourself and those for whom you write, the assurance of my highest respect and friendly attachments." (to Roger C. Weightman, June 24, 1826. ME 16:181)

On the 28th of June, a friend from a distance visited him on private business and has left an affecting account of his interview. "As I approached the house," said he, "the anxiety and distress visible in the countenance of the servants increased the gloom of my own forebodings, and I entered it under no little agitation. After the object of my call was made known to Mrs. Randolph, she told me that although her father had been expecting to see me, he was then too unwell to receive anyone. It was but too evident that the fears of his daughter over-balanced her hopes; and while sympathizing in her distress, I could not help sighing to think that, although separated from him only by a thin wall, I was never more to behold the venerable man who had entered all the walks of politics and philosophy, and in all was foremost -- and to whom the past, present, and all future ages are and will be so much indebted. However, Mrs. Randolph, having left me to attend to her father, soon returned and observed that she had taken it for granted that he could not see me; but upon her casually mentioning my arrival, he had desired I should be invited into his chamber. My emotions at approaching *Jefferson's dying bed* I cannot describe. You remember the alcove in which he slept. There he was extended -- feeble, prostrate -- but the fine and clear expression of his countenance not at all obscured. At the first glance he recognized me, and his hand and voice at once saluted me. The energy of his grasp and the spirit of his conversation were such as to make me hope he would yet rally, and that the superiority of mind over matter in his composition would preserve him yet longer. He regretted that I should find him so helpless, talked of the freshet then prevailing in

James River, and said he had never known a more destructive one. He soon, however, passed to the university, expatiated on its future utility, commended the professors, and expressed satisfaction at the progress of the students. A sword was suspended at the foot of his bed, which he told me was presented to him by an Arabian chief, and that the blade was a true Damascus. At this time he became so cheerful as to smile, even to laughing, at a remark I made. He alluded to the probability of his death as a man would to the prospect of being caught in a shower, as an event not to be desired but not to be feared. Upon proposing to withdraw, I observed that I would call to see him again. He said, 'Well do, but you will dine here today.' To this I replied that I proposed deferring that pleasure until he got better. He waved his hand and shook his head with some impatience saying emphatically, "You *must* dine here; my sickness makes no difference." I consented, left him, and never saw him more."

During the four or five days remaining to him, his decay was gradual but visible. Of this, no one was more conscious than himself; yet he retained to the last moment of his existence the same serene, decisive, and cheerful temper that had marked his eventful history. He often recurred with spirit and animation to the university and expressed his hope that "the State would not *now* abandon it." He spoke of the changes which he feared would be made in it, of his probable successor as Rector, of the services he had rendered to his native State, and counseled and advised as to his private affairs. Upon being unusually ill for a short time, he observed very cheerfully, "Well, Doctor, a few hours more and the struggle will be over." He called in his family and conversed calmly and separately with each of them. To his daughter he presented a small morocco case which he requested her to open immediately after his decease. On opening the case it was found to contain an elegant and affectionate strain of poetry "on the virtues of his dutiful and incomparable daughter." When the 3rd of July arrived, upon enquiring with some solicitude the day of the month, he expressed a fervent desire to live till the next day, "that he might breathe the air of the Fiftieth Anniversary, when he would joyfully sing with old Simeon, *Nunc dimittis, Domine*." In the few short intervals of delirium which occurred, his mind relapsed to the age of the Revolution with all the enthusiasm of that period. He talked in broken sentences of the committees of safety and the rest of that great machinery which he imagined to be still in motion. One of his exclamations was, "Warn the committee to be on their guard," and he instantly rose in his bed with the help of his attendants and went through the act of writing a hurried note. But his reason was almost constantly in her seat when the great topics on which he dwelt were the happiness of his only and beloved child, or the University of Virginia, or the advent of the approaching anniversary of Independence.

When the morning of that day came, he appeared to be thoroughly impressed that he should not live through it and only expressed a desire that he might survive until mid-day. He seemed perfectly at ease and ready to die. When the Doctor entered his room, he said, "Well Doctor, you see I am here yet." His disorder being checked a friend expressed a hope of his amendment. His reply was, that the powers of nature were too much exhausted to be rallied. To a member of his family who remarked that he was better and that the Doctor thought so, he listened with evident impatience and said, "Do not imagine for a moment that *I* feel the smallest solicitude as to the result." He then calmly gave directions for his funeral, forbidding all pomp and parade. Being answered by a hope that it would be long ere the occasion would require their observance, he asked with a smile, "Do you think I fear to die?" A few moments after, he called his family and friends around his bedside and uttered distinctly the following sentence: "I have done for my country and for all mankind all that I could do, and I now resign my soul without fear to my God, my daughter to my country." These were the last words he articulated -- his last solemn declaration to the world -- his dying will and testament, bequeathing his most precious possessions to his God and his country. All that was heard from him afterwards was a hurried repetition in indistinct and scarcely audible accents of his favorite ejaculation, *Nunc Dimittis, Domine* -- *Nunc Dimittis, Domine*. He sunk away imperceptibly and breathed his last without a struggle or a murmur at ten minutes before one o'clock on the great Jubilee of American liberty -- the day, and *hour* too, on which the Declaration of Independence received its final reading, and the day and hour on which he prayed to Heaven that he might be permitted to depart.

Was not the hand of God most affectingly displayed in this event as if to add another to the multiplied proofs of His special superintendence over this happy country? On the anniversary of a day the most distinguished in the annals of mankind -- on its Fiftieth Anniversary; and in merciful fulfilment of his last earthly prayer, he closed his eyes. Few of the miracles recorded in the sacred writings are more conspicuous or imposing. Mark again the extraordinary protraction of physical existence manifested in the last moments of Mr. Jefferson, as if to render the coincidence more strikingly and beautifully complete. At eight o'clock P.M. on the 3rd of July, his physician pronounced that he might be expected to die in any quarter of an hour from that time. Yet he lived seventeen hours longer without any evident pain or suffering or restlessness, but with sensibility, consciousness, and intelligence for much more than twelve hours of the time; and at last he gradually subsided into inanimation like a lamp which had shone throughout a long dark night, spreading far and wide its beneficent rays, yet still lingering to usher in the broad daylight upon mankind.

Never was this nation more profoundly impressed than by the occurrence of this event. Instead of being viewed in the light of a calamity, there was not a heart which did not feel a mournful pleasure at the miraculous beauty of such a death. All business was suspended as the intelligence spread through the country; the minute guns were fired, the bells sounded a funeral note, the flags of the shipping fell half mast, and every demonstration of profound feeling was displayed. But five hours afterward on the same day died John Adams, in the same mighty spirit, also, with the last words "*Independence forever*," and "*Thomas Jefferson still survives*."

The extraordinary coincidence in the death of these great men is without a parallel in the records of history. Were any doubt harbored of their sincere devotion to their country while living, they must surely be dissipated forever by the time and manner of their death. One, the author of the Declaration of Independence, the other its great champion and defender on the floor of Congress, and both the only two survivors of the committee appointed to prepare that instrument -- another and powerful confirmation was thus added that "heaven itself mingled visibly in the Jubilee Celebration of American Liberty, hallowing anew the day by a double apotheosis." They were great and glorious in their lives; in death they were not divided. It was indeed a fit occasion for the deepest public feeling. Happening singly, each of these events was felt as supernatural; happening together, the astonishment which they occasioned was general and almost overwhelming.

In a private memorandum found among some other obituary papers of Mr. Jefferson was the suggestion that in case any memorial of him should ever be thought of, a small granite obelisk should be erected with the following inscription:

HERE WAS BURIED

THOMAS JEFFERSON

AUTHOR OF THE DECLARATION OF AMERICAN INDEPENDENCE

OF THE STATUTE OF VIRGINIA FOR RELIGIOUS FREEDOM

AND FATHER OF THE UNIVERSITY OF VIRGINIA.

Volumes of panegyric could never convey so adequate an idea of unpretending greatness as is contained in this brief and modest epitome of all the splendid achievements of a long, an arduous, and incessantly useful life.

A Note on the Editing of This Book

The text for this edition of Rayner's *Life of Thomas Jefferson* was revised to make it more accessible for a general audience. Although the basic information furnished by Rayner is all here, much of it is not in Rayner's exact words, and the scholar looking for a "pristine" copy should refer to the original publication, which is available in most large public and university libraries. Below is a description of the revisions that were made to this text:

- This edition does not include the "Introductory Remarks" which are listed as being "by a friend of the editor." These remarks contain a large number of ideas that are interpretative, and that are somewhat foreign to Jefferson's ideas. While this may be interesting to someone researching the various opinions existing during the early American republic, the editor felt these opinions were not germane to the purposes of a Jefferson biography today, and elected to omit this section.
- This edition contains many changes in the punctuation, spelling, and occasionally in the vocabulary, in order to make the text more readable for the modern reader. Rayner used many words in a sense that is no longer familiar to the general reader. These were changed to more familiar words in order to prevent confusion, especially to younger readers.
- Rayner included very few references to sources for Jefferson quotations in his book, and those quotations were taken from an unreliable edition of Jefferson's writings. The editor has attempted to supply these references to more reliable editions of Jefferson's writings, and to use those later, more authoritative editions for the text of the quotation.
- Rayner did include very few notes to the text, and the editor has included several more, and may include even more in the future. These are all presented as a separate link from the main text. Rayner's own notes are idenitified as "Author's note."
- The original text of this book was divided into fourteen chapters, with no chapter titles. The editor has divided the text into 39 chapters with titles in order to make the book easier to read online, and also so that the chapter titles might serve as an outline of Jefferson's life, thus making the text more usable when referring to it for a particular topic or time period. The following table lists the chapters in this edition and the page numbers in the original edition where each of those chapters begins.

• Wherever minor errors were encountered, and the editor could verify the correct data, these errors were corrected.

As a rule, these many changes were *not* noted in the text. The truth is, the original version of Rayner's *Life* is not a desirable source for the general reader, especially students who are merely looking for information on Thomas Jefferson. In some cases it may be misleading. The persons most likely to be interested in Rayner's text as originally written are probably specialists studying the idiosyncrasies in literary styles of the early 19th century, and it was not the purpose of this edition to serve such an interest. Scholars interested in discovering Rayner's exact wording, punctuation, etc., used in a specific short quotation, and who do not have a copy of the original version of the text available to them, should feel free to contact the editor, and he will verify the precise form in which the passage exists in the original.

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