

**Thomas Jefferson to James Monroe, July 14, 1793 ,
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Leicester Ford.**

TO JAMES MONROE J. MSS.

Philadelphia, July 14, 1793.

Dear Sir, —Your favor of June 27. has been duly received. You have most perfectly seized the *original* idea of the proclamation. When first proposed as a declaration of neutrality, it was opposed, 1. Because the Executive had no power to declare neutrality. 2. As such a declaration would be premature, & would lose us the benefit for which it might be bartered, it was urged that there was a strong impression in the minds of many that they were free to join in the hostilities on the side of France. Others were unapprised of the danger they would be exposed to in carrying contraband goods, &c. It was therefore agreed that a proclm should issue, declaring that we were in a state of peace with all the parties, admonishing the people to do nothing contravening it, & putting them on their guard as to contraband.—On this ground it was accepted or acquiesced in by all, and E. R., who drew it, brought to me the draught, to let me see there was no such word as *neutrality* in it. Circumstances forbid other verbal criticisms. The public, however, soon took it up as a declaration of neutrality, & it came to be considered at length as such.—The arming privateers in Charleston, with our means entirely, & partly our citizens, was complained of in a memorial from Mr. Hammond. In our consultation, it was agreed we were by treaty *bound* to prohibit the enemies of Prance from arming in our ports, & were *free* to prohibit Prance also, and that by the laws of neutrality we are bound to permit or forbid the same things to both, as far as our treaties would permit. All, therefore, were forbidden

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to arm within our ports, & the vessels armed before the prohibition were on the advice of a majority ordered to leave our ports. With respect to our citizens who had joined in hostilities against a nation with whom we were at peace, the subject was thus viewed. Treaties are laws. By the treaty with England we are in a state of peace with her. He who breaks that peace, if within our jurisdiction, breaks the laws, & is punishable by them. And if he is punishable he ought to be punished, because no citizen should be free to commit his country to war. Some vessels were taken within our bays. There, foreigners as well as natives are liable to punishment. Some were committed in the high seas. There, as the sea is a common jurisdiction to all nations, & divided *by persons*, each having a right to the jurisdiction over their own citizens only, our citizens only were punishable by us. But they were so, because within our jurisdiction. Had they gone into a *foreign land* & committed a hostility, they would have been clearly out of our jurisdiction & unpunishable by the existing laws. As the armament in Charleston had taken place before our citizens might have reflected on the case, only two were prosecuted, merely to satisfy the complaint made, & to serve as a warning to others. But others having attempted to arm another vessel in New York after this was known, all the persons concerned in the latter case, foreign as well as native, were directed to be prosecuted. The Atty Genl gave an official opinion that the act was against law, & coincided with all our private opinions; & the lawyers of this State, New York & Maryland, who were applied to, were unanimously of the same opinion. Lately mr. Rawie,

Arty of the U. S. in this district, on a conference with the District judge, Peters, supposes the law more doubtful. New acts, therefore, of the same kind, are left unprosecuted till the question is determined by the proper court, which will be during the present week. If they declare the act no offence against the laws, the Executive will have acquitted itself towards the nation attacked by their citizens, by having submitted them to the sentence of the laws of their country, & towards those laws by an appeal to them in a case which interested the country, & which was at least doubtful. I confess I think myself that the case is punishable, & that, if found otherwise, Congress ought to make it so, or we shall be made parties in

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every maritime war in which the piratical spirit of the banditti in our ports can engage. I will write you what the judicial determination is.—Our prospects with Spain appear to me, from circumstances taking place on this side of the Atlantic absolutely desperate. Measures are taken to know if they are equally so on the other side, and before the close of the year that question will be closed, and your next meeting must probably prepare for the new order of things.—I fear the disgust of France is inevitable. We shall be to blame in part. But the new minister much more so. His conduct is indefensible by the most furious Jacobin. I only wish our countrymen may distinguish between him & his nation, & if the case should ever be laid before them, may not suffer their affection to the nation to be diminished.

H., sensible of the advantage they have got, is urging a full appeal by the Government to the people. Such an explosion would manifestly endanger a dissolution of the friendship between the two nations; & ought therefore to be deprecated by every friend to our liberty; & none but an enemy to it would wish to avail himself of the indiscretions of an individual to compromit two nations esteeming each other ardently. It will prove that the agents of the two people are either great bunglers or great rascals, when they cannot preserve that peace which is the universal wish of both.—The situation of the St. Domingo fugitives (aristocrats as they are) calls aloud for pity & charity. Never was so deep a tragedy presented to the feelings of man. I deny the power of the general government to apply money to such a purpose, but I deny it with a bleeding heart. It belongs to the State governments. Pray urge ours to be liberal. The Executive should hazard themselves more on such an occasion, & the Legislative when it meets ought to approve & extend it. It will have a great effect in doing away the impression of other disobligations towards France.—I become daily more & more convinced that all the West India Islands will remain in the hands of the people of colour, & a total expulsion of the whites sooner or later take place, It is high time we should foresee the bloody scenes which our children certainly, and possibly ourselves (south of Potommac,) have to wade through, & try to avert them.—We have no news from the continent of Europe later than the 1st of May.—My love to

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mrs. Monroe. Tell her they are paving the street before your new house. Adieu. Yours affectionately.