

Thomas Jefferson, November 8, 1804, Annual Message, Draft and Printed Copy , from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

FOURTH ANNUAL MESSAGE.1

1 Relative to this message Gallatin wrote to Jefferson on Oct. 29, 1804:

“ Dear Sir,—I return your message with such remarks as occurred. It was not received till Saturday, which must be my apology for not returning it sooner.

“The Register being absent, I have been obliged to go myself through all the minutiae of calculations, instead of only marking the outlines and revising the work. The complete materials for your financial paragraph will not for that reason be completed till tomorrow. In the meanwhile the following sketch is correct, except for the amount of principal public debt redeemed, which is not yet ascertained.

Balance in Treasury, 30th Sepr, 1803 5,860,981.54 Receipts during the year vizt impost 10,729,708.54 Lands, repayments, arrears taxes & excise &c 844,502.50 11,574,211.04 17,435,192.58 Expended during the year vizt Current expenses civil & military, foreign & domestic 3,727,081.31 Instalment to Great Britain 888,000 Payments for intr. & principal pub. debt (a) 7,937,886.16 12,552,967.47 Balance in Treasury 30th Sepr 1804. 4,882,225.11 17,435,192.58

(a) of which payments, about 3,600,000 for principal.”

Gallatin's “remarks” on the message were as follows:

“ *Irregularities in American seas & in our harbours.* As it is wished that Congress would make provision on two points immediately connected with the captures near S. Domingo,

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and with the aggressions at New York, by restraining the arming of our vessels and by enabling the Executive to enforce the jurisdiction of the U. States in our ports against foreign vessels; and as the expression of that wish would evince the disposition of the Executive equally to restrain the irregularities of our own people and to repel the insulting aggressions of the belligerent powers on our coast; would there be any objection to introduce at the end of this paragraph a recommendation to that effect?

“ Spanish objections to the ratification of the Convention.

“1. The public mind is altogether unprepared for a declaration that the terms & object of the Mobile act had been misunderstood by Spain; for every writer, without a single exception, who has written on the subject, seems to have understood the act as Spain did: it has been justified by our friends on that ground; and the declaration in the message, without some short explanation, may be distorted into an avowal of some humiliating concession to Spain by the Executive. Might not, to obviate this, some words be introduced where speaking of the misconceptions of Spain, which would state that Spain had erroneously supposed, that it was intended to organize a custom house, within territories still in her possession, and claimed by her, before possession had been obtained by ourselves?

“2. This may lead to say something of the yet unascertained boundaries of Louisiana, a subject of sufficient importance to excite animadversion if it was altogether omitted in the message, especially as the ensuing paragraph announces, in an unqualified manner, the acquiescence of Spain in the validity of our title to Louisiana. Perhaps the ensuing paragraph might be transposed so as to precede that entitled ‘Spanish differences’ qualifying it by adding, that Spain however does not yet acknowledge our title to the full extent of our rightful claim: and then the subject of the misconception of the Mobile act would follow of course, & the intention of the Executive, not to abandon the claim in any degree but to abstain from exercising jurisdiction or taking forcible possession till all other means were exhausted, be fully understood.

Library of Congress

“3. The total omission of the other impediment to the ratification of the convention vizt. what relates to the 6th article appears perfectly proper as it relates to Spain itself, inasmuch as it avoids commitment on our part and leaves them free, without wounding their pride, to receive & ratify whilst they may understand the Tunis paragraph as perfectly applicable to themselves. But that omission, as it relates to Congress, may be animadverted, as a concealment from that body of an important part of the whole ground. Perhaps, without expressly mentioning the whole article some general expressions might be introduced, at the same time alluding to other objections of Spain, and stating the expectation that the explanation on the Mobile act would also remove them.

“ *Delivery of stock.* The words ‘discharge of our obligations’ seem too strong & general, as they might be construed to imply a discharge of our obligation to pay. The obligation from which we are discharged is that of delivering the stock within three months after the ratification of the Convention as had been provided by that instrument, a provision which embarrassed us at the time on account of the proposed ‘bien entendu’ which Pichon wanted to insert in the exchange of ratification & on account of the delays in taking possession of New Orleans which delayed the delivery of the stock till the last week of the three months. The *legal* delivery of the stock consisted in delivering it to Lieut. Leonard, whose receipt together with a letter from Mr. Pichon acknowledging that act to be a full execution of the Convention, are filed in the Register's office as the evidence of the delivery; and that letter of Pichon is the only *discharge which we have received*, at the Treasury, *from the government of France*. Mr. Livingston, says, however, that he has sent to the Department of State receipts for the delivery of the stock in France: these I have not seen, and as we consider the transaction, so far as there was any obligation on our part, closed by the delivery here, I have never applied for them: indeed I believe that they are merely personal & so far as they come from the French government, must be a receipt not for the stock, but for the bills of Hope & Baring which had been deposited with him & which he delivered to the French government. The whole transaction is so complex that I think the best way will be generally to say that the stock was *timely* delivered in

Library of Congress

conformity to the provisions of the Convention, without giving copies of the documents which are numerous, lengthy and uninteresting. Add to this that it is not convenient, unless necessary, to bring into view the contract of Baring & Hope with the French govt., for the Louisiana stock, as they gave but 16/ in the pound for it: which may excite animadversions on the state of our credit & on the conduct of the negotiators of the treaty.

“ *Barbary powers*. Quere. Whether the late accounts from the Mediterranean fully justify the expectations arising from the energy of all the officers?

“ *Upper Louisiana*. I do not understand what is meant by the appointment of commandants in the forms of the Constitution. The expressions in the 12th sect. of the act of 26th March 1804, are ‘except the commanding officer, *who shall be appointed by the President.*’ The same words precisely are used in the 2d & 3d sect, of the act ‘to provide for the erecting and repairing of arsenals and magazines and for other purposes’ past April 2d, 1794, in relation to the appointment of superintendant & master armorer of the armories, and of superintendant of military stores: and in these cases the power to appoint has uniformly been considered & exercised as vested in the President alone. From which I infer that the authority to appoint commandants in Upper Louisiana is also vested in the President alone. But if it was not, it is perhaps as well not to allude to the principle, because there have been some instances of newly created offices which the President has, from the necessity of the case, filled during the recess of the Senate, though no special authority had been given to that effect. I remember the first collectors of Bristol (R. I.) & Michillimakinac being appointed in that way in 1801.

“ *Gunboats*. The object of these vessels, as a substitute to fortification agt. naval enterprise, and for supporting the authority of the laws within harbours, is correctly defined. Nor, provided that the expenditure shall be kept within due bounds, is there any plausible objection except that, after providing such as are wanted for the last mentioned purpose, those which are wanted for the first, may in the case of war be so speedily built, that it is not necessary to provide for them beforehand; as the expense of keeping them in repair &

Library of Congress

of the men to watch them will cost more in two years than the mere building expense. This, however, may be provided for hereafter; and I would only wish to have a *true* estimate of the expense of building & keeping either in actual service or ordinary, and to know the number intended to be built & to be kept in service. But so far as relates to the message, I much fear that the efforts made in federal papers to impress the idea that this establish. is intended as a substitute to the navy have so far succeeded that some distortion of the President's recommendation will take place.

“ *Repairs to our frigates.* This must certainly be done; but it seems questionable whether it should make part of the message. It is true that it ought to be considered as an evidence of the attention paid by the President to the navy; but so much has been said on the subject of the ships rotting in the eastern branch, as if the waters of that creek had a peculiarly corrosive quality, that not only the federalists but also the inhabts. of other seaports will eagerly seize the opportunity to disseminate the opinion that their predictions are fulfilled. If the message shall be silent on that head, nothing more will be necessary than for the Secy. of the Navy to include the item for that object in the annual estimates; and it will probably be voted without any observations. Should it, however, provoke an inquiry, the Secy. of the Navy may then make a special report which may be framed so as to meet or anticipate objections and cavils.

“ *Acceptance of volunteers.* Is this really wanted? And may it not always be timely provided for by Congress whenever an emergency shall require it? The application for a general provision is liable to objections of an intrinsic nature, and will be artfully compounded with the system of volunteer corps under Mr. Adams' administration in 1798.”

“ADDITIONAL REMARKS.”

“It does not seem that the French aggressions in N. York, if they exist, should be embraced in the same sentence with the British. Even if the reports be true, their conduct

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has been *generally* unexceptionable there; and a single departure cannot be compared with the unremitting insults & blockade by the British.

“ *With the nations of Europe in general our friendship is undisturbed. Does not this embrace Spain & is it not therefore too general?*”

“ *From the other powers on the same coast (Barbary) we have every mark of the continuance of their friendship &c. Do not the last accounts from Morocco contradict this report?*”

“ *Territory of Orleans. Is it not to be apprehended that the persons appointed members of the council, or a majority, will refuse to serve?*”

“ *Indians of Louisiana. Said to be friendly so far as we have yet learned. Have not some murders been committed at St. Louis?*”

Endorsed “(Received Oct. 29, 04)”

November 8, 1804.

To the Senate and House of Representatives of the United States:

To a people, fellow citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities too on the ocean, which generally harass the commerce of neutral nations, have, in distinct parts, disturbed ours less than on former occasions. But in the American seas they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the authority of the laws have been committed which have called for serious attention. The friendly conduct of the governments from

Library of Congress

whose officers and subjects these acts have proceeded, in other respects and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted nor left unprovided for. Complaints have been received that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the meantime, inconsistent with the peace and friendship existing between the two nations, and that conformably to these intentions would be the execution of the law. The government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more, the confirmation of them by the tenor of

the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been

Library of Congress

withdrawn, its exact limits, however, remaining still to be settled between us. And to this is to be added that, having prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe in general our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them, also,

whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war, but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

Library of Congress

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana, it has been thought best to adopt the division into subordinate districts, which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provision of the law, and so soon as they can be at their station, that district will also be in its due state of organization; in the meantime their places are supplied by the officers before commanding there. The functions of the governor and judges of Indiana have commenced; the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal, as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly-acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly; and with these dispositions on their part, we have in

our own hands means which cannot fail us for preserving their peace and friendship. By pursuing a uniform course of justice toward them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them and only not losing to us, and so regulated as that no incendiaries of our own or any other nation may be permitted to disturb the

Library of Congress

natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side of the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, have ceded to us all the country between the Wabash and the Ohio, south of, and including the road from the rapids towards Vincennes, for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting three hundred miles on the Ohio, and near half that on the Wabash. The produce of the settled countries descending those rivers, will no longer pass in review of the Indian frontier but in a small portion, and with the cession heretofore made with the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28th, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for.

The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility towards supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place the moment they are wanting; the facility of their assembling from different parts of the coast

Library of Congress

to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay when not in actual service; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be insured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year with estimates for the ensuing one, will as usual be laid before you.

The state of our finances continues to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending on the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upward of \$3,600,000 of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upward of twelve millions of the principal, and a greater sum of interest, within that period; and by a proportional diminution of interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year, exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upward of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the farther redemption of the funded debts as rapidly as had been contemplated. These, fellow citizens, are the

Library of Congress

principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session, but in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents or of the public force is perfect in all its parts; in fine, whether anything can be done to advance the general good, are questions within the limits of your functions which will necessarily occupy your attention. In these and other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.