THE PAPERS OF THOMAS JEFFERSON

From William C. C. Claiborne

DEAR SIR,

Near Natchez, March 4th 1802

My appointment to this Government, (& if I am not greatly deceived, my conduct since my arrival,) has been pleasing to a great majority of the Citizens:—But from a variety of causes, some difficulties will attend me, in the progress of my administration.—Already my Predecessor has evidenced a disposition, to rekindle the flame of party, & his most zealous partisans, although few in number, are equally active in their mischievous machinations;—but I pray you to be assured, Sir, that Justice & decision shall characterize my public Conduct, and that nothing shall divert me, from the political course, you were pleased to prescribe me.—

The Judges of this Territory, are violent men, greatly under the control of their passions, and fixed in their hatred to the Second Grade of Government, and to Republican principles;—the Secretary is not so open in his opposition, but in sentiments & wishes, he is no less inimical;—a decided majority however, of the People, are attached to the representative System, which at present exists, and I shall cordially unite with theirs, my efforts in its support;—but to aid me, in such endeavours, I feel greatly the want of a Secretary, capable of some exertion of mind, and a character in whom I could confide.—

Colonel Steele is remarked for his attachment to the policy, formerly observed in this Territory;—his office is made the place of rendezvous, for the opponents to the Second Grade of Government, & these Gentlemen are exclusively in his confidence;—for some Weeks after my arrival, I attributed the Secretary's apparent apathy, concerning the affairs of this Territory, to his then low state of health, but this opinion is now changed, and I see in his conduct, daily proofs of his determined ill-will to my administration.

It is with great regret, that I express myself thus freely of a public officer, but I am compelled to do so, from the strongest considerations of duty—

Previous to my departure from Tennessee, I addressed to Colonel Steele, a very polite Letter, advising him of my appointment, and assuring him of my desire to possess his confidence and friendship, and ever since my arrival, I have uniformly paid him the most respectful attention; but on his part, he has been far from manifesting a corresponding disposition.—

In the discharge of my Official duties, the connection between the Secretary and myself, is necessarily intimate;—I am compelled to confide much to him, and on many occasions to solicit his aid in the dispatch of public business. Thus circumstanced, I must confess, that my present situation with Colo. Steele, is painful in the extreme, and I humbly supplicate you, to relieve me therefrom.—

If my much esteemed President, should honor me, with a continuance of his confidence, and it should be the will of the Honorable Senate, to confirm my present appointment, every exertion in my power, shall be used, to promote the happiness of this portion of the American Citizens;—but in forwarding this first wish of my Heart, I should derive great aid from a Secretary well disposed to the Second Grade of Government;—to Republican principles generally, and a man of information & firmness.—

Before I conclude, I pray you, to excuse the liberty I have taken, in addressing to you this Letter;—I again repeat, that I am compelled to do so from the strongest considerations of duty to the Government, and to myself.—

With best wishes for a continuance of your happiness, in private and public life! — $\,$

I have the honor very respectfully to be, Dear Sir, your affectionate friend and most obt. Hble. Servt.

RC (DLC); in a clerk's hand, signed by Claiborne; at foot of text: "The President of the U. States"; endorsed by TJ as received 27 Apr. and so recorded in SJL.

JUDGES OF THIS TERRITORY: Daniel Tilton and Peter Bryan Bruin were appointed judges of the Mississippi Territory in 1798. Seth Lewis was appointed chief justice of the territory in 1800, replacing William McGuire (Dunbar Rowland, Courts, Judges, and Lawyers of Mississippi, 1798-1935 [Jackson, 1935], 11-13, 16-18; JEP, 1:272, 354; Vol. 30:280-1).

WILLIAM C. C. CLAIBORNE

Claiborne's VERY POLITE LETTER to John Steele was dated 5 Aug. 1801. It informed the secretary of Claiborne's appointment as territorial governor, but added that he would not be able to leave Tennessee for Natchez until at least the end of September. In the interim, Claiborne was pleased that Steele would continue to serve as acting governor, stating that "in your Official fidelity and integrity, I place entire confidence." He also asked Steele to engage suitable lodgings for him in Natchez and looked forward to Steele's "official co-operation, and friendly council" (Terr. Papers, 5:244-5).

Shortly after Claiborne wrote TJ the letter above, he also corresponded with Thomas T. Davis. TJ saw the letter and made an extract of it. In the communication with Davis dated 6 Mch., Claiborne was critical of territorial secretary John Steele. The governor repeated his allegations that a significant Federalist opposition remained in Missispipi, including the territorial judges, the secretary, and "old Winthrop." Claiborne deemed Steele to be "among the greatest enemies I have in this Territory" and at-

tributed his behavior to a thwarted expectation of being appointed governor of Mississippi. He "never will forgive me for the disappointment," wrote Claiborne. He also informed Davis of his request that TJ not reappoint Steele as secretary when his term of office expired on 7 May, noting "I sincerely hope my request will be granted" (Tr in DLC; with extract in Meriwether Lewis's hand; at head of text, in TJ's hand: "Extract of a letter from Govr. Claiborne to Thomas T. Davis dated Natchez Mar. 6, 1802").

From Nicolas Gouin Dufief

à Philadelphie. Le 4. Mars. 1802. au milieu des rejouissances & des acclamations d'une multitude de Citoyens

Monsieur,

Aussitôt la reception de votre lettre j'ai mis à part pour vous la chimie de *Chaptal* en 3. V.: 80. Je me suis ensuite occupé à chercher l'édition de *l'Odyssée* que vous souhaitez. Il paroit que c'est un ouvrage rare du moins à Philada. puisque plusieurs jours d'une recherche active se sont écoulés sans pouvoir en découvrir un seul exemplaire—si, une tres belle Edon. du même ouvrage par les *Foulis*, en 2 Vs. In folio, pouvoit vous convenir au defaut de l'autre faites-le moi savoir. Le prix en sera de huit dollars—cet ouvrage fesoit partie de la Collection des classiques du *Dr Franklin*

Je publierai sous peu de jours Le catalogue des livres que j'ai reçus tout recemment de *France*: il vous sera envoyé dès qu'il paroitra

J'ai l'honneur d'etre, Monsieur, avec tous les sentimens Qui vous sont dus à tant de titres Votre trés devoué serviteur

N. G. Dufief

EDITORS' TRANSLATION

Philadelphia. 4 March 1802. in the midst of the rejoicing and the cheers of a multitude of citizens

SIR,

Immediately upon receipt of your letter, I put aside for you Chaptal's Chemistry in 3 vols. octavo. I then set about looking for the edition of *The Odyssey* that you desire. It seems that it is a rare work, at least in Philadelphia, since several days of active research have gone by without being able to discover a single copy. If a very fine edition of the same work by the *Foulis*, in two vols., in folio, could suit you in place of the other, let me know. Its

price will be eight dollars. This work was part of the classics collection of Dr. Franklin.

I shall publish within a few days the catalogue of the books that I received recently from France; it will be sent to you as soon as it comes out.

I have the honor to be, Sir, with all the sentiments that are your due for so many reasons, your very devoted servant N. G. Dufief

RC (DLC); endorsed by TJ as received 8 Mch. 1802 and so recorded in SJL.

ACCLAMATIONS D'UNE MULTITUDE: on 4 Mch., the Philadelphia Militia Legion commanded by John Shee paraded through the city's streets to mark the anniversary of TJ's inauguration. According to the Aurora, the legion's companies dispersed after the parade "to enjoy themselves in that social manner, and partake of those pleasures which the exertions of republicans in combating a host of internal foes, abetted by external influence, so well entitle them to." The city's Tammany Society held a Native-Americanthemed event in their "great wigwam." Led by their "chiefs," the members then divided into 13 "tribes," representing the original states, and marched to the State House (Independence Hall), where they viewed the militia parade and "joined the procession." The Republican Volunteers, a cavalry troop commanded by Congressman William Jones, convened at the Swan on Race Street. They toasted,

among other things: the president; the anniversary of the "day of our regeneration"; the "repeal of the midnight judiciary—May we soon be relieved from those who would never have reached the bench, if they had been of good behavior"; a repeal of internal taxes; and a "revision of the naturalization law." Democratic Republicans also celebrated the day in Boston (Aurora, 4, 5, 6 Mch.; Philadelphia Gazette, 4 Mch.; Boston Mercury and New-England Palladium, 5 Mch.).

VOTRE LETTRE: TJ to Dufief, 19 Feb. The work by Jean Antoine CHAPTAL was Élémens de Chymie. Dufief obtained the three-volume third edition, published in Paris in 1796, for TJ (Sowerby, No. 831).

ÉDITION DE L'ODYSSÉE: TJ wanted the Foulis duodecimo edition of Homer's *Odyssey* in Greek and Latin. He already owned a copy of the two-volume folio edition in Greek by the same publisher that Dufief offered him from Franklin's library (Sowerby, Nos. 4267, 4270; Vol. 10:165, 201, 417; TJ to Dufief, 19 Feb.).

From Anonymous

SIR [before 5 Mch. 1802]

Our Country by Your Assistance is happily delivered from King Craft and Priestcraft but it Labours under Lawyers Craft. I mean by Lawyers Craft, their making long Speeches to display their Abilities, and to try to pervert Justice. by this means 2 days are taken up in trying a cause of a trifling Assault, &c. by this means, tryals are put off when witnesses Come and wait att Great Expence, & 2. 3. or 400 Persons are kept from their Occupations, trials put off for 7 Years, to the great Injury, of this country and we believe if more Courts were multiply'd Lawyers would be multiply'd in Proportion. we See no hope of redress Unless from You. as Jurors we wish to Serve our Country but are tired by waiting 5 Days and doing So little buisness.

we hope you will [prese]nt Some Plan that the Buisness in our Courts of Justice may be Expedited

I believe this is the Common Language of all this Country & we wish to Lay this before you in hope of Redress. we hope you will Accept this Plain address from Your Friends and pay Such attention to it as appears to you it requires¹

RC (DLC); undated; torn; addressed: "For His Excellency Thomas Jefferson President of the United States of America att the City of Washinton"; franked; postmarked Philadelphia; endorsed by TJ as received 5 Mch. and "Anon. postmark Phila. dilatoriness of courts" and so recorded in SJL.

In 1802, WITNESSES and JURORS in the courts of the United States received \$1.25 for each day they attended in court, plus traveling expenses at the rate of five cents per mile (U.S. Statutes at Large, 1:626).

¹ MS: "requris."

To Henry Dearborn

Th: Jefferson to General Dearborne.

[5 Mch. 1802]

I have been looking into the case which is the subject of Majr. Foreman's letter from St. Mary's, stating that the Govr. of E. Florida proposes to enlist souldiers within our territory for an expedition against the Creeks. the statute of June 14. 1797. is only against naval enterprizes. but that of Mar. 3. 1799 regulating intercourse with the Indians, comes perfectly up to this case in sections 3. 4. 6. by which to go on the Indian lands without a passport is punishable by fine of 50. D. & 3. months imprisonment, to go on them with an hostile intention, or to commit on them a robbery, larceny, trespass or other crime by fine of 100. D. & 12. months imprisonment, and to murder an Indian is punisheable by death, besides this if it be known that any person proposes to go on such an expedition, a justice of peace may prevent it by arresting him & committing him to jail until he gives security against a breach of the peace. as to taking an oath of allegiance to Spain, the law will consider that as merely a cover for the crime meditated, a mere fraud, which will have no other effect than to prove a more deliberate premeditation of the crime. this case will be clearly within the positions of the Attorney General's opinion in Henfield's case, May 30. 93.

The law regulating intercourse with the Indians expired the day before yesterday. but it will doubtless be revived. I think therefore we shall be safe in making a communication to Majr. Foreman on the hypothesis of it's being in force.

Th: Jefferson

RC (NjP); undated. PrC (DLC). Recorded in SJL as a letter of 5 Mch. to the War Department, with notation: "enlisting souldiers by Spands."

MAJR. FOREMAN'S LETTER FROM ST. MARY'S: TJ mistook the name of Major Constant Freeman, a U.S. artillery officer in command of Fort Johnson, South Carolina. On 19 Feb., Freeman sent the War Department a copy of a letter from Captain Richard Scott Blackburn at Fort Washington on the Saint Marys River. That river separated Georgia from Spain's province of East FLORIDA and formed the southern boundary of the United States as specified by the Pinckney Treaty of 1795. Blackburn reported that the governor of East Florida had called out the province's militia in response to an attack by Indians on a Spanish settlement. Blackburn also related a hearsay report that the governor intended to enlist men in Georgia for an EXPEDI-TION AGAINST THE CREEKS. The governor of East Florida was Enrique White, a native of Ireland who had entered the Spanish army as a cadet and advanced to the rank of brigadier general. "It will be only necessary to swallow an Oath for the term of the Expedition," he reportedly said of the prospective recruitment in Georgia. From January to March 1802, William A. Bowles and his Native American allies laid siege to St. Marks in an ultimately unsuccessful effort to recapture that fort. Spanish authorities also held Bowles responsible for various attacks by Indians along the Florida frontiers. On 22 Mch., Carlos Martínez de Irujo wrote to Madison insisting that the United States take action. Stating that Bowles had his base of operations in U.S. territory, Irujo cited Article 5 of the Pinckney Treaty, which obliged the United States and Spain "expressly to restrain by force all hostilities on the part of the Indian Nations living within their boundaries" (Freeman to Henry Burbeck, 19 Feb. 1802, enclosing copy of Blackburn to Freeman, 11 Feb., in DNA: RG 107, LRUS; Dearborn to Mahlon Ford and others, 11 June 1801, in same, LSMA; Miller, Treaties, 2:319-20, 322; Madison, Papers, Sec. of State Ser., 3:63-4; J. Leitch Wright, Jr., William Augustus Bowles: Director General of the Creek Nation [Athens, Ga., 1967], 152-3; William S. Coker and Thomas D. Watson, Indian Traders of the Southeastern Spanish Borderlands: Panton, Leslie & Company and John Forbes & Company, 1783-1847 [Pensacola, Fla., 1986], 237-8; David Hart White, Vicente Folch, Governor in Spanish Florida, 1787-1811 [Washington, D.C., 1981], 59-60; Eileen A. Sullivan, "Irish Military Men Serving Spain in North America in the 18th and 19th Centuries," The Irish Sword: The Journal of the Military History Society of Ireland, 21 [1999], 387-8; Heitman, Dictionary, 1:222, 262, 435; Vol. 33:175).

The 14 June 1797 STATUTE was "An Act to prevent citizens of the United States from Privateering against nations in amity with, or against citizens of the United States" (U.S. Statutes at Large, 1:520).

Gideon HENFIELD'S CASE was an issue for the Washington administration when TJ was secretary of state. Henfield, a mariner originally from Massachusetts, enlisted for service on the Citoyen Genet, which sailed from Charleston, South Carolina, as a French privateer authorized by Edmond Charles Genet. Washington's Proclamation of Neutrality prohibited Americans from serving any of the nations that were at war, and when Henfield arrived in Philadelphia as the master of a captured prize, the cabinet unanimously agreed to prosecute him as a test case. There was no statute covering that provision of the proclamation, but in an opinion of 30 May 1793 requested by TJ, Attorney General Edmund Randolph argued that the seaman could be prosecuted because according to treaties between the United States and several of France's enemies, American citizens could not fight against those countries. Treaties "are the Supreme law of the land," Randolph stated. He said that Henfield could also be indicted under common law "because his conduct comes within the description of disturbing the Peace of the United States." The prosecution of Henfield-whom a jury

acquitted—contributed to the rift between the U.S. government and Genet (Vol. 26:40-1, 130-1, 145-6, 159-61, 198, 702).

From Henry Dearborn

SIR,

War Department 5h March 1802.

Governor Clinton by his letter of the 20th. ultimo, requests that a Commissioner on the part of the United States might be appointed to attend a Treaty with the Oneida Indians for the purchase of about ten thousand acres of land, which that Nation is desireous of selling, and which has heretofore been leased out to white people.

The six Nations have also expressed a wish to dispose of a narrow strip of land, which they consider as useless to them, bordering on Niagara river, and a small tract near the former Cayuga settlement.

Accept, Sir, the assurances of my high respect and consideration.

H. Dearborn

RC (DNA: RG 46, EPEN, 7th Cong., 1st sess.); in a clerk's hand, signed by Dearborn; addressed to "The President of the United States" from the War Department; endorsed by TJ as received 5 Mch.; endorsed by a Senate clerk as received 10 Mch. FC (Lb in DNA: RG 107, LSP). Enclosed in TJ to the Senate, 9 Mch. (see ASP, Indian Affairs, 1:663).

According to the War Department's register of correspondence, the LETTER that George Clinton wrote at Albany on 20 Feb. pertained "to the appointment of Commissioners to treat with the Oneida & St. Regis Indians" (DNA: RG 107, RLRMS).

The New York legislature passed resolutions in February to advance the transaction with the ONEIDA INDIANS, and in March the state and the tribe made a "provisional agreement" sealed by a payment of \$300 from the state to the Oneidas. On 4 June 1802, John Tayler represented the United States when agents for New York State confirmed the sale with a treaty whereby the Oneidas ceded title to four pieces of land. The state agreed to give the tribe, in addition to the payment

made in March, \$600 plus a \$300 annuity. This was one of a long series of treaties, beginning in the 1780s, by which New York acquired land from the Oneidas, much of it from a tract of 300,000 acres adjacent to Oneida Lake that had been reserved to the tribe in 1788 (Treaty Made with the Oneida Nation, At their Village, on the 4th of June, 1802, by the Commissioners of the State of New-York, Under the Authority of the United States [Washington, D.C., 1802], Shaw-Shoemaker, No. 3448; Sturtevant, Handbook, 15:450, 483-4).

For the NARROW STRIP OF LAND on the NIAGARA RIVER, see Vol. 36:633, 634n. FORMER CAYUGA SETTLEMENT: after the American Revolution, many members of the Cayuga tribe moved to Canada. Some of those who remained in New York lived with other tribes. By a treaty of 1789, the Cayugas retained a 100-square-mile tract at Cayuga Lake, but in 1795 the state of New York purchased all but three square miles of that reservation. The Oneida and Cayuga tribes were members of the Six Nations confederacy (Sturtevant, Handbook, 15:435, 444, 450, 502).

Memorandum from Albert Gallatin, with Jefferson's Reply

[on or after 5 Mch. 1802]

This recommendation appears unexceptionable—Mr Macon says that there is no one in that part of the country on whom greater reliance may be placed than Mr. Spaight. Mr Stone who lives nearer to, though not in the district, is absent

A. G.

[Reply by TJ:]

not one of the recommendations say a word about mr Cheney's politics, an omission which, in applications to this administration, I have observed to be almost invariably a proof of federalism. we must enquire into this circumstance.

Th:J.

[Comment by Gallatin:]

Mr Stone is not acquainted there. There is no other applicant.

MS (DNA: RG 59, LAR, 2:0158-9); undated, but see below; on a scrap of paper, with TJ's reply and Gallatin's comment on verso.

Richard Dobbs spaight, the former North Carolina governor and Republican congressman, wrote Gallatin from New Bern on 14 Feb., recommending Benjamin Cheney as a proper person to fill the vacancy caused by the death of John Easton, who had served as surveyor of the port of Beaufort, North Carolina, in the New Bern district, since 1790. Cheney was already serving as an inspector of the port discharging the duties "to the Satisfaction of those under whom he has acted." Several years earlier, he had "done the business for Colonel Easton." On the same day, Spaight also wrote North Carolina Senator Jesse Franklin, requesting that he solicit "the Cabinet" in favor of his friend Cheney, who was "a Man of an unexceptionable character, a good & attentive officer, and one Generally respected in the County in Which he lives." Franklin was asked to show Spaight's letter to David STONE, the other Senator from North Carolina, and to inform Congressman Nathaniel Macon of his wishes. On 5 Mch., Franklin sent Spaight's letter on to Gallatin, noting "I presume you are acquainted with Colo Spaight, whose recommendation I think intitled to great respect" (RCs in DNA: RG 59, LAR, all endorsed by TJ; JEP, 1:37, 39; *Biog. Dir. Cong.*).

On 15 Feb., Francis Hawks, collector at the district of New Bern, wrote Gallatin that he had appointed Cheney to fill the vacancy until the president could appoint a successor. Hawks described Chenev as a person "of integrity and diligence and fully Capable of the business" who was "worthy of the Presidents confidence," having served for many years as an "officer in the Revenue Service" (RC in DNA: RG 59, LAR, endorsed by TJ; ASP, Miscellaneous, 1:276, 287). Cheney himself wrote the Treasury secretary on 15 Feb., acknowledging his "Temporary appointment" and offering himself as a candidate for the office; recommendations were being sent on his behalf, which he hoped Gallatin would show the president (RC in DNA: RG 59, LAR; endorsed by TJ: "Cheney Benj. to mr Gallatin. to be Surveyor of the port & Collector of the district } of Beaufort N.C."; TJ then canceled "& Collector of the district"). On 16 Feb., John Daves, the former collector at New Bern, wrote John Steele, the U.S. comptroller, recommending Cheney. Finally, North Carolina congressman John Stanly wrote Gallatin on 3 Mch., asking him to tell the president that his long ac-

quaintance with Cheney gave him confidence in his "Integrity & Ability" and worthiness for the appointment. No appointment to that office would be more acceptable to the citizens of the district (both RCs in same, endorsed by TJ; *Biog. Dir. Cong.*).

NO OTHER APPLICANT: on 15 Mch., Stanly again wrote Gallatin and enclosed a letter, dated 17 Feb., addressed to the Treasury secretary from 15 merchants at Beaufort recommending Brian Hellen. The merchants reported that age and infirmities had for several years rendered Easton unable to attend to his duties and he had chosen Hellen "to act as a Deputy in his behalf." They described Hellen as "a plain honest man" with a "ready turn for business," and Stanly testified that Hellen possessed "Integrity & ability" (RC and enclosure in DNA: RG 59, LAR; endorsed by TJ). TJ submitted Cheney's nomination to the Senate on 27 Apr. (see TJ to the Senate, at that date).

From John Hughes

SIR

Columbia State S.C March 5 AD 1802

I wrote you formerly my Opinion, of there being a propriety, of attending to ameliorate, the condition of prisoners of War, & of the certainty of a War with England, & the propriety of declairing the War in particular against its Government, and treating English prisoners of War, as was done, at the commencement of the Revolution, allowing the Sailors their Wages, and Ventures, out of the Prise taken—

I conceive that a vigilant attention should be kept on those, who are.

I conceive that a vigilant attention should be kept on those, who are, or may be employed, by the british Governt. on the footing of Citizenship, even such a man as Nicholas Madgett might have a protection—Justice intitles the sincere foreignor to favour, but, should guard against the Impostor, whose admition is banefull to the publick wellfare; and who mostly intangle their employers in Deception (justifying the old addage of) honesty is best policy-The Purport of this, is chiefly to inform you, of a discovery made in the year 1785, on an Emminence near the East End of Jamaica, in a clear Morn, with a common Tellescope of Dollands, viewing the Sun, as he emerged from the Ocean, I discovered 3 Globes, or Sattelites, near the Sun, I long suspected that such, was the Cause of the Dark Spots, seen on that Planet; from the Distance of these Globes I think the Number is 7—repeated observations convinces me of this Visual truth. I shewed it to Friend, now no more—having seen no publication of the subject, I now submit it to your consideration to assertain the Truth—

An early aversion to methodic Systems, and various impediments obstructing my persuits, have deterred me from Scientific Activity, my Days are hastning to a period, observation with you, may publish what may for some Time, otherwise perish, with an obscure individual—who is with Esteem yours

John Hughes

RC (DLC); at foot of text: "Thos Jefferson. President of the U.S. of America"; endorsed by TJ as received 26 Mch. and so recorded in SJL.

I WROTE YOU FORMERLY: Hughes to TJ, 10 Jan. 1802.

In 1798 and 1799, northern newspapers reported that a former British spy named NICHOLAS MADGETT had emigrated to the United States and was residing in Philadelphia. By 1799, he had moved to South Carolina, where he was engaged in viticulture near Columbia

(New York Time Piece, 2 July 1798; Aurora, 15 Mch., 1 May 1799; Richard Hayes, Biographical Dictionary of Irishmen in France [Dublin, 1949], 196-7; Madgett to TJ, 10 Sep. 1805). A letter from Madgett to TJ dated 9 Apr. 1799 from Columbia, received 20 June, and TJ's reply of 26 June 1799 are recorded in SJL, but have not been found.

TELLESCOPE OF DOLLANDS: makers of optical and scientific instruments, the Dollond family of London was renowned for its high-quality telescopes (DNB; Vol. 25:352; Vol. 34:272).

To Samuel Smith

Dear Sir

Washington Mar. 5. 1802.

This is meant merely as a private suggestion to hasten the proceedings of the committee on Indian affairs of which you are chairman, the act regulating intercourse with the Indians expired the day before yesterday, in the mean time we are told the Govr. of E. Florida is preparing to enlist men in Georgia for an expedition against the Creeks, should the interval between the expiration & renewal of the act protect from punishment such citizens as shall join in attacking the Creeks, these people will not be easily made to comprehend this legal nicety, the shorter therefore the interval is, the less time will be uncovered by the law, & the less chance of offenders escaping by the accident, the Indians are so sore on our not punishing offenders against them, that I am anxious to guard against it, on this ground you will be so good as to pardon my suggesting your attention to the speedy revival of this act, health and affectionate salutations

TH: JEFFERSON

PrC (DLC); at foot of text: "Genl. S. Smith"

On 7 Jan., after Smith presented a memorial of the Society of Friends' Baltimore yearly meeting about Indian affairs, the House of Representatives made him, Roger Griswold, Thomas T. Davis,

William Hoge, and John Randolph a COMMITTEE to consider the subject. The ACT REGULATING INTERCOURSE WITH THE INDIANS was that of 3 Mch. 1799 (JHR, 4:34; Vol. 36:278-9; TJ to the Senate and the House of Representatives, 27 Jan.).

To Henry Voigt

SIR Washington Mar. 5. 1802.

I recieved my watch by Doctr. Logan, sealed up as you had delivered her. but on winding up the striking part in his presence, it clattered away until it run down, and so does as often as it is tried. I have therefore got the favor of mr Duane to take her back to you. he will be in Philadelphia some days, so that if you put her to rights immediately you may have time to see that she continues right.

I have desired mr John Barnes of this place, who acts for me in all money matters to order paiment to you in Philadelphia of 16. Dollars for the 4. medals, and of your bill for the repairs of the watch, the amount of which you will be so good as to state to mr Barnes's correspondent who will call on you. Accept my best wishes.

TH: JEFFERSON

PrC (MHi); at foot of text: "Mr. Henry Voigt"; endorsed by TJ in ink on verso.

For previous correspondence regarding TJ's watch and MEDALS, see Vol. 36:239-40, 386, 565-6.

From Simon Chaudron and John James Barralet

Monsieur

Philaie. 6 mars 1802

Nous vous prions d'accueillir favorablement Lhommage de L'Apothéose de Washington, que nous prenons la liberté de vous offrir.

Si c'est le patrimoine des arts que le privilège de célébrer les grands hommes, cest aussi le privilège des grands hommes, que de reçevoir les offrandes des arts

nous Sommes avec un profond Respect Monsieur Vos trés humbles & trés obeissants serviteurs Chaudron & Baralet

EDITORS' TRANSLATION

Sir

Phila. 6 Mch. 1802

We beg you to receive favorably the tribute of the "Apotheosis of Washington," which we take the liberty of presenting to you.

If the heritage of the arts is the privilege of celebrating great men, it is also the privilege of great men to receive the offerings of the arts.

We are with deep respect your very humble and very obedient servants

CHAUDRON & BARALET

RC (MHi); in Chaudron's hand and signed by him; endorsed by TJ as received 19 Mch. from Philadelphia and so recorded in SJL.

L'APOTHÉOSE DE WASHINGTON: in 1800, Chaudron and Barralet opened subscriptions to publish an engraving of Barralet's "Apotheosis of Washington." Soon after TJ's inauguration, Barralet asked permission to place the new president's name "at the head of the Subscription list" at no charge. There is

no record of a response by TJ, who had purchased a drawing of Volney by Barralet. In February 1802, Chaudron began to take out newspaper advertisements to inform subscribers that they could pick up the "Apotheosis," which was 24 inches tall and 19 inches wide, at his watch and jewelry shop in Philadelphia (Philadelphia Gazette & Daily Advertiser, 8 Feb. 1802; Aurora, 8 Feb.; Vol. 32:320n, 420; Vol. 33:316).

From Thomas Mann Randolph

DEAR SIR,

Edgehill March 6. 1802

I communicate to you early a plan I have formed for the more profitable employment of my Slaves, lest coming to you by report you might suppose the removal was meant to extend to my family allso. I have conceived a design of procuring land in the Mississippi territory & removing all my Slaves thither to establish a large Cotton plantation which I shall conduct by well selected agents from Virginia with my own personal inspection at least once in two years, while my health will permitt. The hope of executing this scheme the approaching Autumn has made me divulge it now that the Slaves may have their minds prepared: it is absolutely necessary even to suffer them to believe that the whole family may come after two crops have been made with which view the children are encouraged to talk of it and the neighbours permitted to believe that emigration is our design. Yourself and Martha only know the whole scheme & to no other will it ever be divulged. It is with reluctance we permitt this little deception but we must, for the scheme absolutely hangs upon it: my slaves are willing to accompany me any where but they know well I should be little with them while the family is at a distance & they set much value upon my presence: besides their attachment to Martha would make their departure very heavy unless they had a belief that she was to follow at some time. I need not trouble you with a statement of the reasons which have induced me to determine on this step as they are certainly all obvious to you. You know that our lands yield a good & sure interest now by rent: that the preservation of them is more certain under a tenant well restricted than under an Overseer who will either reject all restraint or use it as an excuse for making no profit. You know the risk of loss from large slave establishments after the

West India manner at this day in Virginia, and the little hope of profit from the culture of Tobacco now; with the certainty of immense gain from that of Cotton. You know that the oeconomic husbandry now necessarily introducing here from the multiplicity of objects it embraces; animals of various kinds, grapes grains, roots, manures, various & complicated instruments, geometric methods; cannot be successfully pursued by means of Slaves (who tho admirable for labor are little worth for Care & judgement,) unless upon a very small scale and when the person feeling the first interest joins in the daily business of the farm. You know that a climate without winter suits the constitution of Negroes and have heard that the Culture of Cotton is the least laborious of any ever practiced, never occasioning great fatigue & leaving abundant time for the raising provisions of every kind & all works for the Comfort of the laborers. Mere calculation, however alluring the result, could never have influenced me against my feelings: instead of suffering those to be blunted by dreams of Wealth I have encouraged my fancy to irritate & quicken them yet they join with cool reasoning to determine me on this step: they urge me strongly to remove these persons, whose happiness fortune has thrown upon my will, to a mild climate & gentle labor, with all their connexions I do or can in any way command rather than to keep them at extreme hard labor & great exposure¹ here or to trust them to the mercy of Strangers, wholly without power, or very little & only at times within my control. The same feelings will induce me to accompany them in their journey and impell me to visit them often enough to ensure their ease & comfort.—The first affections of my heart will be tortured by the disposal of my person this plan for a time commands but the greatness of the end will give me patience: the prospect it affords of puting within my power the means of executing the first wishes I have; to endow two sisters and to be prepared to give my Son the most complete education by attending institutions of learning and traveling abroad. Preparatory to the step I mean to take I have been leasing lands in Henrico & Bedford & albemarle upon safe agreements as to their preservation. My rents, including a small portion pay'le. in kind, allready come very near 1200\$, yet my slaves work to greater advantage this year than they have ever done being employed upon chosen spots. I am detained by the scheme of disposing by lottery of part of my property in N'o. Milton which will be executed at our District Court in april: not so advantageously I fear as I expected for the Rivanna has not been navigable at all since you left Albemarle. That done I shall set out immediately for the Natchez through Tenessee. I shall not remain there

for any consideration later than the middle of July. If I can procure land I shall move all my Slaves out except a few chosen domestics on the 1st. day of November next.—We are in good health all. The children all declared at once they could not leave Grandpapa when asked if they would go to the Mississippi.—You will oblige me greatly by any information you have or can get which may be of service to me in my scheme.

with most affectionate & constant attachment yr. &c

TH: M. RANDOLPH

RC (MHi); endorsed by TJ as received 10 Mch. and so recorded in SJL.

¹ Preceding two words and ampersand interlined.

From Abishai Thomas

Saturday March 6th [1802]

For the information of the President A. Thomas, in the absence of the Secretary of the Navy, has the honor to enclose to him a Letter receiv'd this morning from Com. Truxton, containing the pleasing intelligence that the Beef & Pork ordered for the Chesapeake about the safety of which some apprehensions were entertained has safely arrived.

RC (DLC); partially dated; addressed: "President United States"; endorsed by TJ as received from the Navy Department on 6 Mch. and so recorded in SJL. Enclosure not found.

On 5 Mch., Thomas had written Commodore Thomas Truxtun (TRUXTON) to acknowledge receipt of Truxtun's letter of 20 Feb. and to express surprise that the beef and pork ordered for the frigate CHESAPEAKE at Norfolk had not yet ar-

rived, especially since several agents had informed the department that shipments of those provisions were made some time ago. Thomas also informed Truxtun that the secretary of the navy, Robert Smith, was in Baltimore and was expected to return to Washington "on Monday next." If the supplies had not arrived by then, Thomas presumed that Smith would direct the agent at Norfolk, William Pennock, to make up the deficiency (FC in Lb in DNA: RG 45, LSO).

From Elizabeth House Trist

Birdwood 6th. March 1802

The inclosed letter for Mr. Hawkins, I beg the favor of you to direct and forward. tis to be sure a liberty that few wou'd take with the President but I cannot forget or lose in that exalted Station My friend Mr. Jefferson my excuse for troubleing you, is the insecurity of conveyence to that quarter since I have been in this Country I have

written twice which I have reason to think were never received nor have I even recd. one but *thro you*, when in Phila'd our communications were thro the Department of War but the remoteness of my situation deprived me of that expedient. nor can I willingly forego one of my greatest gratifications the occasional testimonials of being remember by those I love and esteem

I am sorry that your letter to My Son has been made publick thro my inadvertence as it has occasion'd him Mortification he observed to me that it was rather unfortunate that the character of an uncautious communication so contrary to his real disposition shou'd attach itself to him more particularly with regard to a subject which will be made a handle of by the Aristocratic facton if they get hold of, as they leave no Stone unturn'd however small to wreak their vengeance upon a Man whom they consider as having Thwarted their views Sir—As matters stand it wou'd have been better I confess not to have mention'd it. but with submission to my Sons better judgement I can not be persuaded that a circumstance like this were there was no injury meditated against Mr. Steel cou'd effect you or injure you in the opinion of any one so that my mind is tranquil on that score I wish my tongue may never betray me into greater evils-Ere I conclude I must recall to your remembrance my swarthy freind Easton for six months he has been suspended on the tenter hooks of expectation buoyed up with the hope of obtaining the Consular appointment which his friends have already solicited for him he seems almost in despair his letter by the last post excited my Sympathy in so great a degree as to make me miserable, a man possessing noble and generous sentiment under the pressure of adversity with a halpless family to support has a claim at least to my commiseration He is apprehensive that some one has prejudiced you against him, he has been inform'd that Mr Madison was not his friend but from what cause he knew not unless it is his Politicks. which he says are litterally his own and never gave offence to any Soul even when party Spirit was at the highest his liberallity never allowd him to condemn any man for thinking differently from him self. the delay of his application or rather answer to it, considerably added to his embarrasments the loss of time together with the expence will be seriously felt what ever may be the Issue Tis said that Mr Isnardi gaind his appointment by teazing and the most Officious perseverence—I have long been of opinion that a Man diffident of him self has little chance of being notice'd unless his talants are transcendently conspicuous or his friends of importance in the Political world—I have often regreted my want of talant as well as repugnance to solicitation in behalf of my friends, if

I cou'd Serve a worthy character why shou'd pride or diffidence repulse the best emotions of my heart—In this instance I supposed Mr E cou'd not want friends to recall him to your remembrance or shou'd I believe have been more troublesome to you however painful, for I am convinced you have sufficient to attend to without being teazed by my uninteresting scrbble permit me my Good Sir to reiterate my wishes for Mr Eastons promotion and if not practicable to relieve him from a state of suspence and be assured of my most sincere Respect Gratitude and Friendship

E Trist

RC (NcU: Nicholas P. Trist Papers); addressed: "The President of the U. States Washington"; franked; endorsed by TJ as received 10 Mch. and so recorded in SJL. Enclosure not identified.

YOUR LETTER TO MY SON: in a letter to Hore Browse Trist of 17 Jan. 1802, TJ mistakenly reported the death of John Steele and invited the young Trist to consider accepting the office of secretary of the Mississippi Territory in Steele's place (Vol. 36:389).

On 5 Nov. 1801, Elizabeth Trist wrote TJ a letter introducing David EASTON, whom she had previously recommended for a CONSULAR APPOINTMENT (NcU: Nicholas P. Trist Papers; Vol. 35:82, 500). On 15 May 1802, TJ issued a commission for Easton to be U.S. commercial agent at Martinico (FC in Lb in DNA: RG 59, PTCC).

From John Archer

SIR,

City of Washington March 7th 1802

Should there be any Vacancy by Death, Resignation or otherwise of any of the Secretaries to any of the Legations to Europe, I would beg leave to mention to your Consideration Dr: John Archer Jun. He is a young Man about 25 Years of Age, whom I do recommend as a Man of Sobriety, Integrity and Industry

I am with the greatest Respect Your very Hble Servt

John Archer

RC (DNA: RG 59, LAR); endorsed by TJ as a letter of 7 Mch. and "Dr. John Archer junr. to be Secretary legn" and so recorded in SJL but as a letter of 6 Mch. received 7 Mch.

John Archer (1741-1810) of Harford County, Maryland, graduated from the College of New Jersey in 1760 and in 1768 received from the College of Philadelphia the first medical diploma issued in America. He served as a major in the Continental Army during the Revolutionary War and was elected a Republican congressman from Maryland for the Seventh, Eighth, and Ninth Congresses. Four of his ten children, including his son John, became doctors (*Biog. Dir. Cong.*; Papenfuse, *Maryland Legislature*, 1:107-8).

From Abraham Baldwin

ABR BALDWIN TO THE PRESIDENT OF THE UNITED STATES

March 7th 1802

It is most probable W Hobby is the author of the piece, he lives at that place and is supposed to write much for the Herald. In my former letter on that subject, I suggested there might be some foundation for such remarks, that I considered the question clearly confined to the three, of these, two had been reputed ancient whigs but modern tories, the other a uniform modern whig but not entirely free from imputation on the other head.

RC (DLC); endorsed by TJ as received 8 Mch. and so recorded in SJL but as a letter of 8 Mch.

William J. Hobby was a leading Federalist in upcountry Georgia and reputed to be the unofficial editor of the *Augusta Herald*. Gideon Granger had removed him as postmaster at Augusta in January 1802 (George R. Lamplugh, *Politics on the Periphery, Factions and Parties in Georgia, 1783-1806* [Newark, Del., 1986], 151, 169-70; Vol. 34:594-5).

THE PIECE: on 27 Feb. 1802, the Washington Federalist reprinted an anonymous letter to the president that first appeared in the Augusta Herald on 10 Feb. Signed "A Citizen," the letter criticized TJ for the inconsistency of his removal and appointment policies, specifically citing his choice of William Stephens as U.S. district judge for Geor-

gia. The author pointed out that Stephens had accepted British protection during the Revolutionary War and had appeared in the state's postwar confiscation and amercement lists. "Do you mean sir, to begin your career with such men," asked the author. "Can you expect no cordial cooperation, but from men of this character, have you lost all confidence in the American Revolutionary citizens?" When former Tories like Stephens are appointed in place of Revolutionary War veterans, "what are the citizens of America to expect from such an administration?" (Lamplugh, Politics on the Periphery, 170, 179).

MY FORMER LETTER ON THAT SUBJECT: Baldwin to TJ, 1 May 1801, in which Baldwin had recommended Stephens, George Walton, and Matthew McAllister as suitable candidates for judicial appointments in Georgia.

To William C. C. Claiborne

DEAR SIR

Washington Mar. 7. 1802.

I ask the favor of you to deliver the inclosed letters to the President of the Council & Speaker of the H. of Representatives of the Missisipi territory, they contain answers to the resolutions they were pleased to forward to me. I am gratified by their testimony to the world that I have done right in refusing to continue Governor Sargeant. as to his statement of the conversation between him and myself, the advantage is entirely on his side, because I cannot enter into controversy with an individual, it is certainly very different from what I should have given

as the sum of what passed between us. certainly he has¹ made me tell him falsehoods which were useless & without an object. the world must judge between us. the error into which I ran was not the saying any thing untrue to him, but the avoiding to speak truths which would have hurt his feelings, which I wished to spare. for this tenderness I have my reward. Accept assurances of my high esteem & consideration.

Th: Jefferson

PrC (DLC); at foot of text: "Governor Claiborne." Enclosures: TJ to the Mississippi Territory General Assembly, 2 Mch. 1802.

Winthrop Sargent's STATEMENT OF THE CONVERSATION between himself and TJ of 1 June 1801 appeared in his pamphlet, Political Intolerance, or The Violence of Party Spirit. In it, Sargent avowed that TJ had assured him that, in his view, nothing dishonorable had been attached to Sargent's character, and that he would have "ample opportunity to make his representations" regarding his conduct as governor of Mississippi before

an appointment to that office would be made. However, TJ had already appointed Claiborne to the governor's office on 25 May (Winthrop Sargent, Political Intolerance, or The Violence of Party Spirit; Exemplified in a Recent Removal from Office: With a Comment upon Executive Conduct, and an Ample Refutation of Calumny; in a Sketch of the Services and Sacrifices, of a Dismissed Officer by "One of the American People" [Boston, 1801], 31-2; Vol. 33:671, 675; Vol. 35:501-2).

¹ TJ here canceled "put into my mouth."

To Anne Cary Randolph, Thomas Jefferson Randolph, and Ellen Wayles Randolph

My DEAR CHILDREN

Washington Mar. 7. 1802.

I am very happy to find that two of you can write. I shall now expect that whenever it is inconvenient for your papa & mama to write, one of you will write on a piece of paper these words 'all is well' and send it for me to the post office. I am happy too that miss Ellen can now read so readily. if she will make haste and read through all the books I have given her, and will let me know when she is through them, I will go and carry her some more. I shall now see whether she wishes to see me as much as she says. I wish to see you all: and the more I perceive that you are all advancing in your learning and improving in good dispositions the more I shall love you, & the more every body will love you. it is a charming thing to be loved by every body: and the way to obtain it is, never to quarrel or be angry with any body, never to tell a story, do all the kind things you can to your companions, give them every thing rather than to yourself, pity &

help every thing you see in distress and learn your books and improve your minds. this will make every body fond of you, and desirous of shewing it to you: go on then my dear children, and, when we meet at Monticello, let me see who has improved most. I kiss this paper for each of you; it will therefore deliver the kisses to yourselves, and two over, which one of you must deliver to your Mama for me; and present my affectionate attachment to your papa. to yourselves love and Adieux.

Th: Jefferson

PrC (MHi); at foot of text: "Anne Th. Jefferson Eleanor," connected by TJ with a brace with "Jefferson" written at the point; in ink TJ later canceled "Jefferson" and wrote "Randolph"; endorsed by TJ in ink on verso.

TWO OF YOU CAN WRITE: TJ received

his first letters from Anne Cary and Thomas Jefferson Randolph on 3 Mch. They are printed at 26 Feb. TJ's first letter from his granddaughter Ellen, written with the help of her mother, is printed at 10 Nov. 1801 (Vol. 35:589; Vol. 36:743-4; Martha Jefferson Randolph to TJ, 16 Apr. 1802).

From Joseph H. Nicholson

SIR March 8. 1802

I beg Leave to enclose you a Petition from John D: Thompson of Cecil County, who it appears has been indicted for not returning the Enumeration of the Inhabitants of that County within the Time limited by Law, and wishes to have the Prosecution dismissed. I know nothing of the Merits of his Case, but send you a Letter from Mr. David, a Member of the Executive Council of Maryland, who I am well acquainted with, and who I am persuaded would not state any thing as a fact which he did not know to be true.

It has been said that the Census of Cecil County was badly taken; and this perhaps may be the Fact; but it is, certainly, a Fact which could not be ascertained without going into a second Enumeration, and is not the Offence for which he has been indicted. I do[...] whether any Injury has arisen from the Delay, [...] respectfully, to offer an Opinion that the Relief asked for might be granted without Impropriety; more particularly as I believe the Party to be a very poor Man—

I have the Honor to be Sir, with high Consideration Yr. Ob: Hble Servt JOSEPH H. NICHOLSON

RC (DNA: RG 59, GPR); torn; endorsed by TJ as received 8 Mch. from Washington and so recorded in SJL; also endorsed by TJ: "Thompson John D."

and "to lie till trial." Enclosure: Petition of John D. Thompson, 5 Mch. 1802, responding to his indictment in Maryland district court for delinquent submission

of Cecil County census returns and requesting a nolle prosequi, explaining that his family's sickness prevented him from making the return to the Maryland marshal before 15 July 1801 (RC in same; in a clerk's hand, signed and dated by Thompson; at head of text: "Thomas Jefferson President of the United States"; attested by Samuel Briscoe, justice of the peace for Cecil County, and certified by

John Baxter, clerk, on 5 Mch.); and accompanied by a statement of attending physician John King that Thompson was confined to his house and unable to attend to business from 3 Oct. to 5 Nov. 1800 and for ten days in Feb. 1801 (MS in same; in a clerk's hand, signed by King; attested and certified on 5 Mch.). Other enclosure not found.

From James Walter

ESTEEMED FRIEND,

Philada. 3 mo 8th. 1802

Not having any personal acquaintance with thee, it is with extreme reluctance I thus address the Man whose eminent abilities has raised him to be head of the American Republic—

But having lately purchased a tract of Land in Randolph County Virginia on which as I am inform'd is an elegant scite for a town, which I propose laying out the ensuing summer—I so far request thy patronage as to be permitted to call it "Jefferson," conscious at the same time that posterity will duly appreciate the merits of a Washington and a Jefferson without the feeble aid of Cities and towns to commemorate their illustrious names—

Being one of the descendants of Penn I am unused to the Courtly style of sycophants, and which (if I am not deceiv'd in thy Character) is more dissonant in thy ear than unadorned truth—Accept this as an apology—

With every sentiment of respect I am thy well wisher

Jas. Walter

If thee should condescend to favour me with an answer, please direct to No. 41 Almond St.

RC (MoSHi: Jefferson Papers); above postscript: "To Thomas Jefferson President of the U.S."; endorsed by TJ as a letter of 3 Mch. received 12 Mch. and so recorded in SJL.

A James Walter, schoolmaster and teacher, lived on Second Street in Philadelphia. In 1801, James Browne, merchant, resided at 41 Almond Street (Stafford, *Philadelphia Directory, for 1801*, 157, 168; Robinson, *Philadelphia Directory for 1803*, 263).