

THOMAS JEFFERSON

WRITINGS

Autobiography

A Summary View of the Rights of British America

Notes on the State of Virginia

Public Papers

Addresses, Messages, and Replies

Miscellany

Letters



THE LIBRARY OF AMERICA

not have allied himself to France if she had been a republic? or that a Republic of any form would be as *disagreeable* as her antient despotism?

Upon the whole I conclude

That the treaties are still binding, notwithstanding the change of government in France: that no part of them, but the clause of guarantee, holds up *danger*, even at a distance.

And consequently that a liberation from no other part could be proposed in any case: that if that clause may ever bring *danger*, it is neither extreme, nor imminent, nor even probable: that the authority for renouncing a treaty, when *useless* or *disagreeable*, is either misunderstood, or in opposition to itself, to all their writers, & to every moral feeling: that were it not so, these treaties are in fact neither useless nor disagreeable.

That the receiving a Minister from France at this time is an act of no significance with respect to the treaties, amounting neither to an admission nor a denial of them, forasmuch as he comes not under any stipulation in them:

That were it an explicit admission, or were an express declaration of this obligation now to be made, it would not take from us that right which exists at all times of liberating ourselves when an adherence to the treaties would be *ruinous* or *destructive* to the society: and that the not renouncing the treaties now is so far from being a breach of neutrality, that the doing it would be the breach, by giving just cause of war to France.

Report on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries

December 16, 1793

The Secretary of State, to whom was referred by the House of Representatives, the report of a committee on the written message of the President of the United States, of the 14th of February, 1791, with instructions 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 the commerce and navigation of the same, has had the same under consideration, and thereupon makes the following Report:

THE COUNTRIES with which the United States have their chief commercial intercourse are Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export, which constitute the basis of that commerce, with their respective amounts, are,

Breadstuff, that is to say, bread grains, meals, and bread, to the annual amount of	\$7,649,887
Tobacco	4,349,567
Rice	1,753,796
Wood	1,263,534
Salted fish	941,696
Pot and pearl ash	839,093
Salted meats	599,130
Indigo	537,379
Horses and mules	339,753
Whale oil	252,591
Flax seed	236,072
Tar, pitch and turpentine	217,177
Live provisions	137,743
Ships	
Foreign goods	620,274

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations

before mentioned, and to their dominions, respectively, are as follows:

To Spain and its dominions	\$2,005,907
Portugal and its dominions.	1,283,462
France and its dominions	4,698,735
Great Britain and its dominions	9,363,416
The United Netherlands and their dominions	1,963,880
Denmark and its dominions	224,415
Sweden and its dominions	47,240

Our imports from the same countries, are

Spain and its dominions	335,110
Portugal and its dominions.	595,763
France and its dominions	2,068,348
Great Britain and its dominions	15,285,428
United Netherlands and their dominions	1,172,692
Denmark and its dominions	351,364
Sweden and its dominions	14,325

These imports consist mostly of articles on which industry has been exhausted.

Our *navigation*, depending on the same commerce, will appear by the following statement of the tonnage of our own vessels, entering in our ports, from those several nations and their possessions, in one year: that is to say, from October, 1789, to September, 1790, inclusive, as follows:

	Tons.
Spain	19,695
Portugal	23,576
France	116,410
Great Britain.	43,580
United Netherlands	58,858
Denmark	14,655
Sweden	750

Of our commercial objects, Spain receives favorably our breadstuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when re-exported to their colonies, they have lately imposed duties of from half-a-dollar to two dollars the barrel, the duties being so proportioned to the current price of their

own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary islands under the same conditions.

Themselves, and their colonies, are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain; foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Portugal receives favorably our grain and bread, salted fish, and other salted provisions, wood, tar, pitch and turpentine.

For flax-seed, pot and pearl ash, though not discouraged, there is little demand.

Our ships pay 20 per cent. on being sold to their subjects, and are then free-bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others; that is to say, on general duties of from 20 to 28 per cent., and, consequently, our navigation is unobstructed by them. Tobacco, rice, and meals, are prohibited.

Themselves and their colonies consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd islands, except that in these, meals and rice are received freely.

France receives favorably our bread-stuffs, rice, wood, pot and pearl ashes.

A duty of 5 sous the quintal, or nearly 4½ cents, is paid on our tar, pitch, and turpentine. Our whale oils pay 6 livres the quintal, and are the only foreign whale oils admitted. Our indigo pays 5 livres the quintal, their own 2½; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for

home consumption, it pays five livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of twenty livres the quintal.

Our ships are free to carry thither all foreign goods which may be carried in their own or any other vessels, except tobaccoes not of our own growth; and they participate with theirs, the exclusive carriage of our whale oils and tobaccoes.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports and converted into national bottoms. The first national assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres, fifteen sous the quintal, carried in their own vessels, and five livres carried in ours—a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

Great Britain receives our pot and pearl ashes free, whilst those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron; of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flaxseed are free from all countries. Our tar and pitch pay eleven pence, sterling, the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling and three pence, sterling, the pound, custom and excise, besides heavy expenses of collection; and rice, in the same case, pays seven shillings and four pence, sterling, the hundred weight; which rendering it too dear, as an article of common food, it is consequently used in very small quantity.

Our salted fish and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties, so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings, sterling, the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own

subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12 Car. 2, 18, sect. 3), from carrying thither all and any of our own domestic productions and manufactures. A subsequent act, indeed, has authorized their executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given from year to year by proclamation, but subject every moment to be withdrawn on that single will; in which event, our vessels having anything on board, stand interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion,* when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined for the ports of Great Britain. The minister of that court, indeed, frankly expressed his personal convictions that the words of the order went farther than was intended, and so he afterwards officially informed us: but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries, where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports one shilling and nine pence, sterling, per ton, light and trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us, is re-exported to other countries, under the useless charges of an

*April 12, 1792.

intermediate deposit, and double voyage. From tables published in England, and composed, as is said, from the books of their customhouses, it appears, that of the indigo imported there in the years 1773, '4, '5, one-third was re-exported; and from a document of authority, we learn, that of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below fifty shillings the quarter, and other grains in proportion.

The *United Netherlands* prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion they intercept between us and the consumer, so much of the value as is absorbed in the charges attending and intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and neutralized there, with exceptions of one or two privileges, which somewhat lessen their value.

Denmark lays considerable duties on our tobacco and rice, carried in their own vessels, and half as much more, if carried in ours; but the exact amount of these duties is not perfectly known here. They lay such duties as amount to prohibitions on our indigo and corn.

Sweden receives favorably our grains and meals, salted provisions, indigo, and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent. additional on that, or twenty-two and four-tenths mills, carried in ours or any others. Being thus rendered too dear as an

article of common food, little of it is consumed with them. They consume some of our tobaccoes, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise, being 4 34 dollars the hundred weight, if carried in their own vessels, and of forty per cent. on that additional, if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flax-seed, tar, pitch, and turpentine, wood (except oak timber and masts), and all foreign manufactures.

Under so many restrictions and prohibitions, our navigation with them is reduced to almost nothing.

With our neighbors, an order of things much harder presents itself.

Spain and *Portugal* refuse, to all those parts of America which they govern, all direct intercourse with any people but themselves. The commodities in mutual demand between them and their neighbors, must be carried to be exchanged in some port of the dominant country, and the transportation between that and the subject state, must be in a domestic bottom.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, turpentine, rice, and maize, and prohibits our other bread stuff; but a suspension of this prohibition having been left to the colonial legislatures, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands under a duty of three colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and bread stuff, by a proclamation of her executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring in exchange rum, molasses, sugar, coffee, cocoa-nuts, ginger, and pi-

mento. There are, indeed, some freedoms in the island of Dominica, but, under such circumstances, as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the navigation act.

In the *Danish American* possessions a duty of 5 per cent. is levied on our corn, corn meal, rice, tobacco, wood, salted fish, indigo, horses, mules and live stock, and of 10 per cent. on our flour, salted pork and beef, tar, pitch and turpentine.

In the American islands of the *United Netherlands* and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the continent.

To sum up these restrictions, so far as they are important:

FIRST. In Europe—

Our bread stuff is at most times under prohibitory duties in England, and considerably dutied on re-exportation from Spain to her colonies.

Our tobaccos are heavily dutied in England, Sweden and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England, and of late in France.

SECOND. In the West Indies—

All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and bread stuff (except maize) are received under temporary laws only, in the dominions of France, and our salted fish pays there a weighty duty.

THIRD. In the article of navigation—

Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.

We can carry no article, not of our own production, to the British ports in Europe. Nor even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States; the question is, in what way they may best be removed, modified or counteracted?

As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions exist; Or, 2. By the separate act of our own legislatures for countervailing their effects.

There can be no doubt but that of these two, friendly arrangements is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surplusses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to mollify its restrictions and regulations for us, in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities

we offer are either necessities of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange, either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry, it is valuable, but as a resource of defence, essential.

Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers, shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war-freight and insurance, and the articles which will not bear that, must perish on our hands.

But it is as a resource of defence that our navigation will admit neither negligence nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land-board, and nothing to desire beyond their present rights. But on their seaboard, they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen-seamen, and of artists and establishments in readiness for ship-building.

Were the ocean, which is the common property of all, open

to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defence; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defence, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation, are ours in abundance. And, as to the mode of using them, we have only to adopt the principles of those who put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation:

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here, in competition with our own of the same kind; selecting next, such manufactures as we take from them in greatest quantity, and which, at the same time, we could the soonest furnish to ourselves, or obtain from other countries; imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply

open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may ensure him the highest profits from his skill and industry. And here, it would be in the power of the State governments to co-operate essentially, by opening the resources of encouragement which are under their control, extending them liberally to artists in those particular branches of manufacture for which their soil, climate, population and other circumstances have matured them, and fostering the precious efforts and progress of *household* manufacture, by some patronage suited to the nature of its objects, guided by the local informations they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the councils and conduct of others, and of promoting arts, manufactures and population at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their trans-actions.

3. Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the committee, are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider as theirs, any vessel not built within their territories.

5. Where a nation refuses to our vessels the carriage even of our own productions, to certain countries under their domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries. But as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it

may be proper to confine the restrictions to vessels owned or navigated by any subjects of the same dominant power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only, as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain, alone, has already lost to us in our commerce with that country and its possessions, between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials, in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effectual remedy.

It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force, which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence, and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case one distinction alone will suffice: that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last.

Still, it must be repeated that friendly arrangements are preferable with all who will come into them; and that we should carry into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and a better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations, with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress to determine whether, as to those nations, they will not surcease *ex parte* regulations, on the reasonable presumption that they will concur in doing whatever justice and moderation dictate should be done.

Draft of the Kentucky Resolutions

October 1798

1. *Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes,—delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

2. *Resolved*, That the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offences against the law of nations, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,” therefore the act of Congress, passed on the 14th day of July, 1798, and intitled “An Act in addition to the act intitled An Act for the punishment of certain crimes against the United States,” as also the act passed by them on the — day of June, 1798, intitled “An Act to punish frauds committed on the bank of the United States,” (and all their other acts which assume to