

Thomas Jefferson, November 8, 1808, Draft of Annual Message, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

EIGHTH ANNUAL MESSAGE¹

1 The following papers relate to this message:

“ *Madison's Draft, Nov. 08.*

“(1) To exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alleged on all sides had been so reluctantly obstructed. As each of these govts had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their professions & for restoring to the commerce of the U. S. its legitimate freedom. This course so clearly dictated by justice has been taken by neither. By France no answer has been given; nor is there any indication that a favorable change in her decrees is contemplated. To that govt instead of a pledge for suspending our embargo as to France whilst left in operation as to G. Britain, it was thought most consistent with the condition annexed to the authority vested in the executive, requiring a sufficient safety to our commerce, to hold out the obvious change resulting from such an act of justice by one belligerent, and refusal of it by another, in the relations between the U. S. & the latter. To G. B. whose power on the ocean is so ascendant it was deemed not inconsistent with that condition to state explicitly, that on

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her rescinding her orders in relation to the U. S. their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. The unexceptionable nature of this proposition, seemed to insure its being received in the spirit in which it was made; and this was the less to be doubted, as the British orders in council had not only been referred for their vindication to an acquiescence on the part of the U. S. no longer to be pretended; but as the arrangement proposed, whilst it resisted the illegal decrees of France, involved moreover substantially, the precise advantages professedly aimed at by the B. orders. The arrangement has nevertheless been explicitly rejected; the controverted fact being assumed that the enemy of G. B. was the original aggressor, and the extraordinary doctrine maintained, that, without regard to any just interpositions of the neutral, the aggressor not specifically affecting a revocation of his acts, the injured belligerent has a right to pursue his retaliations against the neutral, and is to be inferred from the practice without regard to the measure of injury sustained through the neutral.

“This candid and liberal experiment having thus failed, and no other event having occurred, on which a suspension of the embargo by the executive, was authorized it necessarily remains in the extent originally given to it. We have the satisfaction however to reflect, that in return for the privations imposed by the measure, and which our fellow citizens in general have borne with patriotism, it has had the important effects of saving our vast mercantile property and our mariners, as well as of affording time for prosecuting the defensive & provisional measures required on the part of the U. S. Whilst on another hand the course pursued by them will have demonstrated to foreign nations the moderation and fairness, which govern their councils, and have confirmed in all their citizens the motives which ought to incite them in support of the laws & the rights of their country. To these considerations may be added, that the measure has thus long frustrated those usurpations & spoliations, which if resisted involve war; if submitted to, sacrificed a vital principle of our national independence.

“Under a continuance of the belligerent measures which have overspread the ocean with danger, it will lie with the wisdom of Congress to decide on the course best adapted to

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such a state of things; and bringing with them as they do from every part of the union the sentiments of our constituents, my confidence is strengthened that in forming this decision, they will, with an unerring regard to the essential rights & interests of the nation weigh & compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which on other occasions have marked the character of the American people, if I did not cherish an equal confidence, that the alternative chosen whatever it may be, will be maintained with all the fortitude & patriotism which the crisis ought to inspire.

“The documents containing the correspondence on the subject of the foreign edicts against our commerce with the instructions given to our ministers at London & Paris are laid before you.

“(2) The communications made to Congress at their last session explain the posture in which the close of the discussions relating to the attack by a B. ship of war on the frigate *Chesapeake* left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed, authorized a belief that immediate steps would be taken by the B. govt. for redressing a wrong; which the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary it will be seen in the documents laid before you, that the inadmissible preliminary which obstructed the adjustment, is still adhered to; and, moreover, that it is now brought into connection with the distinct and irrelative case of the orders in council. The instruction which had been given to our minister at London, with a view to facilitate if necessary the reparation claimed by the U. S. are included in the documents communicated.”

Jefferson to Gallatin

“October 30, 1808.

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“I enclose you the financial paragraph with your amendments. I shall insert one on the militia, but doubt whether I can say anything about the deficiency of the revenue if the embargo is continued, having declined expressing any opinion on its continuance. The whole of the paragraphs respecting our foreign affairs will be to be remodelled in consequence of the return of the *Hope*. The manufacturing paragraph is also remanufactured. Affectionate salutations.

“I am puzzled about the Martinique paupers.”

Gallatin's Draft of Message

“ *First paragraph.* As the message will have a much more rapid & extensive circulation than the accompanying documents, it seems desirable that the proposition made to the belligerent powers, particularly to Great Britain, should be more explicitly stated. ‘Our disposition to exercise the authority in such manner as would withdraw the very pretexts on which their aggressions were founded’—‘as the measure had been assumed by each merely as a retaliation for a pretended acquiescence in the aggressions of the other’—‘the very pretext for obstructing which (the commerce of the U. S.) no longer existed.’ From those sentences alone in the message, it would be impossible to infer that the fair proposition to the belligerent had actually been made. I am aware that a difficulty arises in making a brief & clear statement, from the modified manner in which the overture was made to France, which will be best explained by the documents. Yet, so far as practicable, it is of real importance that the message itself should at once & in an explicit manner apprize our citizens & the people of England of the candid, impartial & clear proposition which was made. How such a modification should be introduced cannot be suggested without recurrence to the instructions given to our ministers by the Secretary of State.

“Would it be improper, in order to repel some late false assertions, to state the precise time & vessel by which the instructions were sent? Adding that when that vessel left Europe ‘no

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change had yet taken place &c.' The definitive answer to our proposition which is every day expected not having at that time been yet given. This would modify the disagreeable intelligence that no change had yet taken place, & without raising improper expectations state the real fact & therefore that a possibility still existed of a change.

“(The arrival of the *Hope* was not known when this page was written. Still I wish the President to read it.)

“ *First and second paragraphs.* The conduct of the belligerent affords certainly the most just ground of complaint. Yet those two paragraphs strike me as being too much in a tone of complaint & despondency. If the President should, on reading them over, think the observation correct, it will be easy to make a few verbal alterations. But there are two additions at the end of the first & second paragraphs which would produce the effect I wish, & be in other respects useful.

“1. When speaking of the advantages resulting from the embargo to add, the opportunity thereby given of demonstrating to foreign nations the fairness of our conduct, of placing our cause on irrefragable grounds of justice, and of thereby uniting the whole of our nation who must now be convinced of the sincerity of the efforts of the Executive & of the persevering injustice of the belligerent.

“2. In speaking of the painful alternatives out of which Congress must choose, to add the confidence of the executive that the crisis, be it what it may, will be met with fortitude &c.

“ *Third paragraph.* I think this much too long, considering the degree of importance now attached to it by the nation. I would omit the opinion that the seamen will be restored.

“ *Seventh paragraph.* I would omit the sentence ‘as the additional expense to affect this would be very considerable, it will rest with Congress to decide on its being undertaken.’ For the fact is sufficiently evident without stating it; and under existing circumstances the sentence might be misrepresented as intended to prevent the adoption of the measure.

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“ *Tenth paragraph.* The conclusion of this paragraph announces I fear more than has been performed. I would omit from ‘and force has imposed’ to the end of the paragraph.

“ *Eleventh paragraph.* This paragraph appears to me the most objectionable in the message. From the manner in which it is expressed it might be inferred as the President's opinion, that a positive benefit is derived from the introduction of manufactures caused by the annihilation of commerce. I think the opinion, if it did exist, incorrect; but, be that as it may, its avowal, (for it will be construed as an avowal) will produce a pernicious effect & furnish a powerful weapon to the disaffected in the seaports & in all the eastern states. All that seems important to be communicated, and it is only in relation to the British govt. & nation that it is important, is that the situation in which we have been *forced* has *compelled* us to apply a portion of our industry & capital to manufactures, & that those establishments will be permanent for the reasons mentioned. But I would omit everything which looks like a contrast between commerce & manufactures, & exultation at the result. This result should, it seems to me, be given as consolation, & not as matter of congratulation in the abstract. Nor have we any data which would justify the supposition that the mass of our future wants will be supplied from among ourselves. The expressions which appear to me most objectionable are ‘The nation *at large* will derive sensible advantage from the conversion &c.’

“‘the extent is far beyond expectation’—and ‘the mass of our future wants &c.’

“‘& the produce of the agriculturist &c.’ to the end of the sentence, particularly the contrast with the necessity heretofore incurred ‘to traverse the ocean exposed to its dangers & to rapine’ which is little less than a denunciation of commerce.

“ *Twelfth paragraph.* The balance in the Treasury on 30th septr was about 13,600,000 dollars. But this great accumulation is due principally to our having redeemed but very little debt during the year; the great bulk of reimbursement falling for this calendar year on 31st Decr next, when we will have to pay near six millions, chiefly principal of the eight pr. cent

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stock. Those six millions must therefore be considered as a deduction from the balance in the Treasury; and as this is the last time that the President will address Congress on that subject, I would propose to include in the redemption of the debt what will be paid on 31 Decr. next. (stating it as such) presenting thereby in a single view the total amount of debt extinguished during the eight years of the President's administration. For there will be no payments on that account between the 1st January & the 4th March next. I will be able Tuesday or Wednesday next to prepare a financial paragraph to that effect and to fill the blanks in round numbers. The President may then either substitute it, or fill the blanks of the present one.

“But it follows that we cannot draw from this apparent accumulations the inferences next following in the message. The words ‘if we are to have war’ do also state the case in words which have been avoided in other parts of the message: Nor do they state all the contingencies under which the application of all our funds will be obvious. For in case of the embargo being continued, we will have still less revenue & will therefore still more want the money in hand than in case of war. I would therefore submit the propriety of substituting, to that part of the message, in substance what follows. ‘The probable accumulation of the surpluses of revenue whenever the freedom & safety of our commerce shall be restored beyond what can be applied to the payment of the public debt merits the consideration of Congress. Shall it be unproductive? Shall the revenue be reduced? or shall it not &c.’

“I would omit the words ‘and at hazard in the public vaults.’

“When the subject of improvements was recommended two years ago by the President I prevailed on him to omit the idea of an apportionment amongst the several states. For the same reason I wish extremely that the words ‘Securing to each of them the employment of their proportionate share within their respective states.’ It may ultimately be necessary to insert such provision in the amendment in order to insure its success; but it is very desirable that it should be adopted without such restriction. A just apportionment

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will naturally result from the conflicting interests on the floor of Congress. But the strict rule in a constitutional provision would be very embarrassing & sometimes defeat the most important objects, because it often happens that an improvement is as useful or more useful to an adjacent state than to that through which it passes. Thus the Chesapeake & Delaware canal is almost altogether in the state of Delaware & does not touch Pennsylvania to which it is more useful than to any other state. According to the rule, its expense should be considered as the apportionment of Delaware; and Pennsylvania would receive her whole apportionment for other works, as if that was not done principally on her account. Indeed as Delaware is not 1/100 part of the union, if the part of the canal which passes through that state costs 600,000 dollars, it never could be done unless sixty millions of dollars were expended in the whole. I am clearly of opinion that without an amendment to the Constitution nothing efficient can be done; but in order to insure the execution of the great national communications, the application should if possible be left by the amendment to Congress unrestrained by special rules.

“There are I think two omissions in the message.

“1st. In the case of war or continued embargo, the revenue will be evidently insufficient to meet the expenses.

“2. Although former recommendations have not been successful, I would again call the attention of Congress to improvement in the militia, that defence which events have now so clearly demonstrated to be the only one on which nations can rely with safety.”

November 8, 1808.

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

It would have been a source, fellow citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become

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awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective governments there, our disposition to exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open a way for a renewal of that commercial intercourse which it was alleged on all sides had been reluctantly obstructed. As each of those governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their profession, and for restoring to the commerce of the United States its legitimate freedom. The instructions to our ministers with respect to the different belligerents were necessarily modified with reference to their different circumstances, and to the condition annexed by law to the executive power of suspension, requiring a degree of security to our commerce which would not result from a repeal of the decrees of France. Instead of a pledge, therefore, of a suspension of the embargo as to her in case of such a repeal, it was presumed that a suf-

ficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other, in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state explicitly, that on her rescinding her orders in relation to the United States their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only been referred for their v'vindication to an acquiescence on the part of the United States

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no longer to be pretended, but as the arrangement proposed, while it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British orders. The arrangement has nevertheless been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that in return for the privations by the measure, and which our fellow citizens in general have borne with patriotism, it has had the important effects

of saving our mariners and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involve war; if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened, that in forming this decision they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which on other occasions have marked the character of our fellow citizens, if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

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The documents containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussion relating to the attack by a British ship of war on the frigate *Chesapeake* left a subject on which the nation had manifested so honorable a sensibility. Every view of

what had passed authorized a belief that immediate steps would be taken by the British government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary, it will be seen, in the documents laid before you, that the inadmissible preliminary which obstructed the adjustment is still adhered to; and, moreover, that it is now brought into connection with the distinct and irrelative case of the orders in council. The instructions which had been given to our ministers at London with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since your last session. The important negotiations with Spain, which

had been alternately suspended and resumed, necessarily experience a pause under the extraordinary and interesting crisis which distinguished her internal situation.

With the Barbary powers we continue in harmony, with the exception of an unjustifiable proceeding of the dey of Algiers toward our consul to that regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the executive authority.

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With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in nowise implicating the will of the nation. Beyond the Mississippi, the Iowas, the Sacs, and the Alabamas, have delivered up for trial and punishment individuals from among themselves accused of murdering citizens of the United States. On this side of the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; and the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally, from a conviction that we consider them as part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily—is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised towards them. Husbandry and household manufacture are advancing among them, more rapidly with the southern than the northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government, in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted by Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

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Of the gun-boats authorized by the act of December last, it has been thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters exposed, and the residue will require little time for their construction when it is deemed necessary.

Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced, others have been added. We have reason to believe their success has been satisfactory, although such

returns have not yet been received as enable me to present to you a statement of the numbers engaged.

I have not thought it necessary in the course of the last season to call for any general detachments of militia or volunteers trader the law passed for that purpose. For the ensuing season, however, they will require to be in readiness should their services be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced as soon as it could be done by bodies of new recruits. By the aid of these, and of the armed vessels called into actual service in other quarters, the spirit of disobedience and abuse which manifested itself early, and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is, therefore, incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this object; but every degree of neglect is to be found among others. Congress alone have power to

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produce a uniform state of preparation in this great organ of defence; the interests which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

Under the acts of March 11th and April 23d, respecting arms, the difficulty of procuring them from abroad, during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have, therefore, been enlarged, additional machineries erected, and in proportion as artificers can be found or formed, their effect, already more than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act, have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will—under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent.

The commerce with the Indians, too, within our own boundaries, is likely to receive abundant aliment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the 30th day of September last, being not yet made up, a correct statement will hereafter be transmitted from the Treasury. In the meantime, it is ascertained that the receipts have

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amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best.

Availing myself of this the last occasion which will occur of addressing the two houses of the legislature at their meeting, I cannot omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I cannot have escaped error. It is incident to our imperfect nature. But I

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may say with truth, my errors have been of the understanding, not of intention; and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that, in their steady character unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guaranty of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness.