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Thomas Jefferson - Message to the House of December 30, 1802 Transmitting a Letter from Manuel de Salcedo, Governor of Louisiana to William Claiborne Regarding the Treaty of 1795 with Spain

WASHINGTON, December 30, 1802.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Although an informal communication to the public of the substance of the inclosed letter may be proper for quieting the public mind, yet I refer to the consideration of the House of Representatives whether the publication of it in form might not give dissatisfaction to the writer and tend to discourage the freedom and confidence of communications between the agents of the two Governments. Accept assurances of my high consideration and respect.

TH: JEFFERSON.

NATCHEZ, November 25, 1802.

The Honorable SECRETARY OF STATE,

Washington.

SIR: I have the honor to inclose you an original copy of a communication (together with a translation thereof) which I this morning received from the governor-general of the Province of Louisiana in answer to my letters of the 28th ultimo.

I am, sir, with respect and esteem, your humble servant,

WILLIAM C. C. CLAIBORNE.

[Translation.]

NEW ORLEANS, November ,5, 1802.

His Excellency WILLIAM C. C. CLAIBORNE.

Most EXCELLENT SIR: I received a few days past your excellency's esteemed letter of the 28th ultimo, in which your excellency, referring to the [twenty-second article of the treaty of friendship, navigation, and limits](#) agreed upon between the King, my master, and the United States of America, has been pleased to inquire, after transcribing the literal text of said article (which you find so explicit as not to require any comment nor to admit of dubious construction), if His Majesty has been pleased to designate Any other position on the banks of the Mississippi, and where that is, if his royal pleasure does not continue the permission stipulated by the said [treaty](#) which entitled the citizens of the United States to deposit their merchandise and effects in the port of New Orleans; and you request at the same time that, as the affair is so interesting to the commerce of the United States and to the welfare of its citizens, I may do you the favor to send you an answer as early as possible. I can now assure your excellency that His Catholic Majesty has not hitherto issued any order for suspending the deposit, and consequently has not designated any other position on the banks of the Mississippi for that purpose. But I must inform you, in answer to your inquiry, that the intendant of these provinces (who in the affairs of his own department is independent of the general Government), at the same time that, in conformity with the royal commands (the peace in Europe having been published since the 4th of May last), he suspended the commerce of neutrals, also thought proper to suspend the tacit prolongation which continued, and to put a stop to the infinite abuses which resulted from the deposit, contrary to the interest of the State and of the commerce of these colonies, in consequence of the experience he acquired of the frauds which have been committed and which it has been endeavored to excuse under the pretext of ignorance, as is manifested by the number of causes which now await the determination of His Majesty, as soon as they can be brought to his royal knowledge, besides many others which have been drops because the individuals have absconded who introduced their properties into the deposit and did not extract them, thus defrauding the royal interests.

It might appear on the first view that particular cases like these ought not to operate against a general privilege granted by a solemn treaty, and it is an incontestable principle that the happiness of nations consists in a great measure in maintaining a good harmony and correspondence with their neighbors by respecting their rights, by supporting their own, without being deficient in what is required by humanity and civil intercourse; but it is also indubitable that for a treaty, although solemn, to be entirely valid it ought not to contain any defect; and if it be pernicious and of an injurious tendency, although it has been effectuated with good faith but without a knowledge of its bad consequence, it will be necessary to undo it, because treaties ought to be viewed like other acts of public will, in which more attention ought to be paid to the intention than to the words in which they are expressed; and thus it will not appear so repugnant that the term of three years fixed by the [twenty-second article](#) being completed without the King's having granted a prolongation, the intendency should not, after putting a stop to the commerce of neutrals, take upon itself the responsibility of continuing that favor without the express mandate of the King, a circumstance equally indispensable for designating another place on the banks of the Mississippi.

From the foregoing I trust that you will infer that as it is the duty of the intendant, who conducts the business of his ministry with a perfect independence of the Government, to have informed the King of what he has done in fulfillment of what has been expressly stipulated, it is to be hoped that His Majesty will take the measures which are convenient to give effect to the deposit, either in this capital, if he should not find it prejudicial to the interests of Spain, or in the place on the banks of the Mississippi which it may be his royal pleasure to designate; as it ought to be confided that the justice and generosity of the King will not refuse to afford to the American citizens all the advantages they can desire, a measure which does not depend upon discretion, nor can an individual chief take it upon himself. Besides these principles on which the regulation of the intendant is founded, I ought at the same time to inform you that I myself opposed on my part, as far as I reasonably could, the measure of suspending the deposit, until the reasons adduced by the intendant brought it to my view; that as all events can not be prevented, and as with time and different circumstances various others occur which can not be foreseen, a just and rational interpretation is always necessary. Notwithstanding the foregoing, the result of my own reflections, I immediately consulted on the occasion with my captain-general, whose answer, which can not be long delayed, will dissipate every doubt that may be raised concerning the steps which are to be taken. By all means your excellency may live in the firm persuasion that as there has subsisted, and does subsist, the most perfect and constant good harmony between the King, my master, and the United States of America, I will spare no pains to preserve it by all the means in my power, being assured of a reciprocity of equal good offices in observing the treaty with good faith, ever keeping it in view that the felicity and glory of nations are deeply

concerned in the advantages of a wise and prudently conducted commerce.

I have the honor to assure your excellency of the respect and high consideration which I profess for you; and I pray the Most High to preserve your life many years.

I kiss your excellency's hands.

Your most affectionate servant,

MANUEL DE SALCEDO.

Source:

**A Compilation of the Messages and Papers of the Presidents
Prepared under the direction of the Joint Committee on printing, of the House and Senate
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