

James Madison to Robert R. Livingston, August 10, 1795. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO ROBT. K. LIVINGSTON.¹ MAD. MSS.

¹ The letter is not in Madison's hand, but some corrections in its body are.

August 10, 1795.

Dr Sir

Your favour of July 6. having been addressd to Williamsburg, instead of *Orange C. Ho[u]se*, did not come to hand till two day ago. Your gloomy Picture of the Treatys does not exceed my Ideas of it.² After yealding terms which would have been scorned by this Country in the moment of its greatest embarrissments, & of G. Britain's full enjoyment of peace & confidence, it adds to the ruinous bargain with this Nation a disqualification to make a good one with any other. In all our other Treaties it has been carefully stipulated that the Nation to be treated as the most favored Nations & to come in for all new privileges that may be granted by the

² The treaty was concluded November 19, 1794, reached the United States soon after the adjournment of Congress, March 3, 1795, and was laid before the Senate in special session June 8. It was ratified June 24, with an amendment, providing that Article XII. be suspended. This article stipulated that American commerce with the West Indies should be restricted to American ports, and that British vessels engaged in West Indian commerce should have equal rights with American vessels in American ports. The Senate adjourned June 26. On June 12, four clays after the treaty was laid before the Senate, and while it

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was still a secret document, Pierce Butler, Senator from South Carolina, wrote to Madison that he would send him by each post a sheet of the treaty till he had received the whole. He was to show it to Jefferson alone. He asked Madison to give him the benefit of his free opinion of the treaty (*Mad. Mss.*). Stevens Thomson Mason, Senator from Virginia, gave a copy of the treaty to *The Aurora*, which printed it June 30, one day before it was to have been made public by Washington.

U. States, must pay for them the same or an equivalent price with the Grantee. The proposed Treaty with G. B., disregarding this obvious rule of justice & equality, roundly agrees that no duty restriction or prohibition with respect to ships or merchandize shall be applied to G. B., which do not operate on all other nations (see Art. XV). should any other Nation therefore, be disposed to give us the most precious & peculiar advantages in their trade, in exchange for the slightest preferences in ours, this Article gives G. B. a negative on the transaction; unless it be so modified as to let her in for the favour without paying the price of it. But what Nation would be willing to buy favours for another; especially when the Inducement to buy & the value of the purchase might depend on the peculiarity of the favour, it must be seen at once

that this extraor dinary feature would monopolize us to G. B., by precluding any material improvement of our existing Treaties, or the hope of any new ones that would be of much advantage to us. That so insidious an article should have occurred to lord Grenville's jealousy of the U. S. & his policy of barring their connection with other Countries & particularly with the French republic, can surprise no one The concurrence of the American Envoy may not be so easily explained, but it seems impossible to screen him from the most illiberal suspicions without referring his conduct to the blindest partiality to the British Nation & Govt. & the most vindictive sensations towards the Fh. Republic. Indeed, the Treaty from one end to the other must be regarded as a demonstration that the Party to which the Envoy belongs & of which he has been more the organ than of the U. S., is a British party systematically aiming at an exclusive connection with the British Governt & ready to sacrifice to that object as well the dearest interests of our commerce as the most

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sacred dictates of National honour. this is the true Key to this unparalleled proceeding, & can alone explain it to the impartial & discerning part of the Public. the leaders of this Party stand *self condemned* in their efforts to paliate the Treaty by magnifying the necessity of the British commerce to the U. S. & the insufficiency of the U. S. to influence the regulation of it. you will find on turning to a Pamphlet addressed to your people by Mr. Jay when the Federal Constitution was before them, that he then could see our power under such a Constitution to extort what we justly claimed from G. B., & particularly to open the W. India ports to us. as an Agent for the Constitution he now voluntarily abandons; the very object which as an advocate for the Constitution he urged as an argument for adopting it, —read also the Paper No. XI in the Publication entitled the Federalist for the view of the subject then inculcated by another advocate,—it is with much Pleasure I assure you that the sentiments & voice of the People in this State, in relation to the attempt to Prostrate us to a foreign & unfriendly Nation, are as decided & as loud as could be wished. many, even of those who have hitherto rallied to the most exceptionable Party measures, join in the general indignation agst the Treaty. the few who hold out will soon be under the Dilimma of following the example or of falling under imputations which must disarm them of all injurious influence. you will see by the N. papers that the City of Richmond has trodden in the steps of the other Cities by an unanimous address to the President. You will remark that our chancellor, Mr. Wythe, presided in the meeting, a circumstance which will draw the more attention to it, as he is not only distinguished for his moderation of character; but was President of the Meeting which addressed the P. in support of his proclamation of Neutrality. How far the other Towns & Counties will Imitate Richmond is uncertain. If they should be silent, it will assuredly be the effect in the former of a supposed notoriety of their harmony in opposition, &, in the latter to the same cause added to the dispersed situation of the People. I think it certain, that there is not a Town or county in this State (except perhaps Alexandria) where an Appeal to the Inhabitants would be attended with any show of opposition. You will readily conclude therefore that *here* , the *Public* do not need the measure to which you report. With respect to the P. his situation must be a most delicate one for himself as well as for his Country; & there never was, as you

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observe, a crisis where the friends of both ought to feel more solicitude or less reserve. At the same time, I have reasons, which I think good for doubting the Propriety & of course utility of uninvited communications from myself. He cannot, I am persuaded, be a stranger to my opinion on the merits of the Treaty; & I am equally persuaded that the state of the Public opinion within my sphere of information will sufficiently force itself on his Attention.

It is natural eno' for the Apologists of the Treaty to lay hold of the Doctrine maintained by Mr. Jefferson but whether that Doctrine be right or wrong, they might be reminded that he expressly urges the Policy of guarding agst it instead of establishing it by Treaty. the appeal to him therefore must add to their condemnation. See his letter to Mr. G. Morris explaining the discussions with Mr. Genet.

With respect &c &c.