

The Letters of Robert R. Livingston

The Diplomatic Story of the Louisiana Purchase

BY EDWARD ALEXANDER PARSONS

THE most far-reaching achievement in American diplomacy is the Louisiana purchase. This is so, even when we consider the treaty of our birth as a nation, when the generous terms agreed to by Great Britain, started us firmly on the road to greatness. Some have tried to belittle the achievement, to declare it devoid of any diplomatic importance. Jefferson may have had a good plan; Livingston though he worked hard, accomplished nothing; Monroe arrived too late and when it was practically arranged; it all went through due to the necessity of Napoleon and the friendly forbearance of England. By similar casuistry all achievements of mind and matter, of thought and action, may be reduced to little.¹

A juster view perhaps is that the statesmanship of Jefferson, pacifist, constitutionalist, never faltered, and his unerring patriotism surmounted every personal, political and juristic obstacle to make of these United States a world-empire. In the personal and dramatic contact with the indispensable actors of the drama, Robert R. Livingston was the American protagonist. Livingston fenced, or rather fought broadsword, with the extraordinary Talleyrand, with the opponent Decrés, the friendly Barbé-Marbois and the Republican courtiers of the great Consul, and with

¹ Henry Wm. Elson: *History of the United States of America* (New York, 1904), p. 383—"The greatest diplomatic achievement in the annals of the United States was the acquisition of the vast, unbounded region beyond the Mississippi known as Louisiana." Henry Adams, *History of the United States* (New York, 1889-91), vol. 2, p. 48—"The greatest diplomatic success recorded in American history."

Napoleon himself. Alone, for he was practically out of the maze of negotiations when Mr. Monroe arrived, he held to the purpose of his mission. With calm perseverance, he kept to the trail which at times seemed lost only to again appear and finally he reached the place of open and happy settlement. He constantly kept the American Minister to Great Britain, Rufus King, advised as to every move. This served two main purposes: communication and exchange of views with our minister in London was so much quicker than over the then broad Atlantic to our President in Washington, and especially it was deemed necessary that Mr. King should be thoroughly posted as to every step in the American negotiations in order that he might convey to his Majesty's government such information as was advisable and maintain a relationship with England, in this great matter not unfriendly toward our ambition.

The letters of Robert R. Livingston to Rufus King, written during the negotiations for the Louisiana Purchase amply illustrate the courage and perseverance of our advocate-diplomat, who though he sometimes allowed his lawyer's vehemence to transcend diplomatic advocacy, never deviated from his true purpose. The French, from long training, were tolerant of his somewhat impetuous demands, as they were considerate of his two personal handicaps, deafness and an imperfect knowledge of their language.

It is one of the curiosities of historical writings that M. Louis Adolphe Thiers, in his *Histoire du Consulat et de L'Empire* (Paris, 1845), a work in twenty volumes of 12,304 pages devotes less than three and one-half pages to the sale of Louisiana.² M. Thiers writes:

To all these determinations, so promptly taken, was to be added one more relative to Louisiana. The four thousand men destined to occupy

² Louis Adolphe Thiers, *History of the Consulate and Empire of France under Napoleon* (Philadelphia, 1893). Less than two pages are devoted to the Louisiana Purchase in this edition containing twelve volumes and 6179 pages.

it had just been disembarked. But what was to be done? What plan was to be adopted in regard to that rich possession? There was no reason to be uneasy respecting our other colonies. St. Domingo was full of troops, and the soldiers who were disposable in the colonial depots were hastily put on board all the merchantmen ready to sail. Guadeloupe, Martinique, the Isle of France, were likewise provided with strong garrisons, and immense expeditions would have been required to dispute them with the French. But Louisiana contained not a single soldier. It was an extensive province, which four thousand men were not sufficient to occupy in time of war. The inhabitants, though of French origin, had so frequently changed masters during the last century, that they were attached to nothing but their independence. The North Americans were by no means pleased to see us in possession of the mouths of the Mississippi, and of their principal outlet in the Gulf of Mexico. They had even applied to France to grant their commerce and navigation advantageous conditions of transit in the port of New Orleans. If we were determined to keep Louisiana, we might therefore reckon on the greatest efforts on the part of the English against us, on perfect indifference on the part of the inhabitants, and on positive ill-will on the part of the Americans. These latter, in fact, wished to have none but Spaniards for neighbors. All the colonial dreams of the First Consul were dispelled at once by the appearance of the message of King George III, and his resolution was instantly formed. I will not keep, said he to one of his ministers, a possession which would not be safe in our hands, which would perhaps embroil me with the Americans, or produce a coldness between us. I will make use of it, on the contrary, to attach them to me, and to embroil them with the English, and raise up against the latter enemies who will some day avenge us, if we should not succeed in avenging ourselves. My resolution is taken; I will give Louisiana to the United States. But as they have no territory to cede to us in exchange, I will demand a sum of money towards defraying the expenses of the extraordinary armament which I am projecting against Great Britain. The First Consul intended not to contract any loan; he hoped with a considerable sum, which he should procure extraordinarily, with a moderate increase of the taxes, and a few sales of national domains slowly effected, to be able to meet the expenses of the war. He sent for M. Marbois, minister of the treasury, formerly employed in America, and M. Decrés, minister of the marine, and wished, though decided himself, to hear what they had to say. The First Consul listened to them very attentively, without appearing to be in the least touched by the arguments of either; he listened to them, as he often did, when he had made up his mind, to satisfy himself that he was not mistaken on any important point of the questions submitted to his judgment. Confirmed rather than shaken in his resolution by what he had heard, he directed M. de Marbois to send, without losing a moment, for Mr. Livingston, the American minister, and to enter into negotiation with him about Louisiana. Mr. Monroe had recently arrived in Europe to settle with the English the question of maritime right, and

with the French the question respecting transit on the Mississippi. On his arrival in Paris, he was met by the unexpected proposal of the French cabinet. He was offered not certain facilities of transit through Louisiana, but the annexation of the country itself to the United States. Not embarrassed for a moment by the want of powers, he concluded a treaty immediately, subject to the ratification of his government. M. de Marbois demanded eighty millions, twenty out of that sum being to indemnify American commerce for captures illegally made during the late war, and sixty for the treasury of France. The twenty millions destined for the first purpose were expected to secure us the hearty good-will of the merchants of the United States. As for the sixty millions destined for France, it was agreed that the cabinet of Washington should create annuities, and that they should be negotiated to Dutch houses, at an advantageous rate, and not far from par. The treaty was therefore concluded on these bases, and sent to Washington to be ratified. In this manner the Americans purchased from France that extensive country, which has completed their territory in North America, and made them masters of the Gulf of Mexico for the present and for the time to come. They are consequently indebted for their birth and for their greatness to that long struggle between France and England.

Thus calmly, with Gallic realism and without Latin emotion, the French statesman-historian disposes of this great loss to the French empire.

Even during the War of the Revolution, and in increasing number thereafter, many less fortunate or more adventurous Americans trekked westward, crossed the mountains and settled on the great rivers and in the fertile valleys, founding the commonwealths of Tennessee and Kentucky. These pioneers were Anglo-Saxons or men of the English-speaking family, They were brave, bold, industrious, and resourceful, with a keen acquisitiveness and a consciousness of Magna Carta and their own Declaration of Independence. They had just terminated successfully a conflict illustrating their highly developed and delicate sense of freedom. Following the course of empire they went West, established farms and estates, the products of which they desired to sell. It was merely a matter of bringing their goods to market, a matter of transportation which in those days, for long journeys, was transit mostly by water. They had to journey

down the rivers to the sea in order to reach their customers, either their own countrymen in the East or the foreign people throughout the world.

They were confronted with two difficulties: one physical and natural, the other political and artificial. They were prepared for the long journey down the river with its natural hardships, but the diplomatic impediment that would hold them economic prisoners on the northern reaches of the river or which demanded toll for their right to contact the rest of the world, was against every instinct of their race, with its tradition and history of centuries of conflict to maintain what they believed to be their natural rights. Hence arose the Mississippi Question, the fight for a free navigation of the river, the correct solution of which brought about the second most important event in the history of these United States.

The historic map of the times disclosed this situation: the United States possessed the East bank of the Mississippi down to the northern boundary of West Florida. Although there was the usual boundary dispute, yet we did not own beyond whatever was the correct northern boundary of West Florida on the Mississippi.

The Spaniards owned the entire West bank of the river from its source to its mouth and the East bank from the northern boundary of West Florida, including the key city of New Orleans (and what is called the island of New Orleans) to the sea.

Juridically we had the favorable opinions of some juriconsults, and besides these dicta, we claimed under the treaty of 1763 between France and Great Britain, in which France had granted to Great Britain the free navigation of the Mississippi from its source to its mouth. Realistically we were determined to follow the dictates of Dame Necessity, a free river peacefully if possible; if not, then *vi et armis*.

Spain, of course, had her lawyers and what was more, her genius for the diplomacy of infinite procrastination. This policy she employed in our days of infancy with such success as to defeat all the efforts, during the War of Independence, of Mr. Jay to obtain treaty recognition of the free navigation of the Mississippi, and later Mr. Jay asked the Congress to concede that for twenty-five years we should abstain from claiming the right to navigate the Mississippi below our territory to the sea. This proposition met with violent division in the Congress and came to naught.

But discontent was rife in Tennessee and Kentucky. The pioneers were determined to secure their rights to trade beyond the control of a foreign power. The exaction of Spain of levies claimed to be as high as fifty or seventy-five per cent ad valorem on the products of the Westerners was intolerable. They were determined to have relief either by fair negotiations or by force of arms, either through the Government of the American States or through their own initiative as independent states. Amid this economic disorder, General Wilkinson obtained some amelioration of the oppressive Spanish policy. He dined and wined the Spanish Governor in the gay city of New Orleans, and goods came through unburdened. Of course, this was but a temporary palliative. The period seethed with politics. Spain made overtures to the American settlers, some effort was made suggesting a union with Canada, and individual patriot-politicians offered schemes for relief.

Finally the European situation of Spain became precarious and she invited the American government to negotiate the differences confronting the two countries. The Treaty of Madrid (October 15, 1795) was the result, and in its 5th article stipulated:

The King of Spain stipulates and agrees to permit the people of the United States, for the term of three years, to use the port of New Orleans

as a place of deposit for their produce and merchandise, and to export the same free from all duty or charge, except a reasonable consideration to be paid for storage and other incidental expenses; that the terms of three years may by subsequent negotiations, be extended; or, instead of that town, some other point in the island of New Orleans shall be designated as a place of deposit for the American trade.

All now seemed to be well. But the old game of fast and loose was soon resumed by Spanish diplomacy.

By the Treaty of Paris (1763) Great Britain obtained from France all her lands east of the Mississippi, except the isle of Orleans, with the right of the free navigation of the river in its whole length from its source to the sea.

In November, 1762, Spain acquired from France, Louisiana including New Orleans.

By the treaty with England which terminated the Revolution, the United States obtained the right of navigation of the Mississippi which was her Western boundary.

After the success of the American Revolution, Spain, which had hoped that England would restrict the western boundary of the United States to the Alleghanies, saw the young nation extending to the northern reaches of the east bank of the Mississippi. Chagrined that she did not get this upper eastern bank of the great river, which it was believed France had secretly sought to obtain for her, and fearing the growth of the new Angle-Saxon neighbor, Spain at once withdrew the existing privilege of trade and navigation on the lower Mississippi, where she owned both banks.

And so from the very beginning of our nation began the Mississippi Question and the fight for a free river.

There was no uniform policy concerning the navigation of the river by Americans. In 1783 the traders were able to go to New Orleans, but in 1784 they could not. The next year the river was open again for a little time and then closed. Creoles and Americans were frequently imprisoned for violation of navigation ordinances.

The Spanish officials at New Orleans were not above bribery and favored individuals among the westerners made large gains.³

³ Curtis M. Geer, *The Louisiana Purchase and the Westward Movement* (Philadelphia, 1904), p. 174.

And so intrigue, negotiation, caprice of resident colonial officials brought about an intolerable condition of uncertainty which meant chaos and ruin for the western American farmer and trader.

At last the Treaty of 1795 gave the right of deposit for three years and the promise of future fair treatment. All went well for three years and a little more, when we hear of Don Juan Ventura Morales, the Intendant of Louisiana. Under the system of Spanish colonial rule, a check and balance was obtained by the office of Intendant, who was the financial controller of the colony ("The Purse") as the Governor was the military and civil executive ("The Sword"). Morales was a man of much resourcefulness. He was appointed Intendant in April, 1796; had violent quarrels with easy-going Governor Gayoso; learning that his successor had been appointed in October, 1799, he asked to be retired; succeeded, however, in being appointed to the subordinate office of Controller; in the fall of 1801 his successor, Ramon de Lopez y Angullo, turned over his office to him and Morales became Intendant ad interim which he held to the transfer of Louisiana, after which event he continued to stay in New Orleans with his official forces and actually did "a land office business" in selling grants of land in West Florida. The Spanish Minister to the United States, Casa Irujo made vehement protests about these sales; the Spanish Governor, Vincente Folch, sent a detachment of soldiers to prevent Morales' entering West Florida, the lands of which he was so boldly disposing, and it was not until February 1, 1806, that Governor Claiborne succeeded in politely expelling him from Louisiana.⁴ Morales had many enemies among his own nation, especially the Marquis of Casa Calvo. The French despised

⁴ Letter W. C. C. Claiborne to Hon. John V. Morales, January 25, 1806: "I esteem it a duty to remind you . . . that the departure from this Territory of yourself & the Gentlemen attached to your Department, will be expected in the course of the present month." *Official Letter Books of W. C. C. Claiborne* (Jackson, 1917), vol. 3, pp. 249-50.

him as "a man of low extraction . . . evil by nature."⁵ Claiborne did not like him although he described him as a man of "handsome talents and extensive fortune." He was certainly an outstanding example of the tenacious political official determined, against the world and at any costs, to hold fast to his office and its emoluments.

According to the historians of Louisiana⁶ Morales, shortly after the expiration of the three-year period of deposit provided for in the Treaty of Madrid (1795) in the governorship of Gayosa de Lemos (1799), "issued an order, prohibiting the use of New Orleans as a place of deposit by the western people, but without designating any other suitable point. When this measure became known in the West, it excited the most intense indignation, and an expedition against New Orleans was openly contemplated."⁷ Three regiments of the regular army were ordered to assemble at the mouth of the Ohio by President Adams, and preparations for a campaign seemed imminent.

The right of deposit was restored in 1800 by Ramon de Lopez, the successor of Morales, whose interdict was disavowed by the King and the crisis averted. But the game of fast and loose continued. Morales on the retirement of Lopez again became Intendent (ad interim) and on October 16, 1802, issued his Interdict, again abolishing the right of deposit of merchandise by the Americans at New Orleans.

When Jefferson came to power at the beginning of the nineteenth century he was not unaware of the Mississippi Question. As Secretary of State under Washington, he considered that Spain was ready to settle the free navigation of the

⁵ Perrin du Lac, *Voyage dans Les Deux Louisianes* (Paris, 1805), pp. 391-2.

⁶ Francois-Xavier Martin, *The History of Louisiana* (New Orleans, 1882), pp. 278, 285. Charles Gayarré, *History of Louisiana—The Spanish Domination* (4th ed. New Orleans, 1903), vol. 3, p. 399. Alcée Fortier, *A History of Louisiana* (Paris and New York, 1904), vol. 2, p. 172.

⁷ Gayarré, *op. cit.*, vol. 3, p. 399.

river, and he drew up the instructions of Carmichael and Short, our commissioners. He laid down four essential conditions for a treaty:

1. That our southern boundary remain at 31 degrees of latitude on the Mississippi.
2. That our right be acknowledged of navigating the Mississippi, in its whole breadth and length, from its source to the sea, as established by the treaty of 1763.
3. That our vessels be free from visits, duty, or inconveniences in the navigation of the river.
4. The right of depositing our merchandise.

Jefferson studiously based our rights to the freedom of the rivers on the Treaty of Paris (1763), the treaty with Great Britain (1782-1783), the law of nations and the laws of nature.

Nothing was accomplished, however, and in the year 1800 the unsettled Mississippi Question was a most live, active, and dangerous movement capable at any time of bursting into violence. In this same year (October, 1800) a secret treaty was entered into between France and Spain, at San Ildefonso, by which Spain agreed to retrocede Louisiana to France.

Since the renaissance of France under Napoleon, it was known that his dream of world conquest included a vast colonial empire and that his ambition demanded the restoration of the important position once held by France in America. What could he vision better than the French city at the mouth of the world's greatest valley, that valley that had been explored and possessed for France by her most gifted pioneers in the New World. Rumors of the retrocession merely accorded with the most reasonable attitude of the French. And yet it was a matter of first importance for these United States. Spain, well into a period of national decay, was a neighbor that eventually could do us no harm. France, Napoleonic France, was a formidable adversary for

the young republic. The fear of French possession grew, together with the determination on the part of the Americans to achieve their destiny as a nation at any hazard.

This view of the situation and this spirit of resolve was in the minds and hearts not only of our western emigrants and farmers on the great rivers, but also in the minds and hearts of the fathers of this nation. So compelling was this movement that Jefferson, the statesman-philosopher, knew too well its necessity for our national life, and so, according to the principles of true greatness, he made one of his momentous decisions. Jefferson, the firm friend of France and the zealot pacifist, made the sacrifice of his personal conscience for his country's good, and wrote to Livingston (April 18, 1802) these epochal words:⁸

The cession of Louisiana and the Floridas by Spain to France, works most sorely on the United States. On this subject the Secretary of State has written to you fully, yet I cannot forbear recurring to it personally, so deep is the impression it makes on my mind. It completely reverses all the political relations of the United States, and will form a new epoch in our political course. . . . There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance. . . . The day that France takes possession of New Orleans, fixes the sentence which is to restrain her forever within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment, we must marry ourselves to the British fleet and nation. We must turn all our attention to a maritime force, for which our resources place us on very high ground; and having formed and connected together a power which may render reinforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for the tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the United British and American nations.

On February 24, 1801, Jefferson wrote to Livingston offering him the mission as Minister Plenipotentiary to France.

⁸ This remarkable private letter from Jefferson to Livingston was intrusted by Jefferson to the personal custody of M. Dupont de Nemours, to be delivered by him to Mr. Livingston.

On September 9, 1801, the President advised him that by this post he would receive his final instructions from the Secretary of State.

In December, Livingston was in Paris.

And now began the series of letters from Robert R. Livingston to Rufus King, which form the burden of this paper.

The letters, mostly holograph, deal chiefly with two subjects, primarily, the settlement of the question of American rights to the free navigation of the Mississippi and the right of deposit of merchandise in Louisiana, and secondarily, the impending conflict between England and France.

The imminence of war was the cause of Napoleon's necessity and may have effected England's friendly complaisance.

In probably the first letter of Livingston to King, he wrote:

Paris 30th, December 1801⁹

A safe opportunity of writing now offering, I will mention some circumstances relative to the state of business here, on which I shall beg to know your opinion and their effect on the policy of Britain so far as relates to the United States. Among the objects that would most naturally engage my attention on my arrival, was the state of the negotiation, between France and Spain, regarding Louisiana—with a view if it had not been concluded, upon, to throw obstacles in the way. So far as it would be advantageously done, or if it had been effected, to make some such arrangements as would lessen the inconveniences which might result from it, to our Western territory—I have however reason to think the whole business had been settled before my arrival. I took occasion on my first private audience of the Minister of Exterior Relations to press him directly on the subject taking the common reports as a foundation for my inquiry. He explicitly denied that anything had been concluded but admitted that it had been a subject of conversation. I know however from a variety of channels, that it is not a mere matter of conversation, but that the exchange has actually been agreed upon. That a part of the armament destined, in the first instance, for *Hispaniola* is to proceed to Louisiana provided Toussaint makes no objection. Gen. Collot whom you may have seen in America was originally intended for Governor of that province, but he is at present out of favor. I think it probable the Minister will justify his concealment to me by its not having been definitely closed with Spain, as this, tho determined between

⁹ Robert R. Livingston to Rufus King, Paris, Dec. 30th, 1801 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1049.

the two governments, may form an article in the general treaty. His absence (being at Lyons) prevents my coming to something more explicit with him. That Spain had made this cession (which contravenes all her former maxims of Policy) cannot be doubted, but she is no longer a free agent.

I wish to know from you in what light, this is seen by England. It will certainly, in its consequences, be extremely dangerous to her as it will give an almost unbounded power to her rival. It puts Spain in a perpetual state of Pupilage, since she must always tremble for the safety of her colonies in case of a rupture—To avoid this evil she must grant, every commercial and political advantage to France. Her manufactures will find their way, through this channel, into every part of the Spanish territory to the exclusion of those of Britain—our own Western Territory may be rendered so dependent upon them, as to promote their political views, while the interest they have always nurtured with the Indians and the national character of the peasantry of Canada, may render the possessions of Britain very precarious—To say nothing of the danger which must threaten her Islands in case a respectable establishment should be made by France in Louisiana, which will not fail to be the case, as the territory is uncommonly fine and produces Sugar and every article cultivated in the Islands—I suggest these hints that they, with many others which may occur to you, may be made use of with the British Ministry to induce them to throw all the obstacles in their power in the way of a final settlement if it is not already too late. You know however the importance of not appearing yourself or permitting me to appear much opposed to it if you find the thing concluded, since it might be made use of to embroil us with France and Britain will have sufficient address to endeavor to keep a mutual jealousy, if possible between us.

On January 16, 1802, King wrote to Livingston:¹⁰

I conversed again and again with the Prime Minister, and the Secretary of State for foreign affairs, concerning the cession of Louisiana [i.e. the retrocession by Spain to France] who assured me that the measure was in their view of much importance, and one which they could not see but with great concern: nevertheless that they were unable to interfere respecting it, for the same reason which compelled them to silence concerning other important objects affecting the Equilibrium of Europe, and the welfare of Great Britain . . . and you may infer with confidence that not a word has been or will be said upon the subject at Amiens. . . .

An opinion gains strength that a part of the force, [which France was assembling to send to America] should the situation of St. Domingo permit, will be sent to New Orleans. . . .

Unless Spain is besotted and blind indeed she must desire with anxiety to avail herself of every assistance to get rid of the cession of Louisiana. Mr. Pinkney [our Minister to Spain] has without doubt taken the earliest

¹⁰ Rufus King to R. R. Livingston, London, January 16, 1802 (A.L.S.)—The New York Historical Society, Rufus King MSS., B.V. # 55. (By permission of the Society).

opportunity to explain the light in which the measure is viewed by us, and he might with confidence infer the disinclination respecting it of Great Britain.

Whether it can now be prevented is a question of considerable difficulty: but in whatever concerns the welfare of our country, we are called upon even in circumstances of despair to perform the Duties of Hope. My principal reliance would, I confess be placed upon a plain and explicit representation to the French Government which should expose without reserve, and if the first Essay should authorize it, in great detail, the extent of the mischiefs which we may be made to suffer from the completion of the cession; accompanying the same by assurances of our earnest desire to live in friendship and harmony with France, and to cultivate and extend the commercial intercourse between the two Countries, and concluding with a direct insinuation that foreseeing as we do the pernicious influence of the measure upon our political and social happiness, it will be impossible for us to see it carried into operation with indifference, or afterward to preserve unimpaired the confidence we wish to repose in the friendship of a Nation towards which we desire to cherish the grateful remembrance of important services.

If France value our Friendship, or if she care nothing about us, except as her own interest requires, to prevent our too intimate connexion with her Rival, the development, beforehand, of which we believe will be the consequence of measures in the accomplishment of which she is engaged, may have the effect to prevent them.

But I have to entreat your pardon for my suggestions on my part upon subjects which your superior Judgment and experience are much more capable than mine to conduct.

To this Mr. Livingston replied:¹¹

Paris 25th January 1802

I have for some time past been favored with your letters of the 8th, 11th, and 16th with the cypher and have been waiting for an opportunity of replying to them.

On the subject of Louisiana I should be prompted to pursue the steps you recommend, but for the following considerations—First, I have, ever since my arrival, found that this is a very favorite object here and that from the moment Egypt was lost to them, the First Consul cast his eyes upon this country as a substitute for it. You will the less wonder at this when you consider the actual state of things: [*few approve form of government; some hope for restoration of monarchy; government, though nation appears to enjoy quiet, moves with utmost caution; they dare not impose new taxes, or lessen their expenses; treasury is exhausted, to maintain the good will of the army, sooth the discontented men of all parties is the great task—*

¹¹ Livingston to King, Paris 25 January 1802 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1051. The words in italics in the Livingston Letters are in cipher; some few words are indecipherable and are indicated by ***. The sentences in brackets are summaries of portions of the text.

the superior talents and popularity of the First Consul] In this state of the body politic the first object is to open a door for the discharge of present humors—Louisiana is represented as another Paradise—the grant of lands and places these will tempt many who would be dangerous here to bury their consequence in that boundless wilderness. Again by possessing Louisiana they hope to have such an interest with out Western country as to hold a rod over us, Canada, and Spain.

They contemplate in the possession of the mouth of the Mississippi, a sovereign control over the Western Waters. They believe that through this channel they will introduce French fabrics into every part of the United States and at one time lists of goods for that purpose were actually prepared a copy of which I have seen. They urge many other reasons but at present the first is in the view of the government by much the most important.

I have hinted at an inclination to purchase West Florida by a payment to their American creditors: but they show no disposition to catch at the idea much as they want, *money* and to get rid of *demands* that *stare them in the face* at every turn. I am therefore satisfied that no argument we can use will be of the least use on the subject.

And the end of the letter (except last sentence):

I sincerely lament with you the death of young Hamilton and the more in that it originated in the unhappy party spirit which has too long disturbed the peace of our societies.

Livingston urged that King press England to bring up the question of the cession of Louisiana at the peace negotiations at Amiens.

Paris 10 March 1802¹²

[Most anxious about delay in definitive treaty (Amiens).]

It is certain that France has rendered *Britain mistress of the negotiations by stripping herself of her fleet* and a large *army* both of which *lie in some sort at the mercy of England*.

Should a rupture happen after the promises of peace which have been held out here and the avidity with which they have been received *it is impossible to for tell what might be the effects of the explosion* and this I believe is so well known here that I think so much as is necessary to the *security of the British colonies may be safely * * * would not be refused*.

If Louisiana goes into the hands of France without any explanations on the part of her government to us (and these I have not been able to obtain tho I have repeatedly pressed for them both verbally and by note) on the subject either of her boundary or the navigation of the Mississippi, it is impossible to see the extent of the power she will have in and over America. As part of the territory of Spain, Louisiana has no

¹² Livingston to King, Paris 10 March 1802 (A.L.S.)—Bibliotheca Parsoniana, La.-Am. MSS. V-1052.

precise boundary so that is easy to foresee the fate of Mexico—especially when it is considered that Gen'l. Bernadotte who is marked for this expedition has demanded it is said a large body of men. Britain will judge how far she will be able to contend with France enriched by the treasures of Spain. The boundary between Louisiana and Canada is also unsettled, the disposition of great part of that country is friendly to the French, their influence over the Indian tribes has always been and will again be much greater than that of the British. . . .

It is impossible to say what their influence may be upon our Western Country in case of a controversy with Great Britain—particularly if they keep the keys of it by possessing the mouth of the Mississippi or invite their aid in the plunder of Mexico—that the possession of that country aided by the power of France in Europe will draw after it that of the Islands is easily foreseen.

I mention these circumstances to you tho' I know they would hardly escape you, as hints that you may use with advantage to introduce this business at Amiens—you well know how to give them additional weight—nor is the right of Britain to interfere unfounded—by the 6th Article of the treaty with us of 1778 they absolutely renounce all right to take under any circumstances any part of the country possessed then or before by Britain on that continent. . . .

If any opening is given for pressing the business at Amiens, of Louisiana, I will meet you there at any time you shall appoint—to forward it.

Mr. King wrote on March 23, 1802:

London March 23, 1802¹³

[Further observation on cession of Louisiana taken in connection with expedition to St. Domingo.]

The sole questions which remain are, Can the Expedition be prevented; and if not, how should we treat it. Perhaps the only unconnected and separate means of prevention in our Power, are Iron and Gold.

[He says the first of these reasons (force) may at once be put aside. We may acquire Louisiana and the Floridas and be prepared to defend them with arms in our hands, if necessary, as we should be to defend Charleston, New York, or Newport. But shall we be willing to pay down a sum large enough to acquire them.]

A large sum of Money will alone procure it. No set of claims; no balancing of accounts; no prospect of future advantage, will have any beneficial influence in our favour;—it must be actual money, and a great deal of it, which can serve our purpose. Great as the benefit would be to us; of uniting to our Territories New Orleans, with the entire left Bank of the Mississippi and extending our Southern frontier to the Ocean, I confess, that I see little in the Principles to which we profess to devote ourselves, and by which our affairs are to be regulated which authorises us to expect that a measure of such magnitude, and which would impose immediate

¹³ King to Livingston, London, March 23, 1802 (A.L.S.)—The New York Historical Society, Rufus King MSS. B.V. #55.

and considerable burthens upon our People, would be likely to be received with favour. . . .

If we can succeed by neither of these means. . . .

Is it too visionary a Speculation for us to think of obtaining the cession of New Orleans and the Floridas from France, by assisting her to obtain the Supplies she wants for her Fleet and army in the West Indies? Or is there any thing in the nature of the war, that should restrain us from doing so?

A project of this sort would deserve to be received with favour at Madrid; as it offers the only means of sparing the Spanish Treasure in America, and preventing what must there, as elsewhere, be the subject of apprehension, I mean, the occupation of Louisiana by France. To the French too holds forth the means of immediate and important relief in circumstances of difficulty.

[The consequences of the cession of Louisiana were fully explained and pressed to the English before and since meeting for Preliminaries of Peace of Amiens, but the answer uniformly the same and] gives us not the slightest occasion to hope even that anything has been or will be done concerning it at Amiens. We must therefore depend upon ourselves.

I would lose no time in telling France our apprehensions, at the same time that I assure her of our earnest desire to live in harmony and friendship. I would inform our people that I have done so, and I would moreover endeavor by all justifiable means to familiarize them with those measures to which the defense of the public welfare may compel us to resort. The Truth should not be disguised from ourselves or others that we are the first power in our own Hemisphere, and that we are disinclined to perform the part of the second.

[Statement of this sort openly made will check measures to divide us from whatever quarter they may proceed.]

Several letters of Livingston to King follow.

Paris 27 [21st] March 1802¹⁴

The turn that things have taken will I fear put it out of your power to create the alarm I wished on the side of Louisiana, and the navigation of the Mississippi, which it will be important to us to interest Britain in, if France possesses the mouth of the river; since it will be a great obstacle to their shutting it up, and to their scheme of making New Orleans the Entrepot for all the Western country.

The report here is that all is settled. . . . Should it be otherwise, I will endeavor to make the necessary arrangements with your concurrence for the security of our navigation.

[Speaks about the necessity of supply by France in the West Indies—The claims of U. S. on subject of debts and prizes being pressed.]

On Louisiana I can obtain no answer as yet under pretence, that they have never acknowledged their having made any treaty relative to it.

¹⁴ Livingston to King, Paris, 27 March, 1802 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1053.

10 April 1802¹⁵

My views of the importance of Louisiana are exactly similar to yours and they lead me more and more to regret the loss of that treaty which secured it from ever passing into the hands of France. They would also lead me to any measure which afforded the smallest prospect of preventing it. But this business has been long since settled between France and Spain, and I have reason to think that our pertinacious refusal to renew the former treaty entered deeply into the measure.

You seem to think that one or other of the means you mention [gold and iron] might have a tendency to prevent it—but how in our present situation are either to be brought into operation. There are invincible objections to both in the form of our government and our political relations. Should we attempt to purchase, which as you say could only be made by a large sum of money, would the Middle and Eastern States submit to be taxed for what they would call the exclusive interests of the southern ones? Or would a southern President dare to risk the odium of it? Besides I am well persuaded that such is the light in which this object is viewed by the first Consul that no sum we could afford to give would be accepted. I have gone much farther in my offers than my instructions will justify and farther than I shall think it prudent to have known [gone] since the offer has been rejected.

To justify the other we should first have some pretense, but what have we to complain of at an exchange of territory between two independent sovereigns, provided it extends the rights of neither against us and both profess to be our friends.

On the subject of supplies I have made them a very tempting offer without effect. [Treated well, replies to all his demands on every other subject;] yet on this, I can get no formal reply to any application; nor shall I, until they have actually taken possession, for which purpose an armament is now fitting out and will sail directly for it, unless the state of affairs in St. Domingo should change their destination. . . .

Nothing here is talked of but the concordat and the return of religion. The Cardinal Legate made his public entry yesterday and I shall not be surprised if the pendulum should now vibrate as far towards enthusiasm as it has done towards infidelity and atheism.

19 April 1802¹⁶

[Speaks of detention of our vessels at St. Domingo.]

I have hitherto been left to act entirely alone not having had a single line from the Government or Secretary of State since the date of 20th Dec. last tho' I have asked their advice upon very delicate points. . . .

Mr. Pinckney writes me that he has proposed to the Spanish Government the purchase of the Floridas. I am sorry for it because there is no

¹⁵ Livingston to King, Paris, 10 April, 1802 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1054.

¹⁶ Livingston to King, Paris, 19 April, 1802—Bibliotheca Parsoniana, La. Am. MSS. V-1055.

doubt that they have disposed of them to France and of this it would have been best that he should not have appeared to be ignorant besides the more value we appear to attach to them the more highly they will be prized here.

[Present armament much stronger than I think necessary yet I am not without expectation that it may be found necessary to change their destination.]

The papers will show you that we are all engaged here in the reestablishment of the church.

Paris 10 May 1802¹⁷

[Difficulty of acting without advices for people at a distance of 3000 miles (refers to representation as to state of purchasing cargo from United States ships at St. Domingo payable three-quarters in bills).]

The project for taking immediate possession of Louisiana is by no means abandoned nor will anything prevent it but very extraordinary reverses in St. Domingo.

The troops from Italy are to be embarked in the Mediterranean probably at the expense of the Italian States and are, as is said, to proceed to St. Domingo *don't however be surprised if they sail East instead*. Should this be the case it may give us a reprieve and this only will do so. Matters are now in such a State that this business of Louisiana no longer depends upon negotiations. Accident here and vigor at home can alone prevent our country from feeling at no distant day the restraints and jealousies that arise between powerful neighbors.

[The tribunes voted Napoleon distinguished honors; thought a prelude to declaring him emperor for life; the senate proposed that consular dignity be continued to him for life; this was unexpectedly and violently opposed by some members, modified to give the consulate for 10 years to him; it is supposed the first Consul will refuse to accept this; the Consul is too popular to dread any attack, but once—] the dagger of the assassin is however perpetually suspended over his head [—no one or body of men able to take his place.]

Paris June 8, 1802¹⁸

Yesterday received yours of 5th.

[Disapproves of] payment into Pichon's hands of the money raised to fulfill the treaty.

This is a critical moment with us and the *wants* of the *armament* in the *Islands* will plead more *for us* than a thousand acts of generosity.

Taleyrand told me yesterday that the first Consul had ordered my note to be put into the hands of the counsellor of State—Fleurian—The fact is, it is one that they know not how to answer, since it will admit of no evasion—as to myself I am particularly well treated and my notes

¹⁷ Livingston to King, Paris, 10 May, 1802 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1056.

¹⁸ Livingston to King, Paris, June 8, 1802—Bibliotheca Parsoniana, La. Am. MSS. V-1059.

answered while those of Denmark, Sweden, are entirely unnoticed *they want us* and can *do without them*.

I have a letter from New York of 22 April . . . but as it is from a lady it may not be very correct:

"The affairs of St. Domingo take up much of our attention. LeClerc has not yet learned to fight the blacks—who contend with him in the manner of our savages, much blood has been shed, neither side bury their dead, and diseases follow the army. Our people complain heavily 80 of our vessels are there embargoed—Lear is coming away not well satisfied."

The troops in Italy are embarked as is said, destined for St. Domingo.

Bernadotte has agreed to go to Louisiana.

[Understands from correspondence with Spanish minister and from Adit that the Mediterranean courts are not agreed as to the inclusion of the Floridas in the cessions.]

Insisted with *Talleyrand* upon a full explanation of their intentions relative to that *country* founding *my demand* upon *our rights* under the *Spanish treaty*—he has promised me that on the arrival of Mr. Otto arrangements on this subject shall be taken between us.

Still am without instructions—but act till I have them.

I should dread a quarrel but I should *dread* still more a *degraded submission*.

[I am planning a visit to Holland and hope to meet you.]

Paris June, 1802¹⁹

[Yours of 18th June with enclosures rec'd.]

[Have read them with attention and reluctantly burned them as per your command.]

[I have many things to say to you on this important subject which I must defer until some safe conveyance offers.]

[Bernadotte yesterday declined command of assignment for Louisiana Mr. Talleyrand indisposed, this has put back my business some days.]

[Offer congratulations to King for his treaty with England. France just concluded advantageous treaty with Turks by which she gets free navigation of Black Sea from whence she may cheaply get wood and naval stores.]

I beg the favor that you purchase for me a ticket in the State Lottery and retain it in your hands transmitting me the number.

Paris 31 June, 1802²⁰

I wrote a hasty letter to you yesterday, acknowledging receipt of yours and informing you that I had complied with your request with regard to the enclosures.

¹⁹ Livingston to King, Paris, June, 1802—Bibliotheca Parsoniana, La. Am. MSS. V-1058.

²⁰ Livingston to King, Paris, 31 (sic) June, 1802—Bibliotheca Parsoniana, La. Am. MSS. V-1060.

Relative to Louisiana some circumstances gave me reasons to believe that Spain and France were not perfectly agreed as to the limits of this cession. Having learned that there were difficulties that would postpone the taking possession of Louisiana till September I suspected that they might arise from that circumstance and accordingly *wrote a note to the Minister of Spain stating the rights we held by the treaty of Madrid* and desiring to know how these rights were secured to us by the treaty of cession with France; complaining that we were not made parties to that treaty and desiring to know what the limits of France were to be: showing the evils that would result *to Spain if the Floridas were included, he answered* with great frankness that he was a stranger to this transaction having had no agency in making the treaty or any certain knowledge of it; but that he had reason to believe the Floridas were not included. That as I told him *Mr. Pinckney* was charged with the discussion of this business *at Madrid he would transmit my letter to his Court and communicate* to me whatever he should learn on that subject.

I have since conversed with *Gen'l Collot* and I find by him that it is understood that tho' East Florida is yet that West Florida is not included in the cession. But neither he nor *Adet* with whom I have also had several conversations have even seen the treaty yet both of them expect to be employed the one as a *Gen'l* and the other as *Prefect*. The day before yesterday *Gen'l Bernadotte* resigned the command of the expedition destined for this object, so that it will still meet with delays, tho I believe from the success of the business at St. Domingo that troops will be spared from there. In speaking upon the subject yesterday to the Minister I treated it as if the Floridas were still the property of Spain which he would neither admit nor deny but I think it pretty certain that they are not, West Florida at least, formally ceded.

It is also said here that even Louisiana is not to be surrendered till Britain has formally acknowledged the King of Etruria but I know not how far this is correct should it be *you may give some delay or obstructions to the business*.

[Anxious to hear from Mr. Pinckney—wish to avoid counteracting any of his measures.] My own idea is that if we cannot purchase West Florida that we should bend our endeavors *to keep W.F. in the hands of Spain under the initial guarantee of France and the U.S.* that we should procure from the first a renunciation of it similar to that contained in our former treaty and a stipulation that if by conquest or otherwise it should pass into the hands of France it shall be restored to Spain or sold at a limited price to the U.S.

That Orleans should become a free port and if possible a free State—these are hasty hints upon which I pray you to give me your ideas as early as possible, as I have some thoughts. If what I hear from Mr. Pinckney should not lead to other measures, to offer some project of this kind to the consideration of the government here—accompanied by such an offer of money as an equivalent for the sacrifices they may make as may tempt their cupidity. Mr. Talleyrand has promised that Mr. Otto shall

treat with me on this and a variety of subjects—as his health is such as to make it necessary for him to go to drink the waters and of course to delay and obstruct our business. . . .

The people of France may be (and I believe are) happy but they never will be *free*.

Mr. King again took up the question of the Floridas, in connection with Louisiana:

London July 12, 1802²¹

[At bottom of page:]

Copy of No. 66 (with its enclosures) to S. S. was on the 18 June sent to Mr. L. with a request that he would consider the communication as strictly confidential; burn the Letters as soon as read.

[Ack: receipt of Livingston letter of June 30th.]

[Whether either or both the Floridas have been ceded seem altogether a matter of inference. Believes the Floridas would not be reserved by Spain after Louisiana passed into hand of France; also that West Florida would not be kept if East Florida be ceded with Louisiana. The Floridas (after cession of Louisiana to France) would be a burthen and of no Benefit to Spain. Besides] France and not Spain is the power with which every efficient discussion should be made concerning these Provinces.

As the free navigation and use of the Mississippi is a right above all computation to the United States, New Orleans and the Floridas would on this account, as well as others prove a most valuable acquisition and according to my creed they must and will ultimately belong to us; if so every step we take should have a reference to this acquisition. . . .

[Expresses his strong] dislike of a purchase, except for ourselves, as well as my repugnance to a Guaranty under any circumstances.

Livingston to King:²²

Paris 2 August 1802

[Apologies for not answering sooner King's letters of July 7th and July 12th]

But the fact is I have been very much engaged in solicitations and in writing a memoir on the subject of Louisiana, a copy of which I shall send you in French having directed a few sets to be struck off with a view to place them in such hands as have influence to serve us.

I find my representations begin to make some impression—on my arrival, I was informed by one of the administration that the Floridas were included in the cession, the reluctance, however of Taleyrand to give me any answer on that point, together with the generality of the term Louisiana in the treaty of Madrid of March 1801 induced me to

²¹ King to Livingston, London, July 12, 1802—The New York Historical Society, Rufus King MSS. B. V. No. 55.

²² Livingston to King, Paris, 2 August, 1802 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1062.

suspect that as France had always extended that term to the territory on both sides the Mississippi, that they had probably supposed it would still include it, tho' the Floridas had long since been distinguished by another name—and I believe the first doubt they had on the subject arose from my note.

Here is attached a slip of paper containing a few rough notes:

Spanish ambassador. I stated our treaty to him and the interest it gave and claim to be party to any treaty that Spain might make relative to that country—it not to include the Floridas—I have placed in the strongest possible light to him the interest that Spain has in keeping it out of the hands of France in case of the cession of the West side of the Mississippi—tenacious on that ground—Madrid that the Spanish Minister Mister Pinckney in the same equivocal manner—Talleyrand does here—

The letter continues:

I believe this is now the subject of negotiations between France and Spain but as this will take time, circumstances may arise to prevent its final success—General Bernadotte has declined the command and none other is yet appointed—so that the business begins to cool and some thing may yet be done.

[Personal:

Best time to come to France: if for the country—between now August second and first of October. For Paris and everybody of fashion the beginning of winter.]

Paris 11th Nov. 1802²³

The Louisiana business is resumed with fresh vigor and the armament will sail next month—Mr. Sumter not having your cypher I cannot be particular—let me know what hopes in England and be so obliging as to continue to send the papers which now become particularly interesting.

They tell me my ticket in your hands has drawn a small prize be pleased to vest it in another ticket and send me the number.

This I trust will find you at Calais—I wish you a pleasant passage over.

Paris 17th Nov. 1802²⁴

[I trust you are arrived safely.]

Since you left us the expedition to Louisiana was resolved on. Mr. Clark the bearer of this will give you information on this subject.

Bonneville had orders to offer Parma in exchange for Florida. it will probably be accepted.

²³ Livingston to King, Paris, 11 November, 1802 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1064.

²⁴ Livingston to King, Paris, 17 November, 1802—(A.L.S.) Bibliotheca Parsoniana, La. Am. MSS. V-1065.

But so melancholy are the accounts from St. Domingo that a part of the troops designed for Louisiana are now to go to St. Domingo—and it is this moment under deliberation whether the whole should not go there.

Mr. King wrote:

London Nov. 24 1802²⁵

The probabilities seem to be greater in favour of War than peace [i.e. between France and Great Britain].

Livingston to King:²⁶

Paris 20 Jany 1803

[Rec'd your favors of Jany. 8/1803 and Jany. 11/1803.]

Affairs stand here as they did. They give me the strongest assurances that Bernadotte is to settle all matters with our government relative to Louisiana and I ask them what confidence the United States will have in a new treaty when the old so far as it relates to our debts remains unexecuted? And why if arrangements are to be made as to Louisiana they are not made here?

As to the first the minister gives no answer, to the second he says that they want to make inquiries as to our rights of entrepot, etc.

I have addressed a note to him on that subject in which I take notice of the stoppage of the port of New Orleans and suggest a doubt whether it will not excite a jealousy that it has been done in concurrence with France and the effect that this idea may have on the politics of the U.S. They solemnly deny all knowledge of the transaction.

I have never doubted that we must look to energetic measures at home for the success of our negotiations here. I have yet rec'd no precise instructions how to act or what if anything to offer. I look with anxiety to the opening of Congress—my letters have not tended to deceive them as to the real state of affairs here. Victoire goes directly to New Orleans, at least so Mr. Tallerand tells me.

[We are in deep mourning for Gen. Leclere. Paris very sickly at present scarce a family escapes Mrs. L. & Col. L. down with severe fever.]

Here we insert a letter from Jefferson to Livingston. He did not receive it until the arrival of Monroe. Indeed he complains in his next letter to King that it is long since he has heard from Washington.

Jefferson to Livingston:

Washington, February 3, 1803.

Dear Sir,—My last to you was by Mr. Dupont. Since that I received yours of May 22nd. Mr. Madison supposes you have written a subse-

²⁵ King to Livingston, London, November 24, 1802—The New York Historical Society, Rufus King MSS. B.V. No. 55.

²⁶ Livingston to King, Paris, January 20, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1066.

quent one which has never come to hand. A late suspension by the Intendant of New Orleans of our right of deposit there, without which the right of navigation is impracticable, has thrown this country into such a flame of hostile disposition as can scarcely be described. The Western country was peculiarly sensible to it as you may suppose. Our business was to take the most effectual pacific measures in our power to remove the suspension, and at the same time to persuade our countrymen that pacific measures would be the most effectual and the most speedily so. The opposition caught it as a plank in a shipwreck, hoping it would enable them to tack the Western people to them. They raised the cry of war, were intriguing in all quarters to exasperate the Western inhabitants to arm and go down on their own authority and possess themselves of New Orleans, and in the meantime were daily reiterating, in new shapes, inflammatory resolutions for the adoption of the House. As a remedy to all this we determined to name a minister extraordinary to go immediately to Paris and Madrid to settle this matter. This measure being a visible one, and the person named peculiarly proper with the Western country, crushed at once and put an end to all further attempts on the Legislature. From that moment all has become quiet; and the more readily in the Western country, as the sudden alliance of these new federal friends had of itself already began to make them suspect the wisdom of their own course. The measure was moreover proposed from another cause. We must know at once whether we can acquire New Orleans or not. We are satisfied nothing else will secure us against a war at no distant period; and we cannot press this reason without beginning those arrangements which will be necessary if war is hereafter to result. For this purpose it was necessary that the negotiators should be fully possessed of every idea we have on the subject, so as to meet the propositions of the opposite party, in whatever form they may be offered; and give them a shape admissible by us without being obliged to await new instructions hence. With this view, we have joined Mr. Monroe with yourself at Paris, and to Mr. Pinckney at Madrid, although we believe it will be hardly necessary for him to go to this last place. Should we fail in this object of the mission, a further one will be super-added for the other side of the channel. On this subject you will be informed by the Secretary of State, and Mr. Monroe will be able also to inform you of all our views and purposes. By him I send another letter to Dupont, whose aid may be of the greatest service, as it will be divested of the shackles of form. The letter is left open for your perusal, after which I wish a wafer stuck in it before it be delivered. The official and the verbal communications to you by Mr. Monroe will be so full and minute, that I need not trouble you with an unofficial repetition of them. The future destinies of our country hang on the event of this negotiation, and I am sure they could not be placed in more able or more zealous hands. On our parts we shall be satisfied that what you do not effect, cannot be effected. Accept therefore assurance of my sincere and constant affection and high respect.

Livingston to King:²⁷

Paris 3 Feb'y. 1803.

It is very long since I have heard anything from our government and am waiting with the utmost anxiety for some instructions from them. . . .

If you have the President's speech or anything of the proceedings of Congress be pleased to send it to me.

General Bernadotte will go out with the best dispositions towards us—but it is not upon his disposition that much will depend.

I have just rec'd letters from Mr. Graham at Madrid he can obtain neither light or information on the subject of the treaty by which he can learn whether our rights are preserved on the Mississippi. The Spanish Court have passed a very extraordinary decree with respect to us they suffer none of our vessels coming from America to enter their ports till they have performed quarantine in a foreign port and been ventilated. From what I can learn here Britain will not see the cession of the Floridas with indifference. She may as well give up her islands as let them command all the ports on the Gulf and the mouth of the Mississippi. Let me know what you can learn of this subject and how far the present ministers will carry their opposition.

[Paris extremely unhealthy at present.]

Livingston learned from King that Monroe had been appointed Envoy Extraordinary and Minister Plenipotentiary to France and Spain.

King to Livingston:²⁸

London 23 Feby. 1803

I have just seen a letter from Mr. Thornton the British Charge des affaires at Washington dated January 11 which states that "The President has just nominated Mr. Monroe Envoy Extra. and Minister Plenipotentiary to France and Spain to treat with either or both concerning the Mississippi."

No mention is made of my Successor.

Livingston to King:²⁹

Paris 28th Feb'y. 1803

I have letters from Secy. of State of 19 Jany and letter and papers from New York to the 27th.

The business of New Orleans still agitates the public mind. The federal party appears inclined to war. The administration and their friends to previous negotiations.

²⁷ Livingston to King, February 3, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1067.

²⁸ King to Livingston, London, February 23, 1803 (A.L.S.)—The New York Historical Society, Rufus King MSS. B. V. # 53.

²⁹ Livingston to King, Paris, February 28, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1068.

In this view Mr. Monroe is sent out to treat jointly with me here and with Mr. Pinckney at Madrid upon the ground that I had long since proposed. He was expected to sail for France sometime in the beginning of February. His appointment was opposed in the Senate and carried 15 to 12. I have done everything to smooth his way before I knew of his appointment and removed the objections of most of the people in power and have lately addressed myself directly to the first consul.

It is however impossible to say as yet what effect this may have but I have always thought it a duty I owed to the public creditors to connect their claims with the other business. Mr. Monroe will as I understand be under no necessity of doing this. Which perhaps will remove some difficulties.

King to Livingston:³⁰

London March 4, 1803

I have seen a Letter from one of Senators dated Washington Jany. 10th., that says a message has been sent to House of Representatives but not to the Senate, which was received with closed doors, and was understood to communicate the answer of the government of New Orleans to Governor Claiborne's letters.

The answer insinuates that the shutting of the Port by the Intendant was not in compliance with an express order of the King of Spain, but a measure resulting from general Instructions for the Government of the Colonies on the return of Peace—that being shut it would not be proper, nor in his power, to open the Port without the express orders of the Crown. . . .

[A gentleman of N. Y. reports the vice-president will visit the Western country and the Mississippi Territory next Spring, and that it is not improbably that he may hereafter reside there.]

Livingston to King:³¹

Paris 8th March 1803

You have been misinformed as to the subject, of the message to the House of Congress. The Gov'r of New Orleans in his letters to Gov'r Claiborne expressly declares that the order for shutting the port was given without any directions from home and contrary to his sentiment that he had written to the Gov. of Cuba on the subject. I believe no other information had been rec'd on the 19th Jany. (the date of a letter I have from the Secretary of State) I believe my several letters to the government have not been submitted to the legislature and perhaps in the present ferment it is best they should not. You know my sentiments and the character that some of them are in * * * with—I am labouring to pave the way for Mr. Monroe and I think I have got every man about the court to think as I do on the subject of Louisiana but as you know there is but

³⁰ King to Livingston, London, March 4, 1803 (A.L.S.)—The New York Historical Society, Rufus King MSS. B. V. 53.

³¹ Livingston to King, Paris, March 8, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1069.

one head here—I have addressed a very strong letter to the consul himself—I am promised an answer in a few days and having done everything I must now wait the event. I have not hesitated to declare that if they keep the port shut after the Island is delivered up, the U.S. will not wait the effect of an negotiation. I have also told Gen'l Bernadotte it is not worth his while to cross the Atlantic unless this business is previously arranged as he will only have to return immediately.

The Floridas are not yet ceded and I have some reason to believe they will not—I have laboured hard to prevent it unless we can previously arrange for them.

King to Livingston:³²

London March 11, 1803

[The message from the King to Parliament: replies of both houses without dissent, impressing of seamen, calling out of militia, proclamations recalling all British seamen in foreign service, bounties offered for volunteer enlistment in the Navy; all seem measures] made at the commencement of a War. [However decision rests with Bonaparte.]

From the reference which the message has made to the armaments in Holland, it is pretty natural to conclude that a fleet of observation will immediately appear in the Channel, and that detachments or small Squadrons will watch the arsenal Ports of both France and Holland: if so the Expedition to Louisiana must remain in Port until the questions in discussion are decided. How far our affairs will be beneficially affected by this unexpected tho' very natural course of things is more than I am able to determine.

Livingston to King:³³

Paris 15th March 1803

[Rec'd. favor of 11th.]

If the war depends only upon the first consuls receding from the question of the evacuation of Malta a war will come.

[The Scene at Mme. B's (Bernadotte's) Drawing Room:]

The consul after going the usual round of the Ladies in one room only turned to me and asked some of the usual questions on these occasions, he then spoke a few words to the Danish minister and bowing to the General near him came up to me a second time and a few words were exchanged. He then went to the other end of the room (passing the ministers with a bow only speaking to two or three of them) and went up to Lord Whitworth and told him that they w'd probably have a storm.

Lord Whitworth hoped not.

You have already had a 15 years war.

It was 15 too much, Sir, replied L. W.

³² King to Livingston, London, March 11, 1803 (A.L.S.)—The New York Historical Society, Rufus King MSS. B. V. No. 53.

³³ Livingston to King, Paris, March 15, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1070.

You want another war.

Pardon me Sir we wish for peace.

After a few more very strong terms evoking the vengeance of heaven upon those who broke the treaty he concluded Malta must be evacuated or war—the prefect of the palace then told him that Madame B. and the ladies in the next room expected him—he turned off and retired to his cabinet—I am satisfied that Frances does not wish for war. . . .

As to our own affairs I told you I had written a very strong letter on the subject of the Isle of New Orleans to the first consul so far as it related to the debt it did not exactly accord with the ideas of the Minister yet on that point it has had a most happy effect that the first Consul gives in reply the most positive assurances that the conventions shall be literally complied with [that the finances of France made this easy.]

I have certainly advanced in this business much farther than I could have hoped and I promise myself success if the storm does not blast my hopes.

On the subject of Louisiana he says that he will immediately send out a minister to acquire the necessary information and concludes by strong professions to the government and president, etc.—

I am now sending in a note couched in very plain terms declaring that so far as the object may relate to a new treaty for our mutual advantage I have no right to object to his obtaining the necessary information, but that we will admit no treaty as to our right of deposit or to what we hold under the treaty of Madrid and insisting upon an explicit recognition our right. I have no specific powers as to anything as I told you when here and have found the want of them Mr. Madison informs me that I am to receive them with a new commission by Mr. Monroe. Nothing will be listened to in the way of purchase.

Your proposition draws much consideration. . . .

On the whole I think it would be more dignified and more safe to act upon our own ground and if we must enter into the war secure to ourselves all the advantages that may result from it.

King to Livingston:³⁴

London March 23, 1803

[I have received your letters of

(a) Feby 28

(b) March 8

(c) March 15]

The words of the communication respecting the Expedition for Louisiana were “The message (of the King) speaks of the Expedition of Helviotsluys, all the world knows it was destined for America, and about proceeding to its destination, mais d’apres le Message de S.M. l’embarquement et le depart vout etre contremandes.”

³⁴ King to Livingston, London, March 23, 1803—The New York Historical Society, Rufus King MSS. B.V. No. 53.

Bonaparte gave Lord Whitworth the alternative of War or the evacuation of Malta, on the 13th instant. I refer to the scene in the drawing room. . . . The King cannot consent to evacuate Malta unless substantial security be provided for those objects which in present circumstances would be endangered by that measure [integrity of the Turkish Empire, etc.]

[France would consent to Russia holding Malta.]

[As a postscript]

I have a letter from the Secretary of State of Jany. 29 which informs me my Successor had not then been named, and that the time fixed for my leaving England might arrive before any arrangements for the vacancy can have their Effect!

The next letter of Livingston was written to M. de Talleyrand, in reply to Livingston's letter to the first Consul. It is a perfect example of the plain, unvarnished, direct attack of the advocate and must have ruffled or amused the diplomatic serenity of the late bishop of Autun.

Mr. Livingston Minister Plenipotentiary
of the United States of America.

To his Excellency the Minister for the
Exterior Relations for the French
Republic.

Sir:

I have received with great sensibility your note containing the first Consul's reply to what I had the honor to present to him—on the subject of the American claims, the sentiments are such as would naturally be entertained by an enlightened statesman who after advancing his country to the highest pinnacle of military glory and national prosperity had determined to give perpetuity to that prosperity (etc). . . . but, Sir, as this will form the Subject of a future note I shall beg leave to proceed to the consideration of a question in the highest degree interesting, harmony of France and the United States and which I am sorry to say is of a nature too pressing to admit of any delay, the first Consul has done me the honor thro' you to inform me that he proposes to send a Minister to the United States, to acquire such information as he may deem necessary previous to his taking any measures relative to the situation in which the acquisition of Louisiana will place France with respect to the United States.—If sir, the question related to the formation of a new treaty I should find no objection to the measure on the contrary I should readily acquiesce in it as that which would be best calculated to render the treaty mutually advantageous but Sir it is not a new treaty upon which we now press (tho' one mutually advantageous might be certainly made) but the recognition of an old one by which the United States have acquired rights that no change in the circumstances of the

country obliges them to relinquish and which they never will relinquish but with their Political existence, by their Treaty with Spain, their rights to the navigation of the Mississippi is recognized and a right of Depot granted with a prescription on the part of the king of Spain to revoke this right if within three years he finds it prejudicial to his interests in which case he is to assign another equivalent establishment. The King of Spain has never revoked that right, but after having made the experiment of its effects upon his interests for three years he has continued it—the United States have by this continuance acquired a permanent and irrevocable right to a Depot in New Orleans, nor can that right be now called in question either by Spain or by any other nation to whom she may transfer her title.

Even the assignment of another equivalent establishment cannot at this day be forced upon the United States without their consent because the time allowed to Spain to determine has past and she has preferred to have the Depot at New Orleans to placing it elsewhere—and I will venture to say that in so doing she has acted wisely for New Orleans derives its whole value from it being the market for American produce and their principal port of entry and if this consideration was important to Spain it is infinitely more so to France, the produce of whose agriculture and manufactures will thus find a ready exchange for the raw materials of the United States—Under these circumstances at the very moment that Spain is about to relinquish the possession of the country to France she violates her treaty, and leaves the country with a stain upon her character.

In what situation, Sir, are we now placed? An armament is on the point of sailing for New Orleans, the Port has been shut by the order of Spain, the French commandant will find it shut—will he think himself authorized to open it? If not it must remain shut until the envoy of France shall have arrived in America, made the necessary inquiries, etc. transmitted the result of those inquiries to the first Consul in the meanwhile all the produce of five States is left to rot upon their hands, there is only one season in which the navigation of the Mississippi is practicable this season must necessarily pass before the Envoy of France can arrive and make his report—it is supposable, Sir, that the people of the United States will tranquilly wait the progress of negotiation, when the ruin of themselves and their families must be attended on the delay—Be assured, Sir, that even were it possible that the government of the United States could be insensible of their sufferings they would find it as easy to prevent the Mississippi from rolling its waters into the ocean as to control the impulse of the people to do themselves justice—if, Sir, in pursuance of the Treaties that France has made with the Porte she had established valuable comptoirs upon the Black Sea, and subsequent to this the Dardanelles were ceded to the Emperor, would France suffer him to shut up the passage and ruin her merchants till a new treaty had been negotiated for an object that she already possessed—Sir, I will venture to say that were a fleet to shut up the mouth of Chesapeake, the

Delaware or the Hudson it would create less sensation in the United States than the denial of the right of depot at New Orleans has done—The people of the western countries are emigrants from the different states in which they have left connections deeply interested in their prosperity—this circumstance combining with a just sense of national independence and national dignity make them extremely sensible to the injustice they have suffered—nor is it without the utmost difficulty that they have been restrained from breaking out into acts of immediate hostility against Spain, by the prudent measures of Government and by the hope that the Mission of a Minister who will bring with him a conviction of their feelings on this subject will procure them the most immediate and express recognition of their rights by France in whose justice and good faith they hope to find a resource against the breach of faith by the officers of Spain.

I cannot but flatter myself Sir that the answer which the first Consul has been pleased to honour me with has a reference only to such new treaties as it may be for the mutual interest of both countries early to negotiate, but that relative to the rights the United States possess in virtue of existing treaties with Spain he is ready to afford me those explicit and formal assurances which are necessary to calm the emotions which have been so universally excited in the United States—I can never bring myself to believe Sir, that the first Consul will by differing for a moment the recognition of a right that admits of no discussion, break all those ties which bind the United States to France, obliterate the sense of past obligations and changing every political relation that it has been and still is the earnest wish of the United States, to force them to connect their interest with those of a rival power and this too for an object of no real moment in itself. Louisiana is, and ever must be from physical causes a miserable country in the hands of an European power—nor can any principle of sound policy ever dictate to France even if bound by no treaty a change in the circumstances of New Orleans, that should exclude the citizens of the United States from the right of depot to which alone it must ever be indebted for its prosperity.

I feel a pleasure in declaring, Sir, that the people and Government of the United States will receive the highest satisfaction from the assurances that the first Consul has empowered you to make to me of his attachment to them and will reflect with pleasure on his having called to mind that amidst the changes that both nations have undergone they have been mutually forward in tendering their alliance to each other.

Nor will it be less flattering to the President to have acquired as a magistrate and as a man the esteems of a chief who has merited and obtained that of the world—But these circumstances add to my pain, when I reflect on occurrences that may lay the foundation for future enmities—and I trust Sir, that they will serve as an apology for anything that may appear harsh in this note—for if ever there is a manner in which it becomes a minister to speak with freedom it is when he feels that the dearest interest of his country are at stake and has reason to hope

that a knowledge of the truth may prevent the break of relations between nations that esteem and respect each other, and the calamities that humanity may feel in such breach.

I pray your Excellency to receive my thanks for the interesting manner in which you have made the communications of the first Consul and my assurances of the highest consideration.

Paris 16 March 1803³⁵

Livingston to King:³⁶

Paris 23 March 1803

[Ack. your favor of 18 March.]

[Let me know everything on the subject war or peace.]

[As I told you I have] applied directly to the first Consul and had received his fullest assurances on the subject of the debts but nothing pleasing on the subject of Louisiana the negotiations for which were to be referred to Gen'l Bernadotte in America.

In reply to which I sent in the enclosed note which the state of things in Europe made me think it prudent to hazard.

Three days ago I called on the Minister for an answer he assured me that I should have one and that everything should be arranged that day and I have no doubt that they were to when very unhappily they rec'd letters from Pichon informing them that the appointment of Mr. Monroe had tranquilized everything and that they might safely defer their negotiations in consequence of which I last night rec'd. a very hasty note full of propositions and arguing the necessity of waiting for Mr. Monroe who may not be here till everything is arranged with Britain in which case they may return to their old project. I believe that this appointment was necessary in the United States but as things have turned out it has greatly embarrassed my operations.

However I hope the best and pray you to miss no opportunity of letting me hear from you. . . .

I have given a pretty pointed answer to the last note what the results will be I know not should they be sure of war it will have its effect otherwise not and they may keep us negotiating as long as they please.

The Floridas are not yet ceded and I think will not be.

I have a letter from Mr. Pinckney of the 2nd of March in which he says that everything is fully and honestly arranged with Spain relative to the denial of the right of entrepot—that the court disavows the least knowledge of the act and have given orders for its being immediately countermanded. [Mr. Monroe was expected about to embark about 24th of February.]

I am satisfied that they are yet very uncertain here as to the event of things with England and that they are not only uncertain but anxious.

³⁵ Livingston to Talleyrand, Paris, March 16, 1803, Original copy enclosed in letter to Rufus King, March 23, 1803. Bibliotheca Parsoniana, La. Am. MSS. V-1072.

³⁶ Livingston to King, Paris, March 23, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1071.

Be as minute as you can in any information you can collect and I shall be equally so.

King to Livingston:³⁷

London, March 29, 1803

[Further conjectures and reflexions on the pending discussions between France and England, England ready to evacuate Malta only on certain conditions; France declines all inquiry and discussion concerning them and refers itself to the Treaty of Amiens.]

[England still has possession of Malta.]

[Rumor from Holland that the Expedition for Louisiana again resumed, notwithstanding] as I have explained to you, that it was countermanded in consequence of the Kings Message to Parliament.

P.S. Observe great caution as conjecture that your information comes from me would place me in delicate circumstances.

Livingston to King:³⁸

Paris 1st April 1803

[Ack favor of 23 ult.]

[About the prospects of war or peace between England and France.]

[Great Britain] will never consent to give an impregnable post in the Mediterranean to Russia is obvious, so that if this is the only expedient upon which peace depends war must come. . . .

I have letters from Mr. Pinckney containing a full denial on the part of Spain of any agency in the closing the port of New Orleans. [Thinks Mr. King should retain his post on account of the seriousness of the times until successor arrives.]

I had written thus far when I received your letter of 29th. . . .

I had occasion to ask Mr. T-d a few days ago what would be the issue? He told me, as they always do, that he hopes peace. I mentioned that I supposed it was in their power to fix so desirable an event by giving England the satisfaction she required. He replied "we shall adhere to the treaty of Amiens"—They certainly derive great advantages from their present position—they gain time and make but little new expense—They arrange their colonies and they derange the commercial speculations of Great Britain—The Expedition to Louisiana will proceed and have time to strengthen themselves before they can be attacked.

I shall be very careful that no ill use is made of your confidential communications.

King to Livingston:³⁹

London April 8/1803

[Acknowledge receipt of Livingston Letter of April 1st.]

Liston writes that in his opinion the Expedition for Louisiana will not proceed in the present uncertain state of affairs, and I am inclined to

³⁷ King to Livingston, London, March 29, 1803 (A.L.S.)—The New York Historical Society, Rufus King MSS. B. V. # 53.

³⁸ Livingston to King, Paris, April 1, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1073.

³⁹ King to Livingston, London, April 8, 1803 (A.L.S.)—The New York Historical Society, Rufus King MSS. B.V. No. 53.

believe, should it attempt to proceed, that it might meet with opposition—England would interrupt the Expedition to Louisiana, if she believe the War inevitable.

P.S.

[England will not evacuate Malta—All depends on the first Consul who must abandon the treaty of Amiens so far as respects Malta or take War.]

I wish to explain to you an interesting conversation I have lately had respecting New Orleans, etc. but I am really pressed by so many personal concerns, etc. [and does not tell the conversation]

[In the margin of the letter the legend:] Conversation with Mr. Addington

King to Livingston:⁴⁰

London, April 12, 1803

Should the war take place, as I still think it must, if the First Consul persists in respect to Malta, it is to be hoped you will have authority to assume a Principle, in regard to Louisiana, which at all times but more easily in Time of War between England and France we can and ought to assert and maintain. To the country west of the Mississippi we have no claim, from the Country East of it, in virtue of the irrevocable renunciation of France, and the duty we owe to ourselves and posterity, we have the right to exclude her forever; and it is only by adhering to this principle that we shall be able to preserve the union and protect the independence of our country.

Livingston to King:⁴¹

Paris 13 April 1803

Mr. Monroe arrived here last night—He left New York the 7th—To my great surprise no appointment has taken place for England where I earnestly wish you to remain.

[War imminent.]

Our affairs look up and I have been pressed to bring forward my propositions but as I knew Mr. Monroe was at Havre I declined doing so without consulting him. I think however everything is prepared for him and I am assured that had not this measure been adopted we should have come to some conclusion by this time because I could have touched strings that must now be left untouched till he has been here so long as to acquire the personal confidence he merits. I think however all will go well—it should however aid us to have you at your post where you are known to keep a good lookout and I have sometimes had occasion to turn their eyes toward you.

[At bottom of letter:]

⁴⁰ King to Livingston, London, April 12, 1803—The New York Historical Society, Rufus King MSS. B.V. 53

⁴¹ Livingston to King, Paris, April 13, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1074.

14th I have last night been called to a conference by Mr. Marbois, formal propositions have been made me by order of the first Consul so that I think you may consider that negotiation is opened at last—Mr. Monroe will be presented to the Minister this day. I will press as early an audience as possible that he may appear in the negotiations in his present situation. I can only have his advice—be pleased to take no notice of this where you now are.

Livingston to King:⁴²

20th April, 1803

Mr. Monroe has brought out no sort of information relative [to your successor.] I have letters to late in Feby. from the President himself and he says nothing of it.

[Mr. Monroe sailed 7th March.]

[Relative to French possessions in America—] I think they have no prospect of obtaining Florida and indeed I have given up the project. Before the arrival of Mr. Monroe I had made some progress in a treaty which I believe would prove satisfactory at home. His appointment has given it some check principally however on account of forms which I think might be got over, it would be imprudent to go into further details at this time, upon which however you shall shortly hear from me.

[England and France are hourly expecting war.]

I still anxiously wish you to remain at your post. Your absence will not only be disadvantageous on the account you mention but have a bad effect upon our negotiations here for reasons that will be obvious to you. I have received from Mr. Pinckney a copy of the treaty of Ildefonso by which it appears that the cession of Louisiana was made subject to all existing treaties, so that our rights are expressly reserved and it is our own fault if we do not enforce them.

King to Livingston:⁴³

London, April 22, 1803

[Refers to astute diplomatic exchanges between England and France—but war looms.]

Send you the last Papers from New York, the accounts from whence say—the Western people will wait the issue of your and Mr. Monroe's negotiations.

King to Livingston:⁴⁴

April 26, 1803

[Acknowledge receipt of Livingston Letters of April 13th and April 20th.]

⁴² Livingston to King, Paris, April 20, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1075.

⁴³ King to Livingston, London, April 22, 1803—The New York Historical Society, Rufus King MSS. B. V. 53.

⁴⁴ King to Livingston, London, April 26, 1803—The New York Historical Society, Rufus King MSS. B. V. 53.

[Embarrassed no news of my successor.]

Letters from America, as late as the 21 past destine Mr. Monroe to this Mission—my Baggage is on board ship engaged to carry me home, demurrage (10 pounds sterling) per diem running.

[In margin:]

The John Morgan to be detained to 8 or 10 May in hope of hearing of a satisfactory issue to the New Orleans Business.

Livingston to King:⁴⁵

Paris, 27 April, 1803

[Of opinion that there will be war.]

The First Consul is represented as too magnanimous to recede from the Treaty of Amiens relative to Malta.

Lord Whitworth had not on Monday night much expectation of peace as he himself told me. . . .

A negotiation is opened between us and full powers given to Marbois to treat with us—We shall I think accomplish our objects, he has given us a project, to which I have just drawn a counter project and given to Mr. Monroe to consider, he has been unfortunately sick since he has been here and suffered for some days extremely but is now up tho he does not yet leave his rooms—He has not yet been presented nor I suppose will be till the 15th. but as he has been introduced to Talleyrand he is sufficiently acknowledged to go on in the negotiations which I had opened before his arrival and which proceeds upon the ground I had taken a very different one however from that contemplated by our government tho I hope a most satisfactory one.

You will consider what I say upon this subject perfectly confidential there are very particular reasons for it not being known even after it shall be executed if this should happen till it is approved by our government.

Livingston to King:⁴⁶

Paris 27 April 1803 (2)

[Having heard of a safe messenger who goes directly I am induced to avail myself of it. Have rec'd yours of the 26th.]

[War may be considered as absolutely determined upon.]

Our own affairs stand upon the ground, I had early taken (from a conviction that were the beautiful country above the river Arkansas to remain in the hands of the French the population of our country would be drawn over to it and that in no very distant period the Western States would unite with them) taken measures by setting on foot not only a direct negotiation but what (more relied on a private one for obtaining that together with New Orleans and I found my propositions met with

⁴⁵ Livingston to King, Paris, April 27, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1076.

⁴⁶ (1) Livingston to King, Paris, April 27 (30th) 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1077. (2) Letter "misdated it sh'd be Ap. 30," according to contemporary note.

very great attention thro' the best of these channels. Previous to the arrival of Mr. Monroe I was called upon by the minister to make a specific proposition for the whole of Louisiana but as I had no instructions to close I kept the thing afloat without coming to any precise point hoping daily to receive instructions. When Mr. Monroe was appointed they pressed me still more and about ten days before he arrived a resolution was taken to post with it upon the ground I had taken—I was again pressed to close this declined on the ground that Mr. Monroe was expected but at the same time pressed for some specific answer as to our rights at New Orleans and that a treaty should be formerly opened upon the other point so that every thing might be prepared for him—On the subject of the debt having obtained so full a promise from the first Consul himself that it was impossible to go back they were compelled either to satisfy the same from the treasury or find the means in their new negotiation and tho I found them often endeavoring to shift this ground it was impossible the promise had [involved] the personal character of the first Consul and must be fulfilled. This I believe was a turning point.

The day Mr. Monroe arrived and before it was known at Court Marbois came to me to open a negotiation for this great object as we now had our instructions and Mr. Monroe was here. I lent myself to his propositions and passed the greater part of that night with him at the treasury. The next day I met him again and it was agreed that he should procure full powers. Mr. Monroe was presented to Mr. Talleyrand and we should have gone on together but he was suddenly taken ill and confined to his bed so that I was obliged to take the labouring on upon myself. Till the full powers were given and a project drawn Mr. Monroe being then well enough to sit up I carried Mr. Marbois to him where we discussed then. I drew a counter project which after undergoing some alterations by the advise and assistance of Mr. Monroe we presented yesterday together with a letter which I drew and transmitted stating our reasons and with a view to its being submitted to the first Consul. I have great reason to hope that our plan will be accepted and that we shall sign immediately after Mr. Monroe has been presented which will be tomorrow as he is now sufficiently recovered to go out. This business has cost me much pains and anxiety but I think our country will be essentially served and as Mr. Monroe has arrived in time to share the responsibility I have the greatest hope that it will be acceptable it has but what is very curious is that our new commission confines our power to New Orleans and the coast of the Mississippi so that as to all Louisiana we proceed absolutely without power my first commission being * * * might indeed bear me out—but in reading our powers they have as yet overlooked this circumstance and they will be much surprized at home to find the turn our negotiations have taken under these limited powers. I think I may then hope that all that could have been expected of me has been done our debts paid and our historical claims settled so that I may return when I please to my native land, which I found here on my arrival without

character or consideration but which I shall leave upon the footing of the most favoured and most distinguished nations and I trust that my successor and the measures of our government at home will preserve to it the same rank.

Mr. Monroe says he has not the least knowledge of his being to succeed you that nothing of it was said to him or of anybody else while he was in America.

[We are to have Court day tomorrow—last night (it was our night) those present felt Lord Whitworth would not attend.]

Livingston to King:⁴⁷

Paris 2nd May, 1803

I have but a moment to tell you my dear Sir, that no doubt of war remains. . . . At the levy Lord Whitworth did not attend.

The First Consul publicly declared that the terms proposed by Britain were such as he could not accede to stating the possession of Malta to be one of them.

Lord Whitworth has applied for his passports. I shall see him this evening and if any new matter turns up write to you again.

Our affairs are fully and to me at least very satisfactorily arranged.

Should you go before I write again I give my best wishes for your safe and prosperous voyage and for such reception in our country as your services have merited—Remember me affectionately to my friends and to our common friends, for such I trust we still have notwithstanding the difference of our political sentiments upon some points. Mr. Monroe is so far recovered as to go out—I presented him yesterday to the first Consul. We all join in our best wishes to your family.

King to Livingston:⁴⁸

London, May 3, 1803

[Rec'd yours of 27th past.]

And am glad to perceive that you expect a satisfactory settlement of the affair of New Orleans, [if possible press the business to a conclusion, as the negotiation (between England and France) may end peaceably.]

Any settlement which shall leave the Commerce of the Mississippi under the control of a foreign State must be too precarious to be relied upon,—and nothing short of the complete Union of New Orleans with the United States, and the consequent and entire exclusion of a foreign Jurisdiction can in my belief prevent a recurrence of the embarrassment we have lately experienced.

Will France consent to the Union and if so, upon what Terms? Her true policy, tho' perhaps not ours, would be an unconditional cession.

She may consent to a cession on our paying a sum of Money; in this

⁴⁷ Livingston to King, Paris, May 2, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1078.

⁴⁸ King to Livingston, London, May 3, 1803—The New York Historical Society, Rufus King MSS. B. V. 53.

case would it not be desirable that it should be agreed that the money should be applied to pay her American creditors?

[Suggests: That the money not only pay her debt to our people but that she pay surplus still due us.]

[She may agree provided we give her special trade advantage on the Mississippi and in our ports, or that she be permitted to use our ports for her privateers.]

[Yet we should avoid all preferences.]

Livingston to King:⁴⁹

Paris 7th May, 1803

[Your favor of 3rd May rec'd.]

[Lord Whitworth demanded his passports and when about to leave was requested to stay and new propositions made about Malta. What will England do?] So unreliable are the politics of Mr. Addington that no reasonable calculation can be made upon them.

For ourselves we are happily so arranged as to render the appearance of war no longer necessary to us. As this letter goes by Doc. Seaman who will deliver it into your own hands I write to you with fullest confidence because there are many reasons that the subject I write upon should not yet be known where you are. I have always believed as I before told you that the possession of New Orleans alone would not render us secure. The country on the other side of the Mississippi being nearly equal in extent to the United States and superior in point of soil could not remain unsettled in any other hands but those of Spain. Should it by conquest or any other cause have got into that of England, united with their other colonies it would have proved a dangerous rival and perhaps too powerful for us. If it remained with France from the restless spirit of her people, the overbearing temper of her generals we would have been in perpetual disputes. Besides that they might have as indeed they proposed to do opened a land office on such easy term as could have drawn of our population and rendered our landed stock of little value. They might also have sent their black troops and upon any dispute have found a great occasion of slaughter in our southern slaves. These and many other considerations induced me to set on foot a negotiation for New Orleans and a part of the territory on the west side as being above the mouth of the river Arkansas because I knew this to be the best land and that which would most probably draw of our people this concurring with the promise which the first consul had given me personally to discharge the American debt and the arguments which I had urged of the inability of a colony without forts, the danger of attack from Canada, etc., induced him to determine to sell the whole of Louisiana in its utmost extent. About ten days before Mr. Monroe arrived the resolution was taken and Talleyrand pressed me to conclude and afterward Marbois (as was said in compliment to me) was directed to treat with me but as I

⁴⁹ Livingston to King, Paris, May 7, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1079.

had momentarily expectations of Mr. Monroe's arrival and indeed had not direct instructions of any sort, I declined coming to any conclusion till his arrival as the subsequent steps related only to lesser matters—it sufficient to tell you that a treaty dated 30th April is concluded and signed for the whole country. We pay our citizens 2,000,000 livres which will cover all their claims, principal and interest and as we have defined and limited them and a large sum in * * * beyond. We give no commercial advantages except some of little moment in the ceded territory only and that for but 12 years.

Thus you may congratulate me upon having obtained by the most unwearied exertion a treaty which whether well or ill rec'd I am content to be charged with to my latest posterity. We shall write you a joint letter in a few days, you will consider this as private and confidential and more minute than I believe my colleague will choose the other to be. I have written lately to the president informing him of the loss I shall sustain in your absence, and expression of the pleasure I have rec'd from the friendly and confidential manner in which you have acted towards me. Accept my dear Sir my sincere thanks and my best wishes for your prosperous voyage I wish for other considerations, that it could with convenience to yourself have been postponed. It is now become less important to me to be well informed so far as it relates to our great object, but always pleasing and interesting upon other accounts. I have letters from New York of the 3rd April and nothing of your successor. Everything quiet at present. I have not seen your son for this last fortnight. My grandchildren having the whooping cough I am fearful of sending for him.

King to Livingston:⁵⁰

London, May 7, 1803

[English ultimatum: (1) Military possession of Malta for ten years; (2) Absolute dominion of the Island of Lampedusa] of the existence whereof I was ignorant till I heard of it on this occasion.⁵¹

[(3) Disposition in favor of King of Sardinia.]

[(4) Evacuation of Holland by French forces.]

[Mr. Tallyrand at last offers that Malta be garrisoned by Russia, Prussia or Austria as England should choose. Lord Whitworth delays his departure.]

P.S. I wrote a letter to you and Mr. Monroe today by duplicate, one copy whereof will go by the first English messenger. Its object is to submit to your consideration the propriety of enabling me to communicate to this Government the cession of New Orleans to the United States, if the same has taken place. My motives for this step proceed from the opinion that an Expedition will be sent from this Country to occupy New Orleans in case War happens which would not be sent if it be seasonably

⁵⁰ King to Livingston, London, May 7, 1803—The New York Historical Society, Rufus King MSS. B. V. 53.

⁵¹ Lampedusa, now (1943) on the lips of every schoolboy.

known that the country has been ceded to us. A messenger will be immediately sent back by Lord Whitworth by whom your and Mr. Monroe's answer may be forwarded.

King to Livingston and Monroe:⁵²

London May 7, 1803

War seems to be quite inevitable.

[Offer of France to leave Malta in hands of Russia etc. if made earlier would perhaps have prevented crisis.]

In case of War, it is the purpose of this Government to send an Expedition to occupy New Orleans.—If it be ceded to us would it not be expedient openly or confidentially to communicate the fact here?

I have reason to be satisfied that it would prevent the projected Expedition—I shall remain here till 14th in hopes that I may receive your answer which might be expedited by a courier, should the communication be deemed prudent.

Livingston and Monroe to King:⁵³

Paris 9th May 1803

Sir:

We have the honor to inform you that a treaty was concluded between the French republic and the United States of America on the 30th April last by which the first cede to the latter the Island of New Orleans and the whole country of Louisiana. If a war should break out between France & Great Britain it may be proper that the information should be communicated to the British Government. You may likewise add that scrupulous attention has been paid so to frame the treaty as not to interfere with any rights they may have to the navigation of the Mississippi—We have the honor to be sir, with the highest considerations,

Your most obt. serts,

Robt. R. Livingston
Jas. Monroe

Livingston and Monroe to King:⁵⁴

Paris May 1803

Sir:

We have the honor to inform you that a Treaty (the 30th of April) has been signed between the Minister plenipotentiary of the French Government and ourselves, by which the United States have obtained full right to and sovereignty in and over New Orleans and the whole of Louisiana as Spain possessed the same. If Sir you should find it necessary to make any communication to the British Government on this subject,

⁵² King to Livingston and Monroe, London, May 7, 1803—The New York Historical Society, Rufus King MSS. B. V. 53.

⁵³ Livingston and Monroe to King, Paris, May 9, 1803 (L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1079B.

⁵⁴ Livingston and Monroe to King, Paris, May *** 1803 (L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1080.

you may likewise inform them that care has been taken so to frame the Treaty as not to infringe upon any of the rights that Great Britain might claim in the navigation of the Mississippi.

We have the honor to be Sir with the most respectful consideration,
Yours most obt. serts.
Robt. R. Livingston
Jas. Monroe

If Mr. King is absent
Mr. Gore will be pleased
to communicate the sub-
ject of this letter to
the British Gov't.
His Ex'y
Rufus King.

[Note on the reverse indorsed:] Messrs. Livingston and Monroe
May (supposed) 11 1803

Rec. 15
Louisiana Treaty with France
of April 30, 1803

Livingston to King:⁵⁵

Paris 11 May 1803

We yesterday (Mr. Monroe and myself) sent you a letter by Mr. McClure communicating the substance of our treaty by this you will have a second in consequence of the rec't of your favor of the 7th. My private letters to you had enabled you to anticipate this event and I hope may have answered the purpose designated in your last. I intimated to you that the purchase had been a pretty expensive one extending far beyond the amount of the American claims but we have removed by it a dangerous rival (whether this government or that of Britain possessed the country) for ever from our shores. We have enabled our government to live in perpetual peace by an addition to its territory of the finest country in the world, acquired the means of living at no very distant period absolutely independent of Europe or the east Indies since the produce of every soil and of every climate may now be found or placed within our own country, whatever the opinion of the present day may be I am content to stake my political character with posterity upon this treaty.

I cannot tell you precisely what the answer to Lord Whitworth's last proposition will be, I saw him last night and he appeared to entertain hopes, this Courier will however give you full information as he is to receive his answer this day. The fact is that the people about court and particularly the family of the first consul are extremely desirous of peace but he had I think so far committed himself as to make it almost

⁵⁵ Livingston to King, Paris, May 11, 1803 (A.L.S.)—Bibliotheca Parsoniana, La. Am. MSS. V-1081.

impossible to go back so far as the British proposition would require peace is both popular and necessary to the nation.

I hope this may still find you in London I have seen papers from New York to 3rd. Ap'l they contain nothing new or any account of your successor. I repeat to you my wishes for your safe passage and agreeable reception in your native land. We all join in our compl't and good wishes to Mrs. King. I am

Dear Sir
With much esteem,
Your most obt. Sev't.
Robt. R. Livingston

King to Livingston and Monroe:⁵⁶

London May 16, 1803.

Gentlemen:

I have the honour to acknowledge the receipt of your letter (without date) in answer to mine of the 7th instant; having confidentially communicated the purport thereof to this Government I have the pleasure to inform you that the communication has been received with satisfaction and that an official note to this effect is promised to be sent to me before my departure.

With great respect I have the honour to be

R. K.

King to Livingston:⁵⁷

London May 16, 1803

I have your Letter of the 11th & by this opportunity write to you and Mr. Monroe.

The treaty you have concluded is most undoubtedly of very great importance, and I cordially make you my compliments upon the success that has crowned your solicitous and unwearied exertions.

A little more or less money cannot be an object with a Country circumstanced like ours, especially when it is applied to secure advantages so important as those which depend upon the free and complete navigation and control of the Mississippi. If I might be permitted to entertain a doubt respecting your Treaty it would relate to the great extension of Territory that it gives us: at this moment I have no distinct opinion upon this subject.

As this is a record of Mr. Livingston's labors in the acquisition of Louisiana, indeed, his story of the Purchase, it may not be improper to append to his letters, a bit of declamation in which he pardonably indulged at the conclusion of the

⁵⁶ King to Livingston and Monroe, London, May 16, 1803—The New York Historical Society, Rufus King MSS. B. V. 53.

⁵⁷ King to Livingston, London, May 16, 1803—New York Historical Society, Rufus King MSS. B. V. 53.

signing (by Robert R. Livingston, James Monroe and Barbé-Marbois) of the Treaty and Conventions:

"We have lived long," said Mr. Livingston, "but this is the noblest work of our whole lives. The treaty which we have just signed has not been obtained by art or dictated by force; equally advantageous to the two contracting parties, it will change vast solitudes into flourishing districts. From this day the United States takes her place among the powers of the first rank. . . . These instruments which we have just signed will cause no tears to be shed: they prepare ages of happiness for innumerable human creatures. The Mississippi and Missouri will see them succeed one another, and multiply truly worthy of the regard and care of Providence in the bosom of equality, under just laws, freed from the errors of superstition and the scourges of bad government."⁵⁸

⁵⁸ M. Barbé-Marbois, *Histoire de La Louisiane* (Paris, 1829), p. 333.

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