

## Introduction

This volume opens in January 1780 with the arrival of John Jay and his entourage at Cádiz on the French frigate *Aurora* from Martinique, where the Jays landed following damage to their original vessel, the Continental frigate *Confederacy*. The trip marked the Jays' first experience of foreign travel and the opening of Jay's career as a diplomat abroad. Unlike the welcoming, culturally and socially enriching experiences of Franklin and later Jefferson in France, Jay's introduction to international diplomacy was an "honorable exile"—a frustrating, humiliating, isolating, even alienating, venture that tested the patience and fortitude of even so dutiful and stoic a man as Jay. It also augmented his nationalist determination to create a stronger, more unified United States that would be treated with respect abroad. Together the documents provide a case study of the perils of negotiating substantive international issues from a position of political, military, and, especially, financial weakness. The conflicts they depict both anticipate and influence the issues that were to characterize American relations with Spain and its colonies for decades to come.

Led by French and Spanish officials in America to expect a warm reception and a positive outcome for his mission, Jay intended to land first in France, where he could test the waters with Spanish diplomats there. Instead, naval risk forced him to land in Spain and to apply for permission to travel to Madrid to meet with the Spanish court. His mission was to seek recognition of American independence, to establish a treaty of alliance parallel to the one negotiated with France in 1778, and to procure financial aid. He quickly learned that Spain was determined not to acknowledge American independence or to receive any American diplomat as representative of an independent power, at least not until after a peace treaty with Great Britain was achieved. Though he was permitted to come to Madrid, Jay would be treated not as an accredited diplomat, but only as an unofficial "foreigner of distinction." This was a status that Jay refused to accept, since it would, he believed, imply tacit acceptance of the position that the United States was not yet an

independent nation. Consequently, he refused invitations to attend court or diplomatic functions so long as his official status was unrecognized. This stand antagonized Spanish officials and cut Jay off from many desirable social and diplomatic contacts.<sup>1</sup>

Other members of his entourage were unhappy with this situation. Jay's secretary, William Carmichael, was a more experienced and linguistically gifted diplomat who had long lived in Europe and had served as an assistant to the commissioners in France earlier in the war. Carmichael preceded Jay to Madrid and was received at court. His lower diplomatic status freed him to socialize in diplomatic circles. With a gregarious, utterly unscrupulous temperament, he successfully acquired information and connections at various levels of society that were useful to the Spanish mission. However, his propensity to act independently, his compulsive intriguing, and his determination to advance his own status and position, often at Jay's expense, alarmed Jay, who came to regard him as the most faithless, dangerous man he ever met.<sup>2</sup>

Furthermore, Carmichael succeeded in exacerbating the tensions that developed within the Jay household as a result of its financial limitations and its lack of official status. Included in Jay's entourage were his wife, Sarah Livingston Jay, generally called Sally; his brother-in-law Henry Brockholst Livingston, who served as his private secretary; his nephew, Peter Jay Munro; and, later, a ward, Lewis Littlepage, whose education in Europe Jay had agreed to facilitate and supervise. Aware that their mail was opened and that their household was generally under surveillance, both John and Sarah Jay demanded more discretion and prudence in their behavior than the younger household members were willing to maintain.<sup>3</sup> Furthermore, since Congress failed to provide adequately for Jay's expenses in an exceptionally costly diplomatic post,<sup>4</sup> he had to impose a greater frugality than his charges expected. Soon he was confronted by a sullen, insolent, indiscreetly critical private secretary and a bored young ward who sought military glory by enlisting in the Spanish army at Jay's expense.<sup>5</sup>

Adding to Jay's worries were Sally's pregnancy and early loss of their baby daughter; separation from their young son, Peter Augustus Jay; the illness and eventual death of his father; and the dangers and losses faced by both the Jay and Livingston families at home, a situation worsened by the failure to receive timely family news from America.<sup>6</sup>

Routine interception and examination of all of Jay's mail meant that Jay often failed to receive information and instructions from Congress, while Spanish officials had detailed information on American politics and military

affairs that he lacked. Jay avoided sending confidential reports to America until he had effective ciphers or secure couriers to carry his dispatches. The long intervals during which Congress failed to receive reports from Jay inspired complaints from Congress that he did not keep it adequately informed of his progress and prospects.<sup>7</sup> Jay quickly warned his correspondents that everything would be read by Spanish, and sometimes French, officials, and possibly by others. This knowledge affected all his correspondence.<sup>8</sup> Letters not encoded or sent by secure means were written with their examiners in mind. Information in them is either cryptic, uncontroversial, or intended to be read by Spanish officials. In few of the letters does Jay dare express his true feelings about Spain and its administration—such views and feelings appear only in coded passages and occasional private letters. Occasionally they appear in excised passages of draft letters. Advised by the French and by Franklin not to express openly his anger at his reception in Spain, Jay recommended that Congress and its secretary for foreign affairs cloak their irritation as well, but it is doubtful that Spain was fooled in the least.<sup>9</sup> As Jay repeatedly informed Congress, French and Spanish representatives in America had intimate knowledge of all that went on there and quickly conveyed it to Spain.

Although he continued to seek treaty negotiations and to attempt to place Spanish-American relations on a permanently friendly basis, Jay soon despaired of real progress. Initially, the hurdles were Spain's disappointment with its military situation in Europe since its involvement in the war, and its resentment that its French ally expected it to follow France's lead in supporting American independence.<sup>10</sup> Secret British peace feelers through a private emissary, Lord Cumberland, also postponed a Spanish response to Jay's initiatives.<sup>11</sup> Spain also quickly made it known it wished a quid pro quo for any concessions on its part. Among the items Spain suggested as suitable compensation for financial aid were American support for military operations in Louisiana and in Florida, flour and other provisions for Spanish forces in America, and ships and naval stores for the use of the Spanish navy. Although Congress moved military operations further south in response to British attacks on Savannah and Charleston, it could do little directly to assist Spanish forces, and its deteriorating financial system limited the supplies it could offer in exchange for Spanish aid. Furthermore, the military news from the southern campaigns went from bad to worse during 1780, with the Spanish alarmed especially by news of the surrender of Charleston to the British in May 1780. Not until 1781, with news of Nathanael Greene's victories in the South and then of the victorious Yorktown campaign, did the military situation favor Jay's negotiations.<sup>12</sup>

The concession that Spain wanted most was for the United States to abandon its claim to navigation of the Mississippi River, especially through the lower portion that was under Spanish jurisdiction. This Jay's instructions explicitly forbade him to concede. Even worse, Jay concluded that the Spanish, probably with French support, hoped to deny American claims to areas east of the Mississippi obtained by the British at the end of the Seven Years' War. Congress was well aware of how strongly southern and western settlers felt about retaining access to this land and to the navigation of the Mississippi. It declined to permit any concessions until 15 February 1781, when it authorized Jay to offer to drop its claim to navigate the Mississippi below the thirty-first degree of north latitude and to a free port below that point if Spain insisted on this as a condition for an alliance and financial aid, provided that Spain guaranteed free navigation of the river above that latitude to citizens of the United States. By the time the news reached Jay, he was persuaded Spain had little to offer in the way of assistance that would make the concession worthwhile. Moreover, when he presented the concession, stipulating that the offer was valid only if Spain agreed to American objectives before the conclusion of peace, he met with no more positive response than before on the issues of acknowledging independence, forming an alliance, and providing significant aid. Both Franklin and Jay had by then decided the Mississippi navigation was more valuable than anything Spain could provide. From then on they sought to extricate America from further dependence on Spain.<sup>13</sup>

In all these negotiations, Jay's position had been further jeopardized by what he came to call those "cursed bills." Desperate for revenue as the Continental currency collapsed in 1780, Congress had decided to draw bills of exchange against the loans it hoped its ministers would succeed in opening abroad, preferably directly from France, Spain, or Holland, or, if necessary, from private lenders in those countries. In this way it could anticipate future revenues, rather than endure the long wait until news arrived of successful loans. Such bills were sold, usually at a loss, to those wishing to transfer money abroad and unwilling to risk the hazards of shipping commodities in wartime. Although the bills were drawn at long sight, and payment would not soon become due, the arrival of such bills in Europe put enormous pressure on American diplomats to obtain funds quickly so they would not have to refuse payment of the bills when due and thus damage American public and private credit. Since Congress had during Jay's travels authorized drafts on him of 100,000 pounds sterling, he no sooner arrived in Madrid than he became less a respected emissary than a soldier in a "war of finance" in which

each power vied to tap the diminishing supply of money and credit available to the growing number of nations simultaneously involved in a global war.<sup>14</sup>

Although Spain initially responded favorably to requests for funds to pay the bills, pledging to provide \$150,000, the Spanish government proved unwilling, and often unable, to advance the sums at opportune times, and even the full amount of the pledge would not nearly have covered the more than \$400,000 in bills actually drawn. With the assistance of the French ambassador, Montmorin, and Benjamin Franklin, Jay ultimately secured the funds needed to pay the bills, with interim help from advances from private bankers with ties to the Spanish and French courts who were willing to wait for reimbursement from French or Spanish loans. But in the meantime, Jay found himself dunned by bill holders and compelled to harass Spanish officials for assistance as each new batch of bills arrived. Often he was put off or ignored and treated like an impecunious debtor or importunate bill collector. For one brief period in March 1782, before learning of a new French loan, he was forced to protest a large group of bills. For a man who prided himself on his honor, dignity, and financial rectitude, there could hardly have been a greater humiliation. The long-term poor impression created by Jay's public and private financial situation in Spain undoubtedly influenced Spanish negotiator Diego de Gardoqui's later faulty depiction of Jay to his superiors as a man of little means, resolved to make a fortune, who could easily be influenced by presents to himself and his wife.<sup>15</sup>

Earlier in the war, the impact on Jay of the wartime divisions showed itself in the split of his former network of friends and colleagues into Patriots and Loyalists, and in the necessity he was under to investigate, imprison, and exile some of his own relatives and former friends.<sup>16</sup> During his Spanish mission, Jay was shocked to learn of the disaffection or treason of such former allies as Benedict Arnold, Silas Deane, and his own brother Sir James Jay. However slow to vote for independence Jay had been in 1775 and 1776, once the decision was made and the Rubicon had been passed, there was to be no turning back; he had pledged his sacred honor to support independence, and no dissatisfaction with American politics or dismay at military losses could shake his adherence to that pledge. Despite his sympathy for his friend Deane, who he thought had experienced ingratitude and injustice in America, he counseled patience and persistence in settling Deane's accounts and clearing his name. And though influenced by Deane's warnings of secret negotiations and possible betrayals by America's cobelligerents, France and Spain, Jay never deviated from his adherence to the alliance and to independence. He cut off

all further contact after Deane published letters advocating a separate peace with Britain on terms short of independence.<sup>17</sup> Similarly, he responded to news that his brother might have colluded in his own capture by the British by saying that if Sir James had “improperly made his Peace with Great Britain,” he would “endeavour to forget that my Father had such a Son.”<sup>18</sup>

Jay’s attitudes toward France evolved over the course of the mission and remained always complex and ambiguous. Though he was regarded as pro-French at the time of his appointment, his close relationship with French minister Conrad Alexandre Gérard eroded over the course of his voyage to Europe when Jay failed to show deference to Gérard’s wishes for their damaged ship and instead followed the counsel of the ship’s officers. Once in Spain, he formed close ties with French ambassador Montmorin and his secretary, Bourgoing, and worked well with them, expressing great confidence in their abilities and gratitude for their assistance. He confessed to a greater attachment to France than he could have imagined ten years earlier, and promised that so long as France remained faithful, he would retain his loyalty to the French-American alliance. At the same time, he became aware of the tensions within the French and Spanish alliance and of the contradictions between France’s obligations to its two allies, America and Spain, whose interests and goals appeared increasingly incompatible.<sup>19</sup> Deane’s warnings of declining support in France, and secret negotiations everywhere, further aroused Jay’s suspicions.<sup>20</sup> Upon receiving Congress’s instructions that he place himself under the guidance of the French court in conducting the peace negotiations, he quickly decided such a path was both demeaning to national dignity and contrary to national interest. Yet, ever dutiful, he would not follow Gouverneur Morris’s advice to decline his appointment as peace commissioner under such terms, but informed Congress of his reservations and begged to be excused from acting under such instructions. Congress, however, neither changed the instructions nor revoked his commission.<sup>21</sup>

Though he expressed sympathy for the Spanish people, declared admiration for Spain’s horses, mules, gardens, and “romantic” vistas, and appreciatively reported instances of residents of Spain who displayed support for him or for the American cause, Jay’s views of the Spanish government became ever more critical. Spain, he proclaimed, was poorly run and devoid of the great riches that Americans imagined it possessed; indeed Spain’s “jealous and absolute” government had “little money, less wisdom, no credit, nor any right to it.” Jay bemoaned the extreme inequality between rich and poor, the lack of freedom, the ubiquitous presence of armed soldiers designed to

“renew and impress Ideas of Subjection.” Rather than making him a citizen of the world, residence in Spain made the homesick Jay ever more attached to his native country and state, increasingly nostalgic for the more informal decoration and entertainment styles, and more desirous of the freedoms of speech and action he experienced at home. Nothing in Spain, he asserted, could compensate for “the free air, the free Conversation, the equal Liberty, and the other numerous Blessings which God & Nature and Laws of our own making, have given and secured to our happier Country.”<sup>22</sup>

Leaving Spain for France to begin his peace mission in June 1782, Jay expected but did not desire to return, and Spanish officials were happy to see him go. The more accommodating Carmichael remained in Spain as chargé d'affaires, to the general satisfaction of Spanish and French officials there, but failed to effect any significant changes in Spanish policy. Regarding this situation, Sarah Jay commented in July 1783 that Carmichael was the only American representative capable of enjoying himself in Spain, “for of all my countrymen I know not his equal for duplicity of soul, or one who can so readily smile upon and court the man he hates or despises, or fawn upon the man who treats him with contempt.”<sup>23</sup>

## Notes

1. See “Congress Appoints John Jay Minister to Spain” (editorial note), *JJSP*, 1: 709–16; “Foreigner of Distinction” (editorial note) on pp. 1–5; and JJ to the Secretary for Foreign Affairs, 28 Apr. 1782.
2. See JJ to Gouverneur Morris, 28 Sept. 1781; and “The Jay–Carmichael Relationship” (editorial note) on pp. 168–74.
3. See SLJ to William Livingston, 24 June 1781.
4. On Congress’s inadequate provision for expenses in Spain, see JJ to RRL, 23 May 1780.
5. See “Lewis Littlepage: An Insubordinate Protégé” (editorial note) on pp. 471–74; SLJ to William Livingston, 24 June 1781; SLJ to Catharine W. Livingston, 25 July 1781; and “Sir James Jay” (editorial note) on pp. 783–87.
6. See “Keeping in Touch” and “The Estate of Peter Jay” (editorial notes) on pp. 361–62 and 720–21.
7. See James Lovell to JJ, 11 July, and JJ to Lovell, 27 Oct. 1780; and JJ to the Committee for Foreign Affairs, 30 Nov. 1780. JJ responded to these complaints by periodically sending extensive reports in which he meticulously documented his activities and embedded copies or extracts of relevant correspondence (see, for example, his letters to the President of Congress of 26 May and 6 Nov. 1780 and 25 Apr. 1781, and to the Secretary for Foreign Affairs, 28 Apr. 1782), which he sent when arrangements for their conveyance were reasonably secure. On the encryption employed, see “John Jay’s Use of Codes and Ciphers” (editorial note) on pp. 7–13.
8. On the interception and examination of JJ’s mail on both sides of the Atlantic, see Montmorin to JJ, 13 Apr. 1780; JJ to RRL, 23 May 1780, and RRL to JJ, 20 Oct. 1781; JJ to the President

of Congress, 26 May, 6 Nov., and 30 Nov. 1780 (first letter) and 6 Feb. 1782; to Gouverneur Morris, 5 Nov. 1780 and 28 Sept. 1781; to Charles Thomson, 23 Apr. 1781; to JA, 15 Dec. 1781; and Gouverneur Morris to JJ, 7–9 May 1781.

9. See BF to JJ, 2 Oct. 1780; and JJ to the President of Congress, 30 Nov. 1780 (first letter).

10. See Notes on John Jay's Conference with Floridablanca, 23 Sept. 1780; and JJ to Gouverneur Morris, 28 Sept. 1781.

11. See Carmichael to JJ, 18–19 June 1780; and JJ to the President of Congress, 6 Nov. 1780.

12. See "Congress Appoints John Jay Minister to Spain" (editorial note), *JJSP*, 1: 713; "John Jay's Conference with Floridablanca" (editorial note) on pp. 94–104; and Notes on John Jay's Conference with Floridablanca, 5 July 1780. On the improving military situation in the South, see especially the Secretary of Congress (Charles Thomson) to JJ, 11 July 1781.

13. See "Congress Appoints John Jay Minister to Spain" (editorial note), *JJSP*, 1: 713–14, 715nn8–10; "Congress Changes Course on Navigating the Mississippi" (editorial note) on pp. 386–90; the President of Congress to JJ, 17 Oct. 1780 and 15 Feb. 1781; and BF to JJ, 27 Jan. 1781.

14. See the Committee for Foreign Affairs to JJ, 11 Dec. 1779; and "John Jay's Conference with Floridablanca" (editorial note) on pp. 94–104.

15. BF to JJ, 16 Mar., and JJ to BF, 29 Mar. 1782; "Spain's Finances and the Bills Drawn on John Jay" and "The Final Crisis" (editorial notes) on pp. 366–72 and 742–47; Bemis, *Pinckney's Treaty*, 61–62.

16. See "Rounding Up Subversives, Detecting Conspiracies, and Determining Loyalty," "The Case of Peter Van Schaack," "The Case of Beverly Robinson," and "The Case of Cadwallader Colden II" (editorial notes), *JJSP*, 1: 251–58, 318–19, 361–62, 414–16.

17. See *JJSP*, 1: 170–78, 265, 363, 670, 674; "Silas Deane: A Worrisome Correspondent" (editorial note) on pp. 243–46; the Secretary of Congress (Charles Thomson) to JJ, 12 Oct. 1780; JJ to Catharine W. Livingston, 17 Dec. 1780; JJ to Robert Morris, 18 Dec. 1780; and Robert Morris to JJ, 5 June 1781.

18. See "Sir James Jay" (editorial note) on pp. 783–87.

19. See Notes on John Jay's Conference with Montmorin, 27 Aug. 1780; JJ to Floridablanca, 25 Apr. and 12 May 1780; to Vergennes, 9 May 1780; to Montmorin, 2 July and 16 Sept. 1781; to JA, 26 Apr. 1780; to Silas Deane, 26 Oct. 1780 and 16 June 1781; to the President of Congress, 6 Nov. 1780 and 25 Apr. 1781; to Gouverneur Morris, 28 Sept. 1781; to BF, 17 July 1780, 18 Apr. 1781, and 11 Feb. 1782.

20. See "Silas Deane: A Worrisome Correspondent" (editorial note) on pp. 243–46; JJ to Floridablanca, 25 Apr. 1780; Silas Deane to JJ, 18–20 Sept. and 16 Nov. 1780; and the Secretary for Foreign Affairs to JJ, 1 Nov. 1781.

21. See Congress's commissions and instructions to JJ of 15 June; Gouverneur Morris to JJ, 17 June; the President of Congress to JJ, 5 July; JJ to the President of Congress, 20 Sept.; and the Secretary for Foreign Affairs to JJ, 13 Dec., all 1781.

22. See JJ to Margaret Cadwalader Meredith, 12 May, to Peter Jay, 23 May, and to Benjamin Franklin, 25 Oct. 1780; to Gouverneur Morris, 28 Sept. 1781; to Robert Morris, 25 Apr., and to the Secretary for Foreign Affairs, 28 Apr. 1782.

23. SLJ to Catharine W. Livingston, 16 July 1783, ALS, NNC (EJ: 12977); see also "The Jay–Carmichael Relationship" (editorial note) on pp. 168–74.