New York, Dec. 10, 1805

Dear Sir:

I have received your letters of the 4th and 5th - Restrictions on the exportation of arms and ammunition are usual on the eve of a war, though but of little avail to oppose such a measure would be unpopular but it ought to be accompanied with an appropriation and directions for purchasing on public account the stock in the market. This is required by good faith and justice to the merchants who ought not to be deprived of the foreign market, (which was principally relied on by them) without obtaining a substitute. Unless such an appropriation is made, powder etc., will fall in price here and rise in the West Indies, and a greater quantity may be smuggled out of the country than would be sent out in the actual course of Trade. Exceptions ought also to be made in favor of our armed vessels especially to India for their stores and equipage.

I apprehend that Mr. Jefferson was not acquainted with the nature of our controversy with Great Britian when he composed his message. Though our complaints are various, yet the great point is, the obstacles which threatens the export trade of the country. In my opinion the necessary tendency of the late decree of the Court of Appeals is to re-establish by a Judicial decision, the principle of the 12th Article of the Treaty of 1794 - a principle which all the Federalists opposed and which was so odious to them, that rather than accept it, they agreed to expose the whole Treaty to the hazard of rejection.

The British say, we may export from the colonies of their enemies,