The Papers of Henry Clay. Volume 2. The Rising Statesman, 1815-1820

Henry Clay

James F. Hopkins

Mary W. M. Hargreaves

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The Papers of HENRY CLAY

VOLUME 2

The Rising Statesman
1815-1820

Edited by

JAMES F. HOPKINS

Mary W. M. Hargreaves, Associate Editor
The Papers of
HENRY CLAY
"My ambition is that we may enter a new and larger era of service to humanity."

Dedicated to the memory of

JOSIAH KIRBY LILLY
1861-1948
President of Eli Lilly and Company
Founder of Lilly Endowment, Inc.

Whose wisdom and foresight were devoted to the service of education, religion, and public welfare
SYMBOLS

The following symbols are used to describe the nature of the originals of documents copied from manuscript sources.

AD                      Autograph Document
AD draft                Autograph Document, draft
ADS                     Autograph Document Signed
AE                      Autograph Endorsement
AEI                     Autograph Endorsement Initialed
AES                     Autograph Endorsement Signed
AL                      Autograph Letter
AL copy                 Autograph Letter, copied by writer
AL draft                Autograph Letter, draft
ALI                     Autograph Letter Initialed
ALI copy                Autograph Letter Initialed, copied by writer
ALI draft               Autograph Letter Initialed, draft
ALS                     Autograph Letter Signed
ALS copy                Autograph Letter Signed, copied by writer
ALS draft               Autograph Letter Signed, draft
AN                      Autograph Note
ANS                     Autograph Note Signed
Copy                    Copy not by writer (indicated "true" if so certified)
D Draft                  Document
DS                      Document Signed
ES                      Endorsement Signed
LI                      Letter Initialed
LS                      Letter Signed
LS copy                 Letter Signed, copy

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<td>CtHi</td>
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<tr>
<td>DLC-HC</td>
<td>Library of Congress, Henry Clay Collection</td>
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<td>DLC-TJC</td>
<td>Library of Congress, Thomas J. Clay Collection</td>
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Adams to Bayard, Clay, and Russell


Gentlemen,

I have received the Letter which you did me the honour to address to me on the 30th: ulto: and beg leave to state to you, what I understood to have passed relative to the Books, maps, other Articles and papers belonging to the mission, at their meeting of that day.

I had expressed it as my opinion that at the termination of the Mission, the custody of these effects, particularly of the Papers, would devolve upon me; subject to the orders of our Government. The principle upon which this opinion is founded, is the usage in similar cases, supported by the precedent in the case of the prior joint mission—Under that precedent Mr Gallatin now holds the whole original papers of communications from the Russian Government, and Mr Bayard the Full. Powers to that Mission to treat of Peace and Commerce with Great: Britain; which he received from Mr: Gallatin—It is true that the Principle was then neither contested nor discussed.

Mr Clay having on a preceding day and at the meeting of the 30th: ulto: expressed an opinion that the papers of the present Mission ought to be transmitted to the Department of State, and a wish to have them with him for his personal convenience in the Neptune; the subject was discussed, a variety of opinions were given, but I did not understand that any vote was taken or any Resolution was adopted. I expressed my willingness to deliver all the papers in my possession, which should be specified to me by a majority of the Mission, to any person to be named by them with authority to give me a receipt for them, and on receiving from him such receipt:—I
conceived this to be indispensable to my own justification for putting the papers permanently out of my hands. My motive for asking that the papers should be specified was that there appeared to me a manifest impropriety that some of them, particularly the full powers and Instructions received from the Department of State should be sent back to that Department, and I had thought that upon the discussion of the 30th this had been generally admitted. —My motive for asking that the person to whom I should deliver the Papers should be named was, that many of them being original papers of great importance I could not consistently with my sense of duty deliver them, but to a person perfectly confidential; and I could not take upon myself to decide whom the majority of the mission would consider as such.

I understood Mr Clay to have said at the meeting of the 30th. ulto: that he would draw up such a requisition to me; but I expected that the draft to be made by him, would, like every other paper hitherto drawn up by any one member of the Mission, be submitted to the consideration of all the members, before it would be definitively settled, and that I should have an opportunity of stating my objections to the whole or to any part of it—Your Letter contains a request totally different from that which I had understood Mr Clay to promise that he would draw up; inasmuch as that was to specify both the person to whom I should deliver the papers, and the papers to be delivered, and this specifies neither the one nor the other; but under the vague and general terms of "other persons"—leaves me doubtful whether it was your intention to include in your request all the papers, without exception; or to leave me to the exercise of my own discretion in making the exceptions.

You will perceive, Gentlemen, that I cannot consider the paper signed by you, and presented to me by Mr Clay, as the act of a Majority of the Mission; since it was signed without consultation with the whole mission upon its contents; although all the members of the mission were here, and might have been consulted—I deem this circumstance so important in point of principle, that I have thought it my duty to answer your Letter in writing—My objections to a compliance with your request itself, I propose to state at a meeting of the members of the mission remaining here—In the mean time, I pray you to be assured, that with a full sense of the deference due from me to your opinions, and with an earnest desire to comply, as far as the obligations of my duty will permit, with the wishes of all, and of every one of you, I am, very respectfully, your most obedt: humble Servt: and Colleague.

JOHN QUINCY ADAMS.


1 Albert Gallatin.
To John Payne Todd

Dr Sir

Ghent 5h. Jan. 1815

Francois¹ returned to this place two or three days ago with your trunks, being as he states unable to expedite them from Brussels, unless he would make a declaration of the value of their contents which he did not feel himself authorized or able to do. I shall make arrangements tomorrow to carry them with us or to have them sent safely to you. I write you this merely to put you at your ease. Will you never gain any thing by experience?

Yr friend. &c.

H. Clay


¹ Probably a servant.

The American Commissioners to James Monroe

[January 6, 1815]

Attached to Commissioners to Monroe, December 30, 1814.

Bayard, Clay, and Gallatin to Baring Brothers and Company

Gentlemen.

Ghent January 6th 1815

We request you will open a further credit of one thousand pounds Sterling to Capt. Lloyd Jones, commander of the U. S. ship Neptune, & accept & pay his bills to that amount.

For the sum thus advanced, he will be accountable to the U. S. & you will be pleased to charge the same to the said States, on account of the contingent expenses of this mission.

J. A. Bayard.

H Clay.

Albert Gallatin

Clay, Bayard, and Gallatin to Lloyd Jones

Sir.

Ghent January 6th 1815

We have this day opened you a further credit for one thousand pounds Sterling with Messrs Baring brothers & Co. We presume that you will find it proper to pay to your officers & crew, including the Dr.¹ a part of their wages.

It is probable the Neptune will, peace being now made, be sold to much greater advantage in case she was coppered. Should you coin-
cide in this opinion, & it can be done on reasonable terms at Brest, you are authorised to have her coppered accordingly.

We can at this time only inform you that we expect to sail with you on the 1st day of April, & will write hereafter on the subject of provisions & of the port of departure. Your letters, in the mean while directed to the care of Mr. Crawford, our minister at Paris, will be delivered or forwarded to us.

J. A. BAYARD
Capt'n L Jones
Brest
H. CLAY.
ALBERT GALLATIN

Copy, NHi-Gallatin Papers (MR9).
1 Dr. Boswell, not further identified. 2 William H. Crawford.

Bill from ———— Malingrean

Deux Mois de Loyer E C Kers
Le Six Janvier 1815 francs . . . 200 . . . .
Bougies feux de Jeuner une petit Boite
Eau de Colong et de Jeuner de particuliere 390 . . . .
fait Ensemble francs

590

[ca. January 6, 1815]

From Reuben G. Beasley

Dear Sir,

London, January 6, 1815.

Your favor of the 28th. Ult. enclosing a letter for Mr. Hughes arrived just in time to go by Mr. Carroll who embarked at Plymouth on the 2nd. Inst.: and the wind being favorable he & Mr. Baker will probably be the first to arrive with the Treaty. 2

I am happy to learn that you propose visiting this Country soon—

I enclose a letter 3 from Mr. Carroll & have the honor to be very respectfully Yr. ob. Servant

His Excellency
H. Clay

R G BEASLEY


1 Christopher Hughes, Jr. Neither letter has been found.
2 Henry Carroll, bearing a copy of the Treaty of Ghent for American ratification, and Anthony St. John Baker, carrying the copy already ratified by the Prince Regent, arrived in New York on the British sloop of war, Favorite, February 11, 1815. Carroll delivered the treaty to the Secretary of State in Washington three days later.

3 Not found.
JANUARY 9, 1815

Christopher Hughes, Jr., to the American Commissioners

On Board the Transit 6th: Jany: 1815—Friday 2. P. M.

Gentlemen,

I am at last under way: we are now about 4 leagues from Bordeaux: I came on board last Night, and am in hopes that there will be no further interruption, or difficulty, to delay my progress to the U. States. I am afraid I shall be the 2nd: or 3d: Herald, in point of time: yet the news is so happy for the Country, that in the pleasure of contemplating its fine effect at home, I lose almost all the mortification of the disappointment I have suffered.

I have the honour to be, very respectfully Yr: ob: Servt.
American Ministers at Ghent.

C: Hughes, Jr.

Copy, by John Quincy Adams. DLC-HC (DNA, M212, R1). Published in Colton (ed.), Private Correspondence of Henry Clay, 46.

Adams to Bayard, Clay, and Russell


The following is a copy of a Letter, received this morning from Mr Hughes.

To the American Plenipotentiaries, at Ghent.


I have the honour to communicate to you my arrival here this Morning at 11. I reached Paris on the 27th: at 12½ o'Clock P.M. after a journey of 30 hours without accident. Mr Crawford thought fit to detain me until Wednesday Night, understanding from Mr Boyd that my remaining would not affect the movement of the Transit in any way. I have had a very fatiguing journey, never having left my Carriage except to repair some fracture which occurred very often. I find the Transit nearly ready for Sea, & shall embark in her in all to-morrow.

The news I have met here, from the U.S. is very interesting! The Schooner McDonough from N.York which place she left on the 25th: Novr: & the Schooner Vixen from same place, which she left on the 5. Decr: arrived here on 24th: & 25th. ultimo. They have brought but 3 newspapers; (which I have not been able to see, but have the contents from Mr Moreton and an intelligent young friend of mine, Mr Williams) New.York paper of 5th: December mentions the arrival of the Chauncey at New.York on the 25th: Novr: and contains all the correspondence at Ghent, up to 31st.
Octr: All hopes of peace being completely destroyed in the minds of the Nation a vigorous system of preparation for a long & severe War was commenced: All the Budget of Mr Dallas was passing the H of R. with large majorities; the greater part having gone through: the National Bank Bill was rejected by about 9 or 7 votes, but would be reconsidered: Bills were before Congress to draught 80,000 militia to be sent to the Frontiers forthwith, & for the classing the population upon the principles of the conscription, to fill the regular ranks; all which, it was believed would pass: the proportion would be 1. of 25.

The New. England Convention was to meet at Harford [sic], last week in December: Rhode Island having proclaimed that she would take no part in it; but at the same time censuring the administration.

There was a report (& it was believed at the time these vessels sailed) that Comr: Bainbridge was the Secretary of the Navy, in place of Mr Jones, not stated whether the latter had resigned or was dismissed. Coll: Monroe still acting in Dept: of State.

When the proposition to print the despatches was before the House, Mr Pickering proposed 5000 copies for circulation and spoke in the highest terms of admiration of the ability displayed by the American Ministers in their Negotiations at Gand. The debates upon general points before the H. of R. were very warm; often personal, especially among the young members; and the violence of the opposition was increased & increasing. Military operations had ceased on the Frontiers & Lakes—The works at Erie were destroyed by our army: Genl. Brown was at Sacket's Harbour: Izard in the neighbourhood of Niagara: McArthur at Detroit: all of the Canadian territory we hold is Malden.

The Government were purchasing 20 or 30 schooners to be sent out in Squadrons of 4. & 5: Porter, Barney & Perry &c &c. to command each a Detachment. The Wasp was off Savannah, but had been chased to Sea by an English Frigate. The Spaniards & English are quarreling at Pensacola.

Wilkinson is to be tried at Utica about the 15th: January. Many prizes had arrived in the Ports of the U. States.

Thus, Gentlemen, have I gleaned, desultorily, all the news, from the memory of Mr Williams, & written it as he stated it—I shall communicate to you the time of my departure which shall not be delayed a moment longer than is inevitable. I need say nothing in assurance of my increased anxiety to be the first to bear to my beloved country, that Intelligence which will allay the present opposition to our Government: an opposition that distracts us at home & disgraces us abroad.

I have the honour to be with perfect respect, & high consideration, Gentlemen, yr: obedt: Servt Christopher Hughes Junr:
I am, very respectfully, Gentlemen, your very humble Servt

JOHN QUINCY ADAMS.

ALS. RPB-Russell Papers.

1 William H. Crawford.

2 George Boyd.

3 Not identified.

4 Alexander J. Dallas, Philadelphia lawyer, United States Secretary of the Treasury from October 6, 1814, to October 20, 1816, had submitted his budget to Congress on October 17, 1814. It called for heavy new excise taxes; doubling of the existing direct tax, auction duties, and postage rates; and a 50 per cent increase in the duties on wines, liquors, and foreign merchandise.

5 A bill to establish a second Bank of the United States had been defeated in the House of Representatives, November 28, 1814, by a vote of 104 to 49. On January 7 a Senate bill passed the House with amendments which were finally accepted by the Senate on January 20. Annals of Cong., 13 Cong., 3 Sess., XXVIII, 177, 686, 1043-45. For the fate of this bill, see below, Clay to Crawford, March 23, 1815.

6 Both bills were later indefinitely postponed.

7 When William Jones resigned his post on December 1, he was succeeded not by the naval hero, Commodore William Bainbridge, but by Benjamin W. Crowninshield of Massachusetts.

8 Timothy Pickering, Congressman from Massachusetts.

9 General Jacob J. Brown, George Izard, and Duncan McArthur. McArthur, a native of New York, had settled in Ross County, Ohio, after living briefly in western Pennsylvania and Maysville, Kentucky. He served several terms in both houses of the Ohio legislature and the United States Congress and was Governor of Ohio, 1830-1832. His military career had begun with participation in the campaign against the Indians in 1790; he had helped organize the Ohio militia in 1804; and during the War of 1812 he commanded the Northwestern Army after the resignation of General William Henry Harrison in May, 1814.

10 American naval officers David Porter, Joshua Barney, and Oliver H. Perry.

11 This report was apparently based on rumors published in Savannah newspapers in November (Washington National Intelligencer, December 1, 1814). Actually, the Wasp, after having been spoken by a Swedish vessel on October 9, disappeared and was never again sighted.

12 General James Wilkinson's first hearing on charges growing out of the failure of the St. Lawrence campaign in the fall of 1813 had been suspended because he had objected to the composition of the court. A second court of inquiry was convened at Utica, New York, on January 3, 1815, and after listening to testimony for two months finally adjudged him not guilty.

From Pieter Van Huffel

Gand le 9 Janvier 1815

LE PRÉSIDENT, DE LA SOCIÉTÉ DES BEAUX ARTS DE GAND.

A Son Excellence MonSieur Claÿ Ministre Plenipotentiaire et Extraordinaire des Etats Unis d'Amerique Au Congrès de Gand. et membre honoraire de la Société,1 je Suis tres Sensible à L'attention délicate de MonSieur Claÿ de m'Envoyer un Souvenir de Sa part,2 je le ConServrai bien précieusement, et prie Son Excellence d'agréer ici les Expressions de ma parfaite réconnaissance; et Comme il m'a Témoinné le désir, d'avoir une Exquise, ou Copie du petit portrait que j'ai Ebauché de MonS Gallatin, je [sic] le plaisir d'en Envoyer un ici inclus, que tout le monde trouve Ressemblant. j'aurai désiré d'y ajouter Celui de MonS Bayard, et de MonS Adams. mais je ne Suis pas assez content du portrait du premier, puisque le tems [sic] me manqué de le bien faire, et qu'il faisait [sic] extrêmement noir. quand a [sic] Celui de Son Excellie. MonS Adams, je n'ai pas encore eu le plaisir de le
Joseph Hall, Jr., to Clay and Russell

Consulate of the U. States  Gothenburg 14 Jany. 1815.

Gentlemen,

The inclosed Letter\(^1\) I found yesterday laying at our Exchange & am perfectly unacquainted how it came hither.—Supposing it of consequence I hasten to forward it.—

The News of the Preliminaries of Peace being sign’d between the United States & England reach’d here on the 5th Instant.—With great respect I remain Gentn. Your Most Obt Servant.

Their Excellencies

Henry Clay & Jonn Russell

Ghent

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Adams to Bayard, Clay, Russell, and Gallatin

Messrs: Bayard, Clay, Russell and Gallatin—

Gentlemen.

Ghent 17 January 1815.

A letter from Mr. Hughes of which I subjoin a copy\(^1\) was received by me this morning. I presume you will have heard more directly, and before this will reach you, what were the interruptions or difficulties, which delayed his departure so long beyond the time he

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\(^1\) Not found.
January 28, 1815

had anticipated by his former letter, and occasioned the disappoint-
ment of which he complains. No intermediate letter from him has
been received.

I contemplate leaving this City, this day week, and hope to find
a Passport from Mr. Crawford at Bruxelles.

I am with great respect, Gentlemen, your very humble & obedt:
Servt

John Quincy Adams.

ALS. DLC-HC (DNA, M212, R1). Addressed: "À Messieurs Bayard, Clay, Russell et
Gallatin à remettre chez Son Excellence Mr. Crawford Ministre Plénipotentiaire des
Etats Unis d’Amérique à Paris." Published in Colton (ed.), Private Correspondence of
Henry Clay, 45-46.

1 Christopher Hughes, Jr., to the American Commissioners, January 6, 1815.

Baring Brothers and Company to the
American Commissioners

[January 17, 1815]

See below, Adams to Bayard, Clay, Russell, and Gallatin, January 28, 1815.

Adams to Bayard, Clay, Russell, and Gallatin


Our friend Mr. Meulemeester\(^1\) forwarded to me from Ghent a
Letter from Messrs: Baring Brothers and Co: of which the following
is a copy, & which I received this morning.


We have in Course been favored with your much esteemed Letters
of the 26. December & 6th: January; and in virtue of the former,
which was delivered to us by Mr Henry Carroll, we paid to that
Gentleman on the 31st: of December last £150—say one hundred
and fifty pounds Sterling to the debit of the United States on
account of the Contingent expences of the mission, so happily
terminated by the reestablishment of the former amicable relations
between our respective Countries, on which event we beg you will
accept our most sincere Congratulations.

In compliance with your Letter of the 6th: Instant, we by the Mail
of this night request our friends Messrs: Dl: Crommelin and Sons at
Amsterdam to furnish Captain Lloyd Jones of the United States
Ship Neptune with funds to the amount of one thousand pounds
Sterling, against his Drafts on us for Account of the United States.

We have the honor to be with great respect, Gentlemen, your most
obedient, & very humble Servants. Baring Brothers & Co.

The Honble John Quincy Adams, J. A. Bayard, H. Clay, Jonan:

I hope to have the pleasure of seeing you in Paris, by the 5th: of next Month, and in the mean time remain, very respectfully, Gentlemen, your most obedt: humble Servt

JOHN QUINCY ADAMS.


From Jonathan Russell

My dear Sir

Paris 20 Feby 1815

I put on board the Neptune, while she was at Antwerp, three boxes marked “Russell No 6-JR/P No 1 & RMP No. 5 containg [sic] a part of the Philosophical instruments which I purchased when I was last in Europe—Mr Gallatin allowed me to place two of these boxes under his protection but as his return to the United States appears to be uncertain I pray you to permit me to place them all under yours.

If on the arrival of the Neptune at Philadelphia you will have the goodness to direct them to be delivered to Mess Gilman and Ammedon¹ of that place, you will be saved from all trouble on their account very truly Your obedient Servant

Henry Clay Esquire

JONA RUSSELL

ALS copy. RPB-Russell Papers. ¹ Not identified.

To Jonathan Russell

Dr Sir

24h. Feb. 15.

An acct. of the Birth day dinner,¹ drawn up in French, was left here by Mr. P.² to be shewn to me, to day, and had, as I understood, the form in which it was directed to be published. If I understood it, your toast was entirely perverted, and made to convey a sentiment favorable to Federalism

Had you not better see to the subject?—Mine was altogether omitted, but as to that I care nothing. Yrs.

H. CLAY


To William H. Crawford

My Dr Sir

London 23d. March 1815

I arrived here on the 22d.¹ and experienced no difficulty whatever in getting horses from Paris to Calais, or in any other respect.
I have heard of no arrival since the Favorite, which brought neither despatches nor letters for any of our public agents; but it is stated that the American Government would send out immediately a vessel charged with despatches.

I have seen an irregular series of Newspapers to the 17th. Feb. The Bank bill had not passed, as we supposed. The President returned it on the 30th of Jan. to the Senate, objecting not against its Constitutionality but to the expediency of its particular provisions. Upon putting it to vote again it was lost in that body. A proposition was again made on the 4th. of Feb. to establish a National bank, but I presume the peace will put the subject to rest. This event appears to have been received with great joy, manifested in illuminations &c. I do not find the proceedings in the Senate on the Treaty; but Mr. Beasly informs me that he has understood the vote was unanimous for its ratification.

The loss of the British in their New Orleans expedition is estimated at 4000. Jackson’s account of the assault of the 8th. of Jan. does not essentially vary from that of the British. But for the cowardice of the Militia (and I am mortified to add a portion of my Countrymen) on the right bank of the Mississippi, Jackson states that the whole of Thornton’s Corps would have been captured.

If we are to credit the papers of this morning the denouement of the astonishing scenes began in France before I left it has occurred, and Napoleon is again quietly seated on the throne. Wonderful age! wonderful man! wonderful nation! The mind is not sufficiently tranquillized to speculate on the consequences of this great event. European peace is out of the question, but who will be the parties to the new war? Will they make war upon him, or he on them? Is the same career to be run of Blockades, decrees orders in Council, captures, confiscations and burnings?

I am extremely anxious to hear from poor Bayard. I hope he has recovered.

I shall see Lord Castlereah by his appointment tomorrow, and hope I shall ascertain something from him to enable me to estimate how much longer I shall be detained in Europe.

I will thank you to make my respects to Mr. Irving and Mr. Jackson. Yr Sincere friend

H. CLAY

2 The Favorite, which had left New York on February 22, brought the American ratification, dated February 17, of the treaty of peace.
3 A bill to create a National Bank passed the Senate on February 11 but was postponed indefinitely by the House of Representatives.
4 Reuben G. Beasley.
5 The report was correct.
6 On the morning of January 8, a British force under the command of Lt. Col. William Thornton had crossed to the west bank of the Mississippi River below New Orleans and routed the Americans sent to defend that flank. Among those who had
fled was a small detachment of Kentucky militia, which was singled out for especially severe censure in General Andrew Jackson’s official report of the battle.

7 Napoleon had landed in France on March 1 and by March 20 was once again in power.

8 Who had fallen ill during the first week in March.

9 George W. Erving, then in Paris, had been appointed United States Minister to Spain in October, 1814. Henry Jackson, a professor at the University of Georgia, had accompanied Crawford to Paris as secretary of legation.

To James Monroe


On the 17th. inst. immediately after hearing at Paris of the ratification of the Treaty of Ghent I quitted that City and arrived here on the 21st. inst. I left there all my colleagues. Mr. Gallatin expected to follow me in a day or two, and Mr. Bayard as soon as a dangerous indisposition, then confining him to bed and menacing his life, would allow.

We had notified the British Commrs at Ghent of our having a Commission to treat of Commerce. We did not expect this Government would go into that subject until they knew of the ratification of the Treaty of peace. I thought therefore, as soon as this event was known, that it was our duty to be here in order to enter on this business, if the British Government be so disposed. My own private wish is at the same time that the President may have turned this duty over to the Minister, who I presume is appointed to this Court.

The question of a Commercial treaty, in my judgment of little importance, except on one or two points, heretofore, has now that the peace of Europe is again threatened assumed a new character.

I saw Lord Castlereah [sic] yesterday; but the attention of this Government is so completely absorbed by the astonishing events on the other side of the channel, that they have not yet taken up the subject of a Commercial treaty with us. I shall of course abstain from pressing the matter, or taking any step in it until joined by my Colleagues. In the mean time I hope we shall receive despatches from our Government, and that they will be of such a nature as to admit of my immediate return.

Bonaparte entered France, near Frejus, on the 1st. instant at the head of about 1200 men. On the 20th. he entered Paris. His progress to the Capital resembled more a triumphal entry than a hostile march. Wherever he came in contact with the Military they joined him. None could be found to fight for the King. The people were with him, were passive, or were awed. Nothing like resistance has been made.

The King and the other members of the Royal family who were in Paris left it on the 19th. and proceeding North are said to be about
to make a stand at Lisle. To this City the Diplomatick Corps is invited. Here it is conjectured he will be supported by the English forces in Flanders. I am deceived however if his residence there is not short. The people of Flanders will afford him as little support as the people of France. They desire to return under the French dominion.

What effect this event will have in Europe cannot be certainly ascertained at present. The allies at Vienna have announced it is said their determined purpose to put down Napoleon. I do not believe that they will attempt it. The principle of the former alliance is gone. The seeds of dissention have been sown during the Congress, and Napoleon profiting by past errors and past experience will immediately quiet Austria.

But I think War between this Country and France inevitable. Napoleon must do something. He must give employment to that military the loss of whose employment estranged them from the King and confirmed their attachment to him. He will strike for Belgium; and the pride, the hopes and mistaken interests of England all combine to urge her to attempt to retain it. Already the Mails are stopped. And the foolish cry of War every where resounds. I hope the career of Blockades, Orders, Decrees, Confiscations and Burnings will not again be run.

The Duke of Feltre, Louis’s Minister of War,3 is here probablyconcerting measures of co-operation. Still I should doubt if the final determination of this Government be yet taken. On mondany [sic] Sen’night the Parliament, now adjourned for the Easter Holidays, will again meet, and I presume at that time Ministers will communicate the part this Government means to take. I am Dr Sir Yr. friend &c.

H. CLAY.

From Jonathan Russell

My dear Sir

Paris 27th March 1815

We have not had the pleasure of hearing from you since your departure—I suppose however that you have arrived safe in the overgrown Capital of the Amphibious race on the other side of the channel & that you are now enjoying the consternation & dismay which prevail there from the sudden appearance of a certain extraordinary personage at this place—The Bourbons did not allow you to have many days the start of them—They were undoubtedly sensible
of their neglect towards you while here & have followed you to redeem themselves in your good opinion by their hospitality where they reigned for the nineteen years immediately preceding their return to France—However flattered you may be by their attentions at their old residence you will feel for the mortification of us who have been left here, particularly for mine as Count Jaucourt is also gone without having repaired his apartment or even taking leave—

About an hour after you left Paris we learnt of the ratification of the treaty of Ghent by our government—As we have since heard nothing from the British Cabinet relative to a treaty of commerce I am making my preparations to proceed northward & propose to leave this place for Stockholm on the 3rd of April, unless in the mean time something should be received to retard my departure or vary my destination.

Mr Bayard is I think much better & in a fair way to recover—Mr Gallatin appears to be in expectation of some intelligence by which to regulate his movements—As the treasury department is again a sunshine business Paris & St Petersburg may perhaps have lost some of their charms—

Smith & his wife have gone & Mrs. Adams has arrived—

About one OClock On monday morning, the 20th. the Bourbons left Tuilleries—& about half past eight on the evening of the same day Bonaparte took possession. of that palace—Every thing was immediately changed throughout Paris both to ear & eye—Vive l'Empereur was given the only acclamation The tricoloured flag waved on every palace & on every towr—The imperial Eagle reappeared in all the theatres—Homi quatte returned among the dead & even the resemblances of the living Bourbons fled the boulvards and the print shops to give place to Napoleon-Maria Louisa & the king of Rome—Had you remained at Paris three days longer you would have seen all this & many more rapid changes of the scenery here which prove the wonderful dexterity of this people—in the shifting art—

There is no longer a question of civil war not a Bourbon remains within the realm & the internal tranquillity may be considered as perfectly secure—The next point is whether there will be foreign war. If this question was to be decided by the spirit & policy which, at least for the moment, prevail here I should be sure there would be no war—The imperial professions are of the most pacific character & even a wish for the resumption of Belgium is not heard. Bonaparte declares the only glory he will ever seek is that of being beloved by his people—He has dispatched St Aignan to the Congress of Vienna to say that although he would never, himself, have signed the treaty of Paris or submitted to the boundaries assigned by it to France yet he will, under existing circumstances
MARCH 27, 1815

consent to maintain it. He thus reduces the allies to the alternative of leaving him at Peace or of interfering in the internal concerns of this country—With peace he will fix himself firmly on the throne & repair the great losses sustained during the two last campaigns in the material & cavalry of the Army—if the allies decide on war for the purpose of dictating a government to France this whole country will be united & as I believe rise en masse to repel the invaders. Mrs. Adams tells me that the populace thronged the roads the whole distance from Strasbourg to Paris crying—and making her cry—vive l'Empereur—Bonaparte can immediately & without a conscription, have an army of four hundred thousand men who have all seen service & who, although not so well furnished with equipage & artellery & horses as formerly, will be animated with every passion that can render them formidable to their enemies—England & the allies had better pause therefore before they attack & begin a conflict that may last another twenty years—J R

Several facts are now satisfactorily established—The Bourbons are universally detested by all who remain in France, especially by the cultivators [sic] of the soil—Bonaparte is infinitely less feared than they are hated & despised & A love of free & liberal government has more generally spread & taken deeper root than was before imagined—

Bonaparte has the address to avail himself of these circumstances and he has become not only the advocate of peace but the apostle of liberty—You may expect to see under his auspices a constitution formed on the most liberal principles—He finds the republican party to be by far the most powerful in this country & he will manage it in support of his system—He will now accommodate himself entirely to circumstances—and should circumstances change it is not improbable that he may again change with them—For the present however—peace—liberty—mercy & moderation are the order of the day—

He publicly declared the other day in the hearing of many about him—that it was an erroneous belief that he had any understanding with people in France or with any of the continental powers, to facilitate his return hither. He corresponded with no one—He learnt the state of France from the Journal des Debats & the Moniteur alone—He thence knew that the Bourbons must be detested & that he should be welcomed as a deliverer—He said that his father in law would be as much surprized at his return as any one who then heard him & that even the Empress had no suspicions of his intentions—His secret was confined to his own bosom & it was of course well kept—

I cannot expect to receive your reply to this letter while I remain here—but before your departure for America I hope you will address a line to me at Stockholm—
Allow me again to recommend to your kindness the personal objects which I suggested to you—and accept the assurance of my sincere esteem & friendship—

ALI draft. RPB-Russell Papers. Numerous interlinear substitutions are here incorporated in the text.

1 In England, where Louis XVIII had lived from 1807 until 1814.
2 Arnai-François, Marquis de Jaucourt, formerly a follower of Napoleon, and subsequently acting minister of foreign affairs during the absence of Talleyrand at Vienna. When Louis XVIII fled to Ghent, Jaucourt accompanied him.
3 To resume his post as minister to Norway and Sweden.
4 Mr. and Mrs. William Steuben Smith had sailed for America on the Fingal. Mrs. John Quincy Adams and son, traveling by carriage from St. Petersburg, had reached Paris on March 23.
5 Baron de Saint-Aignan, formerly Napoleon’s minister at Weimar.
6 Two concluding paragraphs, substantially like those given below, were at this point deleted by Russell.
7 MS. torn.

To John Payne Todd

Dr Todd London 30h. March 15

How well you have performed your promise of writing to me. I have not red. a line from any one at Paris since I left it. You might have found a private conveyance, if the public ones are stopt.

I am very anxious to know how Bayard is, and what the movements of all of you are or will be. I wish most ardently to be off to America, and am ready to march at a moments warning.

I have seen Lord Castlereah [sic], and have had a number of visits from persons of consideration, and have made some agreeable acquaintances. Still I am very much alone, and should be glad to be joined by you.

There is an arrival (a British vessel) at Portsmouth in 16 days from New London; but we do not know yet what she brings.

I go to morrow to Lord Gambiers near Windsor, which I propose to visit. I shall return the day after. Yr’s truly H. CLAY

How do your eyes? I hope you have not put them out.


Memorial from Elizabeth Green

[ca. April 1, 1815]

[Elizabeth Green of New York City, wife of Thomas Green, a native of Maryland, by whom she has one child, narrates that her husband, a mariner from the port of New York on the Commodore Rodgers, under Seaman Weeks, master, bound for Gibraltar, was forcibly taken from the ship as an alleged British subject on February 17, 1812, by an officer of the British brig Richmond; that Green was held prisoner until around July, 1812, when he died from a
cause unknown to the memorialist. She cites her “deplorable situation” and asks an investigation of the incident.

Copy. DLC-HC (DNA, M212, R1). Addressed: “To the Honourable H. Clay Envoy Extraordinary &c &c to the Court of Great Britain—.” Accompanied by official certification of Thomas Green’s marriage in New York, December 11, 1811, and of his impressment from the Commodore Rodgers, February 17, 1812.

To James A. Bayard

My Dr Sir London 3d. Apl. 1815

I am rejoiced to hear that you are much better and even able to ride out. I hope this letter will find you completely re-established in your health. I left Paris with serious apprehensions for you.

I offer you my congratulations upon your appointment as Minister to St. Petersburg. Mr. Gallatin being also appointed Minister to France, I am extremely anxious to know what effect these events will have upon the determinations of both of you to return home.¹ My solicitude to get back is so great that if I do not hear of the Neptune coming to Plymouth in the course of ten days I believe I shall go to Liverpool and take a passage in the Milo, a fine vessel that sails for America in the course of ten days. I am tired, tired out with my absence.

I must request then that you will do me the favor to write me immediately and inform me what are your intentions on this subject, and those of Mr. G. also, if you can ascertain them.

I do not think that this Govt. has yet decided on War, and the Ministry is said to be divided on it. Yr’s Sincerely, H Clay

ALS. DLC-James Asheton and Richard Henry Bayard Papers (DNA, M212, R20), Addressed to Bayard at “Hotel de l’Empire Paris” and forwarded to “Rue St. lazard hotel de la legation americaine.” Published in Donnan (ed.), Papers of James A. Bayard, 378-79.

¹ Bayard was to fill the post vacated by Adams; Gallatin was to succeed Crawford.

Invitation from Sir James Mackintosh

[ca. April 3, 1815]

15 Great George Street, Monday Forenoon

Sir James Mackintosh is so eager to have the honor of Mr. Clay’s acquaintance that he ventures to request his company this evening, to a small party, when Lady Mackintosh will be most happy to receive him, at nine or ten o’clock, with any gentleman of his suite who may be so good as to honor them with coming.

Colton (ed.), Private Correspondence of Henry Clay, 45. Published also in [A. H. Carrier], Monument to the Memory of Henry Clay (Cincinnati, 1857), 47. Sir James, a native of Scotland, had moved to London in 1788, aligned himself with the Whigs, and become a lawyer and author. In 1812, having returned from a post in Bombay, he entered Parliament, where he retained a seat until his death in 1832.
Receipted Account with Thomas Smith

Henry Clay, [April 12, 1815]

<table>
<thead>
<tr>
<th>Year</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>1810</td>
<td>To Tho. Smith</td>
<td>Dr.</td>
</tr>
<tr>
<td></td>
<td>Septr To adv.g. Hotel to rent(^1)</td>
<td>$2.50</td>
</tr>
<tr>
<td>1811</td>
<td>May To printing hand bills(^2)</td>
<td>1.50</td>
</tr>
<tr>
<td>1812</td>
<td>Sept. To advg. Mud Lick for sale(^3)</td>
<td>2.00</td>
</tr>
<tr>
<td>1813</td>
<td>May To advg. olympian Springs(^4)</td>
<td>1.25</td>
</tr>
<tr>
<td></td>
<td>To do — Town property(^5)</td>
<td>1.25</td>
</tr>
<tr>
<td></td>
<td>To subscription to the Ky: Gaz: from lst. Jany 1811 to the lst. of January 1815 ——</td>
<td>12.00</td>
</tr>
</tbody>
</table>

$20.50

Recd. pay. Tho Smith.

[Endorsment on verso]\(^6\)

Recd. from H. Clay, forty Dolls: fifty Cents in full for money recd. on my acct. at Washington 1813.

April 12, 1815 Tho Smith

To James A. Bayard

London 15h. April 1815

I was extremely glad, my dear Bayard, to learn from under your own hand,\(^1\) that you were much better, and in a state of convalescence. I pray to God that your recovery may be rapid and complete.

I have seen and conversed with Lord Castlereah [sic] twice, but I have not been able yet to learn what are the intentions of this Government in regard to the Commercial Treaty. It has indeed been so occupied with the weightier concerns of Europe, that I believe its attention has been not yet particularly turned to that subject.

We received the day before yesterday a file of the N. Intelligencer up to the 20h. Feb. and a parcel of documents sent by our Government, in a vessel lately arrived at Liverpool; but not one syllable of instruction.

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\(^1\) Cf. Advertisement, July 1, 1810.
\(^2\) Probably the notice of sale of slaves, May 3, 1811.
\(^3\) Lexington newspapers in August and September, 1812, had carried an advertisement of a commissioners' sale of Olympian Springs (Mud Lick) at public auction, September 19, to satisfy the suit in chancery brought by Clay as executor of Thomas Hart against Cuthbert Banks.
\(^4\) Cf. Advertisement, April 9, 1813.
\(^5\) Cf. Advertisement, April, 1813.
\(^6\) AES.
April 16, 1815

It appears from some New York papers that a messenger with despatches for us sailed from that place on the 13th. March for France; and I hope you may have received them ere this. I have not yet been able to ascertain whether I can procure a passage from Liverpool for America. I expect a letter to day on that subject. My anxiety to return is extremely great, and I fear particularly a long passage if I should not be able to take advantage of the Easterly winds which are now beginning to prevail. But I am far, my dear friend, from wishing that my solicitude to return should at all influence your movement so as to endanger your health. There is reason to fear that the British have succeeded in an attack on Mobile.2

Be pleased to make my respects to Milligan & Todd3 and believe me Sincerely Yrs. H. Clay


1 Letter not found.
2 On February 8, British troops, from a fleet which had appeared off Mobile on the previous day, invested Fort Bowyer on Mobile Point. A few days later the fort was taken, but preparations for an attack on Mobile were halted upon receipt of information that the Treaty of Ghent had been signed.
3 George B. Milligan and John Payne Todd.

Minute of a Conversation between Castlereagh and Clay and Gallatin

[April 16, 1815]

[Castlereagh proposed, in view of conflicting statements concerning the recent trouble at Dartmoor Prison,1 that an investigation and joint report be made by one of the American and one of the British commissioners who had negotiated at Ghent. Clay and Gallatin agreed in principle, but suggested Reuben G. Beasley as the proper person to act for the United States in this connection. Castlereagh asked them to consider the matter more at length and to inform him of their decision, so that he might appoint someone properly qualified to meet their representative.

Referring to the difficulties in continuing to hold prisoners after they had a right to release under the treaty of peace, Castlereagh requested information on measures taken to transport the men to America. Clay and Gallatin replied that their government “considered the restoration of prisoners to imply their reconveyance to their own country by the Power detaining them.” Castlereagh proposed that each country defray half the expenses of returning the prisoners to America, pending a final interpretation of the treaty provision. He believed it contrary to principles of reciprocity that the United States should convey British prisoners only to Bermuda]
or Halifax while Great Britain had to transport American prisoners to the United States and then to bring her own men home from points almost as distant.

Turning to another subject, Castlereagh expressed a wish that, before he answered the American communication of December 28, 1814, regarding a treaty of commerce, unofficial conversations might be held between the American and British commissioners who had negotiated the peace, together with Frederick John Robinson, vice president of the Board of Trade and Foreign Plantations. If it appeared that some general principles could be agreed upon, he would appoint the same representatives of Great Britain to conclude a treaty of commerce with the United States.

Clay and Gallatin were asked to consider the three topics above mentioned and to communicate with Henry Goulburn on the following day.

Clay and Gallatin to Reuben G. Beasley

London 18th. April 1815.

At the request of Lord Castlereah [sic] we have had interviews with him and Mr Goulburn on the subjects of the transportation of the American prisoners now in this Country, to the U. States, and of the late unfortunate event at the depot at Dartmoor.

On the first subject we agreed to advise your acceptance of the proposition of Lord Castlereah, to transport the prisoners at the joint expence of the two Countries, reserving the construction of the article in the Treaty which provides for the mutual restoration of prisoners for future adjustment. It was stated by us, and was so understood that the joint expence thus to be incurred is to comprehend as well the requisite tonnage as the subsistence of the prisoners; and moreover that measures of precaution should be adopted relative to the health and comfort of the prisoners, similar to those which had taken place in America.

The details of this arrangement, if your [sic] concur with us as to the expediency of making it, are left to you to settle with the proper British authority.

On the other subject, as a statement of the transaction has been received from the American prisoners differing very materially in fact from that which had resulted from an enquiry instituted by the port Admiral, it has been thought advisable that some means should be devised of procuring information as to the real state of the
case; in order on the one hand to shew that if there had not been any wanton or improper sacrifice of the lives of the American Citizens, or on the other to enable the British Government to punish their Civil and Military Officers if it should appear that they have resorted to measures of extreme severity without necessity or with too much precipitation.

Lord Castlereah proposed that the enquiry should be a joint one, conducted by a Commissioner selected by each Government. And we have thought such an enquiry most likely to produce an impartial and satisfactory result.

We presume that you will have too much occupation on the first subject, and the other incidental duties of your office to attend to this enquiry in person. On that supposition, we have stated to the British Government, that we should recommend to you the selection of Charles King Esqr. as a fit person to conduct it in behalf of the American Government. If Mr. King will undertake the business, he will forthwith proceed to Dartmoor, and in conjunction with the British Commr who may be appointed on the occasion, will examine the persons concerned and such other evidence as may be thought necessary, and make a joint report upon the facts of the case, to J.Q. Adams Esq. Minister Plenipotentiary of the U. States at this Court, and to the British Government.

The mode of executing this service must be left to the discretion of Mr. King and his colleague. If they can agree upon a narrative of the facts, after having heard the evidence, it will be better than reporting the whole mass of testimony in detail, which they may perhaps find it necessary to do, if they cannot come to such an agreement—We are Sir Yr. obt. humble Servts H.C.

To R.G. Beasley Esqr. &c &c &c A.G.

To James A. Bayard

My dear Bayard. London 28h. April 1815

I am still here as impatient as ever to be gone, and regretting that the fine Eastwardly winds which have been so long prevailing are not filling the sails of the vessel which may take me to America. I have been disappointed in getting a passage from Liverpool.

In the mean time we have had at his request an interview with
Lord Castlereah [sic], on the subjects of the firing upon the American prisoners at Dartmoor, of the transportation of them home, and of the Commercial Treaty. On the first, he expressed much regret at the event, and proposed that in order to investigate its causes thoroughly one of us together with one of the British Commissioners who negotiated the treaty of Ghent, should proceed to the spot and collect & report the real facts of the case, promising that if the British officers had acted improperly that they should be punished. We declined going, it being inconvenient to both Mr. G. and myself, and indeed not falling within our duties; but we advised Mr. Beasley to co-operate in the joint investigation proposed, and recommended him to appoint for that purpose C. King, an intelligent young man, son of Rufus King, who happened to be here. Mr. King and a British agent are now engaged in the service.

With regard to the transportation of the prisoners to America it has been arranged, that it shall take place immediately at the joint expense of the two governments reserving the question (for there is a difference of opinion on this subject) who ought to pay the whole expense for future adjustment.

As to the Commercial Treaty, Lord Castlereah said he wished, before he answered our note at Ghent communicating our power to negotiate on that topic, to ascertain by a conversation between us and the British Commissioners, together with the Vice President of the Board of Trade, who would be associated with them, if it were likely that some general principles could be fixed upon to form the basis of such a Treaty. We informed him that we had no objection to such a conversation, provided that the same persons should be invested with powers to treat with us, in the event of the conversation being likely to lead to any practical result, which he said was certainly his intention. This we thought necessary to place the parties to the conversation upon a footing of equality. We have been now waiting some days for this interview, which is to take place when the other side is ready. I think we shall have it tomorrow or next day. I am very much disposed to think that nothing can be effected, judging from past experience.

The probability of renewed War in Europe places the subject of a Commercial treaty on more important ground; as in that event all the questions which have hitherto arisen between the two Countries may come up again.

The interview may have the effect of enabling us to ascertain the views and intentions of the British Govt. on those questions in the event of War, and in that way may not be without its use.

War with France I have no doubt continues to be the intention of this Govt. if the union and co-operation between the Allies which have been hitherto manifested can be secured for the future—
MAY 10, 1815

We have nothing from America later than the 16th. March.

Yr's truly

H. CLAY


1 Albert Gallatin.

2 Francis Seymour Larpent, a commissioner of customs. He had been appointed civil and admiralty judge for Gibraltar but had not yet gone to his post.

To [George] Joy

Hanover St. Hanover Square. 30th. Apl. [1815]

Mr. Clay begs Mr. Joy to excuse the delay which has arisen in answering his note of the 27th. inst.1 and which has proceeded altogether from inadvertence.

Mr. C. is without information as to the precise time when Mr. Adams will reach London. He has looked for him daily for some time past and shall continue to do so until he arrives. If he were to hazard a conjecture it would be, that Mr. A. is waiting at Paris for his credentials and an official communication of his appointment. Circumstances may however bring him here, without the receipt of them; and Mr. C would therefore think that the delivery of the letter which Mr. J. has for him would be most certainly effected by retaining it until he comes.


1 Not found.

From Frederick John Robinson

Office for Trade Whitehall 9 May 1815

Mr Robinson presents his Compliments to Mr. Clay, & wishes that He would, if not inconvenient, take the Trouble of calling at this Office on Thursday next at 2. o'clock. Should that Hour not suit Mr Clay’s Convenience Mr R. begs He will have the Goodness to fix any other, and to apprise him of his Determination.

AN. DLC-TJC (DNA, M212, R12).

To Jonathan Russell

My Dr Sir

London 10th. May 1815

I understand with regret that you were dissatisfied with me for not writing to you from this place on the subject of the interview with Lord Castlereah [sic], adverted to in a letter which I wrote to Mr. Crawford.1 I did not write to you for two reasons, first because nothing occurred in the interview worth communicating, and sec-
ondly because I did not expect, if I did write, that my letter would find you at Paris.

Subsequent to Mr. Gallatin's arrival, we had at Lord Castlereah's request a second interview with him of more importance. The first topic to which he refered was the firing upon the American prisoners at Dartmoor. Contradictory accounts from the British Authorities and the American prisoners had been received as to the Causes of that unfortunate event. He proposed, to ascertain the real truth of the case, that a joint enquiry should be instituted at the instance of the two Governments, and to give it more solemnity also proposed that it should be conducted by one of us, and one of the British Commrs who negotiated the treaty of Ghent. If the recurrence to force had been improper, he assured us that the British officers should be brought to punishment. We stated that our powers did not authorize any interference on our part; that Mr. Beasley was alone competent to the required interposition; and that the most we could do was to advise him. We added that for these and other reasons neither of us could conduct the enquiry. Concurring however as we did in the propriety of a thorough investigation, we advised Mr B. to co-operate in that object, and recommended him to appoint for the purpose Mr. C. King, a son of Mr. Rufus King who was here. The result has been a report from Mr. King and his British Colleague, by which it would appear that the firing in the first instance was perhaps justifiable, but that it was conducted in a most unjustifiable manner, was continued unnecessarily and in some instances with wantonness. I understand (though we have not yet been officially told) that some further proceedings are to take place.

The next subject mentioned by Lord Castlereah was the transportation to America of the American Prisoners, about 6000, in England. Our Government it seems interprets the article in the treaty of Ghent which relates to the restoration of Prisoners to mean that each party, at his own proper expence, is to return the Prisoners of the other to their Country. This construction is objected to by this Government. He proposed to transport the Prisoners in England at the joint expence of the two Governments, and to reserve the question for future arrangement. On this, as on the other, subject we stated that we had no powers; but we advised Mr. Beasley to accede to the proposed arrangement, and it is now in a course of execution.

The last and the only topic on which we had any immediate concern, noticed by Lord Castlereah, was the communication made by the joint Commission at Ghent of their powers to negotiate a Commercial treaty. Lord Castlereah said that, before he answered that communication, he would like to ascertain, by an inofficial conversa-
tion, if it were likely that some general principles could be agreed on to form the basis of such a treaty. He proposed, for this purpose, that an interview should take place between the British Commissioners who were at Ghent and the Vice President of the Board of Trade (the President being absent) and us. We objected that such a conversation would be on a footing of inequality (we having powers and the other party none) unless it were understood that the requisite powers should be granted to the same persons, if there were a probability of any practical result, which Lord C. said was certainly his understanding. We were told that four or five days would be necessary for them to prepare for the interview, which we consented should take place.

Thus matters remained for more than three weeks, without our receiving any notice that they were ready for the interview. Having been invited to dine with Lord C. on Sunday next, we thought the opportunity a good one to give a hint of our intention to wait no longer, and declined accepting it on the ground that we had fixed our departure to a preceding day. Being in the House of Commons the day before yesterday, the Vice President of the Board of Trade came to me, and after expressing his regret at the delay which he said was unavoidable owing to the pressure of business, stated that they wd. be ready to meet us on Thursday next, if it would be convenient to us. Last night I rec'd. a note requesting an interview on that day, which we have agreed to.

As I intend to keep this letter open to inform you of the result, I will make no speculations on the probable issue of this business.

The prospect of renewed War in Europe, on which the Allies appear to be resolved, renders it extremely desirable that the Impressment question should be arranged, and perhaps renders it eligible to prevent collisions by settling some other disputed points of a Commercial nature.

We shall leave here on Friday or Saturday next, unless we find from the interview a prospect of doing good by remaining. The Neptune was to leave Havre, to which place she was ordered in consequence of Mr. Bayard's weak state, this day and to reach Plymouth if possible by the 15th. where Mr. Crawford, now here, Mr. Gallatin and I will join Mr. B. Mr. G. says he shall not accept his appointment, and Mr. B. I understand will also decline his.

Mr. Adams remains at Paris waiting his Credentials which I am told have arrived.

We have rec'd. no dispatch from Government to the joint Commission. It was expected at Washington that none would find us in Europe.

Papers from America to the 10th. April have been rec'd. here, but I do not now recollect any thing in them worth communicating.
1st. July—
I have thus long kept open my letter to inform you of the result of our negotiation. Without troubling you with useless details, I will observe, that Mess. Robinson, Goulburn and Dr. Adams having been commissioned to treat with us, after considerable discussion we yesterday finally agreed upon the terms of a Commercial Convention, which is to be signed on monday next. The two important provisions of it are 1st. a mutual abolition of all discriminating duties on tonnage and on merchandize, with an agreement to admit the productions of the U. States into the British European possessions, and vice versa subject to no higher or other duties than are paid on similar articles of other Foreign Countries. 2dly. Our admission to the trade of British India, free from the restriction, imposed by the unratified treaty of 1806, of a direct voyage from the U. States to India. We could come to no agreement as to the West India trade, nor as to that with the British North American Colonies. The Convention to last 4 years only from the signature.

On the subjects of Impressment, Blockades, Colonial trade &c. we have not yet entered upon the negotiation. From the prospect of a speedy termination of the European War, I believe we shall not engage on those topics, but leave them to future consideration and to other hands. Relative to Impressmt. they make us strong assurances of guarding in future agt. causes of complaint on our part.

The Neptune sailed on the 18th. Ulto. from Plymouth carrying Mr. Crawford, and Mr. Bayard whose death before he reaches America, I regret to inform you, was feared to be almost inevitable. Mr. Gallatin and I shall leave here next week for Liverpool, whence we shall embark for the U. States.

I am sick of Europe, and sicker of European politics. I will not trouble you with my distresses on this latter subject.

Make my regards to Lawrence, and believe me sincerely
Yr friend &c

H. Clay

ALS. RPB-Russell Papers. Published in Washington United States Telegraph, October 18, 20, 1828. 1 Above, March 23, 1815.

2 The report, by Francis S. Larpent and Charles King, may be found in Washington National Intelligencer, July 14, 1815; American State Papers, Foreign Relations, IV, 21-23; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1511-17.

3 Frederick John Robinson.
4 See above, Clay to Bayard, April 3, 1815.

5 The convention is dated July 3. The British Commissioners were Frederick John Robinson, Henry Goulburn, and Dr. William Adams.

6 The Monroe-Pinkney Treaty.

7 Bayard reached America on July 31, but died a week later, on August 6.

8 John L. Lawrence.

From Baring Brothers and Company

Sir London 10 May 1815

We have the honor of waiting upon you enclosed with extract
of your account Current shewing a balance in your favor of £800, 14.7. which is at your disposal; and begging you will accept the assurance of our perfect regard we remain on all occasions Sir [Y]our most obedient & very humble Servants

BARING BROTHERS &C


[Enclosure]¹

<table>
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<tr>
<th>Dr.</th>
<th>Hy. Clay</th>
<th>London, his Account Current. —</th>
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| (£1001.13. 1) |

| 1814. |
| June 29. | By 1 bill on S. Williams³ . . . due 5 July. | £ 500.—. — |
| 1815. |
| Mar. 17. | By 2 bills remd. by Hall⁴ . . . due 4 April | 50.—. — |
|          | due 31 May | 436.—. — |
| May 9.  | By Interest at 4 pCt per annum on. | £ 16.14.— |
|          | £. 500. to 30 March 1815 268 ds | £14.13. 8 |
|          | 450. 4 April | 5 | — | 4.11 |
|          | 500. 20 d    | 16 | — | 17. 6 |
|          | 450. 6 May.  | 16 | — | 15. 8 |
|          | 350. 9 May.  | 3   | — | 2. 3 |
| Less Disct. at 4 pCt on 436 from 9 May to 31 d 22 | 1. — 11 | 15.13. 1 |
| (£1001.13. 1) |

| E. E. London 9 May 1815.—BARING BROTHERS &C |

[Endorsement on verso]⁵

Memo. of money drawn since the a/c. was rendered. £304:10:4 in favor of bearer delivered to Mr. Beasley⁶ to pay for sundry articles.

| £100 do. in an order favr of F. | 2041 „1 „1 |
| £150 do. do. do.              | 1840 „0 „4 |
| £158 do. bill from Liverpool  | 201 „0 „9 |
| 712„10„4 |

 ALS. DLC-TJC (DNA, M212, R12), ¹ DS. DLC-TJC (DNA, M212, R15). ² Frederick Cana. ³ Samuel Williams. ⁴ Joseph Hall, Jr. ⁵ AE, by Clay. ⁶ Reuben G. Beasley.
To James A. Bayard

My dear Bayard.

London 13h. May 1815.

I presume this letter will reach Plymouth about the same time that you do, and I hope it will find your health re-established.

We expected, and indeed had determined, to leave this City on yesterday. But after waiting upwards of three weeks for the unofficial conversation, to which we had been invited by Lord Castlereah [sic], and for which we understood they would be prepared in four or five days, we received on Tuesday last 1 a note requesting us to call at the office for Trade on the following Thursday. Accordingly we attended and found Mr. Robinson, the Vice President of the Board of Trade, and Mess. Goulburn and Dr. Adams waiting to receive us. I will not detail the whole conversation, which would swell this letter to an unreasonable length; but we brought forward all the questions likely to disturb the harmony between the two Countries. Nothing transpired on their part which authorizes an expectation that any thing can be done, except to abolish the discriminating [sic] duties on tonnage and importations, and that we should be let in to the India Trade as heretofore. The interview terminated by a promise on their part to report to the Ministers what had passed, and by a pledge that they would do all in their power to facilitate an early answer, which we urged upon them on account of our situation, your's, and our expectation of the ship being at Plymouth in a few days. Mr. Goulburn promised to write us a note stating when we might expect an answer, which however we have not yet received.

This interview, you will have learnt from my former letter, was requested by Lord Castlereah to ascertain, before he answered our note from Ghent, if it were likely that we could come to some agreement as to the general bases on which a treaty of Commerce could be formed. What course this Government may now take can only be matter of conjecture. Considering the very few points on which it seems probable we could meet, I should doubt if they do not decline any Commercial treaty, and content themselves with some general assurance of a determination [sic] on their part to favor our Commerce by liberal regulations.

We chiefly pressed and that with all the force we could the necessity of arranging the subject of Impressment; but I have not the most distant expectation that anything can be effected.

We are determined not to wait longer than a few days. Indeed I hope that Mr. Adams' arrival, which has not yet taken place, but which I should suppose can not be much longer delayed, will liberate us, by shewing that the subject which has detained us is turned over...
May 17, 1815

To him. It is most strange that our Government has transmitted to us no instruction whatever.

I trust that the few days which it is likely we may be instrumental in detaining you at Plymouth, will subject you to no inconvenience; and that they may be beneficially employed in recovering from the fatigues of crossing the Channel, and preparing for the new voyage.

If it should turn out, contrary to my expectation, that we can do any thing here I hope that your strength will admit of your coming and giving us the benefit of your assistance. If any thing occurs to render it probable that we shall be able to do any thing I will apprize you.

My respects to Milligan and Todd.² Yr's sincerely H. Clay


² John P. Todd had followed Bayard and Milligan a few days after their departure from Paris.

To James A. Bayard

My dear Bayard London 17th. May 1815

I am greatly distressed to learn from Col. Milligan that your indisposition continues, and that you have suffered much from the voyage. We had expected to have been with you before now, but have thought it advisable to remain a little longer, in consequence of what has passed between us and this Government.

We had yesterday an interview with Mess Robinson, Goulburn and Adams, and find this Govt. disposed to enter into a treaty placing our Trade with their European dominions upon the footing of the most favored Nation, and abolishing all discriminating duties; allowing us to trade with their India possessions, without the restriction imposed upon the outward voyage by the unratified treaty of 1806; and regulating the trade with Canada, without the intercourse with our Indians. They profess themselves ready also to discuss the subjects of Impressment, Blockades, and Carrying Trade, on which however they do not flatter us with much prospect of coming to an arrangement. We have thought it advisable to proceed, under these circumstances, in the negotiation, reserving however to ourselves the right to leave it to Mr. Adams to finish it, if it is likely to be protracted. The above gentlemen are immediately to be commissioned, and assure us of the most prompt attention to the subject. So that I think we shall be able to accomplish the business in about ten days. That time, if your strength will not admit of your joining us, you will probably find necessary to recruit yourself.
Mr. Adams has not arrived, but is expected on tomorrow. Mr. Crawford is here.

Wishing you a speedy & entire recovery of your health I am most sincerely Yr friend

H. Clay


Clay and Gallatin to James Monroe

Sir

London 18th May 1815

Having had reason to believe that the British Government had abstained from answering the communication of the joint Commission from Ghent, of the day\(^1\) of December 1814, until they received official information of the American ratification of the treaty of peace, we thought it advisable, soon after that event was known to us, to repair to this City, in order that we might ascertain the disposition of this Government as to the Commercial intercourse between the two Countries.

Shortly after our arrival here, we were invited by Lord Castlereagh to an interview with him. A minute of the substance of the conversation which took place on that occasion, as drawn up and agreed to by the parties, designated A, is inclosed.\(^2\) We communicated to Mr. Goulburn the next day our answer upon the three subjects to which the conversation related.\(^3\) As to the two first, the unfortunate event at Dartmoor, and the transportation to America of the American prisoners in England, we repeated that we had no powers; that the most we could do was to give our opinion and advice to Mr. Beasley, the only person authorized to act, in the absence of the American Minister; that we had no hesitation in recommending him to co-operate in a joint investigation of the causes which had led to the resort to force at Dartmoor; and that we would also advise him to accede to the proposition to convey the American prisoners home, at the joint expense of the two Governments, reserving the question of the true construction of the article in the treaty of Ghent, relating to that point, for future arrangement. On the third topic, the Commercial Intercourse between the two Countries, we agreed to the unofficial conversation proposed by Lord Castlereagh with the understanding, as expressed in the minute, that the same gentlemen with whom we might have it should be ultimately empowered to treat with us, if it were likely that we could come to a practical result.

Accordingly, we addressed a letter to Mr. Beasley, of which a copy is inclosed, marked B.\(^4\)

In the interview with Lord Castlereagh he had stated that four
or five days might be necessary, on their part, to prepare for the proposed conversation. Nearly three weeks having elapsed without hearing further on the subject, we took what appeared to us a fit occasion to intimate our intention of leaving London. A few days after we received an invitation from the Vice President of the Board of Trade, Mr. Robinson, to call at his office on the 11th. instant. We accordingly attended, and were received by him and Messieurs Goulburn and Adams, two of the British Commissioners, who had negotiated the treaty of Ghent.

They opened the conversation by adverting to what had led to this interview, and professed themselves to be ready to receive any propositions we might choose to make. We observed that in the Treaties which America had heretofore made, particularly with this Country, regulating Commercial Intercourse, there were generally comprised two subjects, one which respected Commercial regulations, applicable to a state of peace as well as of war; the other which respected the rights and duties of the parties, one being at War, and the other remaining in peace. Accordingly our government had instructed us to bring forward both those subjects.

As to the Commercial Intercourse. Without, at this time, going into details, or minor points, which it might be necessary in the progress of the negotiation to adjust, we would content ourselves, in this inofficial conversation with touching on the most important topics which it seemed to us desirable to discuss and arrange. These were: That the two Countries should respectively be placed on the footing of the Nation the most favored: That in the trade between America and the British European dominions all discriminating duties on tonnage and on merchandize, either imported or exported, should be abolished: That the trade between America and the British West Indies should be regulated, and placed on some more permanent basis than the occasional acts of the Colonial authorities: That the nature and kind of intercourse between America and the adjoining British provinces should be defined and provided for: And that the trade with the British India possessions should be opened to America on liberal principles.

In regard to the discriminating [sic] duties we remarked, that a proposition to abolish them first came from Great Britain, and a provision to that effect was inserted in the unratified treaty of 1806. Congress had taken up the matter, at their last Session, and passed an act which we explained. We thought it desirable [sic] that they should be abolished, in order to prevent those collisions, and that system of commercial warfare in which the two Countries would probably be involved by an adherence to them. As an example, we mentioned the great extra duty to which, as we understood, the article of Cotton was liable by the British laws, when imported in
foreign vessels; and which, if persisted in, would certainly be met by some countervailing regulation.  

With respect to the trade to British India, we observed that we had no equivalent to offer for it; that it was for Great Britain to consider whether a commerce, consisting as it did almost entirely in the exchange of our specie for India produce, was not of a nature to deserve the most liberal encouragement; but that we had rather enter into no stipulation on the subject than be restricted to a direct intercourse as had been proposed by the unratified treaty, both on the outward and return voyage.

On the other subject, the rights and duties of the parties, one being at War, and the other in a condition of peace, we proceeded to remark, that whilst the prospect of a long European peace appeared to exist, as was the case when the treaty of Ghent was concluded, it was less important to provide for questions arising under this head. But it was impossible to shut our eyes to the demonstrations every where making of a new War, which, if it should assume a maritime character, might again menace the harmony and good understanding between the two Countries. It was desirable therefore to anticipate and provide for the evil. The first and most important point was that of Impressment. Great Britain had always professed a willingness to receive and consider any proposition which America should be disposed to make on that subject. It would perhaps be unprofitable, at this time, to go into a discussion of the right; as to which we would merely remark that it was impossible that there could be a stronger conviction on the part of Great Britain that it was with her, than there was on the part of America that it was on her side. It was better to look to some practical arrangement, by which, without concession of right by either party, the mischiefs complained of on both sides might be prevented. To this end the attention of our Government has been turned. We believed that Great Britain had never heretofore contended that the American Government was bound to prohibit the merchants of the United States from employing foreign seamen, any more than it was bound to forbid their shipping contraband articles. America was however now willing to take upon herself such an obligation, and to exclude British seamen from her merchant service, and we believed such exclusion might be as effectually executed as our Revenue laws. Here we called their attention to the act which Congress had passed, on that subject, and to the message of the President to that body towards the close of its last Session. Upon the supposition that the exclusion of British seamen should be absolute and entire, there would no longer exist any ground for the claim of Impressment; and of course no objection to its abandonment. We stated that, besides the motive which existed with our...
government of guarding against collisions with Great Britain, another powerful one operated, that of encouraging our native seamen, and of not being obliged to rely on the uncertain supply of foreigners. To this system, as a substitute for that of impressment, it did not appear to us that Great Britain could object, unless it was thought to be impracticable in its execution. We had no doubt ourselves that, even admitting that there might be, as in cases of smuggling, occasional instances of evasion of the system of exclusion, it would nevertheless be, upon the whole, much more favorable in its result to Great Britain. This system would apply to and operate upon every American vessel; whilst that of impressment reached only the cases of those vessels with which it accidentally came in contact. We were aware of the difficulties which had heretofore opposed a satisfactory arrangement on this subject. Still it was one of such vital importance, so tending to bring the two Countries into collision, that it was impossible it should receive a consideration too earnest and too anxious.

The next point which it seemed to us important to settle was the trade of America with the colonies of the enemies of Great Britain. Towards the end of the last European War questions growing out of that trade had been terminated by the conquest of those islands by Great Britain; but, many of them having been restored at the peace, the disputes which heretofore existed might again arise. The former arrangements on this subject might, with some modifications, serve as a basis.

We then stated that we did not intend, in this preliminary and unofficial conversation, to discuss the other points belonging to this branch of the subject. A definition of blockades was desirable and could not, it seemed, be attended with much difficulty, as we believed that there was no real difference between the two Countries with respect to the abstract principle. But we apprehended that the disputes which might hereafter take place on that subject would arise almost exclusively from questions of fact, which no previous definition could prevent.

As, in the event of War, Great Britain might desire to know the dispositions of our government on the subject of privateers and prizes, we would only now say that the principle which might be adopted, with respect to Great Britain, whether of admission or exclusion, must equally and impartially apply to all the parties to the War.

These were all the topics noticed by us and we enforced and illustrated them by various other observations.

The British gentlemen, professing not to have expected those points to be brought forward which applied to a belligerent state of one of the parties, expressed a wish to know whether, in our view,
the two subjects were inseparable, and whether we could not come to an agreement on those topics which were probably less difficult to be adjusted, leaving the others for future consideration and future arrangement? We replied that heretofore they had always been blended together by our government, and that we intended to bring them all for consideration; that at present however we only presented them for consideration, as it would be premature at this time to make any of them a sine qua non; and that whether a treaty, omitting some of them, would be acceptable must depend on its general tenor, and upon the extent and importance of the subjects which might be comprehended in the arrangement.

They proceeded to remark, that some of the subjects had been always found to involve extreme difficulty, particularly that of Impressment. That Great Britain was certainly prepared, at all times, to receive and to consider any proposition that America might be disposed to make in relation to it; but one of the gentlemen remarked that, from the deep interest which was felt by Great Britain in it, she must view with great jealousy, by which he said he meant vigilance, any such proposition. That the enquiry which they had just made, as to our willingness to separate the two subjects, proceeded from a wish to ascertain whether it were likely that any practical result could be speedily attained, if they entered upon the negotiation at this time.

On the subject of discriminating duties, mentioned by us, they said their Government would receive favorably the proposition for a mutual abolition of them. As to the trade with India their Government was not at all disposed to shut us out from it. In regard to the trade with the West Indies, considering the difficulties which had heretofore presented themselves in placing it, by treaty, upon a footing satisfactory to both parties, they feared it would not now be practicable to enter into any stipulation respecting it which should meet the views of the two Countries.

The interview terminated by their stating that they would report to the Cabinet the substance of what had passed between us, and by their pledging themselves to do all in their power to afford us an early answer.

On the 16th. instant, having been again invited by the Vice President of the Board of Trade to call at his office, we accordingly attended, and were received by the same gentlemen. They stated, that they had reported to the Cabinet what had passed at the last interview, and were now prepared to give us an answer on the several topics to which the conversation related. In doing this they would observe the order which had been marked out by us.

1st. On the Commercial Intercourse between the two countries, they were authorized to state, that their Government was ready to
treat with us on the footing of the most favored nation; and were also willing to enter into an arrangement by which all discriminating duties on importations and tonnage should be mutually done away. They were willing to admit us to the enjoyment of the trade with British India unclogged by the restriction on the outward voyage contained in the unratified treaty; but must still insist on that contained in the treaty of 1794 on the return voyage. Considering that we had candidly stated that we had no equivalent to offer, except what was to be found in the trade itself, they would expect for this concession, a spirit of accommodation on our side, in other parts of the commercial arrangement, the Fur trade or some other.

The trade with the British West Indies, they stated, had been always a subject of great difficulty, and their Government was not prepared to make any change in that Colonial policy, to which they had so long adhered; but they would hope that this would not form any obstacle to the negotiation. With respect to the trade with their North American possessions, they were ready to receive and discuss any propositions we might have to offer, with an anxious desire to place it on a footing mutually satisfactory.

2dly. On those subjects which related to a state in which one of the parties should be at War, and the other in peace, it was not necessary to disguise that they had been always attended with great difficulties. Still they were willing, in a spirit of amity and with candor, to receive and to discuss any propositions we might offer.

With regard to Blockades they could not think it necessary to enter into any treaty definition of them, as the questions which might here after arise on that subject (according to our own statement) would relate rather to the fact than to the principle, on which the two Governments seemed to agree. Indeed they thought that such a definition might tend to weaken, as implying a doubt of the correctness, of the principle.

In relation to the Trade with Enemies Colonies, besides the intrinsic difficulty of the question, as heretofore experienced in all attempts to arrange it, there was another arising out of their want of information as to whether France had adopted any, and what system of Colonial policy, since the restoration of her Colonies. It might be that she had opened their trade to foreign nations in peace as in War, in which case the questions that had heretofore existed could not be agitated again.

Impressment had, they continued, of all this class of subjects, been found most difficult to arrange. They were aware how important it was considered in both Countries, and how in both it touched public sensibility. As heretofore they were now ready to receive and consider any proposition our government might make respecting it. And even without any Treaty stipulation, their government was now
anxiously engaged in devising means to prevent the abuses of which we complained. If the law which we had mentioned, at the last interview, should be effectual in its object, it would doubtless do away a great motive with them for Impressment. Still they were bound to consider, with the most vigilant attention, any proposition for the abandonment of what they must consider a right essential to their safety. That law did not however, as they understood, settle the question who were to be considered as British subjects, a question on which the two Countries might not be able to come to an understanding.

With regard to our ideas respecting privateers and prizes they were certainly fair and unexceptionable.

As they had hinted at some accommodation in the Fur trade, or in other parts of the Commercial arrangement, for their supposed concession respecting the India trade, we thought the occasion suitable for stating that we were positively instructed not to consent to the renewal of the trade between British subjects, and the Indians within our territories. We stated that the disposition of our government, on this subject, did not proceed from commercial but political considerations. They did not insist upon it, nor seem to think that the determination of our Government would prevent an arrangement of the Canada Trade. One of them enquired whether we expected, in like manner, to be excluded from the trade with the Indians in their territories, to which we replied, Certainly.

We explained the law for the exclusion of Foreign Seamen from our service, and mentioned that the naturalization of seamen would be almost altogether prevented in future, by the necessity of a continued residence of five years. We stated that we were authorized to enter into stipulations that would forbid the employment of such British seamen as might, under our laws, be here after naturalized; but that we could not do it with respect to those who were already naturalized. We had thought that as to them an exception might be made permitting on both sides the voluntary employment of such seamen, natives of one Country, as might have heretofore been naturalized under the laws of the other Country. We added that the number of British seamen, already naturalized, which could constitute as it appeared to us the only difficulty in an arrangement, was very inconsiderable. Dr. Adams Adams [sic] concurred in opinion that they were not many.

We made some further explanations; and finally told them that, considering the dispositions which we had been happy to meet with in them, we would now say, that we would enter upon the negotiation, reserving to ourselves however the right, as our powers were several as well as joint, to withdraw from it, if circumstances should
May 22, 1815

make it eligible to do so, and to leave to Mr. Adams, whom we daily expected, to conclude it.

The interview closed by their undertaking to provide themselves immediately with the necessary powers to proceed in the negotiation; and by an assurance that they would continue to do all in their power to bring it to a speedy and successful issue. We have the honor to be respectfully Sir Your obedt. Servts. 11

H. Clay
Albert Gallatin

P.S. 24h. May 1815. We received yesterday the note from Lord Castlereagh dated the 22d. inst. which we transmit herewith, marked C, to which we sent an answer, 12 of which a Copy is also herewith transmitted, marked D.

H. Clay
Albert Gallatin

ADS, signed also by Gallatin. DNA, M36, R1. Extract published in American State Papers, Foreign Relations, IV, 8-10; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1481-87. Endorsed on margin of last page: "Reed Sepr 5."

1 Above, April 16, 1815.
2 No document found.
3 Above, May 9.
4 Above, April 18, 1815.
5 Above, April 16, 1815.
7 The measure, approved March 3, 1815, provided for the repeal of acts imposing discriminating duties against foreign vessels, the repeal to become effective in the case of any foreign nation upon the abolition of its duties discriminating against the United States. 3 U.S. Stat., 224.
8 Cf. Niles' Weekly Register, VIII (April 29, 1815), 158.
9 See above, Monroe to American Commissioners, January 28, 1814, note. On February 25, 1815, the President had recommended to the consideration of Congress the desirability of employing on American vessels only native seamen or those who had already been naturalized. Annals of Cong., 13 Cong., 3 Sess., XXVIII, 275.
10 The Jay Treaty had provided that American vessels could carry products from British possessions in the East Indies only to American ports. David Hunter Miller (ed.), Treaties and Other International Acts of the United States of America (8 vols. to date; Washington, 1931—), II, 256.
11 The final sentence and complimentary close in Gallatin's hand.
12 See below, May 24, 1815.

Castlereagh to Clay and Gallatin

Gentlemen

I lost no time in laying before The Prince Regent the Report made by Mr. Larpent and Mr. King, respectively appointed on the part of His Majesty's Government, & that of the United States of America, to inquire into the Circumstances of the late unfortunate occurrence at Dartmoor Prison. 1

His Royal Highness has commanded me to express through you to the Government of America, how deeply He laments the Consequences of this unhappy Affair.—

If any thing can tend to relieve the distress which His Royal Highness feels on this occasion, it is the consideration that the conduct of the Soldiers was not actuated by any spirit of Animosity
towards the prisoners, and that the Inactivity of the Officers may be attributed rather to the Inexperience of Militia forces, than to any Want of Zeal or Inclination to afford that liberal protection which is ever due to Prisoners of War.—

But as His Royal Highness has observed at the same time with sincere Regret, that although the firing of the Troops upon the Prisoners may have been justified, at its Commencement, by the turbulent Conduct of the Latter, yet that the extent of the calamity must be ascribed to a want of Steadiness in the Troops and of exertion in the Officers, calling for the most Severe Animadversion,—His Royal Highness has been pleased to direct The Commander in Chief to address to the Commanding Officer of The Somerset Militia, his disapprobation of the Conduct of the Troops, which it is trusted will make a due Impression on the Minds of the Officers & Men who were engaged in this unfortunate Transaction.—

As an additional Proof of the sentiments which animate The Prince Regent on this occasion, I am further commanded to express His Royal Highness's desire to make a Compensation to the Widows & Families of the Sufferers; and I have to request that You, Gentlemen, would make this known to Your Government, inviting them, at the same time, to co-operate with His Majesty's Chargé des Affaires in the United States, in investigating the respective Claims for the purpose of fulfilling His Royal Highness's benevolent Intentions upon this painful Occasion.—

I request You will accept the Assurance of the distinguished Consideration with which I have the Honor to be, Gentlemen, Your most obedient humble Servant,

CASTLEREAGH

[Hen]ry Clay, Esqre.

[A]lbert Gallatin Esqre. &ca— &ca

DS. DNA, M36, R1. Published in American State Papers, Foreign Relations, IV, 23; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1517.

1 See above, Clay to Russell, May 10, 1815, note.

Clay and Gallatin to Castlereagh

My Lord Hanover Street Hanover Square 24th May 1815.

We have the honor to acknowledge the receipt of your Lordship's official note of the 22d. instant.

Having, as we have already informed your Lordship, no powers on the subject to which it refers, we will lose no time in transmitting it to our Government. We will also place in the possession of the American Minister,1 near His Britannic Majesty's Government, whose arrival here we daily expect, a copy of your Lordship's note, together with a statement of what had previously passed respecting the unfortunate event at Dartmoor—
May 31, 1815

We embrace the opportunity of tendering to your Lordship assurances of the high consideration with which we have the honor to be Your Lordships Most obt. Hble Servts

Right Honble Viscount Castlereagh

Secty of State

for the Foreign Dept. &c &c &c.

H. Clay

Albert Gallatin


1 John Quincy Adams.

To Captain Lloyd Jones

Dr. Captain London 29th. May 1815

Mr. Beck,1 the bearer of this letter, goes to Plymouth to visit his brother on board the Neptune. The respectability of Mr. Beck’s family and his own personal merits will secure to him from you all the attentions which your situation admits. In rendering him these you will also oblige Yr mot. obt- Hble Servt. H. Clay

Capt. Loyd Jones

ALS. CSmH. 1 Not identified.

From William H. Crawford

My dear Sir Plymouth 31st. May. 1815

Your letter of the 27th, inst1 was recd this morning, and was immediately communicated to Mr Bayard, who has requested me to represent his situation to you and Mr Gallatin. He is now on board the Neptune, & there is no prospect of his being able to be removed from it, for a considerable length of time. His return to the United States must necessarily be on the Neptune, because it is impossible for him to travel to another port in order to embark in another vessel.

His present debilitated State has been principally owing to the exertions which he made to reach this port at the time appointed, so that no delay should arise from his want of punctuality. He believes that the voyage will not be detrimental to his recovery, and his physicians concur in that belief. The suspense and uncertainty in which he is placed, with regard to the time of his sailing, together with the solicitude which he feels to rejoin his family, cannot fail to produce a depression of spirits, which must be extremely unfriendly to his speedy recovery. He therefore requests that this uncertainty may be terminated, and that the time of departure for the United States may be definitively fixed at as early a day as possible.
I shall determine within the course of this week, either to repair to Liverpool with a view to obtain a passage there, or to cross over to France for the same purpose. It is impossible that the time of the Neptune’s sailing should have been left more indefinite than it has been by your letter. If I had known that the dispatches on board the Neptune, were nothing but printed documents, and packages to Mr. Adams and Mr. Erving, as is really the fact, I should have proceeded directly to Liverpool from Glouster, and embarked for the U S. in the first vessel which sailed from that port. The uncertainty in which you find yourself, was so strongly anticipated by me, that nothing but the necessity of seeing the contents of those dispatches brought me to Plymouth. In determining upon the sailing of the Neptune, Mr. Bayard’s situation, and feelings, ought to be considered, without any regard to my convenience. I have never had any claim upon the vessel, and at no time would I have consented, that her sailing should have been delayed one day on my account.

Present my respects to Mr Gallatin, his son & Mr Todd, and believe me to be most sincerely yours &c

HiS Exlcy H Clay.

WM H CRAWFORD

ALS. DLC-HC (DNA, M212, R1).

Clay and Gallatin to Castlereagh

Hanover Street Hanover Square 3d. June 1815.

The Undersigned, Ministers Plenipotentiary and Extraordinary from the United States of America, present their Compliments to Lord Castlereah [sic], and they request as early an interview with his Lordship, and at such place, as may suit his convenience.

They renew to Lord Castlereah assurances of their most distinguished consideration.

H. CLAY

ALBERT GALLATIN

The Right Honble Viscount Castlereah &c &c &c.

ALS draft, by Clay. DLC-HC (DNA, M212, R1).

Castlereagh to Clay and Gallatin

June 4th [1815] Sunday.

Lord Castlereagh presents his Compliments to Mr. Clay and to Mr. Gallatin, and will be happy to receive them in St. James’s Square on Tuesday Morning next at half past Eleven oClock.

St. James’s Square

AN. DLC-HC (DNA, M212, R1).
The British to the American Commissioners

[June 5, 1815]

[Robinson, Goulburn, and Dr. Adams ask that Clay attend a meeting at the Office for Trade, Whitehall, Wednesday, June 7, at two o'clock.]

Copy. MHi-Adams Letterbook, 248 (the document here given being the "similar note" addressed to Adams).

American Project of a Commercial Convention

[June 7, 1815]

[Article I. There shall be reciprocal liberty of commerce and navigation "between the territories of the United States and all the Dominions of His Britannick Majesty in Europe."

Article II. No higher duties shall be imposed on the importation into the United States of articles grown or produced in the British dominions in Europe nor on the importation into the latter territories of articles grown or produced in the United States than are or shall be payable on like articles grown or produced in any other foreign country. Nor shall higher duties be imposed in either of the two nations on the exportation of articles to the United States, the British dominions in Europe, respectively, than are payable on exportation of like articles to every other foreign country. The same principle is to be applied relative to prohibitions on imports and exports, charges on entry of vessels into ports, and allowances of drawbacks.

Article III. Vessels of the United States shall be admitted to all ports and harbors of the British dominions in the East Indies and citizens of the United States may freely trade there in all articles of which the importation or exportation is not prohibited, provided only that it shall be unlawful in any time of war between the British government and any other power to export military or navy stores or rice from the above-mentioned territories without special permission of the British government there.

Duties on such traffic shall be no higher than those charged on British vessels, either in ports of the United States or in East Indian ports. Vessels of the United States are forbidden to carry goods from the said British territories to any place except American ports, where they shall be unloaded, or to ports in China or the "Indian Seas," from which the vessels shall proceed to America "and there unload the whole of the articles exported in the manner above mentioned from the aforesaid British territories."

The permission granted by this article is not to extend to allow vessels of the United States to carry on the coasting trade of the
British territories without special permission, but vessels going from one port to another for unloading original cargoes or taking on return cargoes are not to be considered as carrying on the coasting trade. The article is, also, not to be construed as allowing citizens of the United States to reside or travel within the aforesaid territories without special permission of the British government, and any infractions of this rule are to be treated as are those of British subjects transgressing the same rule.

Vessels of the United States may also touch for refreshment at the island of St. Helena, or at such other ports or places as may be in the possession of Great Britain in the African or Indian seas, subject to British regulations.

Article IV. "The Navigation of all the lakes, rivers, and water communications the middle of which is the boundary between the United States and His Britannick Majesty's dominions in the Continent of North America, shall at all times be free to the Citizens of the United States, and to His Majestys Subjects—" 1 The said citizens and subjects may freely, and under the same tolls and regulations, carry on trade, passing by land or inland navigation into the respective territories of the two parties, on the North American Continent. "No duty of importation or exportation shall be levied by either Party on peltries or furs which may be brought in the manner aforesaid by land or inland navigation from the said Territories of one party into the said Territories of the other Party."

Article V. Each of the contracting parties may appoint consuls and agents to reside in the dominions of the other, subject to the usual approval by the party to whom they are sent. Such agents are to be subject to local law, and may be dismissed from the country.

Article VI. "It being the intention of the High contracting Parties that the people of their respective dominions shall be placed on the footing of the most favoured Nation, it is agreed that in case either party shall her after [sic] grant any additional advantage in Navigation or Trade to any other Nation the Citizens or Subjects of the other party shall fully participate therein, freely where it is freely granted to such other Nation or yielding the same compensation where the grant is made for some Equivalent."
To William H. Crawford

My Dear Sir

London 10th. June 1815

Before we obtained the interview which we had requested of Lord Castlereah [sic], and which I mentioned in my last letter, we recd. a note from the British Commissioners desiring us to call on them. The interview however took place with Lord Castlereah and we explained to him our intention of leaving the contemplated Commercial arrangement in the hands of Mr. Adams. Still we thought it advisable to see the B. Commissioners, if for no other purpose but to introduce Mr. Adams and to recapitulate in his presence what had previously passed between us. We accordingly called upon them, and as they expressed a wish that whilst we remained the negotiation might proceed, we delivered to them the Commercial part of the projet which we had prepared. We are promised a reply on monday, and have concluded to wait for their Counter-projet, thinking that the Government would be glad to have it, even if we should be unable before our departure to arrange any Convention. On that day Mr. Gallatin and I have agreed to write to Capt. Jones, fixing upon some day in the ensuing week for the absolute departure of the Vessel, whether we should reach Plymouth or not. Thus you will perceive that whilst there is a probability still of our joining you on wednesday or thursday next, there is a certainty that you will not be subjected to further detention beyond the ensuing week, and I shall endeavor to have an early day in it fixed upon.

I am grieved at even this prospect of short detention but I hope you will be satisfied that it arises from causes sufficient within themselves and without our controul.

I am glad to hear that Mr. Bayard is much better. I hope that his recovery will not be again arrested. Yr's faithfully

H. Clay

P.S. A Bostonian told me yesterday that he had seen an a/c. of Mr. Randolph's election by a majority of 63 votes over Eppes. H.C.


1 Not found.
2 Cf. above, Castlereagh to Clay and Gallatin, June 4; British Commissioners to Clay, June 5, 1815.
3 Who had reached London May 25.
4 Dated June 7.
5 Captain Lloyd Jones, of the Neptune.
6 John Randolph; John W. Eppes.

To William H. Crawford

My Dr Sir


We dined yesterday with Lord Castlereah [sic], and there met the gentlemen appointed to negotiate with us. They assured us that on wednesday next they would present us with their Contre projet of
a Commercial Treaty, which as we shall then have both before us, will enable us at once to decide if it be practicable to conclude any thing on the subject before our departure. If we can come to any agreement I have no doubt that we can complete the business on or before this day week. If we can come to no agreement we shall be at least able to carry home the precise views of this Country. In the mean time to remove all uncertainty with regard to the sailing of the Neptune, Mr. Gallatin has written to Capt. Jones fixing upon sunday the 25th. for her departure whether we are at Plymouth or not. As we have fixed upon the 20th. for leaving London, Mr. Gallatin thought that five days might be necessary to enable him to reach the port, as travelling fast affects his health.

I know and feel for the disappointment & delay to which you and Mr. Bayard have been subjected. But I hope you will see in the circumstances of the case justification of what we have felt ourselves under the necessity of doing.

Mr. Bagot (whom you knew at Paris) is appointed Minister to America, and will proceed to his post immediately with his wife, a daughter of Wellesley-Pole, and his family.¹

Pray make my respects to Mr. Bayard, Capt. Jones, Col. Milligan and Dr Boswell. Yr’s faithfully

H. CLAY


¹ Sir Charles Bagot had served briefly in 1814 as Minister to France. Later, after a career as a diplomat, he was Governor-General of Canada, 1841-1843. His father-in-law was William Wellesley-Pole, third Earl of Mornington, brother of the Duke of Wellington.

The British to the American Commissioners

Board of Trade June 16.1815—

The Undersigned have the Honor to transmit to the Plenipotentiaries of the United States, a Contreprojet for the arrangement of the commercial intercourse between the Countries—The American Plenipotentiaries will observe that the article respecting the British East Indies, is not proposed to be included in the body of the Treaty but in a seperate article, and more limited in point of duration than would be suitable to the arrangements of the Treaty itself—The Undersigned nevertheless flatter themselves that the American Plenipotentiaries will see in the proposed article for the East indian intercourse, a proof of the Liberal, and Conciliatory disposition with which the British Government is disposed to act upon this subject—It will be recollected that at one of the unofficial conferences, and subsequently at the first Official conference held with the American Plenipotentiaries, The Undersigned stated by order of their Government that if the power of going from the United States to the British Dominions in the East indies by an
Indirect course were conceded, Great Britain must be considered as entitled to some Equivalent for the Concession and that the Fur trade was pointed out by the undersigned as capable of furnishing that Equivalent—The American Plenipotentiaries having stated, that their instructions did not permit them to grant by stipulation any commercial intercourse between His Majestys Subjects and the Indians residing within the acknowledged Boundaries of the United States, and not having suggested any other means of finding an Equivalent, The Undersigned would have been fully Justified in tendering a Contre Projet which wholly omitted the concession in question—But His Majesty's Government anxious to renew the Commercial relations of the two Countries, in the true spirit of Peace and Harmony, has authorized the Undersigned to offer a Separate Article, by which the indirect Voyage from the United States to the British East indies will be permitted without equivalent for the space of two years In the confident Hope that during that period the American Government will be enabled to propose such an Equivalent as may induce Great Britain to make that permission commensurate with the general duration of the Treaty—

The Undersigned will be happy to have the honor of seeing the American Plenipotentiaries on any day which may suit their convenience and request them to accept the assurances of their High Consideration.

F. ROBINSON.
HENRY GOULBURN.
WILLIAM ADAMS

[Enclosure]

Contre Projet

[Article 1. Except for changes in wording, the only major modification in Article I of the American Projet is the addition, to the provision granting to vessels of each party the liberty to enter ports of the other, of the restriction “to which other foreigners are permitted to come.”]

Article 2. The exception contained parenthetically in the second paragraph of Article II of the American Projet is omitted, as is the last sentence of that article.

Article 3 is largely the same as Article IV of the American Projet, with the exception of an added provision excluding American trade from “the Countries within the limits of the Hudson's Bay Company.”

Article 4 is the American Article V with changes in wording.

Article 5 limits reciprocal most favored nation treatment to that granted “any European Nation” rather than accepting it on a general basis, as proposed by Article VI of the American Projet.

A “1st. Separate Article” modifies Article III of the American Projet by proposing to allow American vessels to trade between “the principal settlements of the British Dominions in the East
Indies, vidi Licet, Calcutta, Madras, Bombay and Prince of Wales's Island" and the United States and to charge them no other or higher duties than those payable by the most favored European nation.

A "Second Separate article" limits the duration of the First Separate Article "to the period of two years from the date of the Exchange of the Ratifications of the said Treaty."


The American to the British Commissioners

Harley Street June 17th 1815

The undersigned have the honor to acknowledge the receipt of the note of H. B. M.'s Plenipotentiaries of the 16th instant, enclosing their Contre Projet for the arrangement of the commercial intercourse between the two countries.

Anxious to ascertain with as little delay as possible whether there be any probability that such an arrangement can now be concluded as shall be satisfactory to both parties, the undersigned will not at this time enter into a discussion of the subject, and, leaving minor points for subsequent consideration, will only propose the following alterations in the contre projet of H. B. M’y’s Plenipotentiaries videlicet.

Article II.

1st. To reinstate the clause, in the projet of the undersigned, which provided that the same duties drawbacks & bounties should be paid & allowed in either country on the importation or exportation of articles the produce, growth or manufacture of H. B. M’y’s territories in Europe or of the United States, whether such importation or exportation should be in British vessels or in vessels of the United States. 2dly. To reinstate the clause, in the projet of the undersigned which excepted from the provision to equalize tonnage duties British vessels bound to or from British possessions to which vessels of the United States were not permanently admitted. Or, to introduce a new article providing that neither the intercourse between the United States and His B. M.’s possessions in the West Indies, nor that by sea between the said States and H. B. M.’s territories on the continent of North America shall be affected by any article in the treaty, but that each party shall remain in the complete possession of its rights, in respect to such an intercourse.

Article III

To reinstate in substance the Article proposed on that subject by the undersigned, so that the commerce by land or inland navigation sanctioned by the article and the right to be confined to that
which may be carried on between the citizens of the United States and H. B. M.’y’s subjects; and so as not to preclude the citizens of the U. S. from carrying articles of the growth produce or manufacture of the said States, down the river St. Lawrence as far at least as Montreal & down the waters of Lake Champlain as far at least as the St Lawrence. Or, if no satisfactory arrangement can at present be formed on this subject, to omit the article altogether.

Article V

To place generally each Nation on the footing of the most favored Nation, without restricting that privilege as relates to the citizens of the United States, to the commerce with H. B. M.’s territories in Europe.

Second separate Article to be omitted.

The undersigned will have the honor to wait on his Britannic Majesty’s Plenipotentiaries on Monday the 19h. inst. at 2 o’Clock at the office for trade, when the undersigned hope they will be able to communicate to them their determination on the proposed alterations.

The undersigned request H. B. M.’s Plenip. to accept the assurances of their distinguished consideration.


1 The last six words in Clay’s hand, inserted above the line in place of “without delay.”
2 The last three words in Clay’s hand, inserted above the line in place of “in a manner.”
3 This word in Clay’s hand, inserted above the line; “not” deleted after “shall.”
4 This word in Clay’s hand, inserted above the line.
5 This word in Clay’s hand, inserted above the line in place of “provision.”
6 The original proposal, for which this sentence was substituted, suggested an alternative (a part of which is illegible) to omission of the article.

By their reply the Americans were proposing to eliminate the time limit to the article on East Indian trade. In the draft copy of their letter to Monroe, July 3, 1815 (NHi-Gallatin Papers, MR9), they explain their reasons for going beyond the instructions of May 20, 1807, which had expressed preference for omitting the subject altogether rather than “to waive the privilege of indirect outward voyages,” placing “reliance on the regulations which Great Britain would find it her interest to make without any treaty stipulation.” “Not only had those instructions contemplated a treaty embracing important objects not included in the proposed convention; But they were framed at a time when Great Britain pursued a very different policy with respect to the East India trade from that which has been lately adopted. whilst she continued to exclude her own subjects from any participation in that branch of commerce, the acknowledged incompetency of the East India Company to supply India with sufficient amount of specie, & to carry off the surplus produce of that country, made it necessary for both those purposes to resort to the commerce of foreign Nations, or to speak more properly to that of the United States. Since the trade has been opened to the private enterprize & capital of her subjects, the same motives no longer exist, at least to the same extent, for encouraging our commerce; and without pretending to conjecture how far, this new state of things may in practice operate, we had sufficient evidence of a change of disposition in the refusal now made to place in that respect the United States on the footing of the most favoured Nation. We deemed it therefore inexpedient to accept the proposal of agreeing to the second article entire & alone, by which we would have yielded every commercial advantage we had to offer; and we thought it our duty to give to our Government an opportunity of judging whether under these new circumstances the instructions on that subject should be altered.”
The British to the American Commissioners

[June 20, 1815]

[Acceding to a request by the American Commissioners, the British present “in writing, the substance of the observations which were made on the part of the British plenipotentiaries in the Conference of yesterday, upon the different points referred to in the note of the American Plenipotentiaries of the 17th. Instant.”

On the first point, relating to Article 2 of the contre-projet, the British stated it to be the intention of their government to agree to mutual equalization of duties and bounties; but, in regard to drawbacks, they considered the American proposal too favorable toward American vessels. They requested from the Americans “a more precise explanation of their Views upon this point—”

On the second point, relating to the same article, the British expressed their willingness to agree to the latter alternative suggested by the Americans.

In regard to Article 3 the British disclaimed any intention of obtaining a right to trade with Indians residing in the United States. They stated their lack of authorization to agree to the American proposal regarding the navigation of the St. Lawrence and the waters of the streams flowing from Lake Champlain to that river.

The British also “stated their objections to extending Article 5, beyond the intercourse between the United States and His Britannick Majesty’s Dominions in Europe.”

The British announced that they lacked authority to grant the first separate article without “a limitation in point of Time,” and held out no hope for agreement to an American proposal for a substitute for that article which would “give the United States the same privileges as the most favored European Nations in their intercourse with the British Possessions in that quarter.”]


The American to the British Commissioners

Harley Street June 21st 1815

The undersigned have the honor to acknowledge the receipt of the note of the British Plenipotentiaries dated the 20th instant communicating the substance of the observations which they had
made in the conference of the 19th, upon the different points
referred to in the note of the undersigned of the 17th instant.

The views of the undersigned with respect to the second Article
being precisely the same with those stated by the British Plenipoten-
tiaries, there will be no difficulty in framing a clause embracing
the objects contemplated by both parties and which shall be free
from ambiguity.

The explanation given by the British Plenipotentiaries upon that
part of the third Article which the undersigned apprehend might be
liable to a construction in reference to the Indian trade not intended
by either party is perfectly satisfactory. But they regret that they
cannot accede to the alterations proposed in other respects by the
British Plenipotentiaries to the Article which had been offered by the
undersigned particularly as they affect the privilege of inland
navigation by the River St. Lawrence & by the waters flowing from
Lake Champlain; nor have they found it practicable to frame any
article compatible with the different views entertained by the two
parties respecting the intercourse between the United States &
Canada. They therefore recur to the proposal made in their note
of the 17th instant to omit that article altogether, that proposal not
having been noticed in the note of the British Plenip: of the 20th
instant.

The undersigned make the same offer as to the 5th. article of the
Contre Projet.

And thirdly they hereby renew the proposal made verbally in
the conference of the 19th instant, to substitute for the two separate
articles, one placing the United States in their intercourse with the
British Possessions in India on the footing of the most favored
European Nation.

The undersigned request to be made acquainted with the de-
termination of the British Plenipotentiaries on these three proposi-
tions.

The undersigned tender again to the B.P. assurances of their
distinguished consideration.

AL draft, by Gallatin. NHi-Gallatin Papers (MR9). Published in American State
Papers, Foreign Relations, IV, 16; Annals of Cong., 1 Cong., 1 Sess., XXIX, 1501-1502.
1 Last four words substituted by Adams for “undersigned are here.”
2 This word substituted in Clay’s hand for “of.”
3 Last seven words inserted by Adams.
4 Last four words substituted in Clay’s hand for the phrase: “But the undersigned
   cannot find.”
5 This word substituted by Adams for the word “connoting.”
6 Last two words substituted by Adams for “renew.”
7 Last six words in Adam’s hand.
8 This word inserted by Adams.
9 This word in Clay’s hand, substituted for “instead of.”
10 This word substituted by Adams for “which shall give,”
11 Last five words substituted by Adams for “the same privileges as the.”
12 This sentence substituted by Clay for a clause at the end of the preceding
   paragraph: “and pray them to accept the assurances of their high consideration.”
Second American Sketch of Article for Equalizing Duties

[June 21, 1815]

The same duties shall be paid on the importation in the ports of any of His Britannick Majesty's territories in Europe of any articles the growth produce or Manufacture of the United States and the same drawbacks shall be allowed on the reexportation thereof whether such importation shall be in vessels of the United States or in British vessels And the same duties shall be paid on the importation in the United States of any articles the growth produce or Manufacture of His Britannick Majesty's territories in Europe and the same drawbacks shall be allowed on the reexportation thereof whether such importation shall be in vessels of the United States or in British vessels. The same duties shall be paid and the same bounties allowed on the exportation of any articles the growth, produce, or Manufacture of the United States to His Britannick Majestys territories in Europe whether such exportation shall be in vessels of the United States or in British vessels. And the same duties shall be paid and the same bounties allowed on the exportation of any Articles the growth produce or Manufacture of His Britannick Majesty's territories in Europe to the United States whether such exportation shall be in vessels of the United States or in British vessels.


The British to the American Commissioners

[June 23, 1815]

[Replying to the American note of June 21, the British “are happy to find that no difficulty exists on either side, in regard to the second article.”

Relative to the third article, since the two parties are unable to agree, the British “accede to the proposal of omitting the article all together. They have also no objection to the omission of the Fifth article—.”

On the subject of trade with the British East Indies, the British Commissioners have no authority to substitute for their two separate articles a proposal to “put the intercourse of the United States in that quarter upon the footing of the most favored European Nation.” If the Americans adhere to their objection to the two separate
June 24, 1815

articles, the British are willing to omit any article relative to the East Indies.

The British nevertheless consider the second article “to be of sufficient importance to the mutual interests of Great Britain and the United States, particularly in the Common object of securing a free, commercial intercourse between the two Countries to induce them readily to sign a Treaty or Convention for that single purpose, independent of the other points to which the negotiation has referred—.”]

Copy. DNA, M36, R1. Published in *American State Papers, Foreign Relations*, IV, 16-17; *Annals of Cong.*, 14 Cong., 1 Sess., XXIX, 1502.

The American to the British Commissioners

Harley Street 24 June 1815

The Undersigned have the Honor to acknowledge the receipt of the note of the British Plenipotentiaries of the 23 Inst. expressing their assent to the proposal of omitting the 3d and 5th Articles of the Contre projet—

To the proposal of omitting also altogether any article on the Subject of the East indies and of signing an arrangement embracing all the provisions contained in the second article, The undersigned do not feel themselves authorised to accede. But they offer to sign a convention embracing that article entire and the first seperate article, the whole of which convention shall be limited to the terms of four Years from the date of the Exchange of the Ratifications. Or they will agree to a Convention for the sole purpose of abolishing all discriminating duties on American and British vessels and their cargoes in the intercourse between the United States and His Britannick Majestys territories in Europe in the manner contemplated by the 2d Article—and as Explained and mutually agreed on in the Conferences on that subject, omitting all the other provisions contained in the same article and which had for object to place the two Countries respectively on the footing of the most favoured Nation—

The Undersigned request the British Plenipotentiaries to accept the assurances of their distinguished Consideration

The Right Honble. F J. Robinson  
H. Goulburn Esqr  
and Dr. William Adams.  

John Quincy Adams  
H. Clay.  
Abert [sic] Gallatin


1 Clay had initiated the proposal to limit the convention to four years, the Americans having originally urged it for an eight year term while the British had sought to hold the East Indian article to two years. Adams, *Memoirs*, III, 229.
The British to the American Commissioners

[June 26, 1815]

[Since neither of the proposals contained in the American note of June 24 was "contemplated in the instructions with which the Undersigned were originally furnished," the British Commissioners have referred the matter to their government.]


The British to the American Commissioners

[June 29, 1815]

[Relative to their note of June 26, the British Commissioners are now instructed to inform the Americans "that the British Government is ready to agree to a Convention for four years . . . which shall contain the whole of the second Article as . . . mutually agreed upon . . . ; and also the first Separate article relating to the East Indies, as proposed on the part of Great Britain, the latter article also to be in force for four years . . ."]

The British Government still considers that "it is entitled to require an Equivalent" in return for its concessions in regard to the East Indies and wants it understood that in future negotiations Great Britain has the right to withhold this privilege or to renew it in return for an equivalent.

The British request a meeting with the American plenipotentiaries on June 30.]

Copy. DNA, M36, R1. Published in *American State Papers, Foreign Relations*, IV, 17-18; *Annals of Cong.*, 14 Cong., 1 Sess., XXIX, 1504.

The American to the British Commissioners

[June 30, 1815]

[The Americans acknowledge receipt of the British note of June 29. While they have already stated their belief that the proposed convention was "founded on principles of reciprocity, was equally advantageous to both parties and contained in itself a fair equivalent for every presumed concession made by either party," the Americans stipulate that both governments shall have the right at the expiration of four years to refuse to renew any of the provisions agreed upon. They note, however, that they have been induced "to agree to a convention more limited both as to its objects & duration, than they had contemplated: with a hope that in the meantime its deficiencies may be supplied and such other provisions may be
adopted as will conduce to mutual convenience and tend to strengthen the relations of amity & friendship happily restored between the two countries."

The Americans agree to meet the British later this day.

Draft. NHi-Gallatin Papers (MR9). Published in *American State Papers, Foreign Relations*, IV, 18; *Annals of Cong.*, 14 Cong., 1 Sess., XXIX, 1504-1505. Clay saw no need for sending such a note and did not contribute to its composition. He ultimately consented to sign it and thereupon transcribed the version sent to the British on the basis of Gallatin’s draft. Adams, *Memoirs*, III, 236.

From Baring Brothers and Company

Sir

London 30 June 1815

We are honored with your letter of this date¹ in reply to which we have to inform you the draft you authorised in Amsterdam was duly honoured.—

Agreeably to your direction we shall endeavour to invest the sum of £1200 in that description of 6 pC Stock of the U. States which is at the lowest price & we hope to inform you with what Success tomorrow—We are very respectfully Sir Yrs obedt—

Henry Clay Esqr. Hanover Street. BARING BROTHERS CO

ALS. DLC-HC (DNA, M212, R1). ¹ Not found.

Clay and Gallatin to Adams

Sir

London 1st. July 1815.

We have the Honor to enclose copies of Lord Castlereagh’s note of the 22 May to us on the Subject of the unfortunate affair at Dartmoor and of our Answer dated the 24th of the same month—

We have the Honor to be respectfully Sir Your obedt. Servants

His Excellency John Q. Adams H: CLAY
Minister of the United States London ALBERT GALLATIN

Copy. MHi-Adams Letterbook, 248.

To Jonathan Russell

[July 1, 1815]

Attached to letter dated May 10, 1815.

Receipt from Amos Kendall

Fayette Co July 1. 1815.

Received of Henry Clay by the hand of Mrs. Lucretia Clay three hundred dollars in full for instructing his children one year.

AMOS KENDALL
Kendall, a native of Massachusetts, had come to Lexington in 1814 and from May 10 of that year until April 29, 1815, had lived at "Ashland" as tutor to the Clay children. He then resided briefly in Georgetown, where he was lawyer, postmaster, and newspaper editor. In June, 1815, having returned to Lexington to attend court, Kendall had fallen seriously ill. Upon learning of his misfortune, Mrs. Clay had sent her carriage to bring him to "Ashland," where he remained for about a month while she nursed him back to health. On July 15 he was able to go back to Georgetown.

In 1816 Kendall moved to Frankfort to become editor of the Argus of Western America. After supporting Clay for a decade, in 1826 Kendall allied himself with the forces of Andrew Jackson and helped them carry Kentucky in the presidential election two years later. A trusted adviser of the Jackson regime, which he supported with noted literary and administrative talents, he served in turn as fourth auditor of the treasury and postmaster general and was for eight years a member of the "Kitchen Cabinet."

Clay and Gallatin to Adams

Hanover Street Sunday 2 July [1815]

Messieurs Clay & Gallatin request Mr Adams to send them His Copy of the proposed Convention and also that sent to him by the British Plenipotentiaries, whenever his copy shall have been Completed—

His Excellency John Q. Adams 67 Harley Street

Copy. MHi-Adams Letterbook, 280. A sharp disagreement had arisen this day between Adams and the other American negotiators, Adams having ordered the transcription of the American copy of the Convention with the names of the parties reversed to give prior position to the United States in the preamble and the first, second, and fifth articles. Gallatin protested that the divergence from the British copy would occasion further controversy; Adams refused to sign the Convention without establishing the principle of priority for the respective parties in their own transcriptions of the document. When Adams finally supplied the two versions here requested, Gallatin concluded that the time was too short for another copy to be made before the meeting scheduled for the signing of the Convention. In the outcome the British offered no objection to the changes in the American copy. Adams, Memoirs, III, 240-48.

The American Commissioners to James Monroe

Sir London 3d July 1815

We have the honor to transmit a Convention for regulating the commercial intercourse between the United States & Great Britain, which we concluded this day with the British Plenipotentiaries.

Messieurs Clay & Gallatin's despatch of the 18th May last has informed you of the preliminary steps taken by them on that subject. Mr. Adams arrived in London on the 25th May; and, on the 5th of June, we were invited by Messrs. Robinson, Goulburn, and Adams to meet them on the 7th. At this conference, after a mutual exhibition of our powers and some general observations, we delivered to them our Projet of a commercial convention, a copy of which marked (1) is herewith enclosed. They promised to take it into immediate consideration; and, on the 9th, informed us, that they would prepare & transmit to us a Contre-Projet.
Believing that there was no prospect of an immediate arrangement on the subject of seamen, and knowing that, without it, no treaty defining the rights & duties of Belligerent [sic] & Neutrals was admissible, we excluded all that related to that branch of the subject from our Projet, and confined it to objects purely commercial.

We took the 3d Article of the treaty of 1794, respect[ing] the intercourse with Canada,¹ as the basis of the correspond[ing] article, omitting, according to our instructions, whatever related to the Indian trade. In drawing the other article[s,] we were principally guided by the unratified treaty of 180[6;]² by the instructions given in relation to it by the Secretary of State in his despatch of May 20th. 1807,³ and by the Act of Congress of the 3. March last for abolishing all discriminati[ng] duties.⁴ From the previous explicit declarations of the British Plenipotentiaries, we deemed it useless to offer any article on the subject of the intercourse with the West India islands, and only inserted a clause, to preven[t] the application to that intercourse of the provisions contemplated by the convention.

On the 16th, the British Plenipotentiaries address[ed] to us a note enclosing their Contre-Projet (marked 2), an[d] on the 17th, we transmitted our answer marked (3). The whole subject was discussed at large, in conferences hel[d] on the 19th & 21st. The British Plenipotentiaries, in a note hel[d] on the 20th marked (4), stated the substance of their answer to ours of the 17th. In the conference of the 21st, we delivered the additional clause, to the 2d Article of the Contre-Projet (marked 5); and afterwards, on the same day, we transmitted our note marked (6).

It will be perceived by these notes, that we had come to an understanding as to the intercourse between the United States, and the British territories in Europe, and that we disagreed on three points; the intercourse with Canada; placing generally both countries on the footing of the most favoured Nations; and the intercourse with the British East Indies.

On the first point, the British Plenipotentiaries persisted, in refusing to admit, that the citizens of the United States should have the right to take their produce down the river St. Lawrence to Montreal, and down the river Chambly (or Sorel) to the St. Lawrence. And, without that provision, the article was useless to us, and unequal in its practical operation. The provision, that the importation of our produce into Canada should not be prohibited, unless the prohibition extended generally to all similar articles, afforded us no security; as no similar articles are imported into Canada from any other foreign country. Whilst the corresponding provision, respecting the importation into the United States, through Canada, of the produce and manufactures of Great Britain, effectu­ally prevented us from prohibiting such an importation; since
this could not be done, without extending the prohibition, to the importation of all similar articles, either of British or other foreign growth or manufacture, in the Atlantic ports of the United States.

The Article for placing respectively the two countries on the footing of the most favoured Nations, limited, as was insisted on by the British Plenipotentiaries, to the intercourse between the United States & the European territories of Great Britain[,] was unnecessary; since all, that appeared desirable on that subject, was secured by the 2d Article: and a provision of that nature, unless offering some obvious advantage, was deemed embarrassing, on account of the difficulties attach[ed] to its execution.

With this view of the two subjects, and finding that to arrange them in a satisfactory manner was impracticable, we proposed, in our note of the 21st, to omit altogether the articles relating to them.

On the subject of the intercourse with India, British Plenipotentiaries, contrary to the impression made in the unofficial conversations on Messrs. Clay & Gallatin, had insisted, in our official conferences, that our admission to that trade was, on the part of Great Britain, a concession altogether gratuitous, and for which, particularly as to the privilege of indirect outward voyages, she ultimately expected an equ[i]valent. Whilst we strenuously contended, that an equivalent was found in the trade itself, which was highly beneficial to India; or, at all events, considering the nature of the commercial intercourse generally between the two countries, in the other provisions of the Convention. On the same ground, we urged our claim, to be placed in India on the same footing at least as the most favoured Nations: to which it was replied, that they made a distinction between Nations, which had possessions there, and those which had none. The refusal not being altogether explicit, we renewed our proposal to that effect in our note.

The British Plenipotentiaries, in a note of the 23d, marked (7), acceded to our proposal, to omit the 3d & 5th Articles, and, refusing that on the subject of India, offered to omit the Article altogether, and to sign a convention embracing only the provisions, respecting the intercourse between the United States and the British territories in Europe.

This proposal we rejected in our note of the 24th, marked (8): but, in order to meet, if practicable, the views of the British Government, and to avoid making any distinction, between the East India trade, and the other branches of commercial intercourse, we proposed to limit the duration of the whole convention to four years; and we offered, as an alternative, an arrangement for the sole purpose of abolishing the discriminating duties, in conformity with the Act of Congress of the last session.
In a note of the 26th, marked (9), the British Plenipotentiaries informed us, that they found it necessary to refer our last proposals to their Government; and by their note of the 29th, marked (10), they accepted our offer of a convention embracing the East India article limited to four years, to be calculated from the date of its signature. We replied to this in a note dated the 30th June, & marked (11), and, on the same day, arranged, in a conference, the details of the convention.

We beg leave to add, that the same restriction which confines our vessels to the principal ports of India, is, except in special cases, imposed, by the Act of Parliament, on British subjects; and that, besides the discrimination in the export duty from England, the difference on the import duty, on the article of cotton had, by a late act of Parliament, been increased to two pence sterling per pound, in favor of every species imported in British vessels, and even of Brazil cotton imported in Portuguese vessels.

We have the honor to be respectfully
Sir Your obedient. Servts.
Honble James Monroe
Secretary of State
Washington

John Quincy Adams
H. Clay.
Albert Gallatin

ADS, by Gallatin, signed also by Clay and Adams. DNA, M36, R1. A draft copy, with interlineations in Clay’s hand, may be found in NHi-Gallatin Papers (MR9). Published in American State Papers, Foreign Relations, IV, 11-12; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1488-90. Endorsed on verso: “. . . Read the 6th Sept.” Margins partially obscured by binding. Documents mentioned in this dispatch as enclosures may be found above under the appropriate dates.

1 American State Papers, Foreign Relations, I, 520-21.
2 The Monroe-Pinkney Treaty.
3 American State Papers, Foreign Relations, III, 166-73.
4 See above, Clay and Gallatin to Monroe, May 18, 1815, note.
5 Word substituted by Clay for “that” on draft copy.
6 Last three words substituted by Clay for “to arrange” on draft copy.
7 Word substituted by Clay for “and that” on draft copy.
8 Word substituted by Clay for “&” on draft copy.

Commercial Convention with Great Britain

[July 3, 1815]

[Article I. There shall be between the territories of the United States and “all the Territories of His Britannick Majesty in Europe a reciprocal liberty of commerce. The Inhabitants of the two Countries respectively shall have Liberty freely and securely to come with their Ships and Cargoes to all such places Ports and Rivers in the Territories aforesaid, to which other Foreigners are permitted to come to enter into the same and to remain and reside in any parts of the said Territories . . . , but subject always to the Laws and Statutes of the two Countries respectively.”

Article II. The principle of most favored nation is applied relative to restrictions on importation and exportation of domesti-
cally grown or manufactured goods between the United States and "the territories of His Britannick Majesty in Europe." No higher duties shall be imposed in the ports of these two areas against the vessels of either nation, respectively, than are charged against domestic shipping.

"It is further agreed that in all cases where drawbacks are or may be allowed upon the reexportation of any Goods the growth, produce or manufacture of either country respectively, the amount of the said drawbacks shall be the same whether the said goods shall have been originally imported in a British or American Vessel—But when such reexportation shall take place from the United States in a British Vessel or from the territories of His Britannick Majesty in Europe in an American Vessel to any other foreign Nation The two Contracting Parties reserve to themselves respectively the right of regulating or diminishing in such case the amount of the said drawback."

Trade between the United States and the British possessions in the West Indies and on the North American Continent is excepted from the provisions of this article; "each party shall remain in the complete possession of its rights with respect to such an intercourse."

Article III. "His Britannick Majesty agrees that the Vessels belonging to the United States of America shall be admitted and Hospitably received at the principal settlements of the British Dominions in the East indies Vide licet Calcutta, Madras, Bombay, and Prince of Wales's Island, and that the Citizens of the said United States may freely carry on trade between the said principal settlements and the said United States in all articles of which the importation and exportation respectively to and from the said territories, shall not be entirely prohibited—provided only that it shall not be lawful for them in any time of War between the British Government and any State or power whatever to export from the said territories, shall not be entirely prohibited—provided only that it shall not be lawful for them in any time of War between the British Government and any State or power whatever to export from the said territories without the special permission of the British Government any Military Stores or Naval Stores or Rice—." The Americans shall pay no higher duties on their vessels admitted to these ports than are charged the vessels of the most favored European nations. "But it is expressly agreed that the Vessels of the United States shall not carry any articles from the said principal settlements to any port or place except to Some port or place in the United States of America where the same shall be unladen—"

"It is also understood that the permission granted by this article is not to extend to allow the Vessels of the United States to carry on any part of the Coasting Trade of the said British territories, but the Vessels of the United States having in the first instance proceeded to one of the said principal settlements of the British Dominions in the East indies, and then going with their original Cargoes or
part thereof from one of the said principal settlements to an other shall not be considered as carrying on the Coasting trade—The Vessels of the United States may also touch for refreshment but not for commerce in the course of their Voyage to or from the British Territories in India or to or from the Dominions of the Emperor of China—at the Cape of Good Hope the Island of St. Helena or such other places as may be in the possession of Great Britain in the African or Indian Seas—it being well understood that in all that regards this article The Citizens of the United States Shall be subject in all respects to the Laws and regulations of the British Government from time to time established."

Article IV. The two contracting nations shall be free to appoint consuls to reside in the dominions of the other party with the prior approval of the government to which a proposed appointee is to be sent, "and it is hereby declared that in case of illegal or improper conduct towards the Laws or Government of the Country to which He is sent, such Consul may either be punished according to Law, if the Laws will reach the Case or be sent back, the offended Government assigning to the other the reasons for the same."

Article V. The Convention is, when ratified by the respective governments, to be binding for four years after the date of its signature, the ratification to be discharged within six months from this time. 

Copy. DNA, M36, R1. Published in American State Papers, Foreign Relations, IV, 7-8; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1478-81.

1 On November 24, 1815, Anthony St. John Baker, then British Chargé des Affaires in the United States, notified the American government that because the Island of St. Helena had been designated as the place of residence for Napoleon Bonaparte, it would be impossible to comply with the provisions of the article permitting refreshment there, and that the ratifications of the Convention would be exchanged with the understanding that the privilege would be denied "so long as the said Island shall continue to be the place of residence of the said Napoleon Buonaparte." Following Napoleon's death, the British on July 30, 1821, opened the island "under the same regulations as applied . . . previous to the detention there of Napoleon Buonaparte." Miller (ed.), Treaties and Other International Acts, II, 599-600.

2 The British ratified the Convention on July 31, 1815. Submitted to the Senate on December 6, it was approved by the American government on December 21, and formally proclaimed the following day.

On October 20, 1818, all the provisions of the Convention, with the exception of the clause relating to St. Helena, were extended for ten years: and on August 6, 1827, it was extended indefinitely, without the exclusion of St. Helena. It is still in effect. Miller (ed.), Treaties and Other International Acts, III, 315-16.

To John Payne Todd

Dr. Todd. Birmingham Thursday 6h. July [1815]

I left London on tuesday morning and arrived here this evening. Mr. Gallatin was to start the same day, but is I presume in my rear. We signed the treaty the day before I departed.

I found here your favor of the 3d. inst.1 and am happy to learn
that there are so many vessels about to sail for America. From what you say as to the period of their sailing I shall remain here only tomorrow and press on the next day for Liverpool, so as to take advantage of the first good opportunity for New York or Philadelphia. Be you ready, for like Patrick Coutts, when dying, I wait for no man. Yr's truly

H. Clay

ALS. ViU-Alderman Library. Addressed to Todd at “Star and Garter Hotel Paradise St. Liverpool.”

1 Not found.

2 Merchant and trustee of the town of Richmond, Virginia, who had died in 1776.

To Lucretia Clay

Liverpool 14h. July 1815

I expect to embark tomorrow on board the Lorenzo of this port for New York and hope to have the pleasure of seeing you before this letter reaches you. As it is possible however that I may not, to guard agt. any accidents which may attend me, I inclose you a Copy of a power of Atto. (accompanied by a Copy of the original Certificate) to transfer to me $4444:44/100 in the 6 per Cent Stock of the U. States. The originals of these Copies are in my possession.

Mess Baring Brothers & Co. Bankers London, have in their hands £201:0:9 Sterling of my money.

On the other side is a memorandum of charges agt. the U. States which are to be brought forward on settlement of my account, besides my outfit and salary. Yr. affectionate husband

H. Clay

[Verso]

Dr. The U. States to H. Clay.

To this sum lost by me in the rent of a house from Mr. Pritz of Gottenburgh [sic] for one quarter, and which I occupied only one month; there remaining two months, Mr. Pritz agreed to be satisfied with rent for one of them (see Mr. Carroll) @ $200 per month $200.

To Expences of my journey from Gottenburg to Ghent in consequence of the removal of the seat of the Negotiation— $500.

To News paper for one quarter at Gottenburg (see Mr. Halls a/c) £5 Sterling.

To do. at London—£5. do.

To Stationary [sic] at Gottenburg & London 25

ALS. DLC-TJC (DNA, M212, R10). Published in Colton (ed.), Private Correspondence of Henry Clay, 45.

1 See above, Baring Brothers and Company to Clay, June 30, 1815.

2 Henry Carroll.

3 Joseph Hall, Jr.
Toast at New York Banquet

The 8th of Jan. 1815. Washington National Intelligencer, September 11, 1815. Clay and Gallatin, who had sailed from Liverpool, on board the Lorenzo, July 23, had arrived in New York September 1. Four days later they were honored with "a superb entertainment" at Tammany Hall, over which Judge Henry Brockholst Livingston presided. Clay's toast was one of thirty offered before the guests retired. Subsequently Judge Livingston proposed a toast to "Our distinguished guests, Albert Gallatin and Henry Clay."

From ———— Montlezon

Monsieur, Philadelphie le 8 Septbre. 1815

j'ai, à l'instant, l'avantage d'apprendre l'heureuse nouvelle de votre retour à Philadelphie.
j'y suis débarqué il y a 8 jours, arrivant de Bordeaux, sur le Vau.\(^1\) le Susquehannah.

Ayant l'honneur d'être ancien Compagnon d'armes de Mr. le Mis.\(^2\) de la fayette qui veut bien m'accorder Son amitié, j'ai de Lui des Certificats authentiques de mes Services et de Ceux de mon père, Sous Ses Ordres, dans la Guerre de l'indépendance Américaine.

il serait important pour mes intérêts que je me rendisse sans retard à Washington; mais étant arrivé ici dans une très grande détresse, absolument dénué et n'ayant trouvé aucun secours dans ce pays, j'ai osé m'adresser à Vous, Monsieur, et Vous faire part de ma situation embarrassée, dans l'espoir que Votre Excellence voudra bien s'intéresser à un homme d'honneur que des Révolutions prolongées depuis 25 ans ont privé de son patrimoine et qui est enfin venue sur cette terre hospitalière chercher la tranquilité et la vraie liberté.

je désirerais que Votre Excellence eût l'extrême bonté de me faire obligeamment l'avance de quelques fonds en attendant que je puisse réunir à me procurer des moyens par moi-même.

Ce serait un bien essentiel servie dont je vous serais redevable, Monsieur, et que je Vous prie de rendre à un homme dans le malheur, et l'ami d'un des plus zélés défenseurs de la liberté Américaine.

Si Votre Excellence a la bonté de me donner un moment d'Audience j'aurai l'honneur de venir Lui présenter mes hommages à l'heure qu'elle voudra bien m'indiquer dans Sa réponse.

je suis avec un profond respect, Monsieur, de Votre Excellence

Le très humble et très Obéissant Serviteur

MONTLEZON
ancien officer francais.

Second street No. 129. at Mrs. Fillette.
ALS. DLC-HC (DNA, M212, R1). The writer was probably the son of Jean-François du Moulin de la Bastille Montlezon, who had served as a lieutenant-colonel under Count de Grasse in the American Revolution.

1 Vaisseau. 2 Marquis.

Receipted Account with Lloyd Jones

Dr. Henry Clay in a/c with Lloyd Jones [September 9, 1815]

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<th>Date</th>
<th>Description</th>
<th>Amount</th>
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<tr>
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<td>To Cash paid freight from Ghent on 2 cases fr. 11</td>
<td>20 20</td>
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<td>for several cases with China 2 32</td>
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<td></td>
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<td>2 &quot;</td>
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<td></td>
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<td></td>
<td>for Halling from Store</td>
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Receivd the above Philadelphia Sept 9th 1815

Lloyd Jones

ADS. DLC-TJC (DNA, M212, R15).

1 The Neptune had sailed from Plymouth on June 18 and reached Wilmington on the evening of July 31.

Toast at Philadelphia Banquet [ca. September 12, 1815]

That genuine patriotism which, rising above sectional influence, looks to the interest, the honor and the glory of the whole.

Washington National Intelligencer, September 15, 1815. The “Democratic Citizens of Philadelphia” honored Clay with an entertainment at the Washington Hotel. Other guests were John P. Todd, George B. Milligan, Alexander J. Dallas, Jonathan Roberts (United States Senator from Pennsylvania), and Captain James Biddle, naval hero. Clay’s toast was a “volunteer,” presented after numerous others had been drunk. Among those offered after the guests had retired was the following: “Our distinguished and worthy guest, Henry Clay of Kentucky, a genuine republican, and an enlightened statesman.”

From Officials of the City of Washington [ca. September 18, 1815]

The undersigned, the Mayor and Members of the Corporation of the City of Washington deputed for that purpose, have the honor to present to you the enclosed resolutions, expressive of the sense entertained by them and their fellow citizens, of the distinguished services you have rendered to your country during your late official employment in Europe. They avail themselves with much pleasure
of this opportunity to assure you of the high consideration and personal respect with which they are, &c.

[Enclosure]

Resolved, by the Board of Aldermen and Board of Common Council of the City of Washington, That the services rendered to the nation by the negociators of the Treaty of Peace, entitle them to the respect and gratitude of their country.

Resolved, That a committee be appointed, to consist of one member from each Board, jointly with the Mayor, to express to the Hon. HENRY CLAY, now in this city, their sentiments in this respect, and also the pleasure with which they & their constituents greet his return to that country, whose rights and character he has, during his absence, so eminently contributed to maintain and establish.

R. C. WEIGHTMAN,¹ President of the Board of Common Council
JO. GALES, JR.
President of the Board of Aldermen.

Approved,

Attest,

JAMES H. BLAKE,² Mayor.

WM. HEWITT, Register.

Washington National Intelligencer, September 19, 1815. Published also in Lexington Reporter, September 27, 1815. Clay had arrived in Washington September 16. His determination to leave for home on the 18th prevented his being honored by a public dinner and induced the Mayor of the City to convene a special meeting of the City Council at which the resolutions here presented were adopted unanimously.

¹ Bookseller. ² Collector of Revenue for the District of Columbia.

To Officials of the City of Washington

Washington, 18th Sept. 1815.

Gentlemen—I have received your obliging letter of this day, communicating certain resolutions of the Board of Aldermen and the Board of Common Council of the City of Washington, and in behalf of my colleagues and myself, I beg you to present to the Corporation my thanks for the flattering manner in which they have been pleased to notice our services in the negotiation at Ghent. In asserting that the issue of the negotiation was owing to the determined spirit of resistance manifested by this country, and the brilliant achievements of our military and naval forces, I am sure of the concurrence of my colleagues. A great object of the war has been attained in the firm establishment of the national character.

The pleasure I experienced from the hearty and cordial welcome with which I have been so kindly received in this city, and wherever I have been since my return, is attended with the melancholy reflection that one of my colleagues¹ unhappily can no longer participate in the congratulations of our country.
I thank you, gentlemen, for the sentiments you have obligingly expressed concerning me, and am with great respect, Your obedient servant,

JAMES H. BLAKE, Esq.
J. GALES, JR. and R. C. WEIGHTMAN, Esqs.

Washington National Intelligencer, September 19, 1815. Published also in Lexington Reporter, September 27, 1815.

1 James A. Bayard.

To Albert Gallatin

Dr Sir Beamers town Ohio 28h. Sept. 1815

I forgot before we separated to say to you that, as our services abroad have been in some respects of a similar kind, there would be a propriety in a correspondence of charges. As to the time when our Salaries should cease; having taken no leave of Court (the ordinary rule) we might fairly claim to the period, much more substantial, of our taking leave of England. But I would propose the 17th. of July, as it would complete 18 months from the date of our commission. This will allow two weeks after the signature of the Convention, which is not unreasonable for posthumous and incidental business.

I think we ought to be allowed some extra compensation for our London residence, which I found more expensive by more than 100 per cent than the same period of time any where else in Europe—

On both points I shall be much influenced by your opinion—

I have got this far on my way home, which I hope to reach in six days. Sincerely Yrs.

ALS. NHi-Gallatin Papers (MR9). Addressed to Gallatin at "Washington City."
Postmarked: "Washington Ohio 30th Sepr."

From Thomas Cooper

Sir Carlisle Octr. 1. 1815 Pennsylvania

At the Commencement which took place here a few days ago, I delivered my resignation to the Trustees of the College, who sent me the preceding letter. As all the Trustees who have signed it except Judge Walker reside in Carlisle, and as I have lived under their immediate observation during four years, I apprehend their letter will supercede the necessity of any other testimonial of my character & conduct.

Dr. Armstrong the President of the Board, is well known to Mr Parker & Mr Wilkins of Lexington. I have recd. again lately a very advantageous offer from Albany,
but dependant on the Legislature at their next meeting, where however the Trustees feel confident of succeeding; if I do not hear from Kentucky in 3 [m]onths, I shall incline to go at once to Albany, but as my wife’s relations are resident in & near Lexington, and her sister & her sister’s husband are desirous of following me if I go there, I shd. prefer the situation of Transylvania College.

I do not make apology to you for this address, being persuaded that you will be glad of an opportunity of judging wher. the persons in nomination as Principal of Transylvania College, are likely to be competent. Personally, I have no pretensions whatever to ask you to take any trouble on acct. of Sir Your obedient Servant

THOMAS COOPER

ALS. KyLxT. Addressed to Clay at Lexington. Cooper (1759-1839), born in England, where he had studied law and medicine, had emigrated to the United States in 1794. Settling in Pennsylvania, he had become a Jeffersonian Democrat, practised law, and engaged in local politics to the extent that he was fined and imprisoned under the Sedition Act. In 1811 he had been removed from a judicial post in Pennsylvania which he had held for seven years and thereupon had turned from law and politics to a career as scientist and educator. From 1811 to his resignation in 1815 he had taught chemistry in Carlisle (now Dickinson) College in Pennsylvania. He was later appointed as a professor at the University of Pennsylvania, the University of Virginia, and South Carolina College and president of the last-named institution (1820-1834). He became prominently identified as an exponent of states' rights and nullification.

Clay's seat on the Board of Trustees of Transylvania University had been vacated by his absence at Ghent. He was not reappointed until the Kentucky legislature named a new list of board members under act of February 3, 1818 (Ky., Acts, 1817-1818, p. 554).

1 A copy, by Cooper, of the letter, dated September 29, 1815, forms the first sheet of the document.

2 Jonathan Hoge Walker, President Judge of the Fourth District of Pennsylvania, later Judge of the United States District Court for the Western District of Pennsylvania.

3 James Armstrong, M.D.

4 Alexander Parker; Charles Wilkins.

5 Cooper's wife, his second, was Elizabeth Pratt Hemming, a native of London, England. Her relatives have not been identified.

6 Whether.

From the Lexington Board of Trustees

[October 5, 1815]

The trustees of the town of Lexington, participating in the general joy felt at the return of our distinguished fellow citizen, Henry Clay, to his country and family; embrace the occasion to express the sense they entertain of his public conduct, whilst acting in his late diplomatic character. They are well assured their sentiments and feelings on this subject, are in unison with those of the people of this town, and of his fellow citizens in general.—Convinced that in negotiating the late treaty of peace with Great Britain, our ministers have discharged the important duties confided to them in a manner highly honorable to themselves and satisfactory to the government and people of the United States, their eminent services and manly exertions for the interest of their country, give them a just claim to its respect and gratitude. Therefore—
Resolved, That the chairman of this board be requested to await on the Hon. H. Clay, and make known to him our sentiments on this subject, and to express to him the unfeigned pleasure with which his countrymen greet his return.

Resolved

Lexington Kentucky Gazette, October 9, 1815. Published also in the Lexington Reporter, October 11, 1815; Washington National Intelligencer, October 20, 1815; Niles' Weekly Register, IX (November 11, 1815), 186.

To the Lexington Board of Trustees

SIR,

Ashland, 6th Oct 1815.

I have received the resolution of the Board of Trustees of the town of Lexington, which you have done me the favour to communicate. My colleagues cannot fail properly to appreciate the honorable testimony of approbation which comes from a source so highly respectable. To me this expression of the sentiments of the Trustees of the town of Lexington, a town in which I have resided a considerable portion of my life, and from which I have experienced uninterrupted favor and affection, is peculiarly gratifying. During a great part the negociation, which terminated in the treaty of Ghent, our duty was limited to the simple rejection of inadmissible terms, proposed by the ministers of Great Britain. The time will never arrive when any American minister can justly acquire honor for performing a duty, so obvious as that always must be of refusing to subscribe to disgraceful conditions of peace. If, in the manner of executing this painful service, we have justified the confidence reposed in us, I have ample cause of satisfaction. I pray you to make known to the Board how sensible I am of their polite attention, and believe me to be with great respect, your obedient servant,

H. CLAY.

JOHN BRADFORD, Esq.

Chairman, &c. &c. &c.

From the Trustees of Transylvania University

Lexington, Oct. 6, 1815.

sir—In obedience to an order of the board of Trustees of the Transylvania University, we now present you the resolution they have adopted approbating your public conduct whilst acting in your late diplomatic character. We are happy in the opportunity it affords
October 7, 1815

us of tendering you our individual congratulations, and assurances
of esteem and friendship. Respectfully, Edmund Bullock,

The Hon. H. Clay.

F. Ridgely,

J. Prentiss,

C. Humphreys,

W. T. Barry.

[Enclosure]

Feeling gratified at the return of the Honbl. H. Clay to his own
Country, and desireous of giving him a testimony of their regard &
expressing the opinion they entertain of his conduct whilst acting
as one of our ministers in the late negotiations at Ghent. The
Trustees of the Transylvania University have adopted the following
resolution

Resolved that in negotiateing the late treaty our ministers have
shewn a zeal firmness and talents highly honourable to themselves
and to the Government of the United States that for their eminent
services in ably vindicateing and supporting our national rights
and character they are entitled to recieve the reward due to dis­tin­guished patriotism the warm approbation and united applause
of their Country men.

Lexington Reporter, October 11, 1815. In action of the board of trustees on
October 4, the enclosed resolution had been adopted unanimously and a committee
appointed to transmit it.

1 A resident of the southern district of Fayette County, Bullock had served as a local
magistrate and as a member of both houses of the State legislature, where he was
Speaker of the House of Representatives, 1796-1798, and of the Senate, 1816.

2 A New Englander who had come to Lexington shortly before the War of 1812
and engaged energetically in the business and social life of the community. Seemingly
a man of wealth, he purchased several farms, brought in Merino sheep, bought up
the stock of the Kentucky Insurance Company, and established a woollen manufactory
and a paper mill on the Town Fork of Elkhorn in an area which he laid off into lots
and called "Manchester." After a few years financial difficulties forced him to abandon his Lexington enterprises and return to New England.

3 Copy. KyLxT-Transylvania University Trustees, A Record of the Proceedings,
II (Commencing 2d April 1810), 198-99. Published in Lexington Reporter, October 11,
1815.

To the Trustees of Transylvania University

Gentlemen, Ashland 7th October, 1815

I have to acknowledge the receipt of your letter of yesterday, transmitting a resolution of the Trustees of the University, expres­sive of their sentiments on the conduct of my late associates and
myself, in the negociation at Ghent. In the approbation of a board
of respectable Gentlemen, charged with the important concerns
of one of the earliest and most distinguished institutions, dedicated
to the instruction of youth, in the Western country, it is impossible
not to recognize a proof, strong and gratifying. Our duty at Ghent,
though painful, was plain. Whilst we could not hesitate in the
rejection of propositions involving the dishonor of our country,
it was mortifying that we were compelled to receive, to consider, and to discuss such propositions. The Peace, which was finally concluded, considering the actual circumstances and condition of the two powers, and the relations in which they stood to other nations, appeared to us an honorable peace. Such, I believe, was the opinion of Europe, and such, I am happy to say, seems to be the judgment of our own country.

You will do me the favor, gentlemen, to acquaint the Trustees with the high sense I entertain of the kind sentiments which they have politely expressed, concerning myself, and which I value the more, as proceeding from a Board, of which I once had the honor of being a member.

I avail myself of the occasion to reciprocate your obliging assurances of esteem and friendship, and at the same time to subscribe myself, with much respect, Your obedient servant,

F. Ridgely, Esq.
E. Bullock, Esq.
C. Humphreys, Esq;
James Prentiss, Esq.
W. T. Barry, Esq.

H. CLAY.

Lexington Reporter, October 11, 1815.

Toasts and Replies at Lexington Banquet

[October 7, 1815]

5. Our able negociators at Ghent—Their talents for diplomacy, have kept pace with the valor of our arms in “demonstrating” to the enemy that these states will be free.

{Mr. Clay here rose and said that he felt himself called upon by the sentiment just expressed to return his thanks, in behalf of his colleagues and himself. He did not, and was quite sure they did not feel that in the service alluded to, they were at all entitled to the compliment which had been paid them. They could not do otherwise than reject the demands made by the other party, and if their labours finally terminated in an honorable peace, it was owing to causes on this side of the atlantic, and not to any exertion of theirs.—Whatever diversity of opinion may have existed as to the declaration of the war, there were some points on which all might look back with proud satisfaction. The first related to the time of the conclusion of the peace. Had it been made, immediately after the treaty of Paris,1 we should have retired humiliated from the contest, believing that we had escaped the severe chastisement with which we were threatened, and that we owed to the generosity and magnanimity of the enemy, what we were incapable of com-
manding by our arms. That magnanimity would have been the theme of every tongue, and of every press abroad and at home. We should have retired unconscious of our own strength, and unconscious of the utter inability of the enemy, with his whole undivided force, to make any serious impression upon us. Our military character, then in the lowest state of degradation, would have been unretrieved. Fortunately for us, G. Britain chose to try the issue of the last campaign. And the issue of the last campaign has demonstrated, in the repulse before Baltimore, the retreat from Plattsburgh, the hard fought actions on the Niagara frontier, and in that most glorious day, the 8th of January, that we have always possessed the finest elements of military composition, and that a proper use of them only was necessary to ensure for the army and militia a fame as imperishable as that which the navy had previously acquired.

Another point which appeared to Mr. C. to afford the highest consolation was that we fought the most powerful nation, perhaps in existence, singlehanded and alone without any sort of alliance. More than 20 years had Great Britain been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of the conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight or defeated, while all Europe (he meant the governments of Europe) was gazing with cold indifference, or sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us, for assistance rendered in the hour of danger and difficulty.

There was another view of which the subject of the War was fairly susceptible. From the moment that Great-Britain came forward at Ghent with her extravagant demands, the War totally changed its character. It became, as it were, a new war. It was no longer an American war, prosecuted for redress of British aggression upon American rights, but became a British war, prosecuted for objects of British ambition, to be accomplished by American sacrifices. And what were those demands? Here, in the immediate neighborhood of a sister state, and territories, which were to be made in part the victims, they must have been felt, & their enormity justly appreciated. They consisted of the erection of a barrier between Canada and the United States, to be formed by cutting off from Ohio and some of the territories, a country more extensive than Great-Britain, containing thousands of freemen, who were to be abandoned to their fate, and creating a new power, totally unknown upon the continent of America: Of the dismantling of our fortresses, and naval power on the Lakes, with the surrender of the military occupation of those waters to the enemy, and of an arrondissement for two British Provinces. These demands, boldly
asserted, and one of them declared to be a *sine qua non*, were finally relinquished. Taking this view of the subject, if there be loss of reputation by either party, in the terms of the Peace, who has sustained it?

The immediate effects of the war were highly satisfactory. Abroad our character, which at the time of its declaration, was in the lowest state of degradation, was raised to the highest point of elevation. It was impossible for any American to visit Europe without being sensible of this agreeable change, in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and in the flattering predictions which are made as to our future prospects. At home a government which, at its formation, was apprehended by its best friends and pronounced by its enemies to be incapable of standing the shock of war, is found to answer all the purposes of its institution. In spite of the errors which had been committed (and errors had undoubtedly been committed) aided by the spirit and patriotism of the people, it is demonstrated to be as competent to the objects of effective war, as it had been before proven to be to the concerns of a season of peace. Government has thus acquired strength and confidence.

Our prospects for the future are of the brightest kind. With every reason to count upon the permanence of peace, it remains only for the government to determine upon military and naval establishments adapted to the growth & extension of our country and its rising importance, keeping in view a gradual but not burthensome increase of the Navy. To provide for the payment of the interest, and the redemption of the Public Debt, and for the current expenses of Government. For all these objects, the existing sources of revenue promise not only to be abundantly sufficient, but will probably leave ample scope to the exercise of the judgment of Congress, in selecting for repeal, modification or abolition, those which may be found most oppressive, inconvenient or unproductive.}

18. Our Guest, Henry Clay—We welcome his return to that country, whose rights and interests he has so ably maintained at home and abroad.

{Mr. Clay again rose, and in a few words thanked the company for their kind and affectionate attentions. His reception had been more like that of a brother, than a common friend or acquaintance, and he was utterly incapable of finding words to express his gratitude. He compared his situation to that of a Swedish gentleman, at a dinner given in England by the Society of friends of foreigners in distress. A toast having been given complimentary to his country, it was expected, as was usual on such occasions, that he should rise and address the company. The gentleman, not understanding the
English language, rose under great embarrassment, and said, "Sir, I wish you to consider me a foreigner in distress." "I wish you, gentlemen, (said Mr. Clay, evidently much affected) to consider me a friend in distress."

**VOLUNTEERS.**

*By Mr. Clay—A speedy population of the neutral barrier proposed at Ghent.*


1 Formally signed May 30, 1814.

2 See above, I, 990n, 994n; Clay to Crawford, March 23, 1815. The British had unsuccessfully attacked Fort McHenry at Baltimore on September 13-14, 1814, following their raid on Washington.

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**Toasts at Dinner of Sons of Tammany**

[October 12, 1815]

11. Henry Clay—The orator, the statesman and the patriot.

*By Henry Clay: The memory of James A. Bayard.*

Lexington Kentucky Gazette, October 16, 1815. Published also in Lexington Reporter, October 25, 1815; Ilia Earle Fowler, *Captain John Fowler* (Cynthiana, Ky., 1942), 93. On this occasion the "Sons of Tammany or the Columbian Order" had marched from the Fayette County Courthouse to Fowler's Gardens, where a dinner was held. The toast to Clay was offered to the tune of "Yankee Doodle"; that by Clay, to the "Dead March."

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**To Martin D. Hardin**

Dr Sir Woodford 13th. Oct. 1815

I wrote you a few days ago from Lexington, but fearing from what I have understood that my letter has not reached you, I have to trouble you again on the subject to which it related.

My object was to lay before the Governor the situation in which the Representation in Congress from this district is placed. Having signed a Commercial convention with Great Britain on the 3d. of July last, under a Commission from the President, it has become questionable whether my seat as a Representative, the right to which commenced on the 4th. of the preceding March, has not thereby become vacated. The question depends upon a provision in the first article of the Constitution, of the proper interpretation of which I take it the Governor is the competent judge, from another provision in the same article which requires [sic] him to issue writs when a vacancy occurs. The Governor may not always possess a knowledge of the facts necessary to decide questions of this sort; but when officially notified of them (which was the object
of my letter) it would seem to me that his Constitutional duty necessarily arises.

Participating in the griefs which a late melancholy event must have occasioned his Excellency, I regret that the circumstances of the case render it necessary for me to call his attention to an affair of business.

Should it be thought proper to issue a writ of election, I venture respectfully to request that as the District is near Frankfort and extremely compact a short day might I presume be assigned for the election. Some gentlemen well acquainted with it suppose that a fortnight's notice might suffice.

I have the honor to be with much respect Yr. obt. Servt.

H. CLAY

P.S. I had expected to have been at Frankfort this week, but have been obliged to defer my visit until the next.

H.C. The Honble Mr. Hardin Secy. of State.

ALS. ViU. 1 Letter not found.

1 In August of the preceding year, during his absence abroad, Clay had been elected to Congress without opposition.

2 John Shelby, son of the Governor, had died on October 11. His mother was a first cousin of Lucretia Clay.

From Jonathan Russell

My dear Sir Stockholm 15 October 1815

Your letter, begun on the 10th of May & concluded on the 1st. of July last, reached me some time since. It is the more prized by me as it is the only one I have received from my late colleagues since my departure from Paris & of course contains the only authentic information that I have hitherto received of the exercise of the joint powers for negociating a commercial treaty with Great Britain.

I was extremely embarrassed, previous to leaving Paris, in selecting the course which I ought to pursue. I was prepared to follow my duty withersoever [sic] it might lead me, and to repair to London upon a reasonable prospect of the institution of a commercial negotiation there. In the state of doubt & uncertainty in which I found myself on this subject I was, indeed, very solicitous to hear from you, & although it was rather too strong to say that I was dissatisfied with you for not writing me, yet I certainly regretted your silence. I believed, however, that you would have written me had you discovered any disposition in the other party to enter into a commercial arrangement, & your not having done so contributed, with other considerations, to persuade me that no such arrangement would be made & to determine me to return to this country—

We had never, before or after leaving Ghent, perceived the slightest disposition, on the part of Great Britain, to enter with us
into a commercial negotiation, although repeatedly assailed by us on that subject. Lord Castlereagh, in an interview with Mr. Bayard at Paris, expressed himself very explicitly against the expediency of commercial treaties in general, thereby inducing Mr. Bayard to believe that there was no intention of concluding one with the United States.

After the time had passed, at which you had announced an expected interview with lord Castlereagh, at London, you wrote to Mr. Bayard,1 without the faintest intimation of the result of that meeting, other than might be inferred from the enquiry which you made relative to the movements of the Neptune & the indication of your intention to embark at Liverpool rather than to protract, on her account, your residence in England. These circumstances, added to your silence towards me, left no room to doubt that the joint mission had absolutely terminated, especially as the ratification of the treaty of peace, by the President & Senate, had been already known in Europe for nearly a month. I hope therefore, that you may not only be satisfied with the correctness of my views, in my returning hither, & not participating in your labours at London, but that you will be disposed, should the occasion require it, to vindicate me, herein, with those to whom I am responsible for my official conduct.

The treaty of commerce, which you have made, appears to me, as far as it goes, to be a good one. The provision which stipulates for the mutual abolition of the discriminating duties I consider to be very important to us, & I can but regret that its operation is limited to the brief period of four years. This provision, however, is a great point gained & may not only lead the way to a more permanent regulation on the subject, with England herself, but will have a salutary influence on our negotiations with other nations. I am fully persuaded, from some experience & much observation, that the sagacity, skill & enterprize of our fellow citizens will always secure the ascendant in a free commercial competition & that we shall always have the advantage in every advancement towards liberal principles—I hope that Great Britain will not make this discovery before the expiration of the four years—

The provision, relative to the trade with the British East Indies, so far as it frees us from the restriction of the direct voyage, is certainly a point gained, although the interests of Great Britain herself will, I doubt not, always guarantee to us a participation in that commerce.

I was a little surprised that there was no provision in the treaty for the regulation of the intercourse between the United States & the British north American colonies—If I remember correctly the immediate necessity of such a provision was the chief if not the only
ostensible reason urged by Mr. Gallatin for pressing a commercial negotiation—I believe, however, that it will always be within our power to bring Great Britain to terms on that subject & that it may be less difficult for us to prevent smugglers & Indian incendiaries without a treaty on that point, than with one—

I have had much curiosity to know the various anecdotes which grew out of the negotiation at London. If any thing was agitated in relation to the navigation of the Mississippi, the fishing liberty or Indian commerce. [sic] I should have lamented my return to Sweden had it left you in the minority on these questions. As nothing, however, has been concluded, with respect to them, I am reconciled to the course which I have pursued—As to the questions of maritime right I was aware that it was not the time to touch them to advantage.

If the government do not blame me for not having assisted at the commercial treaty—and I confidently trust it will not—I shall have nothing to regret. The responsibility & desagrèmens of the transaction were certain; the honour, even in case of a successful issue, precarious. Mr. Hughes & Mr. Shaler² have both acquainted me that a very general opinion appeared to prevail, in the United States, that the whole of the credit of the negotiation, at Ghent, belonged to two principal members of the American mission. Hughes & Shaler had very good naturedly expressed their indignation at so unjust an opinion & combatted it accordingly—they were certainly very candid in doing so & are entitled to the thanks of the three commissioners whose reputation they attempted to vindicate—I believe, however, that public opinion is not long unjust & that, at last, it generally corrects itself—they do not mention the names of the two great personages & thus, perhaps, leave it to our vanity to designate them. It might be fair enough, therefore, for you & me to claim this distinction if it were it [sic] not too obvious that some little pitiful tricks had been practic[ed] to create it. Of these, I know, we are both incapable & I am obliged, therefore, for your sake & my own to renounce our claims to this monopoly of public applause. It is a pity, indeed, that the public should be deceived on this occasion, not so much because its error is injurious to us, as this would, perhaps, be an evil of very limited extent, but because it gives a false & factitious importance to others which may be abused, in their race for popularity, to unrighteous purposes, in which a whole nation is concerned—if, therefore, the person who has found it somewhat difficult to support the reputation of great talents by the production of any thing great in the department which he has administered—who shrank from the duties of that department on the first approach of difficulty whose political firmness & integrity are, at least, equivocal, & whose origin pro-
scribes him in the honest prejudices of the nation, should, in dispair [sic] of exercising directly, himself, the powers of the chief magis­tracy, seek for some convenient individual to fill that station, whom he might manage & controul & move as a showman his puppets at Paris⁸—if the individual thus sought should be a kind of laborious pedant without judgment enough to be useful or taste sufficient to be admired—who is suspected of forgetting his country in the pur­suit of little personal or family interests & who is known frequently to forget himself in a paroxism of unma[n]ageable passion—who has had the virtue to mask his participation in the resentments of his father under the affectation of patriotism & the patriotism to desert his party when it had lost its power—who adopts the most extravagant opinions in the hectic of the moment & defends them with obstinacy & vehemence while the fever lasts & thus reduces himself to the miserable alternative of being constantly absurd or ridicu­lously inconsistent—who has neither dignity to command nor address to persuade & is, therefore, as unqualified to rule others as he is to govern himself—who believes the national prosperity to consist in the prosperity of a district & circumscribes his love of country within the confines of the state in which he was born—who would barter the patriotic blood of the west for whale blubber & exchange ultra-allegany scalps for codfish—who inherits “a vanity without bounds & a jealousy that discoursles everything”—who—but enough—I say if all this should be so—& these two men should have formed a felonious conspiracy to cheat themselves into public favour, by filching from their late colleagues their well earned proportion of fame, ought we not, how little soever we may value the stolen goods, to drag the theives [sic] to justice & to prevent them from converting our property to the purchase of a dangerous & unmerited influence—

When I recollect the supercilious arrogance of these men I am not at all surprised at their exclusive pretensions—The one appeared continually to consider himself as a kind of itinerant member of the cabinet and to bear about with him a portion of the sovereign power—He frequently conducted as [sic] if he felt rather the right of giving instructions than the obligation of obeying them, & his colleagues found it necessary on more than one occasion to remind him of their equality & to restrain him within the bounds of his duty—The other, either from Alphabetical priority or accident, having been first named in the commission, fastidiously claimed rank, on every occasion. He was as ambitious of the honours of the dinner table as he was of those of the council board & undeviat­ingly placed himself at the head of both—He not only assumed the right of being the organ of our oral communications, in which situation I more than once blushed for him & for ourselves, but he
claimed & forcibly kept, against a vote of the commission, the pos-
session of its official archives—

Notwithstanding, however, the characteristic presumption, which
betrays itself in their exclusive pretentions [sic], these pretensions
themselves are not the less unfounded & inadmissible.

What would have become of the rights & honour of the country if
they had depended alone on the narrow and time serving policy of a
man who sought for peace as a financial expedient, & appeared still
to tremble at the hallow [sic] groans of the treasury which, in its
distress, he had abandoned—A man, who always inclining to the
side of concession, was absolutely borne through the negotiation by
the firmness of his colleagues—who sought to obtain the possible
but paltry difference between specie & current money, in the liquida-
tion of advances which might have been made for the maintenance
of prisoners, with more zeal than he had resisted the most extravagant
demands of the enemy, & who, after having explicitly avowed that
the contested liberty of the fisheries was no equivalent for the free
navigation of the Mississippi, not only insisted that the latter should
be offered in consideration of the former but actually himself made
this offer to the British Commissioners in a manner unexpected &
unauthorized by, at least, a majority of his colleagues—Peace at any
rate was his object & he appeared to be prepared to pay for it in
any thing excepting specie—

And what would have become of the peace itself, thus inordinately
sought for by one of those men, had it been intrusted to the wild
eccentricity & intemperate caprice of the other. This last had so
precipitately made up his judgment on the existing circumstances
that he not only pronounced a peace to be impracticable but, on
leaving Stockholm, intimated the uncertainty of his proceeding
further than Gothemburg [sic], as he acknowledged neither the
utility or obligation of acquiescing in the location of the congress
at Ghent—If the peevish declamation, that he had prepared, in
answer to the very first note of the British commissioners, had been
sanctioned by his Colleagues it must have put an end to the last
hope of accommodation—It had, indeed, rather the tone of an
impassioned manifesto, on the final rupture of a stormy & unsuccess-
ful negotiation, than a diplomatic communication, made at the very
threshold of a discussion for peace, with a view of attaining that
object. Although the greatest part of this performance was un-
hesitatingly expunged & the spirit of the rest greatly chastened, yet
the folly of a single sentence, that was indiscretly [sic] spared by a
kind of mistaken charity, was a source to us of infinite vexation &
labour—This sentence itself was, indeed, corrected & qualified &,
instead of preferring a direct charge, against the adverse party, of
“the rapacity of ambition” was permitted to insinuate only “a desire
of aggrandizement.” This insinuation, however, provoked our adversaries to a retort which put us on the defensive during almost the whole of the remainder of the negotiation. If the rapsodies of this man had not abortively perished from the fever in which they were generated they would have abruptly terminated the discussions or, at least, have deprived them of that collected firmness & dignity which constitute their proudest merit—We might, indeed, by these rapsodies have dazzled the vulgar with a blaze of hopes & figures, worthy of a professor of belles lettres,5 but we must have renounced all pretension to the character of sober & inlightened statesmen—Never, perhaps, was there a negotiation at which the merit of correction so much exceeded that of composing—What a tawdry & & [sic] slovenly appearance should we have made, before the public, had there been found none among us to have ripped off our french embroidery & to have washed our dirty linen. It was not, however, in our solemn official communications with the British ministers only that we were annoyed with the obtrusive pedendry of the person now in question, but our deliberations among ourselves were constantly embarrassed &, sometimes, suspended by them. Did he not, on one occasion, drive his colleagues from the board by superciliously and pertinaciously insisting that the former treaty of peace should be cited as of 1782 & not of 1783—Have we not frequently known him most inconsistently to oppose, to day, with ardour the proposition of which he was, yesterday, the warm advocate &, perhaps, the mover—to blow within the four & twenty hours with equal violence, from every point of the compass & at one moment, to energize on trifles &, at the next, to treat as trifles matters of the utmost importance—

Shall these men, who were thus, respectively, exposed by their fears to have concluded a treaty, without honour, or, by their whimsical violence, to have defeated the conclusion of any treaty, to be allowed to engross the credit which is mainly owing to the firmness & temper of their colleagues & be permitted to abuse this credit to purposes disgraceful & disastrous to the country—

Mr. Gallatin is known to be opposed to the election of Mr. Monroe or of any other able & independent man to the presidency. He had designated Governor Tompkins6 for that office until he was aware that the project was impracticable: He has therefore, it seems, now determined to make an experiment of Mr. Adams &, at once to indulge his own vanity & to give this experiment some chance of success, he has very honestly consented to share with him the whole honour of the negotiation at Ghent—Already is Mr. Adams nominated, as a candidate for the presidency, in the newspapers of the United States & he has, according to my information, from London, obviously elevated his ambition to that object. Now as an American
—as a republican—as a New-England man I solemnly enter my protest against his election. He is entirely unqualified for the station & like his father, he will be sure to ruin any party that shall attempt to support him—He has no talent to manage others and Mr. Gallatin would very soon discover that he is totally unmanageable himself—

Whenever there is a great & evident disparity in the qualifications of rival candidates mere local prejudice ought to have no weight. If, however, such a prejudice is to be regarded, still it can afford no assistance to the pretensions of Massachusetts. She has already had her full proportion of Presidents & vice Presidents & can assert no just claim at the ensuing election. To take the next President from that State would be to sanction & not to correct the sectional arrogance which causes all this clamour—Such a proceeding would not have even the effect to conciliate that factious portion of the union—It is a federalist & not a New-England man which the disaffected desire & Mr. Adams would not have a single vote in his native state—The majority of that state detest his last7 apostacy & the minority have doubts of his future faith—By his election nothing would be gained but by it the peace & dignity of the country & the very existence of the republican party would become the sport of freak & violence & not only a preposterous sacrifice be made to local jealousy but an invidious step taken towards family aggrandizement.

I must now apologize for having detained you with so long a dissertation but I could not feel entirely at my ease until I had deposited my sentiments, on this subject, in some friendly bosom, & I believed it was not lawful to speak of the mysteries of the negotiation except to the initiated—I disclaim all interested views in what I have written I am sufficiently rewarded for any share which I may have had in bringing our labours to an honorable issue by the consciousness of having discharged my duty to the best of my abilities & it imports me little where the credit is bestowed8 provided it does not become an instrument of presumptuous ambition. I have given you my testimony in perpetuum memoriam rei that should I be destined soon to follow our worthy & sincerely lamented colleague, Mr. Bayard, you may not be left a solitary witness to the truth—

I observe that you were sick of Europe & European politics. I can assure you that I am sincerely so—at least I am heartily tired of Sweden. I would most cheerfully exchange the public trust committed to me here for the humbler comforts of private life. I find it indispensable to my happiness to have my children about me & it is impossible to bring them to this dreary region, destitute of all means of education. Will you enquire confidentially of the President if Mr. Gallatin has made to him the promised communication on this subject & will you use your friendly offices to obtain permis-
sion for me to lay down my functions here. I should be truly wretched if I believed that my residence at Stockholm would be protracted beyond the ensuing summer—Do not mistake me—I ask only for the liberty of leaving Sweden. 9

Mr. Lawrence 10 has already applied to the Secretary of State for permission to return to America & is in daily expectation of receiving it. Although I could not oppose this proceeding yet I am afraid it may embarrass the accomplishment of my own wishes. It may, perhaps, be inexpedient to terminate, at once, this legation & after the departure of Mr. Lawrence there can be found no person, in this quarter of Europe, qualified to receive the trust from me. If therefore I shall be permitted to leave this country, of which I will not doubt, it may be well to appoint immediately another secretary who will be competent to remain as chargé d’affaires—or to appoint at once a minister to succeed me. The former mode of procedure w[ould] be least exceptionable towards this court unless my successor should be a minister Plenipotentiary, which I candidly confess to you I think altogether inexpedient. The expectation that the negotiation for peace would be entertained at Gothemburg & that the good offices of this government might have had a beneficial influence on the result was certainly, at the time, a justification of the appointment of a minister Plenipotentiary. Such a reason, however, no longer exists & neither the actual rank of the Swedish Minister in the United States nor the ordinary relations between the two countries require us to accredit here more than a minister of the third order

I leave entirely to your good judgment & friendly disposition towards me to suggest herein whatever you may deem best calculated to promote my object—

I have not only written you already too long a letter to add any thing on European politics but I am too much disgusted with the subject to turn willingly towards it my attention—

I congratulate you sincerely on the glorious termination of the war with Algiers & I personally rejoice at the part which His Owyheen Excellency has had in the transaction. 11 He is really an intelligent, worthy fellow although a brother-in-law was preferred for a confidential mission to Vienna— 12

I am not without fear that you were within the range of the terrible storm that so rudely treated the Jamaica fleet on the 9th of August. 13 I calculate much, however, on your good luck & I hope soon to be relieved from all solicitude by hearing of your safe arrival—If you will pardon the affrightful length of this letter you may be assured of my being more reasonable in future—Remember me I pray you to Mr. Crawford & believe me faithfully & cordially 14

Your friend                      J R
Advertisement of Legal Notice

NOTICE.

Oct. 16, 1815.

TO JOHN HART, who calls himself heir at Law of JOHN HART, decd. to the heirs of the said JOHN HART, whoever may be, to the heirs of JOSEPH GASHWILER, to NATHL. ROCHESTER and to ANDREW MCFADDIN—

[Depositions will be taken from John Dorsett and others 1 on November 23, or if prevented on that day, on the 25th, at the house of Henry Dorsett, on Rocky River in Chatham County, North Carolina; and from Mincher Littler and others 2 on November 28 or 30, at the house of Littler in Rowan County, North Carolina, all depositions to be read as evidence in the suit in chancery in Fayette Circuit Court, Thomas Hart's Executors vs. John Hart's Heirs and Others.]

Lexington Reporter, October 18, 1815. See below, Shackelford to Clay, October 22, 1815.

1 Depositions of Mary Dorsett, aged 74, and John Dorsett, aged 55, were taken at the
OCTOBER 16, 1815

place indicated on November 23; those of Drury Bobbitt, aged 43, and Mary, his wife, aged 41, at the same site, on November 25. Fayette Circuit Court, File 415 (1818).

2 Depositions of Mincher Littler, aged 75, and of Deborah, his wife, aged 67, were taken at their home on the waters of Lick Creek, Rowan County, North Carolina, on November 30. They had formerly lived in Chatham County.

From Robert Breckinridge

Dear Sir  

Louisville Octr. 16th. 1815

I receivd yours of the 12th. current1 by yesterdays mail. The delay in discharging the debt to Caldwells Exors has arose intirely from the non execution of the arrangement made by Graysons trustees with D. Trimble notwithstanding the punctual payment of your & his notes to certain execution creditors of Grayson, the benefit of which you & Trimble had recd. upon giving your & his joint notes to them.2 Mr. Ward,3 who purchased Graysons Sandy estate is unwilling to make farther payment until the dispute is settled with Trimble, otherwise the trustees, as such, would long since have paid the debt to Caldwells Exors and perhaps all the just demands against the estate of Grayson: and now were the trustees not obstructed in their views & proceedings in the execution of the deed of trust, all matters of importance relating thereto could soon be settled. With respect to the fee bills I do not know what relation they bear to us as trustees, your letter having only mentioned “certain fee bills of the Shff of Greenup”—The trustees applied to & received from Mr. Jno. Hart a statement of the monies to be paid under the arrangement with you for the extinguishment of your demands agst. the estate of Grayson, upon which they have acted. If however these fee bills ought in good faith to stand chargable to Graysons estate his trustees can have no hesitation in recognising them under the deed to them.—Mr. F Grayson4 is now in the upper parts of this state & will return through Lexington with whom & Jo. C. Breckinridge5 I hope you will communicate on this subject.

Be assured, Sir, of my sincere desire to give you as little trouble on this or any other occasion, as can possibly be avoided—May I however request that you make yourself acquainted with the nature of the arrangement betwee[n] Trimble and the trustees, and should you find that he is endeavouring to obtain an advantage of a contract not reduced to writing, which in good faith he ought to have been [sic] carried into execution, pray do the trustees the favou[r] to give him your opinion on the subject—The trustees a[re] still willing on their part to perform what was promised. Trimble is seeking that for which he never has paid one Cent that I know of

Yours with the most respectful considerations

RO BRECKINRIDGE

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay at Lexington.
Toast and Response at Frankfort Banquet

[October 18, 1815]

"HENRY CLAY, our distinguished countryman, just returned from a foreign embassy."

Mr. Clay then arose and in an animated and impressive discourse spoke of the advantages which had resulted and would result to the U. States from the late treaty of peace, ascribing the merit and success of the negociations to his colleagues. He illustrated the prudence of the declaration of war at the time, by the sensibility and writings of the enemy, and their reiterated complaints against the U. States for having selected the precise time when he was so engaged on the continent in combatting, as he said "for the liberties of the world."

He farther illustrated the propriety of the declaration of war by the effects it had produced in elevating our national character abroad; in establishing the opinion of our disposition and ability to repel any invasion of our rights, and the consequent security from foreign aggression resulting from such opinions abroad. He spoke of the advantages which would result to the western states, by the non revival of the license to British subjects to trade with Indians within the boundaries of the United States and to the right of navigating the Mississippi, both of which privileges had been conceded to the British by the treaty of 1783.

He concluded by wishing "the prosperity of the town in which we now are."

Lexington Reporter, October 25, 1815. Clay reached Frankfort on the evening of October 17, and on the next day he was honored at a public dinner at Daniel Weisiger's Tavern. John Brown served as president and George M. Bibb as vice president of the celebration. The latter presented the toast here quoted.

To the Electors of the Congressional District of Fayette, Woodford, and Jessamine Counties

20th Oct. 1815.

I thank you, Fellow-citizens, for the distinguished proof of your confidence, in designating me your representative in August, 1814. To be chosen the representative of a free people, under any circumstances, is an exalted honor; but to have been the favored object of your selection, when I was far from you, engaged in an important
negotiation, in which you did not then know how I might acquit myself, is a demonstration of your regard which will never be effaced from my memory. Of the validity of the election, there could have been no doubt, since the office which I held under the U. States, did not render me ineligible. Nor would there now be any doubt of my right to a seat in the house of representatives, in virtue of that election, if my office of minister had ceased, as you had reason to believe it would, prior to the fourth of March last. But I continued to act in that character, as late as the third of July last, on which day I signed the Commercial Convention, between America & G. Britain. This fact, I thought it my duty to communicate to His Excellency the Governor, the first article of the constitution of the United States having provided—"that no person holding any office under the United States, shall be a member of either house, during their continuance in office." If, under the election of August, 1814, my term as a member of the house of representatives commenced on the 4th of March last, it was at least questionable, whether the seat was not vacated by my continuance in an incompatible office, after that day. The Governor, giving doubtless due weight to a consideration of the inconvenience to which the district might be exposed by an interpretation of the constitution which would leave you unrepresented, in the most interesting period of the session, has issued a writ of election. This power he has, I presume, exercised under another provision of the same article of the constitution which declares, that "when vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies." I have no other regret, on account of the course which the governor has deemed it his duty to pursue, other than that which arises from the trouble to which you are subjected by a new election. If, in the tender I now make of my services, I should be honored with your choice, the validity of my election will be placed beyond doubt, by either the first or second expression of your will. Should you think proper to designate a different person, I shall acquiesce in your decision—believing that you may be more ably served; more zealously I am persuaded you cannot be, by any other, than

Your obedient servant,

H. CLAY.

Lexington Kentucky Gazette, October 23, 1815. Published also in the Lexington Reporter, October 25, 1815; Washington National Intelligencer, November 8, 1815.

Receipt from John Watkins

[October 21, 1815]


JOHN WATKINS
From George Shackelford

Dear Sir,

Madison County 22d. Octr. 1815.

My neighbours who are Interested in this Land business, appear[sic] very much alarmed at your doubts about the bond which Mc. Faddin held for the Conveyance of the Land,¹ they seem to think if this bond cannot be rely'd on with certainty, that our situation is a very precarious one, knowing that our taking the depositions in North Carolina will furnish our opponents, the information by which to come at a better title, and I have been informed that Mr. Williamson Gatewood of Warren County² has herd of our intention to take depositions in North Carolina to establish the fact of John Harts having another heir, and that he intends to be present at the taking of the depositions, no doubt with a view to pursue the heir wherever he may, and purchase the land, and in fact I fear that Mr. Hubbard³ who is interested with Gatewood is now in pursuit of the proper heir; Mr. Dickey⁴ seems to have no doubt from the information he got in North Carolina that he can find the heir in six weeks or less, and is willing to go in search of him, and we think you had better employ him to do so, and make the purchase in behalf of Colo. Harts⁵ heirs, this will be coming at the title with more certainty and perhaps less expense than any other way I can think of, if this is done some other person must attend to, the taking of the depositions in N. Carolina as Mr. Dicky [sic] must start next Sunday at furtherest, for if we wait until the depositions are taken and go on from N. Carolina Gatewood will have an even start with us & will be as likely to find the heir first as we shall; I shall be glad to hear from you by the boy stating your opinion fully about this business, and if you conclude to make this purchase we wish you to instruct Mr. Dickey particularly as to the manner in which it is to be done, and how far you are willing to go, in order to effect it: I am very respectfully Sir your most Obt. St.

George Shackelford

ALS. DLC-TJC (DNA, M212, R12). Addressed to Clay "near Lexington." Shackelford operated a tavern in Richmond, Madison County, Kentucky, and, later, "Shackelford's Inn" at Blue Lick Springs.

¹ At the September Term of Fayette Circuit Court, 1812, Clay as executor of Thomas Hart, Sr., had revived a suit against the heirs of John Hart, the heirs of Joseph Gashwiler (a taxpayer of Mercer County, Kentucky, in 1800), Nathaniel Rochester, and Andrew McFaddin in a dispute over 700 acres on the headwaters of Tate's Creek and Taylor's Fork of Silver Creek in Madison County—the suit having been instituted by Thomas Hart in October, 1798, and continued through the intervening years. The tract, a moiety of a preemption and settlement granted to John Hart, who had emigrated to Kentucky from North Carolina at the close of the Revolution, had been deeded on September 6, 1786, to Thomas Hart and Rochester by McFaddin and Gashwiler, then resident in Lincoln County, Virginia. Rochester had subsequently conveyed his interest to Thomas Hart, who thereupon had sold much of the land to...
settlers. Claiming title as heir at law of John Hart, deceased, John Hart, Jr., a resident of Union County, Kentucky, who had been reared by McFaddin, denied that any bond or agreement existed for conveyance of the land from his father to McFaddin and Gashwiler. Apparently unable to produce such a document, Clay fought the case by disputed the young man's claim as the first-born son of John Hart, introducing depositions, taken in North Carolina and Missouri, which stated that John Hart had married and become the father of a son named Josiah before going to Kentucky. In August, 1818, the case was finally settled out of court and the suit was dismissed "by mutual consent" of the parties. Fayette Circuit Court, File 415 (1818—the bill of complaint, ADS by Clay, dated September 16, 1812); Fayette Circuit Court, Order Book S (Feb.-Aug., 1818), 491.

2 Kentucky.
3 Adolphus F. Hubbard, for whom Gatewood was attorney in fact, had probably already moved to Illinois, where, as a resident of Shawneetown, he was elected Lieutenant Governor in 1822.
4 Ebenezer Dickey of Madison County.
5 Colonel Thomas Hart.

Statement of Account with Phillip Dunn

[October 23, 1815]

Attached to Lease, October 26, 1814.

From Samuel Hopkins

Dear Sir,

Henderson 23d. Octo. 1815.

Accept my sincere Congratulations for Your once more returning to your Country, family, & Friends. in answer to your favor of 13th. Current¹ I must go more into detail than I could wish.—

in the Session of Congress 1813, I was arrested at the Hot Springs in Virga. by the fever &c. so fatal in Kentucky, in the fall & Winter of that year. My servant died, & I Lay Until the last of June Unable to Ride. I had sent to Orleans Boats Loaded with Tobo., I thought amply sufficient to satisfy the Claim the Purviances has against me.² —the dangers to which it would be expos'd, Induced my agent to sell on long Credit before the Seige Commenced, & with my Consent, —by this Sale I lost half the first Cost.—& as yet have only Receiv'd part of the money.—part having only become due 1st. of this month.—What I have receiv'd, is in Bank at Frankfort for which I inclose you a Check.

I have Sold part of my Landed property; & am to receive Payment 1st. of March next, by which Time I expect to be enabled to make a further & more Considerable Payment.—the Loss of my time last Fall Winter & Spring in attending Congress, has put me Backward in my business, having in such times as our Country has Witness'd no alternative but to do my Duty;—these facts, & Considerations, must form the only apology I Can make for not having been more forward in in [sic] Payment. I must leave to You my dear Sir, to apply my feelings to the Case.—I would have set out to See You myself, but am recovering from a most severe attack of the Pyles which prevents me from Riding. I hope to be able Early in January to make a
further Payment, & in March a Considerable one. Except the Taxes I owe the Governments, I will faithfully appropriate every Cent to this object until 'tis done.

be pleas'd to let me Hear from You before you Leave Kenty. & say to whom my future Payments are to be made. with Sincere affection I am Your Friend

Honble H. Clay.

ALS. DLC-TJC (DNA, M212, R10),

1 Not found.

2 See above, Moale to Clay, October 9, 1810; Hopkins to Clay, September 25, 1813.

Receipt from J. E. McDowell

23 Oct. 1815.

Recd. of H. Clay One hundred dollars for one grey horse sold him this day.

J E McDowell

DS, in Clay's hand. DLC-TJC (DNA, M212, R15). McDowell was probably the Dr. James E. McDowell who later resided in Fleming County.

Property Deed from Thomas Deye Owings

[October 24, 1815]

Fayette County Court, Deed Book M, 474-75. Conveys the lot already deeded, in almost the same language, by Owings to Clay on August 30, 1808.

Agreement with John Watkins

[October 27, 1815]

An agreement between H. Clay and John Watkins.

The sd. Watkins rents of the sd. Clay for the term of one year commencing on the 10th. day of November next all the tilable land upon that part of his farm near Lexington formerly belonging to the estate of Nicholas,\(^1\) exclusive of the medow ground, and including the peice of Corn ground in the wods near mansfield: He also hires of the sd. Clay his negro men Cuthbert and Jonathan:—

For the ground above leased the said Watkins Covenants to pay to the said Clay at the rate of fifteen shillings pr. acre and for the said slaves eighty Dollars each, payable in Corn to be Cre'ted\(^2\) at the prevailing Cash price at the time it's delivered—The said Clay agrees that the said Watkins shall have the use of two of his work horses, Pady and Badger, the use of the old waggon and pen at the sd. farm, and the use of the farming utentsals, all of which property the sd. Watkins Covenants shall not be abused—He is to have at his own expence a new body put to the sd. Waggon (most of the irons to which are now on hand) and for the value of the wood work
and additional iron work in the state in which it shall be returned
the sd. Clay agrees to reimburse him—

The said Watkins agrees to take care of all the stock of horses,
cattle sheep and hogs belonging to the said Clay (the milch cows
excepted, and that part of the horses which he reserves for the
use of the farm on which the sd. Clay resides) to cause them to be
fed out of the Crop of the said Clay now on hand, and properly
attended to, until the return of said Clay from Washington—

The said Watkins agrees to have to have [sic] the hogs now put
up, fattened, killed and salted, and the said Clay agrees that he
shall have twenty five hundred weight of the pork, the residue of
which he retains for himself—

Out of the hogs which shall be fit for killing next fall (exclusive
of breeding sows) the said Clay agrees that the said Watkins shall
have one fourth; but it is understood that all of the said hogs are
to be fattened previously out of the Corn to be raised by the sd.
Watkins—

The said Clay agrees that the said Watkins for the purpose only
of fuel for his family may take wood from the land of the sd. Clay
first using the fallen timber; next the dead standing timber; and
not until they are exhausted the decaying timber—

The said Clay agrees that the family of the said Watkins and the
negroes and the horses by him actually used in the working of the
farm shall subsist out of the present Crop until the new one is fit
for use when if there is none of the old one left, the said Watkins
agrees to lay or have laid off such number of acres in Corn as the
sd. Clay may want, he paying sd. Watkins what any two men may
say it's worth—

The said Clay is to provide Cuthbert and Jonathan with winter
cloaths this winter and the sd. Watkins is to pay their taxes the
ensuing year³ and to furnish them with summer cloaths and
cloaths for winter—

The said Watkins, if he thinks proper, is to get out the flax and
hemp on hand and the proceeds are to be divided between the
parties—

The sd. Clay agrees that the sd. Watkins shall have the services
of his boy Bill until he returns from Washington—The sd. Clay
reserving to himself that part of his estate purchased from Banks &
Murphy⁴ it is understood that he is to be at no Black smith expence
or other expence relative to that rented by the said Watkins other
than is herein provided, taxes on the land excepted—

The said Watkins agrees to attend to the collection of the said
Clays rents in Lexington on all of which, except what may be
collectable from the part of the Hotel⁵ occupied by Bradford⁶ he
agrees to allow the sd. Watkins two and a half pr. Cent and on the
part so collectable from Bradford five pr. Cent, as a full compensa-
tion, the said Clay to pay all legal fees and Costs of Collection—

The said Clay is to provide salt for the pork this fall and salt for
his stock during the time the sd. Watkins is to attend to it—next fall
each party to provide salt for his own pork—

Notwithstanding the expiration of this agreement on the 10h. Novr. 1816 the said Watkins may continue to occupy the leased
premises until Christmas 1816 and to retain in his service Cuthbert
& Jonathan for the purpose of securing his Crop.

Witness our hands and seals this 27h October 1815.

H. CLAY {L.s.}

[Endorsement on verso]7

John Watkins {L.s.}

Upon a settlement of all accounts this day made between us,
including this agreement, H. Clay having purchased J. Watkins
crop & the leases he made of part of the ground rented said
Watkins, and the hire of the negroes within mentioned & the rent
of the Land being comprehended in the settlement, there remains
due to John Watkins thirty dollars and 19 Cents. Witness our seals
this 12h. Oct 1816.

H Clay {L.s.}

JOHN WATKINS {L.s.}

DS, part in Watkins’ hand, the last paragraph and conclusion in Clay’s hand. DLC-
TJC (DNA, M212, R15).

1 That part of “Ashland” deeded to Clay on November 16, 1811.
2 Credited. 3 The State tithe. 4 Cuthbert Banks: John Murphy.
5 Kentucky Hotel. 6 Daniel Bradford. 7 AES, signed also by Watkins.

Promissory Note from Abraham Corn

100 DOLLS. [October 28, 1815]

Twelve months after Date, I promise to pay to Henry Clay, or
order, one hundred Dollars, for value received. Witness, my hand at
Lexington, this 28th. day of October, 1815— Abram Corn

DS (printed form). DLC-TJC (DNA, M212, R15). Corn, a plasterer, resided on
Mill Street, Lexington.

From James Monroe

My dear Sir Confidential Washington Octr 30. 1815

Since the overthrow of France Russia has acquird the highest
degree of political importance in relation to these States. As a
great power, friendly to a liberal system of neutral rights, and with
whose dominions our commerce had become considerable, she held,
before that event, a distinguishd rank; but by it, her weight in the
general scale, has been much augmented. Russia forms, in effect,
at this time, the principal check, on the over grown power of Eng-
land, on which account, and many others, it is eminently the
interest of these States, to cultivate a good understanding with her Sovereign. The President is desirous of confiding to you a mission to that power, & will be much gratified to hear that it will be acceptable to you.

I write you now, that you may be enabled to consider the proposition before you leave home, and make the necessary arrangements for your departure, in case you accept the trust; tho' you will not infer from this intimation, that all due & friendly attention will not be paid to your convenience, as to the time.

It would have been very agreeable to the President as well as to me, to have had an opportunity of seeing [sic] & conferring with you on your arrival, but our absence from this city, and your anxiety to join your family after so long a separation from them, were obstacles not to be surmounted.

In the hope of seeing you soon, I shall reserve for that occasion, comments on other subjects. with great respect & esteem I am my dear sir your friend

Jas Monroe

ALS. DLC-HC (DNA, M212, R1). Published in Colton (ed.), Private Correspondence of Henry Clay, 49.

Account with Doctors Frederick Ridgely and Richard Pindell

Honble Henry Clay

1815

To Ridgely & Pindell — — — — Dr

Octr. 31st. For Medicine & Attendance from the 28 Decr.

1813 to this date — — — — $71.75

— Amt. of Porter Clays acct. Chd¹ you at your Lady's request 16.00

$87.75

E. E

Ridgely & Pindell

H. Clay to R Pindell

For Medicine & Attend

before the Partnership

E. E

R. Pindell

Cr. By 2 Loads of Hay

7'50²

By Pasturing My Horses

[Endorsement]³

By Cash paid you left in your hands — — 20n. 27.50

[Endorsement on verso]⁴

Paid 6h. Nov. 1815 to Dr. Pindell at Mrs. Harts⁵

DS. DLC-TJC (DNA, M212, R15).¹ ² These figures are in Clay's hand. ³ AE, by Clay. ⁴ AE, by Clay. ⁵ Probably Mrs. Susannah Hart.
Agreement with Jesse Daniel

[ca. October 31, 1815]

[Henry Clay and Jesse Daniel have this day agreed as follows: Clay sells to Daniel 330 acres, part of Edward Payne's survey and of Thomas Hart's patent as assignee of Lawrence Thompson for 2500 acres, the aforesaid 300 acres having been surveyed as hereunto annexed1 on the 22d of this month by Enoch Smith; Clay covenants to convey the tract with warranty against claimants under Payne, Hart, and Thompson, but against no other; and Clay is to make conveyance as soon as a bond given by John Hardwick2 shall be paid.]

DS, by Daniel only. DLC-TJC (DNA, M212, R15). Daniel had represented Montgomery County in the State legislature, 1813-1815.

1 A copy of the survey identifies the tract as in Montgomery County, on the north fork of Lulbegrud Creek.
2 Probably the bond dated October 29, 1805 (above, I, 205-206).

Property Deed to Lewis Sanders and Robert Bywaters

[November 1, 1815]

[Indenture by which for $1,000 current money of Kentucky, paid and acknowledged, and in pursuance of a decretal order of Fayette Circuit Court,1 Henry and Lucretia Clay sell to Lewis Sanders and Robert Bywaters a lot in Lexington beginning at the junction of Short and Mill streets, running southwest with Mill Street 22 feet, thence northwest 50 feet to an alley, with the alley northeast 22 feet to Short Street, thence with Short Street southeast 50 feet to the beginning—being the lot sold on November 3, 1813, by Oliver Keen,2 Mathew Elder, and Daniel Bradford, Commissioners under a decree of Fayette Circuit Court, and part of a tract conveyed to Clay by Thomas Hart and wife under deed of December 29, 1808—together with the premises appertaining. General warranty of title. Signatures of the Clays acknowledged in the office of the Fayette County Clerk, November 2, 1815.]

Fayette County Court, Deed Book M, 475-76 [485-86].
1 Above, February 8, 1814.
2 A justice of the peace of Fayette County.

Power of Attorney from George Shannon

[November 2, 1815]

Know all men by these presents that whereas I am entitled to a Land Warrant for three hundred and twenty acres of Land in virtue of a special Act of Congress passed for my benefit,1 founded upon services rendered by me on the Expedition of Capn. Lewis & Clarke to the Columbia River, which said Warrant. I have sold to Henry
Clay, who has paid me therefor: Now I do hereby authorize and empower the said Clay to receive the said Warrant from the proper Officer or Officers of the Government of the U. States either in his own name or that of mine as the same may be issuable according to the usage of Office, and I do request that said Warrant to be granted to the said Clay accordingly.

Hereby ratifying and confirming whatever my said Attorney Shall do in the premises.

And whereas I am entitled to a pension from the Government of the U. States—I do hereby further authorize and empower my said Attorney to draw for me any arrearage or arrearages to which I may be entitled, and from time to time any to which I shall become entitled on account of said pension; and I do request the same to be paid to my said Attorney accordingly. Hereby ratifying and confirming whatever my said Attorney shall do in the premises. In testimony whereof I have hereunto set my hand and seal this 2d. day of November 1815.

GEORGE SHANNON

Sealed & Delivered In presence of
JOHN WATKINS
GABL TANDY

[Endorsements on verso]

Treasury Department Register Office 20 Decr. 1815
I Certify that the within is a true Copy of the Original on file in this Office
JOSEPH Nourse R

I do Certify that the power of Attorney of which the within is a Copy was signed by George Shannon and attested by the Subscribing witnesses thereto in my presence. 23d. Decr. 1815. H. CLAY

Property Deed from John and Esther Love Keiser

[November 2, 1815]

[Indenture by which in consideration of an agreement of May 4, 1813, and for five shillings, paid and acknowledged, John Keiser and Esther Love Keiser, his wife, convey to Clay the houses, lots, and appurtenances described in the aforementioned agreement, which property was conveyed to Keiser by Joseph Boswell and wife
by deed of March 19, 1804, recorded in the office of Fayette Circuit Court. General warranty of title, and Keiser further assigns to Clay all recourse whatever that he has in law or equity against Joseph Boswell concerning the property here conveyed. Acknowledgement of the Keisers’ signatures in Fayette County Court, November 2, 1815.]

Fayette County Court, Deed Book M, 330-32 [340-42].

Property Deed to John Keiser

[November 2, 1815]

[Indenture by which, for the sum of five shillings, current money of Kentucky, paid and acknowledged, Henry and Lucretia Clay sell to John Keiser two lots in Lexington: one parcel beginning at the corner of William Emmons’ lot and running North 45° East 66 feet, thence South 45° East 10 poles, thence South 45° West 66 feet, thence North 45° West 10 poles to the beginning—being the tract conveyed to Clay by William M. Nash under deed of September 3, 1808, recorded in Fayette County Court; also one other lot fronting on Upper Street 66 feet, thence running at right angles between the lots of Simon Hickey and James Brown 10 poles to the lot lately occupied by Jm Lake and James Wilson, being the property conveyed to Clay by Benjamin Davis by deed of April 14, 1813, recorded in Fayette County Court—together with all premises appertaining. The latter lot is sold under an encumbrance of Anne Barker, agreeably to a contract agreed upon by Keiser and Clay, which is recited in a deed from Keiser to Clay of this same date; otherwise title is guaranteed. Signatures of the Clays acknowledged in the office of the Fayette County Clerk, November 2, 1815.]

Fayette County Court, Deed Book N, 39-41.

1 Cf. Agreement, May 4, 1813. 2 First name or initials not clear.

Receipt from John McKinney, Jr.

[November 2, 1815]

Attached to Order, April 25, 1814.

From Bartlet and Cox

The Honble: Henry Clay (Lexington)
Dear Sir,

New Orleans 3 November 1815.

It is with real pleasure we find you once more among friends in Kentucky after performing the most Interesting & Valuable service to your Country, but more particularly this section of the United
States, where we only breathe by commerce, cultivating but a very small proportion of the necessaries of life—we are all ready to worship the commissioners to Ghent, but fear we never shall have the pleasure of seeing any of them unless you should P Chance drift down among us.

The principal object of the present is to call your attention to the [claim] against Pigmans Estate (Pigman being now Dead) which we find worthy but not nearly sufficient to pay all his old Debts which to our astonishment we find amount to nearly 20,000$—The claim as advised (or rather the Voucher was sent to Phila. for proof &c. long since & never has been returned to us both bond & accounts were Enclosed to Mr. Ralph Peacock who regularly received them with the necessary instructions but has never as before mentioned returned them You would do well to address him on the Subject  Very Respy. We remain Your Most Ob. Sts.

BARTLET & COX.

Receipt from Jesse Bledsoe

Novr. 3d. 1815

I have recd. of Henry Clay Esqr. two hundred dollars the amt. of his subscription toward discharging an Execution Ray vs Genl. Scott from Clarke Court;¹ and as sd. Scott Executed to Captn. Jno. Fowler & myself a Deed of trust for Land in Ohio &c for reimbursement. of us as his secs² in the Replevy bond sd. Clay is to be indemnified in case of any funds made from sd. Trust in proportion to his amt paid as afd.

J. BLEDSEOE

DS. DLC-TJC (DNA, M212, R15).

¹ On May 5, 1809, Charles Scott had given to John Rhea, who was not a resident of Kentucky, a promissory note for £177, Is, 8d, in settlement of accounts which had begun as early as 1789. Late in 1812 Rhea had brought suit in Clark Circuit Court to collect the note; he had won a judgment in June of the next year. Clark Circuit Court, File 153. Scott had died in 1813.

² Securities.

Receipt from William Morton

[November 3, 1815]

Recd. 3d. Nov. 1815 of H. Clay four hundred and sixteen dollars and 60 Cents, being his fifth of a debt due to U. States & Costs from Jordans¹ sureties.

416.60/100

WILL. MORTON

DS, in Clay's hand (except for figures at end). DLC-TJC (DNA, M212, R15).

Morton's son, John H., was United States Revenue Collector.

¹ John Jordan, Jr. Cf. above, Clay to Bodley, December 18, 1813.
Property Deed as Executor of Thomas Hart, Sr., to James and David Megowan

[November 4, 1815]

[Indenture by which Henry Clay, as surviving executor of Thomas Hart, for five shillings, current money of Kentucky, paid and acknowledged, conveys to James and David Megowan a lot in Lexington beginning at the northeast corner of a lot fronting on Mill Street which was conveyed by the executors of the aforesaid Thomas Hart to William T. Barry by deed of June 27, 1809, thence North 45° East about 33 feet on Mill Street to the corner lot owned by the estate of said Hart and at present occupied by his widow, thence North 45° West about 166 feet to the lot of Samuel and George Trotter, thence South 45° West about 33 feet, thence South 45° East about 166 feet to the beginning, together with premises appertaining. General warranty of title. Certification of Clay's signature on November 6, 1815; left for record on November 20, 1815, in the office of the Fayette County Clerk.]

Fayette County Court, Deed Book M, 354-55 [364-65].

Endorsements on Bond

[November 4, 1815]

One half of the ground within mentd. conveyed to W. T. Barry by the Exors of T Hart by deed bearing date 27 June 1809 according to the direction of Mr Keizer (see it on the back of the deed.)

H. CLAY

Be pleased to make the deed for the other part of the lot remaining to be conveyed to James & David Megowan. 4 Nov. 1815
Exd.¹ the deed 4 Nov: 1815. H:C JNO. HART.
Exor of N.G.S. Hart


¹ Executed.

Property Deed from Executors of Thomas Hart, Jr., to John Hart

[November 4, 1815]

[Indenture by which the executors of Thomas Hart, Jr., for five shillings, paid and acknowledged, convey to John Hart a lot in Lexington, part of McDermid's Square no. 43, opposite the house on Mill Street now occupied by John Bradford and beginning at the intersection of Mill and Second streets, fronting 32 feet along Mill Street and extending thence back to the lot formerly occupied
by Thomas Lewis, now occupied by Robert Wickliffe, together with premises appertaining. General warranty of title.

Thomas January acknowledges receipt of the within-conveyed ground from John W. Hunt on June 3, 1810, at $11.25 per foot of frontage on Mill Street, in part payment of a lot then sold to the latter; and this conveyance is made at January's request in full satisfaction of any bond or agreement given him by Hunt for transfer of the property, except as to general warranty.

Signatures of Clay, Eleanor Hart, and Abraham S. Barton acknowledged on December 8, 1815; that of January, on December 1, 1815, before the Clerk of Fayette County.

Fayette County Court, Deed Book N, 136-39.

1 Fayette County magistrate and farmer who had died in 1809.

Property Deed from Executors of Thomas Hart, Jr., to Thomas Grant

[November 4, 1815]

Fayette County Court, Deed Book N, 125-27. Written in terms similar to the deed of this date to John Hart, including Thomas January's acknowledgment of receipt of the property from John W. Hunt on June 3, 1810, the document conveys title to a lot also fronting 32 feet on Mill Street, adjacent on the southwest to the tract transferred to John Hart.

Property Deed from Executors of Thomas Hart, Jr., to Abraham Corn

[November 4, 1815]

Fayette County Court, Deed Book N, 139-41. Written in terms similar to the deed of this date to John Hart, including Thomas January's acknowledgment of receipt of the property from John W. Hunt on June 3, 1810, the document conveys title to a tract fronting 2 2/5 feet on Mill Street adjacent on the southwest to the lot also transferred on this day to Thomas Grant.

From Samuel Smith

Henry Clay Esqr. Baltimore Novr. 4. 1815.

Sir

The accot. Sale of your Yarns corrected left to your credit $5114.31 Five thousand one hundred & fourteen dollars & thirty one cents.

Your Bond is for $6375. with interest from the 15 Feby, 1807. If you will send me yarns of the quality of those sold by S. S. & B. I will agree to allow you, for amount of the balance due me by you twelve cents p lb or I will sell them free of commission for your accot. Your answer will oblige Your friend & Servt. S. SMITH

An inaccurate estimate for your Government Bond . . . . $6375.
Interest until 1st. July last 8 y. 4 m. 15 days $3203.43
9578.43
Deduct N. prs. of yarn .......................... 5114.31
4464.12
Interest for one year ........................... 207.84
$4671.96

Copy, ViU-Samuel Smith Letterbook.
1 The interest had begun thirty days after Clay had given his bond in the purchase
of a part of “Ashland” from Smith and Wilson Cary Nicholas.
2 S. Smith and Buchanan, the mercantile firm of Samuel Smith and James A.
Buchanan.

Receipt from George W. Morton

Nov 6th. 1815
Recd. of H Clay One hundred & thirty One Dollars &. twenty nine
Cents the Amt. in full of Two Replevy Bonds On Exons. Issued
from the Clerks office of the Court of Appeals in favour of Bentons
heirs against Harts heirs1 Geo W Morton D.S.
for Robt. Frier Sheff F.C2

DS. DLC-TJC. (DNA, M212, R15). Morton, brother of John H. and William R.
Morton, was later sheriff.
1 A friendly land suit, carried to the Court on cross appeals at the Fall Term, 1814,
between the heirs of Jesse Benton and those of Colonel Thomas Hart, by which the
former had sought to redeem a settlement claim to land which Benton had admittedly
transferred to Hart, but which the latter had failed to have surveyed within the
period prescribed by law. Claiming minority privilege as a bar to regular application
of the statute, Benton’s heirs argued that a mere entry could not have been assigned.
The Court had rejected this plea and held that Benton’s heirs possessed no further
interest in the land to accomplish the surveying, that the plaintiff’s bill should have
been dismissed in the lower court, with costs. 6 Ky. Reports (3 Bibb) 420-23.
2 Earlier a justice of the peace and member of the State legislature from Fayette
County.

To Martin D. Hardin

Dr Sir
Lex 7h. Nov. 1815
I send herewith a Copy of the deed from Duke to Love1 in
execution of my promise to furnish it.
I beg leave to remind you of your’s to give me a Copy of the
deed from Love to me2 in the widows possession, which you will
have the goodness to transmit to Washington to Dr Sir Yrs.

H. CLAY

ALS. ICHi. Addressed to Hardin at Frankfort.
1 Basil Duke; Thomas Love. Enclosure not found.
2 Not found.

Account with Thomas T. Burns

Lexington November 7th 1815
Mr Henro [sic] Clay Dr To Thos T Burns
To Painting the Store for Mr Drake1 ExCept the
Shelves and Counter ........................ [sic]
To Painting the inside of the Store at ............. 3 —— 37/2
To Painting [sic] the front Door . at ............. 2 —— 50
To Painting the Door Cason at ..................... 2 —— 25
To Painting the Back Room at .................... 6 —— 00
To Painting 5 Shutters 2 Coats at ................. 6 —— 25
To One Door and Cason 2 Coats at ................. 2 —— 50
To glazing 10 lites of glass at ..................... 1 —— 25

$ 24,12/2

[Endorsement]\(^2\)
Recd. the amount of the above a/c of John Hart, Decr. 15, 1815.

THOS T BURNS

AD, by Burns, Lexington house-painter and glazier. DLC-TJC (DNA, M212, R15).

1 Francis Drake, Lexington merchant. His store was located on Short Street, between Mill and Market, part of the property Clay had acquired from John Keiser, above, May 4, 1813.

2 ES, in Clay’s hand.

Property Deed to John W. Hunt

[November 7, 1815]

[Indenture by which in consideration of Henry Clay’s having sold at the price of $30 to Thomas Hart, Jr., deceased, the tract hereafter described, which Hart had directed to be conveyed to John W. Hunt, and for the further sum of five shillings, paid and acknowledged, Clay and Lucretia, his wife, convey to Hunt a lot in Lexington fronting on Mill Street and bounded beginning at the corner of a tract known as Clay’s office lot, this day conveyed by the Clays to James B. January, running thence with Mill Street North 45° East 33 1/3 feet, “or thereabouts,” thence southeast to a point equidistant between Mill and Market streets, thence southwest 33 1/3 feet, “or thereabouts,” to January’s lot, thence along his line northwest to the beginning, together with appurtenances. General warranty of title. The Clays’ signatures acknowledged in the office of the Fayette County Clerk, November 6 [sic], 1815.]

Fayette County Court, Deed Book G, 490-91.

Property Deed to James B. January

[November 7, 1815]

[Indenture by which for the sum of $1,500, paid and acknowledged, Henry Clay and Lucretia, his wife, sell to James B. January a tract in Lexington fronting on Mill Street and bounded beginning at the corner of Stephens and Winslow’s lot, thence with Mill Street North 45° East 100 feet, thence a southeast course to a point
equidistant between Mill and Market streets, thence southwest 100 feet to the lot of Stephens and Winslow, thence with their line northwest to the beginning, the tract being known heretofore as Clay’s office lot and presently occupied by Daniel Bradford. The Clays’ signatures acknowledged before the Fayette County Clerk on November 6 [sic], 1815.]

ADS (Mrs. Clay’s signature also in Clay’s hand). Owned by Henry H. Harned, Frankfort, Kentucky. Recorded in Fayette County Court, Deed Book O, 126-27. Clay delivered the deed at this time in response to a suit brought against him and others by Samuel Q. Richardson, Georgetown, Kentucky, lawyer, to whom January had sold the property. Clay’s answer to Richardson’s bill of complaint noted that “the title was to be made only upon paymt. of the Consideration Money: He annexes hereto a deed for the said lot to the said January to be delivered according to the direction of this Honble Court.” ADS. Fayette Circuit Court, File 363 (1817). Costs of the suit were levied against Clay in November, 1817, but this judgment was reversed in the Court of Appeals. Ibid.

Property Deed to John Keiser

[November 7, 1815]

[Indenture by which for five shillings, current money of Kentucky, paid and acknowledged, Henry Clay and Lucretia, his wife, convey to John Keiser a tract in Lexington fronting on the southeast side of Main Cross Street and bounded beginning at the corner of a lot sold John Dillon, 66 feet from the intersection of Main Cross and Second streets, thence running with the former street 131 1/2 feet to the corner of a lot now, or lately, belonging to Andrew McCalla, thence with McCalla’s line South 45° East 134 feet to an alley of 10 feet, with the alley South 45° West 131 1/2 feet to Dillon’s lot, thence along his line North 45° West to the beginning, together with appurtenances. General warranty of title. The Clays’ signatures acknowledged in the office of the Fayette County Clerk, November 6 [sic], 1815.]

Fayette County Court, Deed Book M, 451-52.

Receipt from Kentucky Mutual Assurance Society

[November 11, 1815]

[Richard Higgins, cashier, acknowledges receipt from Clay of ten dollars, “as a consideration for a Policy of Assurance to be issued forthwith,” in the sum of $2,000 (premium, $40).]

DS (printed form). DLC-TJC (DNA, M212, R15). The payment, made by John Hart for Clay, was to apply on the premium for a fire insurance policy (not found) on the new wing to “Ashland.”

Credentials as United States Congressman

[November 13, 1815]
From "A General Officer of the Army"

[November 15, 1815]

SIR—I shall make no apology for addressing these letters to you. The distinguished part you have performed, both in our own country and abroad, designate you as one, who is to possess a leading influence in our public affairs.—Under such circumstances, I trust I shall not be deemed impertinent, in making a strong claim upon your talents, and the independence of your character, in relation to the organization of the Army.

Nor need I, sir, to you, attempt to point out the importance of the subject. Inhaling, as you do, the very atmosphere of chivalry and of patriotism; in the midst of a lofty, and gallant, and aspiring people, the views of your own mind render the task unnecessary. Appreciating as you do, the exertions of our Army under circumstances the most embarrassing, I need not invoke you, by every scene of their renown, and the nation's glory, to interpose the splendor of your talents in their behalf.

The United States have arrived at that epoch, when all men are convinced that they are destined to act the part of a primary nation. Their policy is identified with no other. Their views are pacific to all the world; but they already have given demonstration, that, although they be slow to anger, yet combined and united in sentiment under proper military institutions, they can be terrible in wrath. Their population increasing in a ratio unprecedented; the aptitude of that population to form the best of soldiers; and the resources of the nation developing themselves with all the characteristics which can give vigor or efficiency, conspire to render them invincible under proper institutions, and in a just and necessary war.

Under circumstances so auspicious to views of national grandeur and strength, the Congress is about convening. The Military Peace Establishment, as an institution of national importance, will undoubtedly receive attention; and I trust such an organization will be imparted to it, as will comport with the exigencies of the nation on the one hand, and the necessary principles of economy on the other.1

Boston Patriot, November 15, 1815. Published also in Washington National Intelligencer, December 1, 1815. This was the first of a projected series of "Letters Addressed to the Hon. Henry Clay, on the subject of the Organization of the Army; with a Projet for a Military Peace Establishment." A second letter, the "Projet for a Military Peace Establishment," without personal reference to Clay apart from the heading, was published in the Patriot, December 2, and in the National Intelligencer, December 8, 1815. It promised further development of the details in "future numbers,"
but no further letters have been found. For Clay's views on this subject, cf. below, II, 151-154, 156-57.

1 The writer continues with a criticism of the adequacy of the current military establishment, a description of the deficiencies in the force existing prior to the War of 1812, and a plea for Congressional action. He calls for a chain of fortresses "along the extensive line of Indian, and Canadian, and Spanish, and Atlantic frontier;" "Lines of depots, with proper communications to them;" military roads "to the rapidly increasing states of the west"; and small regiments in a permanent "Peace Establishment." "Above all," he urges, "afford to the Staff of the Army a thorough and efficient organization."

From John Hart

Dear Sir

Lexington, Nov. 18, 1815.

I had your book balanced on the 10th—You had then in Bank $486.67/100; out of which I have paid Miss Hall1 $120, the Mutual Assurance Co. in part for the insurance of the new wing $10.25/100,2 and Tandy & Castleman for the fee bill $74.48/100,3 leaving a balance of $281.94/100.

Prentiss has been confined to his bed ever since you left here. As soon as any thing decisive has been done with him, I will inform you of it.4

I enclose you a power of atto. to receive Anna's pension,5 and also the note of M.C. Sprigg,6 which you were so good as to say you would have collected. He will pay it, I think, without a suit & I will thank you to direct the Gentleman you send it to not to take that step untill he is fully convinced of the contrary. Mr. Haggin7 has recd. no answer yet from the Miami Exporting Co. on my business. I am afraid it will be unfavorable. Please to remember me affectionately to my sisters & to Mr. Brown8—Yours Sincerely

JNO. HART.

ALS. DLC-TJC (DNA, M212, R12). Addressed to Clay at "Washington City."

1 Sarah Hall 2 See Receipt, November 11, 1815. 3 Not found.
4 Nathaniel Prentiss. See below, Hart to Clay, December 5, 1815.
5 Ann Gist Hart, widow of Nathaniel G. S. Hart.
6 Probably Michael Cresap Sprigg, Allegany County, Maryland, later a member of Congress.
7 James Haggin, attorney at law, who had moved to Lexington from Mercer County a few years earlier.
8 Lucretia and Ann; James Brown, serving as Senator from Louisiana.

From Albert Gallatin

Dear Sir.

New York 23d November 1815

My accounts being settled, and in the Registers office, you will be able to ascertain the principles which have been adopted. Compensation has been allowed to the 22d of July, the day of departure from England; and an allowance made for the travelling expences incident to the removal of the seats of negotiation. This, in my case, has been for travelling from St Petersburg to London & thence to Ghent, and from Ghent to London. I presume that, in your's, the allowance
will be from Gottenburg to Ghent, & from Ghent to London. You have in addition, your extraordinary expences at Gottenburg. It did not appear to me, that a charge could be made for the extra expences in London.

You must have received a letter from the Treasury similar to that written to me respecting duties on our baggage. I have not answered mine, wishing first to know what you intend to do. I brought nothing but effects coming under the description of wearing apparel, books and furniture (including some plate and glass) to a very moderate amount, all for my use & that of my family, and all such as, when imported by a Minister returning from a foreign mission, have by uniform practice been considered as exempt from duty, although many if imported by a private individual would have paid duty. The Secretary of the Treasury is under a mistake in his inference from two letters, copies of which he enclosed to me, that either an inventory (meaning thereby an invoice or detailed specification of the articles contained in each package) has ever been required from any minister or that the question has ever been left to the collector to decide which of such articles were liable too [sic], or exempt from duty. In both the cases referred too, in the letters above mentioned, Messrs. King and Erving,) the collector is required to deliver the baggage without requiring duty, and nothing is left to his discretion and the inventory alluded too in the letter respecting Mr. Erving, which was furnished by him, not required from him, was used for the purpose, not of authorising or enabling the collector to distinguish what articles might be liable to duty, but of enabling him to distinguish Mr. Erving’s baggage from other packages imported in the same ship, the said baggage not having been brought in the same vessel in which he had returned home.

In every case referred to the Treasury, whilst I was Secretary, the order thus to deliver the baggage was, subsequent to Mr. King’s case, given as a matter of course. But I believe that, in most cases, the collectors, knowing the practice, delivered the baggage without difficulty & without reference to the Treasury. The first reference was on Mr. King’s return: he had much baggage, and it was the first case in that port since Mr. Gelston was collector. I knew the practice although I could not find the instructions on record. They must however have been given, perhaps in private letters not recorded; or they may have escaped the research of the clerk. The easiest way to ascertain the fact beyond dispute, was by applying to Mr. Jefferson for information as he was the first minister who had returned from a foreign mission under the present Government. He informed me that his baggage, which was valuable and contained at least as many articles, which if imported by individuals would have paid duty, as those belonging to subsequent ministers, had paid no
duty, and that this was, as far as he knew, the constant rule. His case has in fact established the rule. I wrote accordingly to the collector of New York the letter respecting Mr. King's baggage. Such as has afterwards arrived in the same port under similar circumstances has been delivered without hesitation on [sic] reference to the Treasury. This, was the case with respect to the baggage of Mr. Livingston, of Mr. Armstrong (I believe of Mrs. Barlow) and lately of Mr. Crawford, which came in the Hesper from Havre. Whether on the return of Messrs. Monroe, Wm. Pinkney, Charles Pinkney, & Bowdoin, the baggage was delivered by the respective collectors without reference to the Treasury, or upon an order from the Treasury I cannot positively say, although I have some recollection of an application verbal or written in the case of Mr. W Pinkney. But I can assert that the rule was uniform & the order given at once whenever the case was referred to the Treasury. If a new rule be established ought it not to be prospective, or, if retrospective on the assumed ground of error reconsideration, should it not be general and embrace every case from Mr. Jefferson downwards, instead of being confined to a single case, nay to a single vessel? for no question is asked respecting Mr. Crawford's subsequent importation of baggage in the Hesper, Mr. Erving in an other vessel, or even our's, if any, in the Lorenzo. To this long detail, I will only add, that, according to practice, the error, in the case of the Neptune, was not the order to deliver to the ministers their baggage free of duty, but to have considered all the baggage & other articles on board the vessel as if belonging to the ministers & being exempt from duty. Upon the whole, have the goodness to let know [sic] what you intend to do, & the final decision of the Secy. of the Treay. to whom you may communicate this letter, a course preferable in my situation to a more formal answer to his letter to me. Present Mrs. Gallatin's & my respects to Mrs. Clay & believe me truly & respectively [sic] your obedt. Servt.

A. G


1 Not found, but see Dallas to Gallatin, October 19, 1815 (NHi-Gallatin Papers, MR9).
2 Rufus King; George W. Erving.
3 David Gelston, Collector of the Port of New York.
4 Thomas Jefferson.
5 Robert R. Livingston, United States Minister to France, 1801-1804; John Armstrong, who succeeded Livingston, his brother-in-law, and served to 1810; Mrs. Joel Barlow, whose husband filled the post from 1811 to his death in Poland in the next year; and William H. Crawford.
6 Charles Pinckney, former Governor of South Carolina and United States Senator, had been United States Minister to Spain from 1801 to 1805.
7 James Bowdoin.

Lease to William C. Dunn

[November 30, 1815]

An agreement between H. Clay and Wm. C. Dunn—
The said Clay hereby rents to the said Dunn his little Brick house, yard, garden and Stables, on the Boonsbororough Road, late in the occupancy of Phill. Dunn (being the same that sd. Clay purchased of John Murphy) together with the little field of medow ground and about four or five as. in clover all under one fence, the same lying and adjoining the Corn field of the late Colo. George Trotter on the Boonsbororough Road for one year commencing on the 15th. day of December 1815—

In Consideration whereof the said Dunn hereby Covenants binds and obliges himself his heirs &c. to pay to the said Clay his heirs &c. Eighty Dollars for the house, yard, garden and Stables afd. to be paid quarterly, and for the land afd. fifteen shillings in Cash on the 15th. day of December 1816—

The said Dunn further Covenants that Sally English shall enjoy (without molestation) the use of the yard and well in common with himself and family during the afd. term, and that he will commit no waste in rails or other timbers on said place, nor suffer his stock to trespass on the other premises of said Clay adjoining thereto; and at the end of the term afd. agrees to surrender all the afd. premises in like order as received, natural decay and inevitable accident excepted—The said Clay reserves the right to distrain for arrears of Rent and of reentry on the premises on non payment.

Witness our hands and seals this 30th. Novr. 1815

For H. Clay

JOHN WATKINS {L.S.}

Wm C DUNN {L.S.}

The land within mentd has been ascertained to be Eighteen Acres & some fraction—

W. C. Dunn has paid this day fifteen dollars, and is entitled to a credit for fifteen dollars more for shearing sheep, assisting about ice & going to Harrodsburg, which sum of thirty dollars it is agreed shall be credited to the rent on the land. 27 Oct. 1816.

Test

THOMAS P HART

Wm C DUNN

Recd. the bal. in full in a settlement for work. 23 June 1817.

H. CLAY

ADS, by Watkins, signed also by Dunn. DLC-TJC (DNA, M212, R15).

1 Acres
2 George Trotter, Jr., had died on October 13, 1815.
3 The first, AES, signed also by Dunn and Thomas P. Hart; the second, AES.

From Thomas Vaughan, Sr.

My good and Worthy Sir/ near Cardiff 1st Decr. 1815

Having seen an Acct. in our Newspapers of your safe arrival in America gives me great pleasure, and I hope this will meet you in
perfect health and every other earthly comfort.—and I now take the liberty of informing you that we have rec'd. an Acct. from my Son's Wife, Mrs. Vaughan, of his death, so long back as the 5th April 1814; we have also an Acct. of it from a relation of mine living near to upper Bluelick but on who (I am sorry to say) we can set no dependance at all. And therefore take the liberty of begging that you'll be pleased to have the goodness to enquire into the state of his my Son's affairs and property, and if possible, to get for his Daur. 2 (now with me from an Infant, & 32 years of Age) whatever is right, and justly due; as She is a good honest, and industrious young Woman, and deserving of every justice, & encouragement, that can be lawfully given her, and your influence will no doubt, have great weight in settling it justly, and we desire no other, but by Mrs. Vaughans Acct., there seems to be but little for her, and we are at such a distance, its next to impossible for us to see into it, but I know from all my Son's letters it was his intention to make his Daur. nearly equal to his Son, and by a letter of his to me, as far back as the 20 May 1807 he refered me to you in case of his death (which was the only knowledge I had of his acquantance with you, and the reason I took the liberty of writing to you in London) 3 in the following words "I will request Henry Clay of Lexington Esqre. to give you every information respecting my property &c, &c. he is one of our Senators, in Congress, which are now siting; he is very friendly to me, and I am sure will do me any reasonable request &c &c.—If you will have the goodness to take the trouble on you to get for her what is right and just, and after deducting for your trouble, and every expence, will be please [sic] to remit the remainder, directed as under, whenever it may be convenient; will greatly Oblige me, and my grandaur. (who begs her respectfull Compls. to you) and am with deference and respect (altho unknown) Yr. Obedt. Servt. THOS. VAUGHAN
Thos. Vaughan Senr.
near Cardiff South Wales

P.S. I am sorry we had not the honour of seeing you in Wales as we made provision for your reception, after we heard by my Nephew, of your longer stay in London; and particularly as we have the Largest Iron, and Tinworks, in this neighbourhood, that are in Great Britain, and through all of which I could have conducted you, and would have been well worth your seeing.—I have written by this Paquet, to my Daur. in law at Bluelick, teling her I have written to you, on the above subject.—And also to invite my grandson over to England, as I should be very glad to see him here for one whole year at least, if I live so long. Whenever convenient, I shall be very glad of a few lines from you, to hear how matters go, and to give me your proper Address, as I am at a loss whether to
address you as a Minister, or Commissioner, or as a private gentleman. Your goodness will excuse any defects you may meet with in this Scrawl, from my Age of 85 years, and want of memory &c, altho I am as healthy and as heartwell as ever, blessed be God for that, and all his other goodness to me.—We are in general very happy to be at peace with America in particular, and with the rest of the world; but our Farmers, and Manufacturers, complains heavily, the former because Grain, Cattle, Horses, &c sells very low, and the latter for want of Orders, for their Wares &c. [Alm]ost everything is lowerd very much since you [left] England, and the surrender of Nepoleon; but we [are] in hopes of our Taxes being lowered to ease the Farmers, and traders, and traffick revived with you, and with other Countrys to relieve our Manufacturers. I pray God bless you with good health, long life, and every other comfort, that this uncertain world can give you, are the sincere prayers of your unknown friend, and Hble Servt

T. V.

Acceptance of Speakership

[December 4, 1815]

GENTLEMEN: It is not merely in compliance with a respectful usage, but from the most profound gratitude, that I thank you for the honor which you have just conferred on me. I shall find, in the discharge of the arduous duties of the Chair, considerable alleviation, from the natural progress of the system of order, and from the improvement which it has received under the able presidency of my predecessor. But, gentlemen, it is chiefly upon your liberal co-operation and support that I place my reliance. Under the expectation of receiving this, I shall proceed, with all the impartiality of which I am capable, to the execution of the duties which you have assigned me, soliciting your indulgence for unintentional error, and soliciting it particularly during my present indisposition.

Annals of Cong., 14 Cong., 1 Sess., XXIX, [374]-75. Clay was elected Speaker on the first ballot. These remarks followed his taking the oath of office, administered by Representative Robert Wright of Maryland.

To Albert Gallatin

Dr Sir

I am sorry you settled your a/c. without an allowance for extraordinary expences at London. Precedents would have warranted
our demanding the half of an outfit; but the rule of your case will silence my claim, should I make it.

As to the Treasury letter, I have neither answered it, nor do I mean to do so. I do not intend to pay one cent of duties for articles introduced for my own consumption, because in the first place I ought not, and in the next, the notification or demand from the Treasury reached me after it was impossible that I could make out any satisfactory list of the articles which according to the new rule might be liable to duty. I saw Mr. Dallas\(^1\) this morning but had not time to go into the subject, and therefore merely handed him your letter for perusal, and asked what he meant by his circular addressed to us (for Mr. Crawford\(^2\) also has recd. one.) He laughed and said that it was pursuing your precedents, but that you had not answered the letter, and he supposed that was the best course to adopt. I told him I thought he wd. find from your letter to me that he laboured under misapprehension about your precedents. I shall see him again, and if any thing occurs worth communicating I will write you. At all events I will not pay one cent.

Mrs. Clay is much obliged by Mrs. Gallatin's friendly recollection of her and joins me in presenting our respects to her. I will thank you also to mention me to James\(^3\) and believe me with great regard

Yrs

H. CLAY

ALS. \(\text{NHi-Gallatin Papers (MR9). See above, Gallatin to Clay, November 23, 1815.}\)\(^{1}\) Alexander J. Dallas. \(^{2}\) William H. Crawford. \(^{3}\) James Gallatin.

From John Hart

Lexington, Decr. 5, 1815.

I have employed a man by the name of Clark to make the alterations required in the corner store room.\(^1\) He is to furnish the materials and do the work at 15 pr. cent discount from the usual prices, and the work is to be valued, if I think proper.

Mr. Prentiss is unable to pay any part of Dr. Leib's\(^2\) demand, everything he possessed having been lately sold under an execution.\(^3\) I shall therefore put the note into Mr. Haggin's\(^4\) hands as soon as he returns from Frankfort, to bring suit upon against the security, (Hugh Crawford)\(^5\) who, I hope, will be able to pay it.

The note given by yourself, Maj. Morrison, Mc.Calla & Tibbatts to take up the one you had endorsed for Oliver Hart,\(^6\) which was protested, became due again a day or two ago. It had formerly been reduced from 5 to 400$. Having more money of yours than I should have use for for some time, I thought it would be better to pay your proportion & have no further trouble with it, which I accordingly did.

Since I wrote last, I have got clear of my endorsement with L.
Hawkins on R. Megowan\(^7\)'s note for $4,500, discounted at the Washington B. Bank. It had been paid to the Bank by Jo. H.\(^8\) & L. Hawkins & suit was brought in the name of the Bank, for their benefit. They have agreed to take from me the paper I got from you on Beall\(^9\) (amtg now to nearly 2000$) and release me from all responsibility in consequence of my endorsement. I have yet to pay 3000$ to the Cincinnatti Bank\(^10\) and 6 or 700 to the Insurance Company,\(^11\) and as I have barely enough property to pay my private debts, I shall of course have to begin the world again that much under par—We have recd. from Cincinnatti\(^12\) no reply to my application for letters of licence, but I have some hopes they will be granted. Mr. Neave\(^13\) who was here a few days ago assured me there was no doubt of it & promised to speak to the President\(^14\) himself—I understand he has some influence with him, and presume he means to use it in my favor.

Franklin Gorin,\(^15\) a young man who lived in Thomas Pindells store, is desirous of going into the navy as a midshipman. Tom had a very high opinion of his industry, attention to business and capacity and I think were a commission obtained for him he would prove himself deserving of it. He has solicited me to apply to you in his favor. This is an office I by no means like, but as I was very much prepossessed in favor of the young man I promised to comply with his request, unwilling to wound his feelings by denying what to him probably appeared a trifling favor. Should you think proper to interest yourself in his behalf he would wish the commission if obtained directed to him at this place.

We have had no certain intelligence of you, since you passed thro. Chilico[the] but as the weather has been generally very fine, I flatter myself you have had an expeditious and pleasant journey.

Yours very Sincerely, JNo. HART.

ALS. DLC-TJC (DNA, M212, R12). Addressed to Clay.

1 John Clark, Lexington carpenter. The store was located at the corner of Short and Market streets, part of the tract acquired by Clay from John Keiser, above, I, 795. On Clay's interest in the store, see below, Agreement, January 29, 1816.

2 Nathaniel Prentiss; Dr. Michael Leib.

3 Prentiss in 1815 was named defendant in six suits brought by four different plaintiffs. Fayette Circuit Court, Files 317, 324, 325.

4 James Haggin. 

5 Lexington shoemaker and blue-dyer.

6 The first note, not found; but see above, Hart's note, May 10, 1814.

7 Littleberry Hawkins; Robert Megowan (the younger).

8 Joseph H. Hawkins.

9 Norbonne B. Beall. See above, Receipt, October 8, 1813.

10 The Bank of Cincinnati, opened in the spring of 1814.

11 The Kentucky Insurance Company. 

12 The Miami Exporting Company.

13 Jeremiah Neave, an Englishman, had operated a store in Lexington for a few years before moving to Cincinnati about 1814.

14 Oliver M. Spencer, who had succeeded to the presidency of the Miami Exporting Company in the fall of 1814.

15 Son of John Gorin, pioneer settler of Barren County, whose wagon and six-horse team had made regular trips to Lexington at an early date. Young Gorin, admitted to the bar in 1820, became for a time a partner of John Bell in Nashville, Tennessee, then returned to Kentucky and enjoyed a successful legal career in Louisville.
From James Lloyd

Dear Sir—Boston Decr. 8, 1815.

Mr J. B. Borland who has been engaged for a few years in mercantile business in this place with much reputation, having it in contemplation to form an establishment and residence at Lexington in Kentucky, I am desirous, as I have known him from his youth, as he is of the number of my family connexions, and as I feel an interest in his welfare, that he should be duly estimated by the most respectable members of the society to which he is about removing, and I therefore take the liberty to make him known to you, as a Gentleman of merit, of integrity, and of great application to business, and also for a young man, as I believe of very handsome property; and to ask for him your friendly notice, advice and civilities.—

I do this with the more readiness from the confidence I feel, that you will find Mr. Borland not only an acceptable addition to the circle of your acquaintance, but that the State will also acquire in him a very useful and valuable citizen.—

Assuring you it would afford me pleasure to reciprocate similar attentions to yourself, or to any of your friends visiting this quarter of our Country, I am Sir with sentiments of great consideration Your Respectful & Obed’ Serv’—James Lloyd.

The Honorable Henry Clay, &ca &ca

Lexington Ky.

ALS. DLC-HC (DNA, M212, R1).

1 Soon after establishing a successful retail business in Lexington, Borland committed suicide, on Friday, December 13, 1816.

Property Deed from Samuel Smith and Wilson C. Nicholas to Executors of Thomas Hart, Jr.

[December 12, 1815]

[Indenture by which for the sum of $10,100 paid by Thomas Hart, Jr., whereof receipt is hereby acknowledged, Samuel Smith of Maryland and Wilson C. Nicholas of Virginia convey to the executors of the aforesaid Thomas Hart, Jr., three lots in Lexington, numbers 11, 15, and 40 in the plan of the town, amounting to about five acres each, on one of which lots is situated the residence of the late Colonel George Nicholas and other buildings—the three lots having been purchased by Hart on January 15, 1807, at public auction.1 General warranty of title. Signatures of W. C. and Margaret Nicholas certified by the Mayor of Richmond, Virginia, December 29, 1815, and recorded by the Clerk of Fayette County, Kentucky, June 7, 1816.]
From T[obias] L[ear]

The Honl. H: Clay House of Reps Dec. 16. 1815

Sir I have the honor to acknowledge the receipt of your letter of the 15h Inst. with its inclosures

The draft drawn on the Secy of War by Mr. Watson was sent to the Secy for payment & it has been returned with the remarks contained in the note of the Chief Clerk the papers are herewith transmitted

The claim of Jno. Bufor cannot be paid at this Office it being one of the outstanding claims of the Quarter Master Department its adjustment will be made when means are provided with other outstanding claims in the same My: district for which purpose it should be returned to the claimant to make application to the Officer who will be designated for that purpose I am Sir &c T.L.

Copy. DNA, RG217, First Auditor (War Department), Letters Sent, Letterbook 6, p. 268. Lear, formerly private secretary to President George Washington, was now Accountant in the War Department.

1 Not found.
2 Probably Joseph Watson, who had established an office in Washington as an agent for the settlement of claims against the government.
3 Possibly an erroneous transcription of Thomas Buford. John Buford, of Versailles, Kentucky, was later a member of the State legislature.
4 Military.

To Albert Gallatin

Dr Sir Washn. 21st. Decr. 1815

I have recd., and presume you will receive, from Mr. Dallas a letter, founded upon the explanation of former precedents contained in your favor to me, in which he concludes, by observing, "Considering that the effects which have been delivered to you are claimed as your own property, I have the pleasure to release you from the trouble of attending further to the request contained in my letter of the 19h. of Octr. last."

The Convention has been approved by the Senate, not however without some opposition, though I believe it was not considerable.

Rumor here represents you as about connecting yourself with Mr. Astor for commercial objects. Getting rather tired of politics I believe I will come and join you, if you will take in a third party. I am Dr Sir with great respect Yr. obt. Servt. H. CLAY


1 Not found.
2 November 23, 1815.
3 Not found.
4 On December 19, after almost two weeks of deliberation, the Senate had given its advice and consent to ratification of the Commercial Convention.
On October 9, 1815, John Jacob Astor had stated the terms on which he would give Gallatin a one-fifth interest in his business. Gallatin, however, had declined the offer. Astor to Gallatin, October 9, 1815; Gallatin to T. R. Gold, March 19, 1816 (NHi-Gallatin Papers, MR9); Gallatin, Count (ed.), *The Diary of James Gallatin* (New York, 1926), 80.

To Benjamin Crowninshield

Sir

Washington 21st. Decr. 1815

I recommend Franklin Gorin of Lexington Kentucky for the Situation of a Mid Shipman in the Navy of the U. States.¹

Yr. obt. Servt.

H. CLAY

The Honble. Mr. Crowinshield &c &c &c

ALS. NRU. See above, Hart to Clay, December 5, 1815.

¹ Gorin is not listed in succeeding Navy rosters.

Motion Concerning Payment for Horses

[December 22, 1815]

Cited in *Annals of Cong.*, 14 Cong., 1 Sess., XXIX, 398. In Committee of the Whole on a “bill authorizing the payment for private property lost, captured, or destroyed, whilst in the service of the United States, during the late war,” motions were offered by Clay and others “to amend the bill so as to include the case of the horses belonging to those militia who captured Proctor’s [Henry A. Procter] army, that were lost in consequence of their riders being separated from, and crossing the lake without their horses, which were left in the care of the United States’ officers.”

After extensive discussion, the House on December 27 adopted an amendment, offered by Bartlett Yancey of North Carolina, providing payment for the horses but deducting from their value the amount paid or claimed under the act of 1795, which had established an allowance of forty cents per day for each horse owned by mounted volunteers and militia in the services of the United States. The Senate added an amendment, in which the House concurred on March 30, 1816, providing for payment of the forty-cent allowance as well as the value of the horses. The bill was enacted April 9, 1816. *Ibid.*, 404, 407, 409, 1224, 1289, 1299-1300; 3 *U.S. Stat.*, 261-64.

From Bartlet and Cox

The Honbl. Henry Clay (Washington City)

Dear Sir,

New Orleans 22 Decem: 1815.

We had this pleasure at the 3 Ulto: (copy annexed)¹ since when Mr Nancarrow² has appeared & presented your most Esteemed favour of the 24 Oct last:³—You will see from the annexed Copy that the Estate of Ignatius Pigman proves Insolvent, but something like a Dividend of 30 to 50 PCent will be made out of it, & we should be now much pleased to get your Documents out of the hands of Mr. Peacock⁴ that a statement of his affairs may be made out & the property ordered for sale (what he has being in Houses & lots in Town)—The Estate of Grey & Taylor⁵ will bearly pay costs & priviledged Debts, such were the Sacrifices they had made before failure—
We can trace no Entry of Bal Rope in our Books shipped by you or any other person for your account, will you be so good as inform us by whom it was shipped and if possible the Quantity & marks; we are Endeavouring hard to clear these old accounts, & should be very thankfull for all the information in your power—having had all the warr 4 to 6000 Coils of Rope in hand we Expect much difficulty in doing strict justice to all our correspondents interested in that particular article—Very truly & Sincerely Yr most Ob: Sts

BARTLET & COX.

ALS. DLC-TJC (DNA, M212, R12).

1 See above, Bartlet and Cox to Clay, November 3, 1815.
2 Probably either Benjamin or John Nancarrow.
3 Not found.
4 Ralph Peacock.
5 J. F. Gray and J. Taylor had operated as commission merchants in New Orleans, Baltimore, and Philadelphia.

To John Quincy Adams

Dr Sir

Washington 24th. Decr. 1815

I beg leave to introduce to your acquaintance Mr. Thomas Sloo Jr.1 who will present you this letter.

A company of ten or twelve gentlemen of the first respectability and possessing great Capital, residing in and near Cincinnati, has been formed to supply the Country bordering on the Ohio and its waters with foreign goods imported directly from Europe through the Mississippi, to Cincinnati. They contemplate exporting the surplus produce of the Western Country also. They have assumed the firm of Hunt Riddle Piatt & Co.2 and intend establishing a house at New Orleans, whilst Mr. Sloo, their agent, is sent to England to superintend their interests in that Country. If Captial [sic], enter­prise and intelligence can ensure success to the laudable scheme in which they have engaged, I have no doubt they will be successful.

I pray you to extend your kind attentions to this gentleman.

I am with much respect Yr. obt. Servt.

H. CLAY

H. E. Mr. Adams

ALS. MHi-Adams Papers.

1 Later a Cincinnati merchant and banker. His father had been a resident of Lexington and Washington, Kentucky.
2 Probably Jesse Hunt, James Riddle, and John H. Piatt—the firm has not been found.

Receipt from James Haggin

Lexington, Decr. 24, 1815.

Received of Henry Clay, for collection, N. Prentiss and Hugh Crawford’s bond to Michael Leib, of the City of Philadelphia, for three hundred and thirty five dollars, 10 cents due on the 13 Nov.
From Lafayette

My dear Sir

La Grange Xbre 26th, 1815

The Letter of which Mr Newcomb was the bearer is the Last Communication I Have Had from You. Permit me to Sollicit a more frequent Correspondance. in this Exchange of Informations you may Be a Looser as I now am returned to a private Solitary Life, and Can Hardly write Any thing But what You Will Collect from European papers. indeed the Gazettes of france, shackled as they are, to Such a reader as You, may tell, and Even foretell a great deal.

The french or rather the European Revolution Had called Against us the passions and the Exertions of Coblentz and pilnitz. it[s] Subsequent Excesses, altho it Had put a Stop to proselytism, did not so generally Operate abroad as the Ambitious despotism of Napoleon who Estranged from france the Speculative Lover of freedom, and Roused Against Her the Masses of the people our Natural allies. in that situation of Universal oppression and Enmity Bonaparte did twice squander a way the moral and military Ressources of this Nation, first in Russia, afterwards at dresden and Leypsick, and Brought in the Hosts of the Coalition, Leaving on the Niemen, the oder, and the Elbe, the Material means of defense which He Had taken from our stores and fortresses. He Capitulated for Himself, while a restoration ushered by the Allies and Not Unpleasing to the Nation was generally Considered as a tolerable transaction between old princes and Modern institutions. ten months Have Suficed to prepare the people for a Change. it was impossible for Any Combination, But the folly of the Royal Government, to make Bonaparte welcome, which Has proved to be the Case with many, altho few Could Love and trust Him. But these interior vicissitudes were of no effect upon foreign Courts and foreign Nations. the Later, Leaving no time to explain, were Hurried Again Against their own interest, with revengeful and desperate fury. the Courts were the more Eager to avail themselves of their Error, as they saw that Napoleon, Unable to reassume his arbitrary doctrines, Had been forced to acknowledge the first principles of the Revolution.

Two modes of Resistance were left for france to Launch one of the imperial Circle of Men and Measures into a national insurrection; or to support the actual Ruler who altho' He was a check
Upon the Exertions of a people whom He did no more trust than He Could be trusted By them, was justly reckoned the ablest of generals, and enjoy’d the Confidence of a standing Army Amounting to two hundred thousand men. The Active Majority Having prefered this Method, it remained for those who would Have proposen a Bolder and more popular System, to close in with the adopted plan of defense which was done with Candor and determination.

Two weeks after the oppening of the Session Napoleon Had Lost the only Army that Bore a proportion with the Opposed forces, and Leaving it to its fate, He flew Back to the National representation, not to Consult, but to dissolve it, returning to a wild and desperate arbitrariness, which, while it countenanced the attack, Could not But damp and disHearten the defense. He was checked in the attempt, and with the assent of His Best friends, obliged to abdiCate.

Time was short. an attempt to raise some sort of pudeur in the Allies, and Construe their word of Honour into a Suspension of Arms proved fruitless. In the mean while the troops Being rally’d Under the Walls of the Capital, more divested of Bonapartism, more actuated by patriotism than they Had Been Said to Be, were all alive to National Colours and National independance. on my return from the diplomatic Errand which I Could not refuse, I was much disappointed to Hear of the Capitulation. The provisory government and peers dissolved themselves. the House of Representatives were dissolved By force, But not Before they Had in their declaration of the 5th July, Expressed what I think to Have Been for five and twenty Years the true State of the Nation.

farther resistance to foreign powers was impeded. the president of the popular government was a minister of the king Before He Had Entered paris. the imperial System of Administration Having Been During 13 years Calculated for absolute Monarchy Had precluded the means of Exertion. a Roïal government Being reinstalled in the Capital. many trusted in influence with the Allies, those who did not were afraid the impending Evils should be imputed to their obsti­nacy. and above all, the High powers, made a more Machiavelin Use of the King’s name and Hand, Successively to Undo all the Means of french resistance, after which You know what treaty Has Been dictated By them.

two administrations Have Been tried. that of Talleyrand and fouché, altho’ the former Had Sollicited and Signed the Coalition of Vienna, the Second Had put His name to the proscription of many of His Associates and friends, and to the Suppression of the liberty of the press were not thought a match for the Royalism of the two new chambers. the present ministry the Head of which, altho’ for 25 years a Russian officer, is a french man By Birth, the last
of the illustrated family of Richelieu, and Among whom our friend Barbé Marbois is Seal keeper, Have gone great length towards the Spirit of Reaction. You Have in the papers the Bills proposed By them, and their Speeches in Both Houses which nevertheless keep a Head of the Executive. Among the influencing powers You may distinguish a British and a Russian interest to both of which I am, thank God, a perfect Stranger.

Unfit as I shall Ever Be for Such Complicated politics, and Having, in my doctrines of Legitimacy, much to Say for the rights of men and the Sovereignty of Nations, I am returned to my Retirement of la Grange, and my Agricultural pursuits. there my Son, His wife, two daughters, and eleven Grand children are now with me. We Expect in a few days the pleasure to receive General Scott and Major Mercer.

The Happy tidings we receive of encreasing prosperity in the U. S. feel my Heart with delight. I Hope the work of liberty and independance in the other parts of America is going on. Far I am to be disCouraged with Respect to the first establishment of freedom in the European world. the liberal part of the Revolution shall not Be lost.

You Have Been pleased, my dear Sir, to promise Your kind inquiries and good Care with respect to my Orleans Business—the pointe Coupée lands Have Been purchased By Sir John Coghill, Mr. Seymour, and Mr parish. the two former gentlemen Complain that M. duplansier, By refusing to Answer Some questions relative to a land tax, Has Exposed their property to Be Sold. They were ignorant of the duty. I Hastened to write to the president and Explain their Situation.

There remain 520 Acres to be located, or I rather think located in the vicinity of the town. Under the pressure of my affairs I Have parted with one Half of those town lots to Sir John whose large Capital, Being Employ’d on His Alternate lots, would soon bring my share to a value much Superior to the Actual totality. Should the location be at a distance of more than two miles, the Space between the Bahiou and the town, is become a Common tract and the whole would Have been paid above its value. in the Contrary Case, one Half is mine. it is true Sir John might challenge me to take back His Half for the given price and interest. But if the location was made on that Spot, I would, I think, easily find a Capitalist to take Sir John’s bargain. let me add that He is willing, in Case there was not room for a location of 520 Acres, to Enter into Som[e] Arrangement with the Claimants, to make it Complete. Such is, my dear Sir, as far as I know it the present state of the affair. M. duplansier who has been very unfortun[ate] in His own Concerns Has not, for several years, written to me. M. albin Michel Had the
powers of Sir John who Has since, I believe, Sent a Relation of His.\textsuperscript{10} The president to whose kind Concern in my behalf I am Highly obliged knows probably more of my affairs than myself.

This Letter will be delivered By M. Lakanal,\textsuperscript{11} member of the french institué of the Academy and rector General of the Medical System with a Hansome treatment all which He Abandons for a Settlement in the neighbourood of Lexington State of Kentucky. The high rank He Holds in the Scientific World and His Having been a distinguished member of our former assemblies will recommend him to your notice. But I Have presumed to Engage in Your Name You would favour Him with Your good Advice and with letters of introduction to the part of the Country which He intends to inhabit. I know You will be So kind as to render Him in that way the Services which I beg leave to Sollicit on account of His own merit and my earnest desire to oblige him. permit me to depend upon You to Ask the Same favour from our friends Mess Monroe and Crawford,\textsuperscript{12} and others who may recommend him to public and private Characters in the State.

With the Most Sincere Attachment and Regard

Yours

LAFAYETTE

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay at Washington. Published also in Colton (ed.), \emph{Private Correspondence of Henry Clay}, 57-60, erroneously dated October 26, 1818.  
\textsuperscript{1} Not identified; letter not found.  
\textsuperscript{2} The Declaration of Pillnitz, signed by Leopold of Austria and Frederick William II of Prussia on August 27, 1791, had called on the sovereigns of Europe to unite in the use of force to support the power of Louis XVI in France. At Coblenz, July 26, 1792, the Duke of Brunswick had published a manifesto threatening death to revolutionary leaders and the destruction of Paris if the French King were further molested. Shortly afterward mob action had forced the King to seek protection in the hall of the Assembly, and the executive power had been suspended.  
\textsuperscript{3} Lafayette had been one of the commissioners sent by the provisional government of France, after the second abdication of Napoleon, June 22, 1815, to treat with the Allies for an armistice.  
\textsuperscript{4} Joseph Fouche, Duke of Otranto, Minister of Police under Napoleon, head of the provisional government after the abdication, became Minister of Police under Louis XVIII.  
\textsuperscript{5} The Treaty of Paris signed November 20, 1815, following the final defeat of Napoleon, was much more severe than the first, which Talleyrand had so skillfully mitigated (see above, I, 997n). The Allies had increased their demands for war indemnity, established military occupation for three to five years, and reinforced their control by the four-power alliance for maintenance of European peace.  
\textsuperscript{6} Armand Emmanuel du Plessis, Duc de Richelieu, who had left France shortly after the outbreak of the Revolution and served as an army officer and administrative official in Russia, had returned to Paris under Louis XVIII. After the resignation of Talleyrand in September, 1815, Richelieu had formed a new ministry.  
\textsuperscript{7} Winfield Scott and possibly his fellow Virginian, William N. Mercer, who had served as a major and hospital surgeon during the War of 1812. Mercer rejoined the Army as Post Surgeon in May, 1816, and remained in service until 1821.  
\textsuperscript{8} In 1803 the United States Congress had authorized issuance of warrants to Lafayette for 11,520 acres of land. During the next few years Armand Allard Duplantier, a French immigrant who had fought under Lafayette in the American Revolution and was now a New Orleans businessman, had acted as agent for Lafayette in locating the grant in Louisiana. By 1810 some 11,000 acres had been entered for Lafayette in Pointe Coupée parish on the Mississippi River, and the small area remaining unlocated had been filed upon under very general description as adjacent
to the city of New Orleans. In 1812 five thousand acres of the Pointe Coupée lands had been transferred to Alexander Baring in settlement of Lafayette's debts to Baring and John Parish (long a merchant of Hamburg, Germany; father of David Parish, who had negotiated the arrangement). The remaining lands in that area had been sold the same year to two Englishmen, Henry Seymour and Sir John Coghill, first Baronet of Coghill. An additional contract, covering the small tract near New Orleans, had also been entered into, as a partnership arrangement between Lafayette and Coghill. Kathryn T. Abbey, "The Land Ventures of General Lafayette in the Territory of Orleans and State of Louisiana," Louisiana Historical Quarterly, XVI (July, 1933), 370-72; Gilbert Chinard, The Letters of Lafayette and Jefferson . . . (The Johns Hopkins Studies in International Thought; Baltimore, 1929), 318-346 passim.

9 Not identified; first name not clearly legible.
10 Probably Sir Josiah Coghill, nephew and heir of Sir John.
11 In the summer of 1816, Joseph Lakanal, a member of the French Legion of Honor and noted for his republican principles, settled on the banks of the Ohio River, in Gallatin County, Kentucky. He later moved to New Orleans to become president of the College of New Orleans and in 1834 returned to France.
12 James Monroe; William H. Crawford.

Receipt from Abner Beard

Decr. 29, 1815.

Recd. of H. Clay two dollars 87 Cts for Carriage of the two Bales within

Abner Beard

ES. DLC-TJC (DNA, M212, R15). On verso of shipping notice, dated Maysville, December 19, from January, Winans and January, covering two bales of unidentified merchandise for Clay. The following notation by John Hart precedes this endorsement: "Receive the two bales mentioned within and return me the paper—I will pay the carriage. J. H." Beard was probably a wagoner.

To Amos Kendall

WASHINGTON, 30th Dec. 1815

Dear Sir: I received your polite letter of the ——,¹ which I shewed to Mrs. Clay. She concurs with me in thinking, that you estimate much too highly the little attentions which she had it in her power to pay you, during your indisposition at Ashland, and which were a very poor return for your kindness to our children, and the improvement made in their education, whilst they were under your care. I had hoped, before I left home, to have had the pleasure of seeing you, and saying to you personally, how greatly you have obliged me in this respect. Scarcely any circumstance upon my return to Kentucky, gave me so much gratification as the improvement, both in manners and education, which my sons had made, in my absence; and I am sure that they will owe much of any success they may hereafter attain, to the impulse given by you.

Mrs. Clay joins me in tendering our respects to you, and wishing you great success in all your undertakings.

Faithfully, your ob't servant,

H. Clay.

Frankfort Argus of Western America, May 21, 1828. See above, Receipt, July 1, 1815, note.
¹ Not found.
Account as Minister Plenipotentiary

Dr. The U. States in a/c with H. Clay [ca. January 1, 1816]

To my outfit as one of the Commissioners to treat with G. Britain $9000

To my Salary as do. from the 17 Jan. 1814, the date of Commission to the 22 July 1815, when I embarked at Liverpool 1 year 6 months and 6 days at $9000 per annum 13647:90

To insurance upon $10,000 Specie carried with me in the John Adams for expences at Gottenburg at 4 PCent 400:

To this sum paid for a furnished house in Gottenburg for one month that I did not occupy it in consequence of the removal of the Seat of the Negotiation to Ghent $400 Swedish money equal to (a) 200"

To my travelling expences from Gottenburg to Ghent by the way of Copenhagen, Hamburg and Amsterdam, including loss on my travelling carriage 750"

To my travelling expences from Ghent to London 220"

To postage, News papers in London, and Stationary at Gottenburg and at London 50"

To one quarters Salary allowed for return home 2250"

Contra Cr.

By outfit recd. in America before I sailed for Europe $9000.

By ½ year Salary recd. in do . . . do . . . 4500

By one year's Salary recd. from Willinck, Van Staphorst & Co. American Bankers at Amsterdam 9000

By one quarters Salary for return home recd. from do. 2250 24 750— $ 1,767.94

(a) After about two weeks trial of the best tavern in Gottenburg I found that I could not be comfortable accommodated in a public house. I therefore rented for one quarter only a furnished house at $400 Swedish money (equal to $200 of money of the U. States) per month. After one month's occupation it became necessary for me to give up the house, in consequence of the transfer of the Negotiation to Ghent. My Land Lord (Mr. Pritz) might have demanded of me for the remaining two months $800 Swedish money, but he
compromised by receiving one half of that sum, with which I charge the U. States.  

H. Clay.


To [Samuel Smith]

Dr Genl.  

Washington 2 Jan. 1815 [i.e., 1816]  

I recd your favor of the 1st. of which I wish you many returns.

On the subject of my bond, you will recollect that I informed you long ago that the amount was attached in my hands, by creditors of the late Col: Nicholas; and that any payment I should make to you would be subject to the risk of my again being ordered by the Courts in Kentucky to pay the amount to those Creditors. Relying upon your disposition and ability to indemnify me, in such event, I made the payment alluded to by you. The attachment laid by Beall is removed by the recent compromise between him and Majr. Morrison; but another (I think in the name of Gilmour) still remains. If I had recd. your proposition in K. relative to Yarns, relying still upon you, I might have made arrangements to accept it, but until my return I cannot determine whether I can command the article, of which the quantity from various causes is much diminished in our State.

There is a question between us which affects very materially the amount of your demand—it is my liability to pay interest, during the pendency of those attachments. My idea of the law is, that I am not so liable. On that point you can inform yourself, and if we disagree about the principle, we shall not I hope as to some satisfactory and friendly mode of deciding it.

I think you are altogether wrong about the advantage of a Treaty stipulation in favor of the India Trade. When that Trade was a monopoly in the hands of the East India Company, perhaps you were right in supposing that our liberal admission into it was sufficiently secured by the interest of the Trade itself. But you should now recollect that the Monopoly has ceased, and that the Trade, under certain restrictions, is thrown open to British subjects. The danger therefore of a want of supply of specie, which induced our admission, no longer exists. British enterprize can now supply what was formerly furnished by ours. And our admission to the Trade itself, and every concession to us, will operate to the prejudice of the British subject.

A Treaty stipulation therefore secures us, during its continuance, although their experience should demonstrate that they could do
without us. Whilst it will not prevent a more liberal policy towards
us than the Treaty itself provides, if you are right in supposing such
a policy to be dictated by their interest independent of conventional
regulation. With regard to the objection, that we are now limited
to particular ports and places, it is a sufficient answer to it, that the
*same limitation* is prescribed to British subjects themselves by the
late act of parliament opening the trade to them. In fact the value
of that stipulation, in our favor, in the late Convention, as con­
trasted with that in the Treaty of 1794* can not be duly appreciated
without keeping in constant view the act of parliament to which I
refer. The concession was reluctantly made to us. It was made
without an equivalent. It was near producing a rupture in the
negotiation which terminated in the Convention. The stipulation
secures to us undoubtedly the privilege of a circuitous outward
voyage, that is a vessel may touch at any port in Europe or elsewhere
(St Helena now excepted) on her way to India, and it was on this
particular point that the British reluctance in agreeing to the article
was manifested. In this respect the article is better than that in the
rejected treaty of Mess. M. and P. 7 and as good as that contained
in the treaty of 1794.*

With respect to the privilege of going to the Isle of France,
that not being secured by the Treaty must depend, if G. Britain
retains the Island, upon her regulations, as to the nature of which
you are better informed than I am. There is no doubt (and it will
always be the case with Colonial possessions) that a more favorable
disposition as to the admission of foreigners exists there than in
the parent Country. I am Dr Sir with great respect Yr. obt. Servt

* On the return voyage vessels of the U. States must return *directly*
to the U. States and there unlade

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1 Not found.
2 See Smith to Clay, November 4, 1815.
3 George Nicholas.
4 Probably Walter Beall, James Morrison, and John M. Gilmour—no record of
these transactions has been found.
5 On the content of the next two paragraphs, cf. above, American Commissioners
to Monroe, July 5, 1815, note.
6 Jay’s Treaty.
7 James Monroe and William Pinkney.

Speech and Motion on Establishing Additional
Military Academies

[January 2, 1816]

Mr. Clay, (Speaker) in reference to the argument in support of
the amendment, that the moral effect of establishing three additional
Academies, instead of one only, and that at the Seat of Government,
would be injurious to the union, as tending to create sectional
feeling, &c.—said, that all arguments, founded upon the supposition of danger to the union, deserved great consideration; but, whilst he applauded the motives of gentlemen in urging these arguments, he was obliged totally to differ from them in their conclusions. The moral effect of establishing several instead of one institution of this kind, would be to increase the affection of the people for the union. If the bond of union was to be strengthened by the measures of the government, what ought to be the character of them? What ought to be the policy of the government? To distribute benefits; to afford to every man in the union an obvious, palpable evidence of the benefits afforded to him by the government under which he lives. If the proposition were to establish four or five turnpike roads in different parts of the union, he said he should suppose the argument of the danger of creating a sectional influence would as much apply to that measure as to a proposition for the diffusion through the nation of that knowledge, the want of which during the late war we had but too much reason, from fatal experience, to regret. It would be by making the government strong without, and furnishing motives of affection to every bosom within, that they would inculcate the sentiments which the advocates of this amendment were so desirous to inspire. Mr. C. said, he would afford the means of instruction, as far as possible, to every man bound to raise an arm in defence of the nation. With what sentiments would such a policy inspire the bosom of the citizen? would it excite sectional feelings? No; the bosom turns with thankfulness to the source of benefits received, as unerringly as the needle to the pole. The individual receiving the advantages afforded by these Institutions, would not look to any particular State, but would trace his obligation to the fountain head, and to the support and strength of the Union all his exertions would be directed. Whatever may be the destination of the student, whether to civil or military life, if the principles of human nature govern him, he will always reflect, that to the parental care and beneficence of the government he is indebted for the advantages he has received, and to the support of that government his best exertions will be given. If gentlemen were right in their argument, Mr. C. said, we ought to commence anew; we should abolish the Academy already existing at West Point, and let there be but one, & that one within the district of Columbia. Mr. C. said he, with the gentleman from Massachusetts (Mr. Hulbert) approved of the recommendations in the President's Message on this and other subjects, whether they were the doctrines of new or of old times. From that quarter of the union, however, (the west,) which that gentleman had so feelingly regretted was growing too fast—a regret in which, Mr. C. said, the gentleman would excuse him from participating, he did not believe there was
one student in the present Military Academy. The remark equally applied to the South; and yet in those sections of the country there were, perhaps thousands of young men who would be peculiarly happy in obtaining the benefits of such an institution, if brought within their reach. He would therefore establish Academies in the different sections of the Union. The effort was as vain to disguise as to forget, that there are various sections of our country: gentlemen might argue in vain against a fact, which the geography of the country most clearly established. We must take our natural boundaries as they are, since we cannot alter or abolish them. Mr. C. said, in conclusion, he would not take from other sections the benefits of this Institution, to consolidate and locate it within this District, on account of its supposed unhealthiness and for other reasons. He would not alter the present features of the bill because of objections to them, which he considered fanciful and visionary. The distribution of the Academies he thought might have been more advantageously made, particularly as regarded the one in the western country; but he would not, therefore, deprive any section of the country of the great advantages which he hoped this Institution would diffuse throughout the Union.

[Following approval of the amendment to add only one academy, in the District of Columbia, Timothy Pickering proposed that Harper's Ferry be substituted for the District. Then, at Clay's suggestion, Pickering changed his motion so as to eliminate mention of a specific location and to leave a blank to be filled by the House. This motion also carried.]

Mr. Clay then moved to fill the blank in the section with the words “Pittsburgh, at the junction of the Allegany and Monongahela rivers.”

Washington National Intelligencer, January 3, 11, 1816. Published also in Annals of Cong., 14 Cong., 1 Sess., XXIX, 426-28. On December 26, 1815, Richard M. Johnson, from the Committee on Military Affairs, had reported a bill providing for the establishment of three additional military academies—one in the District of Columbia, another at Mount Dearborn, South Carolina, and the third at the junction of the Ohio and Licking rivers near Newport, Kentucky. On January 2, when the House for the second time resolved itself into a Committee of the Whole to consider the measure, Richard Henry Wilde, supported by Alfred Cuthbert, both of Georgia, proposed an amendment to limit the number of additional academies to only one, located in the District of Columbia. Clay rose to refute their arguments.

1 John W. Hulbert, a member of the Committee on Military Affairs.
2 Before any action was taken on this proposal, “the Committee rose, and obtained leave to sit again.”

Motion to Locate Additional Military Academy

[January 3, 1816]

Mr. Clay (speaker) withdrew the motion he had yesterday made to place the only Academy remaining on the bill at Pittsburg; and
in lieu thereof moved to establish it at or near the mouth of Licking River on the Ohio, not as a point he preferred, because he thought better situations than that might be selected, but because the committee on military affairs had originally decided in favor of that scite. Mr. C. urged various arguments in favor of this location of the additional academy.

Washington National Intelligencer, January 4, 1816. Published also in Annals of Cong., 12 Cong., 1 Sess., XXIX, 436. See above, Speech, January 2, 1816. The House had again resolved itself into Committee of the Whole on the bill to establish additional military academies. Clay's motion was defeated, and the entire bill was subsequently dropped when an amendment was offered to provide for a naval academy.

Rental Agreement with Elizabeth Keiser

[January 3, 1816]

ADS, by John Watkins for H. Clay. Fayette Circuit Court, File 823. The agreement renews on the same terms the lease first drawn on September 22, 1813 (the document for the intervening year has not been found). Endorsed by Watkins: "Recd. the 1st. Quarters Rent."

Account of [John Hart]

[ca. January 3, 1816]

Account of money paid out for H. Clay, by checks drawn in his name on K.I. Co., the rects. for which are enclosed.

1815

Nov. 10 Paid Miss Hall٢ ........................................... 120 "
11 Paid The Mutual assurance Co٣ .................................. 10 25
13 Paid Tandy & Castleman ........................................ 74 48
26 Paid J. Gatewood٤ ........................................... 5 12
Decr. 1 Paid your proportion of the balance due on Oliver Hart’s note٥ .................................................. 100 "
11 Paid Paul’s٦ bill ................................................... 2 "
15 Paid discount at In. Office ...................................... 14 93
" Paid Tho. Burns’ bill٧ ......................................... 24 12
29 Sent to Frankfort to pay disct on your note for $1000 .................................................. 10 67
" Paid Carriage of 2 Bales from Limestone٨ .................. 2 87
1816

Jan  3 Paid G. W. Morton for a horse for J. Hart to ride to Washington٩ ............................................... 80 "
" Left with Ch. Bradford to pay disct. & stamps on your notes at the B.B. I.O. & State Bank١٠ .................. 32 40
" Paid J. Hart ....................................................... 9 83

486 67

AD. DLC-TJC (DNA, M212, R15). ١ Kentucky Insurance Company.
Remarks on the Commercial Convention with Great Britain

[January 4, 1816]

Mr. Clay, (Speaker) said he did not rise on this occasion to enter into a discussion of the general merits of the instrument brought incidentally before the house by the present bill, particularly as there appeared to be no wish on any side of the house to enter on that subject. He rose to make some explanations relative to the third article, which perhaps might not be considered unnecessary. It would be perceived, he said, that the third article of the Convention, which opens the trade to the British East Indies, restricted us to certain enumerated ports. This was a restriction not contained in the Treaty of 1794, nor in that negociated by Messrs. Monroe and Pinkney, commonly called the rejected treaty. The reason was, that upon the expiration of the Charter of the East India Company, which took place three or four years ago, the question so long agitated in Great Britain, had again come up, whether the monopoly of the trade to India should remain with the Company, as it had done. On that occasion, it had been thought proper by the British government to deviate to a certain extent from its former policy, and open the trade to British subjects generally under some restrictions. By the act which then passed, the British subjects were limited to these specified ports; and it had been thought right by G. Britain, especially as it was in her opinion a grant to us without an equivalent, to limit our citizens to the same ports. That act of Parliament, Mr. C. said, was a new era in the trade to British India; and it was impossible to estimate the value of the concession to us, without taking into consideration that important change. When the trade was wholly in the hands of the Company, they had been found incompetent to supply India with the specie necessary for circulation; and the trade had been opened to us and other foreign powers to make up the deficit. Now that British subjects were let into the Trade, it remained to be ascertained by experience whether they could not furnish the requisite supply of specie, without the aid of foreigners. If they could, the opening of the trade to foreign powers operates as an advantage in their favor.
and to the prejudice of the British merchant, to the whole amount of the profits derived by such foreign powers. These suggestions Mr. C. said he had thought proper to make to the committee, inasmuch as some gentlemen might not have adverted to the change of the laws by which that trade was regulated.

[William Gaston of North Carolina replied that “the only concession made by the third article was of a trade already open to us by a general law, and which was so desirable to them that they might find it to their interest to pay us a bounty not to abandon it.” He commented further that the Convention, having been ratified, had already become law and the bill under consideration was not necessary.]

Mr. Clay said, that the gentleman from North Carolina and himself were at issue on the fact. Mr. C. denied that the trade to the British East Indies was open to us by act of Parliament. By the regulations of the local authority of those countries the trade might be open to us; but the difference between such regulations and the stipulations of a treaty was, that if there were any value in the trade to the British East India possessions, the treaty stipulation prevents us from being deprived of it by a repeal of those regulations during the continuance of the Treaty. The benefit of the trade itself was another question; if not beneficial, the Treaty did not force it on us. Mr. C. added, that he was not disposed to enter into a discussion of the Treaty-making power. It might be sufficient for him to say, that at the worst, according to the opinions of gentlemen on the other side, the act would be harmless; whilst, in the opinion of gentlemen on this side, it was entirely necessary.

Washington *National Intelligencer*, January 16, 1816. Published also in *Annals of Cong.*, 14 Cong., 1 Sess., XXIX, 455-57. Clay was speaking in Committee of the Whole on a bill to put into effect the provisions of the commercial convention with Great Britain (above, July 3, 1815). The bill, introduced on December 29, 1815, passed the House on January 13 but was rejected by the Senate.

1 The Jay Treaty.

From Albert Gallatin

Dear Sir.

I have received your letter of 31st. ulto.¹ and am enabled, from our correspondence and notes of conferences, to give a satisfactory answer to your enquiry respecting the effect, on our intercourse with the British West Indies, of the provisions of the convention as they now stand.

On 7th. of June,² we delivered to the British Plenipotentiaries our projet of treaty containing, as part of the 2d Article, the following provision vizt. “No other or higher duties or charges shall be imposed in any of the ports of the United States on British (vessels
such only excepted as may be bound from or to British possessions in to which vessels of the United States are not admitted) than shall be payable in the said ports by vessels of the United States; nor &c."

On the 16th. of June, the British Plenipotentiaries sent us their contre projet containing the same provision but omitting the exception provided for by the words between ( ) in our projet.

On the 17th of June we addressed a note to the British Plenipotentiaries, proposing, among other alterations, in their Contre projet, the following vizt.

"Article 2d - - - 1stly. - - - - 2dly. To reinstate the clause in the projet of the undersigned, which excepted from the provision to equalize tonnage duties British vessels bound to or from possessions, to which vessels of the United States were not permanently admitted: Or, to introduce a new article providing that neither the intercourse between the United States and His. B. M.'s possessions in the West Indies nor that by sea between the said States and His. B. M.'s territories on the continent of North America shall be affected by any article in the treaty, but that each party shall remain in the complete possession of its rights, in respect to such an intercourse."

The British Plenipotentiaries reduced to writing, in their note of 20th. of June, the substance of the observations made in a conference of the 19th, on the several points contained in our note of the 17th.: in which note of the 20th. they say "Upon the second point referred to in the note of the American Plenipotentiaries, the undersigned expressed their rediness [sic] to agree to a clause which should contain the latter alternative suggested by the A. Plenipotentiaries."

The clause was accordingly inserted; as it now stands, in the 2d. Article of the convention, omitting the words which I have underscored & which had reference to the then still pending article to provide for an intercourse by land with the North American British colonies; and substituting the words "any of the provisions of this article" to those any article in the treaty, as, by the convention as signed, the 2d. article alone could affect the subject.

We were induced to offer the alternative, because the words used in it answer the proposed object as well as those we had first proposed, being, in fact, not only as explicit, but more comprehensive; and because, having been used with the same avowed intent, in the unratified treaty of 31st. Decer. 1806, and then understood & approved by both Governments, they could not be objected to by the British Plenipotentiaries.

In that treaty a partial abolition of discriminating duties is, without excepting vessels from British colonies, provided for in the 5th. Article; and then a distinct article, (the 6th) provides that, with respect to the intercourse with the British West Indies "each of the parties shall remain in the complete possession of its rights, in
respect to such an intercourse."³ The clause in the convention, not only extends the principle to the British possessions on the continent of North America, but is still more precise than the 6th. article of the unratiﬁed treaty, by the addition of the words, that the intercourse aforesaid "shall not be affected by any of the provisions of the article."

The instructions given on that subject by our Government to Messrs. Monroe & Pinkney were (in the instructions of May 17th. 1806) that "care must be taken not to deprive the United States of the right of making such regulations as they may think proper in relation to vessels coming from ports from which their own vessels are excluded, or in relation generally to the intercourse with such ports"; and (in the instructions of 3d. February 1807, written before the receipt of the treaty) that "if the West India trade cannot be put on some footing as is authorised by your instructions, it will be evidently be [sic] best to leave it as it is, and of course with a freedom to either party to make such regulations as may be justified, by those of the other."⁴

Messrs. Monroe and Pinkney in their letter of January 3d. 1807, alluding to that part of the treaty, say; "we have, as you will perceive, in conformity with our instructions reserved the right to our Government to counteract any regulations by which the British Government may exclude us from a fair participation in that commerce . . . . the reservation cannot fail to be considered by it, as a powerful weapon of defence, to be used when occasion calls for it. &c."⁵

The treaty was not ratiﬁed. The Secretary of State in his letter of 20th. May 1807 enumerates the objections of our Government to that instrument, and although he does object to part of the 5th. article (for not abolishing discriminating duties on exports, which we have obtained) he does not require any greater security with respect to the West India intercourse and approves the 6th. article.⁶

Although that treaty was a theme of discussion, it never was hinted by either party that it was defective in that respect. I am indeed conﬁdent that the objection would not now have been made, had it not been suggested by the expressions used in our ﬁrst projet. But that the words adopted fully imply the right of laying an additional duty on British vessels from the British West Indies, any thing to the contrary notwithstanding in the other provisions of the article, is indisputable.

The British Government understand the clause in no other sense. It was susceptible of no other; and in addition to our explicit declara­tions; they were in full possession of the instructions and correspond­ence above quoted, which leave no doubt on the intention of the parties.

truly your's Albert Gallatin.
To William Lytle

Dr Sir

Wash. 8h. Jan. 1816.

I wished to have seen you prior to my departure from K. respecting the suit brought for the Louisville property.\(^1\) I am willing to make a just contribution both of services and money in its defence.

I would propose that Mr. Pinkney\(^2\) and Walter Jones\(^3\) of this District be retained, and that we advise with them as to the best preparation of the cause for the Supreme Court. I have consulted with the latter Gentleman (in whose opinion I have the greatest confidence) and he concurs with me in thinking that we are in no danger.

If you agree as to this course, you ought to remit me a sum of money (I suppose $100. at present would do) to divide between them—I shall pay Mr. Jones for his opinion $20—

Let me hear from you.

Yrs. H. Clay

To Richard Harrison

Sir

Wash. 11h. Jan. 1815 [\textit{i.e.}, 1816]

In reply to your letter of yesterday\(^1\) I have to inform you that I drew, or rather authorized Baring Brothers & Co. in my behalf to draw from London on the 20th of June last, on the American Bankers at Amsterdam\(^2\) for £11250 at 10 days sight.

Mr. Harrison &c &c &c &c

Yrs. H. Clay

To Richard Harrison

Sir


Not having it in my power to call at your office, I will thank you.
to send me the name of the person, in whose favor the draft for $1000, from Gottenburg, was made, which is mentioned in the memo. inclosed in your letter of yesterday,¹ or, which I should prefer, a copy of the draft itself. I am almost positive that I drew no bill, on my own account, from that place, except the one for $500, which was, in favor of Mr. Carroll,² to defray his expenses, as bearer of despatches to Paris. If there be a bill of $1000 it must have been on public account.  

Respectfy Yrs.  

H. CLAY.

R. Harrison Esq.

ALS. DNA, RG217. ¹ Not found. ² Henry Carroll.

To Noah Webster

Sir Washington 13h. Jan. 16.

I remained at home upon my return to it in Octr. last, after an absence of 2 years, only about 3 weeks before I sat [sic] out for this place. I mention this fact as the cause of my being unable, at this time, to afford you any information on the subject of your letter of the 3d. Inst.¹ Whilst there I however learnt that the Maccouns² had failed. Mr. Tilford³ had withdrawn from the partnership prior to that event, and if he is bound in the contract with you, he is able to fulfill its stipulations.

I will upon my return to K. look into the matters to which your letter relates. I am Sir Yr. obt. Servt.  

H. CLAY

ALS. NN-Ford Collection. Addressed to Webster at Amherst, Massachusetts. ¹ Not found. ² James and David Maccoun. ³ John Tilford. The firm of Maccoun and Tilford had dissolved almost ten years earlier.

Agreement with John Boyd

[January 13, 1816]

Articles of aGreemen between John Boyd of Fayett County & State of Kentucky and John Foy¹ on the part of Henery Clay Esqr. of the aforsaid County & State

AGrreeth that the Said Boyd dos Hire for the Concedederiton of hundred dollors for the Services of one negro, named Basswile for one year from the date hearof to be paid at the Expiration of the year, the Said Foy is to give Sd. Nagro Baswele [sic] Common Cloathing The above named John Boyd aGreeing to pay His Tax and find him in Blankets—

In witness whereof we the partys here unto Set our hands & Seals this 13th day of Jany 1816—

Test:  

JOHN BOYD {Seal}  
EDWD. MCGUIRE²  
JN, Foy  

{Seal}
JANUARY 16, 1816 129

ADS, by Foy, signed also by Boyd. KyLxT. Boyd lived in the northern district of Fayette County.

1 Clay's gardener. In Clay's absence Foy appears to have been in charge of the part of the estate not leased to Watkins.

2 A resident of the northern district of Fayette County.

To Caesar Augustus Rodney

My Dr Sir Wash. 14h. Jan. 1816.

I recd. your two favors1 of the & the Mr. McClean2 is still here, and I shall be very happy to render him any assistance in my power, consistent with my sense of duty. He has called several times to see me.

I will speak to Mr. Dallas3 relative to the attempt to put on upon New Castle, and to take off from the other Counties in Delaware, and do any thing I can on a subject of a nature so local & delicate.

I regretted not having had the pleasure of seeing you as I passed through Wilmington. I called but you were not at home.

I participate most sincerely with you in all your sentiments relative to poor Bayard.4 I parted with him in March last, and then had a melancholy presentiment, too unhappily realized, that I should see him no more.

I have no news to offer you which the prints do not contain but remain faithfy. & Sincerely Yrs

H. CLAY

ALS. DLC-Rodney Family Papers (DNA, M212, R22). Addressed to Rodney at Wilmington, Delaware.

1 Not found.

2 Allan McLane, who had been an officer in the Revolutionary War, was seeking relief by special act of Congress.

3 Alexander J. Dallas.

4 James A. Bayard.

To Richard Harrison

Dr Sir Wash. 16 Jan. 1816

Your favor of yesterday1 has recalled to my memory the transaction out of which has grown the charge, in the account of the Amsterdam Bankers, of $1000 agt. me.

The mission was authorized, by a letter from the Department of State,2 to draw on those bankers for the Salary of William Shaler, attached to the mission, at the rate of $2000 per annum. In the execution of that authority Mr. Russell3 & myself (being the only two members at Gottenburg) drew in favor of Mr. Shaler for $2000, and hence the improper charge against each of us of $1000.

If Shaler settled his account before he went to the Mediterrenean,4 I presume the above state of the fact will appear from that settlement.

I am Dr Sir Yr's with great respect

H. CLAY

Mr Harrison &c &c &c
Account as Minister Plenipotentiary

Auditors Office 18th. January 1816

Dr. Henry Clay late Envoy & Minister Plenipotentiary for treating of Peace & Commerce with Great Britain

In Account current with The United States—

To Treasury Warrants for Amount of the following issued in his favor Viz No. 6863 dated January 29th. 1814 .... 13,500 "

To W. & J Willink, Nichs. & J Van Staphorst, Agents for the Department of State at Amsterdam for Amount paid on his Drafts from April 29th. to 27 October 1814 P Report No. 30,571 f19375-@40 Cts. 7750 "

To ditto for Amount of a bill which he acknowledges to have been drawn on them for his use by Baring Brothers & Co. of London dated June 20. 1815 f 11250. @40 Cts . 4,500 "

Balance due Henry Clay ............................... 1767 94

Dollars 27,517 94

By Diplomatic [sic] Department for Amount of the following Sums agreeable to an Account admitted by the Secretary of State herewith Viz

Out fit ............................................ 9,000. "

Salary from the 17 January 1814 to the 22d July 1815 inclusive 1 Year 6 Mo & 6 Days at $9000 P Ann .............................. 13,647.94

One quarters Salary for returning home 2,250. "

Insurance on $10,000. Specie taken with him to pay Expenses in Europe ............ 400. "

Travelling Expenses from Gottenburg to Ghent, including loss on the Sale of travelling Carriage & Rent of house at Gottenburg 950. "

Travelling Expenses from Ghent to London 220. "


By William Shaler for this Sum being part of a bill of $2000 drawn in his favor by Messrs Russell1 & Clay from Gottenburg P Report No. 31,359 .................. 1,000 "

Dollars 27,517 94

AND ROSS3

DM. DNA, RG217. Cf. above, Account, ca. January 1, 1816. Richard Harrison's certification of this account was forwarded to the Comptroller of the Treasury, January 19, 1816.
From Jephthah Dudley

Dr. Sir

Frankfort 18th Jany. 1816

I am all alive at learning that there is a great probability of Maj. Graves\(^1\) being still alive, the evidence is as follows: A man who calls himself Jno. H. Dorsey has just arrived at Xenia Ohio who says he with two others were taken by the Indians at the river Raisin, and were carried a great distance beyond Macina, south of Lake Superior, and there kept until last Spring—when he was taken to the north side of L. Superior 600 miles above Mackinaw by the I. where he met with a White man who told him his name was Graves that he was taken prisoner at the river Raisin—that he lived near Lex. Ky, who his wife was & how many children he had, all of which corresponds with the facts as they existed when he left home. This man Dorsey—was then taken back to his former residence from which he made his escape, and struck the upper settlement on the Mississippi and from thence made the rest of his way home. These facts were communicated by Dorsey to a friend of mine who committed it to writing in the presence of Dorsey and this day gave it to me.—I have written to an acquaintance of mine where the man lives he will see him learn his character and all the information he is in possession of & forward it to me, on the rect. of which if it bears the marks of probability, I will immediately take the steps proper for his recovery & restoration to his truly afflicted and distressd family—If ever there was a case in which the Govt. ought to exert itself for the liberty of one of their Citizens this is surely one, I hope therefore you will have an interview with the Ky. Representation and intercede with the Executive to adopt some plan that may appear the best calculated to effect the desired object, my opinion is that they ought to appoint some persons well qualified to go through the several tribes of Indians and procure by purchase or otherwise every white man among them, If they will do this I will upon being furnished with the proper vouchers proceed without delay, nor would I return without him if on this side the Pacific Ocean.—Should they contrary to my fond antisipations, determine not to concern in this business, I hope they will authorise our Family to adopt such steps as they may think proper for his recovery—I mean the papers necessary for such a tour, as it will be going into the British Territory—

I do not intend to let my sister know anything of this until I hear from Xenia as to the Character of Dorsey nor then unless there are strong grounds to believe the report, her feelings have been

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\(^1\) Major Graves

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2. Clerk, Auditor's Office, Treasury Department.
3. Andrew Ross, clerk, Comptroller’s Office, Treasury Department.
so often excited and disappointed by the Thousand falsehoods which have been told of Maj. Graves that I am disposed never to renew them again without strong hopes of their being realized. Pray don't lose a minute in pressing the subject either on the Executive or Congress & perhaps both,—I submit what course you may please take to your better Judgment,—It is I know useless to urge a question of this kind on you, it is sufficient to give the information, Dorsey says he parted with Graves on the 16th. July 1815.

When I commenced this letter I intended to have written to each of our members in Congress, but think it useless at present, will write you and them as soon as I hear from Ohio. Your Sincere friend

J. DUDLEY

PS. The money you reed. for us you will please pay to Isham Talbot Esqr. and we will use his money here in lieu of it. J. & P. D.

ALS. DNA, RG107, Letters Received, (9), C-29.
1 Benjamin Graves, Dudley’s brother-in-law.
2 Now a member of the United States Senate, having been elected in 1815 to fill the vacancy occasioned by the resignation of Jesse Bledsoe.
3 Jephthah and Peter Dudley.

Defense of the Rule on the Previous Question

[January 19, 1816]

Mr. Clay rose in reply to Mr. Randolph, and endeavored to justify the previous question—partly on the grounds of the Constitutional right of the House to make it—the majority had the power to make it, and therefore were right in making it; partly on the expediency—it was certainly expedient for the same reason; besides which, he thought the public interest required it. He said Mr. Randolph’s history of the order had itself shown that the previous question was not resorted to until the abuse of debate rendered it expedient, and in illustrating this he reminded the House of the very remarkable circumstance of a certain gentleman having, for the purpose of delay, spoken four and twenty hours without stopping. He said that the House must adapt their rules to experience, until the objects of its institution were fulfilled.

He did not think it necessary to go to Great Britain for precedents; but if they did, he could show the superior freedom of our House, taking all the rules of the British House of Commons together. They had there, he said, a previous question for stopping members, peculiar to themselves—that was, making a noise to drown the voice of the person who endeavored to speak. Another was, that there was no protracting a debate beyond the rising of the House. Here, said Mr. C., have we not had a question debating for six or seven weeks? Mr. C. then adverted to the personal invectives in the British Parliament, contrary to all example in the American House of
January 19, 1816

Representatives. He had himself, in the short time he was in London, heard a British Minister, high in office, charge a member with wishing to produce a revolution in the country; and he had heard that member retort upon the Minister the charge of bribery and corruption, and tell him that he ought to lose his head.2

What would be the situation of the House, Mr. C. asked, without such a rule as the previous question; and what was it more than a declaration of the House that they had heard enough, and would proceed to decide; and that the majority were not to be controlled by the minority?3

Annals of Cong., 14 Cong., 1 Sess., XXIX, 698-99. In Committee of the Whole to consider the report of a special committee, appointed over a month earlier, to review standing rules and orders, the House of Representatives had heard Richard Stanford of North Carolina move to expunge the rules relating to “the previous question.” John Randolph, who traced the history of the rule in some detail, had declared that it was “obnoxious to every lover of freedom,” that it should be called “the gag law,” that “it ought to be resisted, and at every or any hazard.”

1 Probably an allusion to Randolph himself, who was noted for lengthy speeches. See Franklin L. Burdette, Filibustering in the Senate (Princeton, 1940), 15, 19.

2 Debate not found.

3 Following Clay’s remarks William Gaston of North Carolina, in a long speech supporting Stanford’s motion, declared: “If this hideous rule could have been vindicated, we should have received that vindication from the gentleman who has just resumed his seat, (Mr. CLAY.) If his ingenuity and zeal combined could form for the previous question no other defence than that which we have heard, the previous question cannot be defended. If beneath his shield it finds so slight a shelter, it must fall a victim to the just, though long delayed, vengeance of awakened and indignant freedom.” When Gaston sat down, the Committee rose without action on the motion.

From Allen and Grant

Pittsburgh 19 Jany 1816

As we are settling our Yearly Accounts, we beg leave to annex your account Current balance $236 94/100 & are respectfully

Hone H. Clay

Your Mo Ob Sts. ALLEN & GRANT

[Enclosure]1

Dr The Hone Henry Clay in account Current with Allen & Grant 1815

| Octr | 2. | To Cash Pd Carge2 on 642 P Kissar3 9 | 57 78 |
|      | " | forwarding, 54 Draye4 25 | " 79 |
|      | 4. | Cash Pd: Carge on 3000 P agreement by Denning 9 | 270 00 |
|      | " | Com on $130 advance @2¼ PC | 3 25 |
|      | " | forwarding 3000, 250 dray 75 | 3 25 |
|      | 9 | Cash Pd. Carge on 961 P Metz ——8½ | 81 68½ |
|      | " | Com on adve.5 204 forwg 85 draye 25 | 3 14 |
| Dec | 4 | Cash Pd Carge on 287 P Greybill 5½ | 15 78 |
|      | " | Com on adve 40 forwg & draye 75 | 1 15 |
|      | " | Postage | " 12 |

$436 94½
Debate on Revenue Proposals

[January 20, 1816]

Mr. Clay said he approved of the general system contained in this report, and with some modifications should give it his support; but, he thought it was susceptible of amendment. He thought the amount of the land-tax too high for the ordinary season of peace. It was not necessary to go into an enquiry at this moment, whether the land does not eventually pay all taxes, in whatever shape levied or collected; but he laid down the general principle that in time of peace we should look to foreign importations as the chief source of revenue, and in war, when they are cut off, that it was time enough to draw deeply on our internal resources. Mr. C. said, he tho't we ought to reduce the land tax still lower than proposed, and also some other of the taxes which appeared most burthensome in their nature; retaining enough to keep the system of internal taxation so organized, as that an addition to the existing taxes only would be necessary to produce immediately such an accession to the revenue as should make it adequate to the necessities of the country. Mr. C's plan was to make up for his proposed decrease of the direct tax, by an increase of the duties on imports. He wished to reduce the direct tax to two millions, or to a million and a half; and when that proposition was decided on, he was desirous of proposing another, that the tax should be limited to one year, so as to make it a tax from year to year, instead of a tax without limitation.

[Benjamin Hardin of Kentucky, opposed to any direct tax for the maintenance of "expensive military and naval establishments," wished to strike out the amount proposed in the report and to omit supplying any sum. He intended offering a motion, if no one else would, to reduce "the army establishment."]

Mr Clay so varied his motion, to accommodate his colleague, as to
move to strike out the sum entirely, and leave in the resolution a blank, to be filled as the house should think proper.

[John Randolph, though opposed to the whole system, favored the direct tax over the excise and agreed with Clay's suggestion that it be made an annual bill. He expressed surprise at Clay's opinion regarding sources of revenue in peace and war.

[Joseph Desha of Kentucky argued for repeal of the direct tax.]

Mr. Clay made a few remarks in reply to Mr. Randolph, and Mr. Hardin, and went on to remark—It had been said, that this was a time of profound peace. It was true we were happily at peace with all the world; but who knew how long it would be our good fortune to remain so? What was the present state of our relations to Old Spain? Who could now say with certainty, how far it might be proper to aid the people of South-America in regard to the establishment of their Independence? He did not know how other people thought on those subjects, but they made a serious impression on his mind. We have recently heard, said he, and I believe the information came from the minister himself, that a demand has been made by the minister of the Spanish government of the surrender of a part of the soil of the country; he meant that part of the country formerly known by the name of West-Florida, which lies west of the Perdido, and part of which is now incorporated in the state of Louisiana.

Mr. C said, he would not speak, in the terms in which he might be authorized to speak, of the impudence of such a demand; but he considered it indicative of the general disposition of the government which that minister represented. Besides, he asked, was the state of Europe settled? Every one had heard of the proceedings of the Congress of European potentates at Vienna; we have heard too that their ideas of legitimate government were carried to an extent destructive of every principle of liberty; we have seen these doctrines applied to create and overthrow dynasties at will. Do we know, said he, whether we shall escape their influence? Do we not know, though no such intention may exist at present, we shall by adopting that policy which recommends a reduction of the army and navy, invite their attention to our weakness? Mr. C. said he was for preserving the system of internal revenue, on a reduced scale. He wanted to see Europe settled; to see the relations between this country and Spain placed on a footing which would insure tranquility on our borders. Until he saw these things, he was not for exhausting the purse of the country of the funds necessary to enable it to vindicate its rights at home, or, if necessary, to aid in the cause of liberty in South America.

[Samuel McKee, also of Kentucky, supported Hardin's position. Randolph intimated that Clay had based his statement relative to Spain on knowledge acquired in his capacity as Speaker, "high in the confidence of the Executive—"] Refusing to be frightened by
"the raw-head and bloody-bones of Old Spain," he asserted that Andrew Jackson and the Tennessee militia could cope with all Spaniards "who will ever shew themselves West of the Perdido, and their red brethren . . . to boot."

Mr. Clay said that, when up before, he had not said nor intimated; nor did he intend to be understood, as communicating any fact which the Executive was in possession of in relation to the views of Spain. He had had no conversation with any member of the administration on the subject. He alluded to a rumor, equally he presumed, in the possession of the gentleman from Virginia as of himself—he had heard it as coming from the Minister himself at a public entertainment. Mr. Clay denied that he had any relation with the Executive, the cabinet, or any of its members, other than any other Member of the house had or might have. He had not now, nor ever had, any other relation. Whilst up, if the gentleman would permit, he would make a single remark on a part of the gentleman's argument. The gentleman had shewn, by the latter part of his remarks, that this motion was wholly unnecessary—for, tho' the gentleman had commenced by saying that a fact had been communicated which would have an unimportant bearing on the question before the house, he had ended by saying that, if the fact were true, he would trust to General Jackson and the Tennessee militia to drive all intruders from the soil in that quarter. Mr. C. said he believed the bravery, the heroism of those citizens would be a safe reliance; but he was disposed, if necessary, to afford them auxiliary aid, &c. without drawing too largely on their patriotism.

[Randolph continued briefly on his former theme, then accused Clay of wishing to increase the standing army for the purpose of "a crusade in South America." Clay's negative reply to the direct question, "Do I not understand the gentleman?" led to the following complaint in Randolph's concluding remarks: "I labor under two great misfortunes—one is, that I can never understand the honorable Speaker; the other is, that he can never understand me. . . ."]

Mr. Clay then rose, and said, that he did not know how the gentleman could possibly have understood him as desiring to augment the army at this time, or as desiring to undertake a crusade to South America? [Randolph interrupted to say "that he had inferred his views, and not quoted his language."] Mr. C. said as the question was for the committee to rise, he was precluded from going into the general argument, which he deferred till a proper opportunity.

[John C. Calhoun supported the motion for the Committee to rise. The question, he said, involved momentous decisions, and he wished to provide opportunity for extended debate.]

Mr. Clay intimated, that, under similar considerations, he also should vote for the committee to rise.\(^5\)
January 22, 1816

Washington National Intelligencer, January 22, 1816. Published also in Lexington Reporter, February 21, 1816; Annals of Cong., 14 Cong., 1 Sess., XXIX, 723-30. The House, in Committee of the Whole to consider a report of the Committee of Ways and Means on the revenue, had taken up a proposal to reduce the direct tax on land to three million dollars per year. Clay had remained silent until the question was about to be put.

1 Hardin, first cousin of Martin D. Hardin, had been brought at an early age from Westmoreland County, Pennsylvania, to Washington County, Kentucky. Admitted to the bar in 1806, he had begun the practice of law in Elizabethtown, and two years later settled in Bardstown. He was several times a member of the State legislature, served five terms in the United States House of Representatives, was Secretary of State of Kentucky, 1844-1847, and played an important role in the State constitutional convention of 1849.

2 Member of the Kentucky legislature, 1797-1807, and of the United States Congress, 1807-1819; Governor of Kentucky, 1824-1828.

3 Upon the resumption of diplomatic relations between the United States and Spain, after a rupture since 1808, Don Luis de Onis, the Spanish Minister to Washington, in a note of December 30, 1815, had requested that relations between the two countries be restored to the status of the previous period and, "in conformity to this principle," that West Florida be restored to Spain (cf. above, I, 516n). This action, he continued, would not impair the right which the United States "may believe it has to a whole or a part of the territory occupied, since it will remain subject, exactly as it was before its occupation, to a frank and friendly discussion between the two Governments." American State Papers, Foreign Relations, IV, 422.

4 This word corrected to "important" in Annals version.

5 After a further exchange in which Clay did not participate, the Committee rose.

Legal Opinion from Walter Jones

Washington 20 Jany. 1816

W Jones Jr. requests his friend Mr Clay to accept the following result of his reflections upon ye case stated from the will of John Campbell, & the law of Kentuckey enabling aliens to hold lands, under certain qualifications.

[Argument upon three points: the effect of a devise in trust for an alien, considered independently of the Kentucky enabling act; the objection that the aforementioned statute conflicts with the Constitutional provision assigning to Congress the power to establish a uniform rule of naturalization; the applicability of the enabling statute to the devise in favor of Allen Campbell.]

Upon the whole I think it clear that, according to the conditions of the devise, and the true construction of the enabling law of Kentucky, A.C. became entitled to a conveyance from the trustees of the legal estate, as soon as he brought himself within the terms of the act: and, if his residence in the state continued 'till his death, that his title was transmissible by descent to his heirs; they being citizens, or persons qualified by law, to hold lands.

D. DLC-TJC (DNA, M212, R12). Cf. above, Clay to Lytle, January 8, 1816.

To [James Monroe]

Sir


I beg leave to repeat the suggestion I had the honor of making to
you some time ago of the propriety of appointing Thomas Morris Esqr.,¹ one of the Commissioners to carry into effect the Treaty of peace. I have had the pleasure of knowing this gentleman some time, and my respect for him has increased with the knowledge I have acquired of him. I entertain no doubt of his being well qualified for the situation. A Federalist formerly, he separated himself from the party when, after the commencement of the late War, he saw principles asserted which endangered the safety of the State. By his support of the War and the Administration he has rendered himself obnoxious to those with whom he was formerly associated in political opinion; and for that reason it appears to me is entitled to the particular notice and consideration of the Government.

I shall feel personally great gratification in the appointment of this gentleman. I have the honor to be Yr. obt. Servt.
The Honble Secy. of State

H. Cla[y]

ALS, DNA, RG59, Applications and Recommendations for Office (MR1).
¹ A son of Robert Morris, Thomas had studied law and then settled in western New York to practice and to manage his father's holdings in that area. He had served as a member of the State Assembly, 1794-96, and of the United States Congress, 1801-1803, after which he had removed to New York City and resumed the practice of law. He was appointed United States marshal for the Southern District of New York in 1816 and reappointed several times during the following decade.

Motion to Increase Proposed Import Duty

[January 22, 1816]

Mr. Clay, (Speaker) desirous to increase this rate of duty, in order to allow the diminution of the direct tax, when that question should come up, moved to strike out of this section the words forty two, and in lieu thereof to insert fifty per cent—which addition of 8 per cent. to the proposed amount, he calculated, would produce an additional million of dollars to the revenue, and allow a diminution by so much of the amount of the proposed direct tax.¹

Washington National Intelligencer, January 24, 1816. Published also in Annals of Cong., 14 Cong., 1 Sess., XXIX, 734. A bill for continuing the existing rate of duties (the "double duties") on imports until June 30 had been taken up in Committee of the Whole, whereupon William Lowndes had offered an amendment to establish the rate after June 30 at forty-two percent of the existing duties until a new tariff law should be enacted.
¹ Clay's motion was followed by a debate, unrecorded, in which he defended his stand. His proposal was then defeated by a vote of 80 to 64. On the following day the bill, as amended by Lowndes, was passed by the House.

Order to [Samuel Elliot, Jr.]

Pay the amt. of the within to the holder.
Cashier of the B. of Washington

23 Jan. 1816

H. Clay
**January 25, 1816**


**Motion Relative to the Direct Tax**

[January 24, 1816]

Mr. Clay, considering the decision of the House yesterday, in regard to a proposed increase of the duties on imports, as decisive against his object, which was to substitute for a part of the proposed direct tax, a small additional duty on imports, calculated to produce the same amount, withdrew his motion.

He then moved to amend the resolve respecting the direct tax, so as to limit it to one year, with a view to place it annually under the control of this house.  

Washington National Intelligencer, January 25, 1816. Published also in Lexington Reporter, February 21, 1816; Annals of Cong., 14 Cong., 1 Sess., XXIX, 746-47. The House in Committee of the Whole had taken up Clay’s motion, held over from the last adjournment, to strike out the sum three millions from the proposal to continue the direct tax. See above, Debate, January 20, 1816.

1 See above, Motion, January 22, 1816, and note. 2 The motion was adopted.

**From Dr. Benjamin W. Dudley**

Dear Sir,  
Lexington Jan'y. 25. 1816

The severe shock which our state sustained in the loss of many of its most worthy Citizens during the late war has been extremely aggravated by a most painful suspense as regards the fate of many others in the hands of the savages—A few days ago a man passed through this place who reported himself as having made his escape from the Indians & that he left major Graves & several others in the month of July last—

His tale was so plausibly told as to be accredited by many respectable people in our country—

Since my return home I have on a variety of occasions heard reports calculated to flatter the belief that many of our friends are still detained by the different tribes of Indians—On this subject I am not disposed to be over credulous; yet so many tales cannot fail to excite expectation & flatter hope—

Surely a magnanimous Government never can fail to pursue any measure in the remotest degree calculated to rescue its faithful advocates from the curses of savage slavery: and although its officers be not apprised of the number of prisoners or the particular savages among whom they may be detained, yet the spirit of our institutions prepares us to expect as a natural right that every exertion will be made in order to accomplish an object so important to the unfortu-
nate soldier, so desirable to his friends so remarkably the distin-
guishing feature of a free wise & virtuous people—It is no doubt well
known at Washington that after the conclusion of peace with this
cursed race of creation that they are always in the habit of with-
holding their Prisoners either from a view to answer their purposes
in the woods or to make sale of them at some subsequent period;
a circumstance which ought to have caused authorised agents to be
sent to into [sic] the territories of every tribe which may have been
hostile to the united states immediately after the cessation of
hostilities—

I have addressed myself to you on this subject because there is
none whose influence can do more in organiseing a proper system of
inquiry & none whose warm sympathies are engaged with more
alacrity in the relief of a friend

With sentiments of high respect I have the honor to be most
sincerely Yours

B W Dudley

ALS. DNA, RG107, Letters Received, (9), C-29. Addressed to Clay at Washington.

Dudley, born in 1785, a brother of Peter, William, and Jephthah, had attended
Transylvania University, studied medicine under Dr. Frederick Ridgely, and earned
the M.D. degree at the University of Pennsylvania. In 1810 he had gone to Europe,
where for more than three years he had studied in Paris and London. He had
returned to Lexington in 1814 and, soon afterward, had become professor of anatomy
and surgery in the Medical Department of Transylvania University, a post he held
for some forty years. Dr. Dudley was noted particularly for his success in surgery for
the removal of stones in the bladder.

1 Benjamin Graves.

Speech on the Direct Tax and Public Affairs

[January 29, 1816]

Mr. Clay (Speaker) said, the course had been pursued, ever since
he had had the honor of a seat on this floor, to select some subject
during the early part of the session, on which, by a general under-
standing, gentlemen were allowed to indulge themselves in remarks
on the existing state of public affairs. The practice was a very good
one, he said, and there could be no occasion more proper than that
of a proposition to lay a Direct Tax.

Those who have for fifteen years past administered the affairs of
this government, have conducted this nation to an honorable point
of elevation, at which they may justly pause, challenge a retrospect,
and invite attention to the bright field of prosperity which lies
before us.

The great objects of the committee of finance, in the report under
consideration, are, in the first place, to provide for the payment of
the public debts, and in the second, to provide for the support of
the government, and the payment of such expences as should be
authorized by Congress. The greater part of the debt, Mr. C.
admitted, had grown out of the late war; yet a considerable portion of it consisted of that contracted in the former war for independence, and a portion of it perhaps of that which arose out of the wars with Tripoli and Algiers. Gentlemen had on this occasion, therefore, fairly a right to examine into the course of administration heretofore, to demonstrate the impolicy of those wars, and the injudiciousness of the public expenditures generally. In the cursory view which he should take of this subject, he must be allowed to say, he should pay no particular attention to what had passed before in debate. An honorable colleague (Mr. Hardin) who spoke the other day, like another gentleman who preceded him in debate, had taken occasion to refer to his (Mr. C's) late absence from this country on public business;¹ but, Mr. C. said, he trusted, among the fruits of that absence were a greater respect for the Institutions which distinguish this happy country, a greater confidence in them, and an increased disposition to cling to them. Yes, sir, said Mr. C. I was in the neighborhood of the battle of Waterloo, and some lessons I did derive from it: but they were lessons which satisfied me that national independence was only to be maintained by national resistance against foreign encroachments; by cherishing the interests of the people, and giving to the whole physical power of the country an interest in the preservation of the nation. I have been taught that lesson; that we should never lose sight of the possibility, that a combination of despots, of men unfriendly to liberty, propagating what in their opinion constitutes the principle of legitimacy, might reach our happy land, and subject us to that tyranny and degradation which seems to be one of their objects in another country. The result of my reflections is, the determination to aid with my vote in providing my country with all the means to protect its liberties, and guard them ever from serious menace. Motives of delicacy, which the committee would be able to understand and appreciate, prevented him from noticing some of his colleague's (Mr. Hardin's) remarks; but he would take the occasion to give him one admonition, that when he next favored the house with an exhibition of his talent for wit—with a display of those elegant implements, for his possession of which, the gentleman from Virginia had so handsomely complimented him, that he would recollect that it is bought, and not borrowed wit, which the adage recommends as best.² With regard to the late war with Great Britain, history, in deciding upon the justice and policy of that war, will determine the question according to the state of things which existed when that war was declared. I gave a vote for the declaration of war, said Mr. C.—I exerted all the little influence and talents I could command to make the war. The war was made; it is terminated; and I declare, with perfect sincerity, if it had been permitted me to lift the veil of
futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. The policy of the war, as it regarded our state of preparation, must be determined with reference to the state of things at the time that war was declared. Mr. C. said, he need not take up the time of the house in demonstrating that we had cause sufficient for war. We had been insulted, and outraged, and spoliated upon by almost all Europe—by Great Britain, by France, Spain, Denmark, Naples, and to cap the climax, by the little contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the contempt of our own citizens. The question of the policy of declaring war at the particular time when it was commenced, is best determined, Mr. C. remarked, by applying to the enemy himself; and what said he? that of all the circumstances attending its declaration, none was so aggravating, as that we should have selected the moment which of all others was most inconvenient to him; when he was struggling for self-existence in a last effort against the gigantic power of France. The question of the state of preparation for war at any time is a relative question—relative to our own means, the condition of the other power, and the state of the world at the time of declaring it. We could not expect, for instance, that a war against Algiers would require the same means or extent of preparation as a war against Great Britain; and, if it was to be waged against one of the primary powers of Europe, at peace with all the rest of the world, and therefore all her force at command, it could not be commenced with so little preparation as if her whole force were employed in another quarter. It is not necessary again to repel, said Mr. C. the stale, ridiculous, false story of French influence, originating in Great Britain, and echoed here. I now contend, so I have always done, that we had a right to take advantage of the condition of the world at the time war was declared. If Great Britain were engaged in war, we had a right to act on the knowledge of the fact, that her means of annoyance, as to us, were diminished; and we had a right to obtain all the collateral aid we could from the operations of other powers against her, without entering into those connections which are forbidden by the genius of our government. But, Mr. C. said, it was rather like disturbing the ashes of the dead, now to discuss the questions of the justice or expediency of the war. They were questions long since settled, and on which the public opinion was decisively made up in favor of the administration.

He proceeded to examine the conditions of the peace and the fruits of the war; questions of more recent date, and more immediately applicable to the present discussion. The terms of the peace, Mr. C. said, must be determined by the same rule that was applicable
to the declaration of war—that rule which was furnished by the state of the world at the time the peace was made; and, even if it were true that all the sanguine expectations which might have been formed at the time of the declaration of war were not realized by the terms of the subsequent peace, it did not follow that the war was improperly declared, or the peace dishonorable, unless the condition of the parties in relation to other powers remained substantially the same throughout the struggle, and at the time of the termination of the war, as they were at the commencement of it. At the termination of the war, France was annihilated, blotted out of the map of Europe; the vast power wielded by Bonaparte existed no longer. Let it be admitted that statesmen, in laying their course, are to look at probable events, that their conduct is to be examined with reference to the course of events which in all human probability might have been anticipated—and is there a man in this house, in existence, who can say, that on the 18th day of June, 1812, when the war was declared, it would have been anticipated that Great Britain would, by the circumstance of a general peace, resulting from the overthrow of a power whose basements were supposed to be deeper laid, more ramified and more extended than those of any power ever were before—be placed in the attitude in which she stood in December, 1814? Would any one say that the government could have anticipated such a state of things, and ought to have been governed in its conduct accordingly? Great Britain, Russia, Germany did not expect—not a power in Europe believed, as late even as January 1814, that, in the ensuing March, Bonaparte would abdicate and the restoration of the Bourbons would follow. What then was the actual condition of Europe when peace was concluded? A perfect tranquility reigned throughout; for, as late as the first of March, the idea of Napoleon re-appearing in France, was as little entertained as that of a man's coming from the moon to take upon himself the government of the country. In December 1814, a profound and apparently a permanent peace existed: Great Britain was left to dispose of the vast force, the accumulation of twenty-five years, the work of an immense system of finance and protracted war—She was at liberty to employ that undivided force against this country. Under such circumstances, it did not follow, Mr. C. said, according to the rules laid down, either that the war ought not to have been made, or that peace on such terms ought not to have been concluded.

What then, Mr. C. asked, were the terms of the peace? The regular opposition in this country—the gentlemen on the other side of the house, had not come out to challenge an investigation of the terms of the peace, although they had several times given a sidewise at the treaty on occasions with which it had no necessary connection. It had been some times said that we had gained nothing by the war,
that the fisheries were lost; &c. How, he asked, did this question of
the fisheries really stand? By the first part of the third article of
the treaty of 1783, the right was recognized in the people of the
United States, to take fish of every kind on the Grand Bank and on
all the other banks of Newfoundland; also in the gulf of St.
Lawrence, and at all other places in the sea, where the inhabitants
of both countries used at any time to fish. This right was a necessary
incident to our sovereignty, although it is denied to some of the
powers of Europe. It was not contested at Ghent; it has never been
drawn in question by Great Britain. But by the same third article,
it was further stipulated, that the inhabitants of the U. States shall
have "liberty to take fish of every kind on such part of the coast of
Newfoundland as British fishermen shall use (but not to dry or
cure the same on that island,) and also on the coasts, bays and creeks
of all other of his Britannic majesty's dominions in America; and
that the American fisherman shall have liberty to dry and cure fish
in any of the unsettled bays, harbors and creeks of Nova Scotia,
Magdalen islands and Labrador, so long as the same shall remain
unsettled; but so soon as the same or either of them shall be settled,
shall not be lawful for the said fishermen to dry or cure fish at
such settlement, without a previous agreement for that purpose
with the inhabitants, proprietors or possessors of the ground."

The British commissioners, assuming that these liberties had
expired by the war between the two countries, at an early period
of the negotiation declared that they would not be revived without
an equivalent. Whether the treaty of 1783 does not form an excep­
tion to the general rule, according to which treaties are vacated by
a war breaking out between the parties, is a question on which he
did not mean to express an opinion. The first article of that treaty,
by which the king of Great Britain acknowledges the sovereignty
of the United States, certainly was not abrogated by the war; that
all the other parts of the same instrument, which define the limits,
privileges and liberties attaching to that sovereignty were equally
unaffected by the war, might be contended for with at least much
plausibility. If we determined to offer them the equivalent required,
the question was, what should it be? When the British commissioners
demanded, in their projet, a renewal to G. Britain of the right to the
navigation of the Mississippi, secured by the treaty of 1783, a bare
majority of the American commissioners offered to renew it, upon
the condition that the liberties in question were renewed to us. He
was not one of that majority. He would not trouble the committee
with his reasons for being opposed to the offer. A majority of his
colleagues, actuated he believed by the best motives, made however
the offer, and it was refused by the British Commissioners.

If the British interpretation of the treaty of 1783 be correct, we
have lost the liberties in question. What the value of them really is, he had not been able to meet with any two gentlemen who agreed. The great value of the whole mass of our fishery interests, as connected with our navigation and trade, was sufficiently demonstrated by the tonnage employed; but what was the relative importance of these liberties, there was great contrariety of statements. They were liberties to be exercised within a foreign jurisdiction, and some of them were liable to be destroyed by the contingency of settlement. He did not believe that much importance attached to such liberties. And supposing them to be lost, we are perhaps sufficiently indemnified by the redemption of the British mortgage upon the navigation of the Mississippi. This great stream, on that supposition, is placed where it ought to be, in the same independent condition with the Hudson, or any other river in the United States.

If, on the contrary, the opposite construction of the treaty of 1783 be the true one, these liberties remain to us; and the right to the navigation of the Mississippi, as secured to Great Britain by that instrument, continues with her.

But, Mr. C. said he was surprised to hear a gentleman from the western country (Mr. Hardin) exclaim that we had gained nothing by the war. Great Britain acquired, by the treaty negotiated by Mr. Jay, the right to trade with the Indians within our territories. It was a right upon which she placed great value, and from the pursuit of which she did not desist without great reluctance. It had been exercised by her agents in a manner to excite the greatest sensibility in the western country. This right was clearly lost by the war; for whatever may be the true opinion as to the treaty of 1783, there can be no doubt that the stipulations of that of 1794 no longer exist.

It had been said, that the great object, in the continuation of the war, had been to secure our mariners against impressment, and that peace was made without accomplishing it. With regard to the opposition, he presumed, that they would not urge any such argument. For, if their opinion was to be inferred (though he hoped in this case it was not) from that of an influential and distinguished member of the opposition, we had reason to believe that they did not think the British doctrines wrong on this subject. He alluded to a letter said to be written by a gentleman of great consideration, residing in an adjoining state, to a member of this house, in which the writer states that he conceives the British claim to be right, and expresses his hope that the President, however he might kick at it, would be compelled to swallow the bitter pill. If the peace had really given up the American doctrine, it would have been, according to that opinion, merely yielding to the force of the British right. In that view of the subject the error of the administration would have been in contending for too much in behalf of this country;
for he presumed there was no doubt that, whether right or wrong, it would be an important principle gained to secure our seamen against British impressment. And he trusted in God that all future administrations would rather err on the side of contending for too much than too little for America.

But, Mr. C. was willing to admit that the conduct of the administration ought to be tried by their own opinions, and not those of the opposition. One of the great causes of the war, and of its continuance, was the practice of impressment exercised by G. Britain; & if this claim has been admitted, by necessary implication or express stipulation, the administration has abandoned the rights of our seamen. It was with utter astonishment, that he heard that it had been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It was impossible that such an argument could be advanced on that floor—No member who regarded his reputation would, dared, advance such an argument here.

Had the war terminated, the practice continuing, he admitted that such might be a fair inference; and on some former occasion he had laid down the principle, which he thought correct, that if the United States did then make peace with Great Britain, the war in Europe continuing, and therefore she continuing the exercise of the practice, without any stipulation to secure us against its effects, the plain inference would be, that we had surrendered the right. But what was the fact? At the time of the conclusion of the treaty of peace, Great Britain had ceased the practice of impressment; she was not only at peace with all the powers of Europe, but there was every prospect of a permanent and durable peace. The treaty being silent on the subject of impressment, the only plain rational result was, that neither party had conceded its rights, but they were left totally unaffected by it. Mr. C. said he recollected to have heard in the British House of Commons, whilst he was in Europe, the very reverse of the doctrine advanced here on this subject. The British ministry were charged by a member of the opposition with having surrendered their right of impressment, and the same course of reasoning was employed to prove it as he understood was employed in this country to prove our acquiescence in that practice. The argument was this: the war was made on the professed ground of resistance of the practice of impressment: The peace having been made without a recognition of the right by America, the treaty being silent on the subject, the inference was, that the British authorities had surrendered the right: that they had failed to secure it, and, having done so, had in effect yielded it. The member of the opposition in England was just as wrong as any member of this house would be, who should contend that the right of impressment is surrendered
to the British government. The fact was, Mr. C. said, neither party had surrendered its rights; things remain as tho' the war had never been made—both parties are in possession of all the rights they had anterior to the war. Lest it might be deduced that his sentiments on the subject of impressment had undergone a change, he took the opportunity to say, that altho' he desired to preserve peace between G. Britain and the U. States, and to maintain between them that good understanding calculated to promote the interest of each, yet, whenever Great Britain should give satisfactory evidence of her design to apply her doctrine of impressment as heretofore, he was, for one, ready to take up arms again to oppose her. The fact was, that the two nations had been placed in a state of hostility as to a practice growing out of the war in Europe. The war ceasing, between G. Britain and the rest of Europe, left England and America engaged in a contest on an aggression which had also practically ceased. The question had then presented itself, whether the United States should be kept in war, to gain an abandonment of what had become a mere abstract principle; or looking at the results, and relying on the good sense and sound discretion of both countries, we should not recommend the termination of the war.—When no practical evil could result from the suspension of hostilities, and there was no more than a possibility of the removal of the practice of impressment, I, as one of the mission, consented with sincere pleasure to the peace, satisfied that we gave up no right, sacrificed no honor, compromised no important principle. He said, then, applying the rule of the actual state of things, as that by which to judge of the peace, there was nothing in the conditions or terms of the peace that was dishonorable, nothing for reproach, nothing for regret.

Gentlemen have complained that we had lost the islands in the bay of Passamaquoddy. Have they examined into that question, and do they know the grounds on which it stands? Prior to the war we occupied Moose island, the British Grand Menan. Each party claimed both islands. America, because they are within the limits of the United States, as defined by the treaty of 1783; and Great Britain, because, as she alleges, they were in the exception contained in the second article of that treaty as to islands within the limits of the province of Nova Scotia. All the information which he had received concurred in representing Grand Menan as the most valuable island. Does the treaty, in stipulating for an amicable and equitable mode of settling this controversy, yield one foot of the territory of the United States? If our title to Moose island is drawn in question, that of Great Britain to Grand Menan is equally so. If we may lose the one, she may the other. The treaty, it was true, contained a provision that the party in possession, at the time of its ratification, may hold on until the question of right is decided. The
committee would observe that this stipulation, as to possession, was not limited to the moment of the signature, but looked to the period of the ratification of the treaty. The American commissioners had thought they might safely rely on the valor of Massachusetts, or the arms of the United States, to drive the invader from our soil; and had also hoped that we might obtain possession of Grand Menan. It is true they have been disappointed in the successful application of the force of that state and of that of the Union. But it is not true that we have parted with the right. It is fair to presume that G. Britain will, with good faith, co-operate in carrying the stipulations into effect; and she has in fact already promptly proceeded to the appointment of commissioners under the treaty.

What have we gained by the war? Mr. C. said he had shewn we had lost nothing in rights, territory or honor; nothing for which we ought to have contended, according to the principles of gentlemen on the other side, or according to our own. Have we gained nothing by the war? Let any man look at the degraded condition of this country before the war. The scorn of the universe, the contempt of ourselves; and tell me if we have gained nothing by the war? What is our present situation? Respectability and character abroad—security and confidence at home. If we have not obtained in the opinion of some the full measure of retribution, our character and constitution are placed on a solid basis never to be shaken. The glory acquired by our gallant tars—by our Jacksons and our Browns on the land,—is that nothing? True we have had our vicissitudes—that there were humiliating events which the patriot could not review without deep regret. But the great account, when it came to be balanced, thank God, would be found vastly in our favor. Is there a man, he asked, who would have obliterated from the proud pages of our history the brilliant achievements of Jackson, Brown, Scott and the host of heroes on land and sea whom he would not enumerate? Is there a man who could not desire a participation in the national glory acquired by the war?—Yes, national glory, which however the expression may be condemned by some, must be cherished by every genuine patriot. What do I mean by national glory? Glory such as Hull of the Constitution, Jackson, Lawrence, Perry, have acquired. And are gentlemen insensible to their deeds—to the value of them in animating the country in the hour of peril hereafter? Did the battle of Thermopylae preserve Greece but once? Whilst the Mississippi continues to bear the tributes of the Iron Mountains and the Alleghany, to her Delta and to the gulf of Mexico, the 8th of January shall be remembered, and the glory of that day shall stimulate future patriots and nerve the arms of unborn freemen in driving the presumptuous invader from our country's soil! Gentlemen may boast of their insensibility to feelings inspired by the
contemplation of such events. But he would ask does the recollection of Bunker's-hill, of Saratoga, of Yorktown, afford them no pleasure? Every act of noble sacrifice to the country—every instance of patriotic devotion to her cause, has its beneficial influence. A nation's character is the sum of its splendid deeds. They constitute one common patrimony—the nation's inheritance. They awe foreign powers. They arouse and animate our own people. Do gentlemen derive no pleasure from the recent transactions in the Mediterranean? Can they regard unmoved the honorable issue of a war, in support of our national rights, declared, prosecuted and terminated by a treaty in which the enemy submitted to a carte blanche, in the short period of forty days? The days of chivalry are not gone. They have been revived in the person of Commodore Decatur, who in releasing from infidel bondage christian captives—the subjects of a foreign power, and restoring them to their country and their friends, has placed himself beside the most renowned knights of former times. I love true glory, said Mr. C. It is this sentiment which ought to be cherished; and in spite of cavils and sneers and attempts to put it down, it will finally conduct this nation to that height to which God and nature have destined it. Three wars, those who at present administer this government may say, and say with proud satisfaction, they have safely conducted us through. Two with powers which, though otherwise contemptible, have laid almost all Europe under tribute—a tribute from which we are exonerated. The third, with one of the most gigantic powers that the world ever saw. These struggles have not been without their sacrifices, nor without their lessons. They have created or rather greatly increased the public debt. They have taught, that to preserve the character we have established, preparation for war is necessary.

The public debt exists. However contracted, the faith of the nation is pledged for its redemption. It can only be paid by providing an excess of revenue beyond expenditure, or by retrenchment. Did gentlemen contend that the results of the report were inaccurate—that the proceeds of the revenue would be greater, or the public expences less than the estimate? On these subjects, Mr. C. said, he believed it would be presumption in him, when the defence of the report was in such able hands, (Mr. Lowndes) to attempt its vindication. Leaving the task to that gentleman, he should assume for the present its accuracy. He would lay down a general rule, from which there never ought to be a departure, without absolute necessity, that the expences of the year ought to be met by the revenue of the year. If in time of war it were impossible to observe this rule, we ought, in time of peace, to provide for as speedy a discharge of the debt contracted in the preceding war as possible. This can only be done by an effective sinking fund based upon an
excess of revenue beyond expenditure, and a protraction of the
period of peace.—If in England the sinking fund had not fulfilled
what was promised, it was because of a failure to provide such a
revenue, and because the interests of peace in that country had
been too few and too short. From the revolution to 1812, a period
of 124 years, there had been 63 years of war, and only 61 of peace;
and there had been contracted 638,129,577 £. of debt, and discharged
only 39,594,305 £. The national debt at the peace of Utrecht
amounted to 53,681,076 £. and during the peace which followed,
being 27 years, from 1714 to 1740, there was discharged only
7,231,503 £. When the operations of our sinking fund\(^{15}\) are con-
trasted with those of Great Britain, they would be found to present
the most gratifying results. Our public debt existing on the 1st of
January 1802, amounted to $78,754,568 70 cents, & on the 1st of
January, 1815, we had extinguished $33,873,463 98 cents. Thus in
13 years, one half the period of peace that followed the treaty of
Utrecht, we had discharged more public debt than Great Britain did
during that period. In 26 years she did not pay much more than a
seventh of her debt. In thirteen years we paid more than a third of
ours. If then, a public debt, contracted in a manner, he trusted,
satisfactory to the country, imposed upon us a duty to provide for
its payment; if we were encouraged, by past experience, to persevere
in the application of an effective sinking fund, he would again
repeat that the only alternatives were the adoption of a system of
taxation producing the revenue estimated by the committee of Ways
and Means, or by great retrenchment of the public expences.

In what respect can a reduction of the public expences be
effected? Gentlemen who assailed the report on this ground have,
by the indefinite nature of the attack, great advantage on their
side. Instead of contenting themselves with crying out retrenchment!
retrenchment! a theme always plausible, an object always proper,
when the public interest will admit of it, let them point the
attention of the house to some specified subject. If they really think
a reduction of the army and navy, or either of them, be proper, let
them lay a resolution upon the table to that effect. They had gen-
erally, it was true, singled out, in discussing this report (and he
had no objection to meet them in this way, though he thought the
other the fairest course) the military establishment. Mr. C. said
he was glad the navy had fought itself into favor, and that no one
appeared disposed to move its reduction or to oppose its gradual
augmentation. But the "standing army" is the great object of
gentlemen's apprehensions. And those who can bravely set at
defiance hobgoblins, the creatures of their own fertile imaginations,
are trembling for the liberties of the people endangered by a stand-
ing army of 10,000 men. Those who can courageously vote against
taxes are alarmed, for the safety of the constitution and the country, at such a force scattered over our extensive territory! This could not have been expected, at least in the honorable gentleman (Mr. Ross) who, if he had been storming a fort, could not have displayed more cool collected courage than he did, when he declared that he would shew to Pennsylvania, that she had one faithful representative, bold and independent enough to vote against a tax!

Mr. C. said he had happened, very incidentally the other day, and in a manner which he had supposed could not attract particular attention, to state that the general condition of the world admonished us to shape our measures with a view to the possible conflicts into which we might be drawn; and he said he did not know when he should cease to witness the attacks made upon him in consequence of that general remark, when he should cease to hear the cry of "standing army," "national glory," &c. &c. From the tenor of gentlemen's observations it would seem as if, for the first time in the history of this government, it was now proposed that a certain regular force should constitute a portion of the public defence. But from the administration of General Washington, down to this time, a regular force, a standing army (if gentlemen please) had existed, and the only question about it, at any time, had been what should be the amount. Gentlemen themselves, who most loudly decry this establishment, did not propose an entire disbandment of it; and the question, ever [sic] with them, is not whether a regular force be necessary, but whether a regular force of this or that amount be called for by the actual state of our affairs.

The question is not, on any side of the house, as to the nature but the quantum of the force. Mr. C. said he maintained the position, that, if there was the most profound peace that ever existed; if we had no fears from any quarter whatever; if all the world was in a state of the most profound and absolute repose, a regular force of ten thousand men was not too great for the purposes of this government. We knew too much, he said, of the vicissitudes of human affairs, and the uncertainty of all our calculations, not to know that even in the most profound tranquility, some tempest may suddenly arise, and bring us into a state requiring the exertion of military force, which cannot be created in a moment, but requires time for its collection, organization and discipline. When gentlemen talked of the force which was deemed sufficient some twenty years ago, what did they mean? That this force was not to be progressive? That the full grown man ought to wear the clothes and habits of his infancy? That the establishments maintained by this government, when its population amounted to four or five millions only, should be the standard by which our measures should be regulated in all subsequent states of the country? If gentlemen meant this,
as it seemed to him they did, Mr. C. said he and they should not agree. He contended that establishments ought to be commensurate with the actual state of the country, should grow with its growth, and keep pace with its progress. Look at that map (said he, pointing to the large Map of the United States which hangs in the Hall of Representatives) at the vast extent of that country which stretches from the Lake of the Woods, in the northwest, to the Bay of Fundi, in the east. Look at the vast extent of our maritime coast; recollect we have Indians and powerful nations conterminous on the whole frontier; and that we know not at what moment the savage enemy or Great Britain herself may seek to make war with us. Ought the force of the country to be graduated by the scale of our exposure, or are we to be uninfluenced by the increase of our liability to war? Have we forgotten that the power of France, as a counterpoise to that of Great Britain, is annihilated—gone; never to rise again, I believe, under the weak, unhappy and imbecile race who now sway her destinies? Any individual must, I think, come to the same conclusion with myself, who takes these considerations into view, and reflects on our growth, the state of our defence, the situation of the nations of the world, and above all, of that nation with whom we are most likely to come into collision—for it is in vain to conceal it; this country must have many a hard and desperate tug with Great Britain, let the two governments be administered how and by whom they may.—That man must be blind to the indications of the future, who cannot see that we are destined to have war after war with Great Britain, until, if one of the two nations be not crushed, all grounds of collision shall have ceased between us. I repeat, said Mr. C. if the condition of France were that of perfect repose, instead of that of a volcano ready to burst out again with a desolating eruption; if with Spain our differences were settled; if the dreadful war raging in South America were terminated; if the marines of all the powers of Europe were resuscitated as they stood prior to the revolution of France; if there was universal repose, and profound tranquility among all the nations of the earth, considering the actual growth of our country, in his judgment, the force of ten thousand men would not be too great for its exigencies. Do gentlemen ask if I rely on the regular force entirely for the defence of the country? I answer, it is for garrisoning and keeping in order our fortifications, for the preservation of the national arms, for something like a safe depository of military science and skill, to which we may recur in time of danger, that I desire to maintain an adequate regular force. I know, that in the hour of peril, our great reliance must be on the whole physical force of the country, & that no detachment of it can be exclusively depended on. History proves that no nation, not destitute of the military art, whose people were united in its
defence, ever was conquered. It is true that in countries where standing armies have been entirely relied on, the armies have been subdued, and the subjugation of the nation has been the consequence of it; but no example is to be found of a united people being conquered who possessed an adequate degree of military knowledge. Look at the Grecian Republics struggling successfully against the overwhelming force of Persia; look more recently at Spain. I have great confidence in the militia, and I would go with my honorable colleague, (Mr. M'Kee) whose views I know are honest, hand in hand, in arming, disciplining and rendering effective the militia—I am for providing the nation with every possible means of resistance. I ask my honorable colleague, after I have gone thus far with him, to go a step farther with me, and let us retain the force we now have for the purposes I have already described. I ask gentlemen who propose to reduce the army, if they have examined in detail the number and extent of the posts and garrisons on our maritime and interior frontier? If they have not gone through this process of reasoning, how shall we arrive at the result that we can reduce the army with safety? There is not one of our forts adequately garrisoned at this moment; and there is nearly one-fourth of them that have not one solitary man. I said the other day, that I would rather vote for the augmentation than the reduction of the army. When returning to my country from its foreign service, and looking at this question, it appeared to me that the maximum was 20,000, the minimum 10,000 of the force we ought to retain. And I again say, that rather than reduce I would vote to increase the present force.

A standing army, Mr. C. said, had been deemed necessary from the commencement of the government to the present time. The question was only as to the quantum of force; and not whether it should exist. No man who regards his political reputation would place himself before the people on a proposition for its absolute disbandment. He admitted a question as to quantum might be carried so far as to rise into a question of principle. If we were to propose to retain an army of thirty or forty or fifty thousand men, then truly the question would present itself, whether our rights were not in some danger from such a standing army, whether reliance was to be placed altogether on a standing army or on that natural safe defence which, according to the habits of the country and the principles of our government, is considered the bulwark of our liberties. But between five and ten thousand men, or any number under ten thousand, it could not be a question of principle: for, unless gentlemen were afraid of spectres, it was utterly impossible that any danger could be apprehended from ten thousand men, dispersed on a frontier of many thousand miles—here twenty or thirty, there an hundred, and the largest amount, at Detroit, not exceeding
a thin regiment. And, yet, brave gentlemen—gentlemen who are not alarmed at hobgoblins—who can intrepidly vote even against taxes, are alarmed by a force of this extent! What, he asked, was the amount of the army in the time of Mr. Jefferson, a time, the orthodoxy of which had been so ostentatiously proclaimed? It was true, when that gentleman came into power, it was with a determination to retrench as far as practicable. Under the full influence of these notions, in 1802, the bold step of wholly disbanding the army, never was thought of. The military peace establishment was then fixed at about four thousand men. But, before Mr. Jefferson went out of power, what was done—that is, in April 1808? In addition to the then existing peace establishment, eight regiments, amounting to between five and six thousand men, were authorised, making a total force precisely equal to the present peace establishment. It was true that all this force had never been actually enlisted and embodied; that the recruiting service had been suspended; and that at the commencement of the war we had far from this number: and, Mr. C. said, we have not now actually ten thousand men, being at least two thousand deficient of that number. Mr. C. adverted to what had been said on this and other occasions of Mr. Jefferson's not having seized the favorable moment for war which was afforded by the attack on the Chesapeake. He had always entertained the opinion, he said, that Mr. Jefferson on that occasion took the correct, manly and frank course, in saying to the British government—your officers have done this—it is an enormous aggression—do you approve the act, do you make it your cause or not? That government did not sanction the act; it disclaimed it, and promptly too—and, although they for a long time withheld the due redress, it was ultimately tendered. If Mr. Jefferson had used his power to carry the country into a war at that period, it might have been supported by public opinion during the moment of fever, but it would soon abate and the people would begin to ask, why this war had been made without understanding whether the British government avowed the conduct of its officers, &c. If the threatening aspect of our relations with England had entered into the consideration which had caused the increase of the army at that time, Mr. C. said, there were considerations equally strong at this time, with our augmented population, for retaining our present force. If, however, there were no threatenings from any quarter, if the relative force of European nations, and the general balance of power existing before the French revolution were restored; if South America had not made the attempt, in which he trusted in God she would succeed, to achieve her independence; if our affairs with Spain were settled, he would repeat, that ten thousand men would not be too great a force for the necessities of the country, and with a view to future emergencies.
He had taken the liberty the other day to make some observations which he might now repeat as furnishing auxiliary considerations for adopting a course of prudence and precaution. He had then said, that our affairs with Spain were not settled, &c. that the Spanish minister was reported to have made some inadmissible demands of our government. The fact turned out, Mr. C. said, as he had presented it. It appeared that what was then rumor was now fact; and Spain had taken the ground not only that there must be a discussion of our title to that part of Louisiana formerly called West-Florida (which it might be doubted whether it ought to take place) but had required that we must surrender the territory first and discuss the right to it afterwards. Besides this unsettled state of our relations with Spain, he said, there were other rumors—and he wished to God we had the same means of ascertaining their correctness, as we had found of ascertaining the truth of the rumor just noticed—it was rumored that the Spanish province of Florida had been ceded, with all her pretensions, to Great Britain. Would gentlemen tell him, then, that this was a time when any statesman would pursue the hazardous policy of disarming entirely—of quietly smoking our pipes by our firesides, regardless of impending danger? It might be a palatable doctrine to some, but he was persuaded was condemned by the rules of conduct in private life, by those maxims of sound precaution by which individuals would regulate their private affairs. Mr. C. said, he did not here mean to take up the question in relation to South-America. Still it was impossible not to see that, in the progress of things, we might be called on to decide the question whether we would or would not lend them our aid. This opinion he boldly declared—and he entertained it, not in any pursuit of vain glory, but from a deliberate conviction of its being conformable to the best interests of the country—that, having a proper understanding with foreign powers—that understanding which prudence and a just precaution recommended—it would undoubtedly be good policy to take part with the patriots of South America. He believed it could be shewn that, on the strictest principles of public law, we have a right to take part with them, that it is our interest to take part with them, and that our interposition in their favor would be effectual. But he confessed, with infinite regret, that he saw a supineness on this interesting subject throughout our country, which left him almost without hope, that what he believed the correct policy of the country would be pursued. He considered the release of any part of America from the dominions of the old world, as adding to the general security of the new—He could not contemplate the exertions of the people of South-America, without wishing that they might triumph and nobly triumph. He believed the cause of humanity would be promoted by the inter-
position of any foreign power which should terminate the contest between the friends and enemies of independence in that quarter, for a more bloody and cruel war never had been carried on since the days of Adam than that which is now raging in South America—in which not the least regard is paid to the laws of war, to the rights of capitulation, to the rights of prisoners, nor even to the rights of kindred. I do not, said Mr. C. offer these views expecting to influence the opinions of others: they are opinions of my own. But, on the question of general policy, whether or not we shall interfere in the war in South America, it may turn out that, whether we will or will not choose to interfere in their behalf, we shall be drawn into the contest in the course of its progress. Among other demands by the minister of Spain, is the exclusion of the flag of Buenos Ayres and other parts of South America from our ports. Our government has taken a ground on this subject, of which I think no gentleman can disapprove—that all parties shall be admitted and hospitably treated in our ports, provided they conform to our laws while amongst us. What course Spain may take upon the subject, it was impossible now to say. Although I would not urge this as an argument for increasing our force, said Mr. C. I would place it among those considerations which ought to have weight with every enlightened mind in determining upon the propriety of its reduction. It is asserted that Great Britain has strengthened and is strengthening herself in the provinces adjoining us. Is this a moment when in prudence we ought to disarm? No, sir. Preserve your existing force. It would be extreme indiscretion to lessen it.

Mr. C. here made some observations to show that a reduction of the army to from four to five thousand men, as had been suggested, would not occasion such a diminution of expense as to authorize the rejection of the report, or any essential alteration in the amount of revenue, which the system proposes to raise from internal taxes, and his colleague (Mr. M'Kee) appeared equally hostile to all of them. Having, however, shown that we cannot in safety reduce the army, Mr. C. would leave the details of the report in the abler hands of the honorable chairman, (Mr. Lowndes) who, he had no doubt, could demonstrate, that with all the retrenchments which had been recommended, the government would be bankrupt in less than three years, if most of these taxes were not continued. He would now hasten to that conclusion, at which the committee could not regret more than he did, that he had not long since arrived.

As to the attitude in which this country should be placed, the duty of Congress could not be mistaken. My policy is to preserve the present force, naval and military; to provide for the augmentation of the navy; and if the danger of war should increase, to increase the army also. Arm the militia, and give it the most
effective character of which it is susceptible. Provide in the most ample manner, and place in proper depots, all the munitions and instruments of war. Fortify and strengthen the weak and vulnerable points indicated by experience. Construct military roads and canals—particularly from the Miami of the Ohio to the Miami of Erie; from the Sciota to the Bay of Sandusky; from the Hudson to Ontario; that the facilities of transportation may exist of the men and means of the country to points where they may be wanted. I would employ on this object a part of the army; which should also be employed on our line of frontier, territorial and maritime, in strengthening the works of defence. I would provide steambatteries for the Mississippi, for Borgne and Ponchartrain [sic], and for the Chesapeake, and for any part of the north or east where they might be beneficially employed. In short, said Mr. C. I would act, seriously, effectively act, on the principle that in peace we ought to prepare for war; for I repeat, again and again, that in spite of all the prudence exerted by the government, and the forbearance of others, the hour of trial will come. These halcyon days of peace, this calm will yield to the storm of war, and when that comes, I am for being prepared to breast it. Has not the government been reproached for the want of preparation at the commencement of the late war? And yet the same gentlemen who utter these reproaches, instead of taking counsel from experience, would leave the country in an unprepared condition.

He would as earnestly commence the great work, too long delayed, of internal improvement. He desired to see a chain of turnpike roads and canals from Passamaquoddy to New Orleans; and other similar roads intersecting the mountains, to facilitate intercourse between all parts of the country, and to bind and connect us together. He would also effectually protect our manufactories. We had given at least an implied pledge to do so, by the course of administration. He would afford them protection, not so much for the sake of the manufacturers themselves, as for the general interest. We should thus have our wants supplied when foreign resources are cut off; and we should also lay the basis of a system of taxation, to be resorted to when the revenue from imports is stopt by war. Such, Mr. Chairman, is a rapid sketch of the policy which it seems to me it becomes us to pursue. It is for you now to decide, whether we shall draw wisdom from the past, or neglecting the lessons of recent experience, we shall go on headlong without foresight, meriting and receiving the reproaches of the community. I trust, sir, notwithstanding the unpromising appearances sometimes presenting themselves, during the present session, we shall yet do our duty. I appeal to the friends around me—with whom I have been associated for years in public life—who nobly, manfully vindicated
the national character by a war, waged by a young people, unskilled in arms, single handed, against a veteran power; a war which the nation has emerged from, covered with laurels; let us now do something to ameliorate the internal condition of the country; let us shew that objects of domestic no less than those of foreign policy receive our attention; let us fulfil the just expectations of the public, whose eyes are anxiously directed towards this session of Congress; let us, by a liberal and enlightened policy, entitle ourselves, upon our return home, to that best of all rewards, the grateful exclamation, “Well done thou good and faithful servant.”

Washington National Intelligencer, March 21, 1816. Published also in Lexington Kentucky Gazette, April 8, 1816; Lexington Reporter, April 10, 1816; Annals of Cong., 14 Cong., 1 Sess., XXIX, 776-92; Mallory, Life and Speeches of the Hon. Henry Clay, 1, 324-41; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 88-99.

On January 24 (see above), immediately after Clay’s motion had been adopted, Benjamin Hardin had offered another amendment designed to repeal the direct tax altogether. John Randolph had supported this proposal in a speech running from January 25-27. On Monday, January 29, the House in Committee of the Whole had again taken up Hardin’s amendment, which had been supported by Samuel McKee and Albion K. Parris (Massachusetts). Clay followed the latter speaker.

1 Randolph on January 20, stating his opposition to a standing army, had said that Clay “had been near the field of Waterloo . . . [and] he was afraid, the gentleman had caught the infection: that he had snuffed the carnage—and when a man once catches that infection, like that of ambition or avarice, whether taken in the natural way or by inoculation, the consequences are permanent.” Annals of Cong., 14 Cong., 1 Sess., XXIX, 728. Referring also to a standing army, Hardin on January 24 had asked if Clay “had snuffed the tainted gales from the plains of Waterloo, and was disposed to fight and to negotiate with every nation?”

2 Randolph’s speech was not recorded. The saying, “Bought wit is best,” appears in numerous sources dating from the sixteenth through the eighteenth centuries.

3 Cf. above, I, 867, note.


5 Letter not found.

6 Probably a reference to the remarks by Alexander Baring in the British House of Commons, on April 11, 1815, when he had attacked the British negotiators for refusing to listen to the American proposals on impressment, allowing "the matter to remain on a footing decidedly worse than any other in which it could have been placed." Goulburn in the same debate had replied that the subjects of impressment, blockade, and Orders in Council had not been brought into the treaty because to have admitted their being called into discussion in a convention with any power would have meant an abandonment of the British position. T. C. Hansard (comp.), The Parliamentary Debates from the Year 1803 to the Present Time, XXX (March 16-May 1, 1815), 515, 516, 519-20.

7 Generals Andrew Jackson and Jacob J. Brown.

8 Winfield Scott’s conduct during the action in July, 1814, particularly in the Battle of Lundy’s Lane, had made him a national hero. He had been brevetted a major-general, Congress had voted him a medal, and the states of Virginia and New York each had presented him with a sword.

9 During the debates on January 20 and 24, Hardin had questioned the meaning of “national glory.”

10 Isaac Hull, nephew of General William Hull, had achieved fame when the Constitution, under his command, had defeated and captured the British naval vessel, the Guerriere, August 19, 1812.

11 James Lawrence, former captain of the Hornet, had been killed in June, 1813, when his vessel, the Chesapeake, had lost a naval battle to the Shannon.

12 Oliver H. Perry.

13 After signing the treaty with Algiers, Commodore Decatur had forced payment from Tunis and Tripoli for damage done to American vessels during the past several years. In addition he had freed two Danish boys and a family of Sicilians from captivity by the Tripolitans.

14 William Lowndes.
To John Mason

Dr Sir

A young man recommended to me as possessing much merit is desirous of the appointt. of Factor or Indian Agent in the Indian Department. As I believe all such appointments pass through your office will you do me the favor to inform me if there are any vacancies, and of what probable value? Faithfly Yrs. H. CLAY

ALS. NjP-André de Coppet Collection. Addressed to Mason at Georgetown, D. C. Mason was Superintendent of Indian Affairs.

Agreement with John Hart

[January 29, 1816]

An agreement between John Hart & Henry Clay, entered into this 29th Jan. 1816.

The said John Hart & Henry Clay have this day agreed to form a mercantile company under the firm of John Hart & Co, for the purchase of merchandise and the sale thereof in Kentucky, for the term of three years.

The said Clay agrees, towards supplying a capital for the said firm, to advance the sum of twenty thousand dollars; and for all such parts thereof as he may not advance, an interest account shall be opened, an [sic] he shall be charged therewith. The interest upon the said capital is set in opposition to the personal services of the said Hart, so that the said Clay shall not draw from the capital or profits of the said firm any thing for interest upon the said sum of twenty thousand dollars, nor the said John Hart any thing for his services. It is agreed that the said John Hart shall give his time and attention to the management of the affairs of the said Company; and that the said Clay shall not be expected to render either.

All the personal expences of the said Hart in travelling to the
Eastern Cities, or elsewhere in attending to the business of the firm, are to be allowed him and charged to the firm. witness our seals

Teste                  JNO. HART. {L.s.}

{L.s.}

[Endorsement on attached sheet]¹

Received of Henry Clay, on account of the foregoing agreement, seven thousand and thirty two dollars, 40 Cents. February 10, 1816.

JN. HART & CO.

ADS. KyLxT.

¹ AES.

To William H. Crawford


I mentioned to you, incidentally, last night the case of Majr. Graves.¹ Will you do me the favor to read the inclosed letter, in relation to that unfortunate officer?² I approve of the plan of sending a messenger, among the Indians, charged with enquiries concerning him and other captives in like situation. We redeem, with high ransoms, from bondage our Countrymen in the hands of the Barbary powers. It is right that we should do so. But is not the obligation equally strong to recover those brave and patriotic men, who have been led away into remote regions, by a foe not less barbarous?

I am confident of the exerti[...]³ powers, in the mode indicated, if you have [...] If you have not authority, I pray you to lay this letter, with its inclosure, before the President, who I am persuaded will see that the cause of humanity and justice will be advanced by the deputing the proposed agent.⁴

Mr. Dudley is well calculated for the mission. He is a man of enterprize and bravery, the brother in law of Majr. Graves, and actuated, I assure you, by no pecuniary considerations, in the tender of his services. I am, with great respect, Yr. obt. Servt.

The Honble Mr. Crawford.

H. CLAY

ALS. DNA, RG107, Letters Received, (9), C-29. ¹ Benjamin Graves.

² Above, Jephthah Dudley to Clay, January 18, 1816.

³ MS. torn; several words missing.

⁴ Through the office of the Secretary of State an inquiry was addressed to Sir Charles Bagot, British Minister to the United States. On August 24, 1817, Sir John C. Sherbrooke, Governor-General of Canada, reported to Bagot that full investigation revealed no Americans held captive among the Indians in Canada. Washington National Intelligencer, October 20, 1817, reprinting correspondence from Georgetown, Ky., Patriot.

To James Monroe

Sir Washn. 2 Feb. 1816.

I would beg leave to suggest the propriety of “The Reporter,” published at Lexington (K) by W. W. Worsley being made a
vehicle of conveying intelligence of the Laws &c. of the U. States. That paper has, I am informed and believe, an extent of circulation equal to the aggregate circulation of the three prints in K. through which the laws are promulgated. It is I conceive in every respect one of the first if not the most respectable print in the Western Country. I have the honor to be Yr. obt. Servt.
The Honble Secy. of State.

H. CLAY


To [William H. Crawford]

Dr Sir Washn. 3 Feb 1816

Inclosed is another letter refering to the subject of persons, captives to the Indians. It is from Dr. Dudley, with whom I believe you are personally acquainted.¹

I had the honor of stating to you the other evening that there are several widows in K. and others who cherish the hope that their husbands and relatives may be yet in existence. One of those widows is in a state of mental derangement, attented [sic] by some intervals of sanity. If the mission, which I have respectfully suggested, produce no other effect, it will at least remove that painful uncertainty, more afflicting perhaps than the absolute knowledge that there was no longer any ground for hope. I have the honor to be Yr. obt. Servt.

H. CLAY

The Honble Secy of War.

ALS. DNA, RG107, Letters Received, (9), C-29.
¹ Above, Dudley to Clay, January 25, 1816.

To Martin D. Hardin

Dr Sir Washn. 5 Feb. 1816.

I recd. your favor of the 27th. Ulto. inclosing the adjourned case which I will file tomorrow.¹ A full Court attended to day.

I think your Bank has done wisely in exposing the state of its affairs.² Its great solidity is fully demonstrated, and the effect will be to increase rather than diminish the public confidence. I think you are wrong in opposing an independent Bank at Louisville or indeed any where else.³ If I owned stock in your institution, I should desire the establishment of other institutions. You will come to this at last, but perhaps not until you have spread your branches to a most inconvenient & unprofitable extent, if you have not done
that already. Give them the Bank they ask for at Louisville, withdraw your branch there, and add its Capital to that of Lexington. Do the same with some of your other branches, and you will immediately feel the benefit in the augmentation of your dividends. You cannot keep the monopoly in your own hands, & you ought not to desire it. It would make you the object of general attack, and you would have to prostrate the institution to conciliate, what in spite of all your exertions you would not be able permanently to keep, the public regard. I have no news.

Yrs H. Clay

ALS. ICHi. Addressed to Hardin at Frankfort. ¹ Not found.

² A financial statement of the Bank of Kentucky, including its branches, had been published in Frankfort and Lexington newspapers in January, 1816.

³ Proponents of independent banks introduced two measures in the Kentucky legislature during the session of 1815-1816: first, to establish “The Farmer’s Bank of Kentucky,” to be located at Louisville; second, to establish unnamed banks at Louisville and Lexington, to be based on specie capital. Though both measures passed the House of Representatives, neither was reported out of the Senate. Ky. H. of Reps., Journal, 1815-1816, pp. 189, 243, 245, 263-66, 290-92; Lexington Reporter, February 14, 1816.

To Peter Buell Porter

Washn. 10h. Feb. 1816.

You will have seen that Mr. R. has called in question your recent appointment; and that the H. of R. has granted an enquiry into the subject.¹ I do not believe that a dozen members really entertain any doubt about the perfect Constitutionality of your appointment. The motive, which operated with a number of the gentlemen, who voted for the enquiry, was to avoid the imputation of suppressing investigation; and I think it very probable that the decision was less agreeable to the mover than would have been a rejection of his proposition.

AL. NBuHi. Addressed to Porter at Albany, New York, where he was serving briefly as Secretary of State. A native of Connecticut, where he had been graduated from Yale University and had studied law at Litchfield, Porter in 1795 had moved to western New York, first settling in Ontario County and finally at Buffalo (in 1810). From 1809 to 1813 he had been a member of Congress and a War Hawk. During the War of 1812 he had earned a creditable record in battle and had been awarded a commission as major-general of militia and a gold medal, voted to him by Congress. Elected again to Congress in 1814, he had resigned in January, 1816, to accept appointment as United States Commissioner under the Treaty of Ghent, to survey the international boundary from the St. Lawrence River to the Lake of the Woods.

¹ On February 9 John Randolph had moved the establishment of a committee to inquire whether Porter’s acceptance of the appointment as Commissioner was a violation of Section 6, Article I, of the United States Constitution. After some debate the motion had carried, and a committee had been appointed. Annals of Cong., 14 Cong., 1 Sess., XXIX, 917, 940-48. No further record of the matter has been found.

Account with John Hart and Company

[ca. February 10, 1816]

Account of money recd. of H. Clay by Jn. Hart & Co., which is credited on the back of their agreement of 29th Jany. 1816.
**February 11, 1816**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Jany</td>
<td>Paid for a horse</td>
<td>$80.00</td>
</tr>
<tr>
<td></td>
<td>Recd. of E W Craig &amp; Co(^1) for J. Hs note Payable in Phila. by Mr. Clay 45 a/d</td>
<td>500.00</td>
</tr>
<tr>
<td></td>
<td>Recd. the balance of Mr. C.s a/c in the Ky. In Office</td>
<td>9.83</td>
</tr>
<tr>
<td>28</td>
<td>Recd. in New York notes</td>
<td>25.00</td>
</tr>
<tr>
<td></td>
<td>Recd a dft on the Manhattan Co.(^2) New York</td>
<td>1767.94</td>
</tr>
<tr>
<td>30</td>
<td>Recd. prem. on 20$ N. Y. notes exchanged in Balto</td>
<td>1.00</td>
</tr>
<tr>
<td>4 Feb.</td>
<td>Recd. 5¼ pr. ct. prem. on the dft on New York</td>
<td>92.81</td>
</tr>
<tr>
<td>5</td>
<td>Recd. in treasury notes $500</td>
<td>500.00</td>
</tr>
<tr>
<td></td>
<td>Recd. thereon 4½ pr. ct prem.</td>
<td>22.50</td>
</tr>
<tr>
<td>10</td>
<td>Recd. the nett proceeds of Mr. Clay’s note for $5000 this day discounted at the Bank of Pa. at 90 d/d</td>
<td>4921.67</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7920.75</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Jan.</td>
<td>Paid out of the 500 $ recd. on the note to Craig, $245 to my mother(^3), as pr. rect. to Mr. Clay, filed with his papers</td>
<td>245.00</td>
</tr>
<tr>
<td>4 Jan.</td>
<td>Paid John Fisher’s act. against Mr. Clay out of the same</td>
<td>143.35</td>
</tr>
<tr>
<td>8</td>
<td>Paid the note to E W. Craig &amp; Co</td>
<td>500.00</td>
</tr>
</tbody>
</table>

Amt received ........................................... $7920.75
Receipted for on our agreement .............. $7032.40

**JN. Hart & Co.**

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\(^1\) Elijah W. Craig, son of Joseph, was at this time a partner with Abraham S. Barton in the Lexington mercantile firm, Barton and Craig. An astute businessman, he eventually accumulated a sizable fortune from lending money and discounting notes.

\(^2\) A bank which had been chartered in 1799 by the State of New York, after successful legislative maneuvering on the part of Aaron Burr, ostensibly for the purpose of providing New York City with a waterworks system. In 1808 the company had been permitted to sell the waterworks and continue solely as a banking institution. Nathan Schachner, *Aaron Burr, A Biography* (New York, 1937), 160-64.

\(^3\) Susannah Hart.

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**From John Elihu Hall**

Sir Philada. 11th. Feb. 1816

I have the honour to enclose a proof sheet of an engraving from a portrait\(^4\) which had been put into the hands of an artist (Gimbredes of New York)\(^2\) before I became the Editor of the Port Folio. It is proposed to introduce it as one of the embellishments of that Journal.

From a very casual glance at the original which I had some years ago, I am induced to believe that this likeness does not possess the merit of fidelity—& I feel, therefore, some unwillingness to make use of it, before it has been submitted to your inspection. In justice
to the artist I should add that he assures me, the roughness which is now so apparent, will disappear after a few impressions have been taken.

This letter, being dictated by a desire to consult your wishes on this subject, I am sure no apology will be necessary, for the trouble I give you. I am, Sir, Yr. obt. Servt. J. E. HALL

ALS. DLC-TJC (DNA, M212, R10). Addressed to Clay at Washington. Hall, a lawyer, author, publisher, and editor, had lately returned from Baltimore to Philadelphia, his native city, to edit the Port Folio. 1 Artist unidentified.

2 Thomas Gimbrede, who had come to the United States from France in 1802 as a painter of miniatures, was a successful engraver of portraits. From 1819 until his death in 1832 he served as drawing master at the United States Military Academy. Mantle Fielding, Dictionary of American Painters, Sculptors and Engravers (Philadelphia, n.d.), 139. The proof sheet accompanies this letter.

From Baring Brothers and Company

Sir London—15 February 1816

Your much esteemed favors of the 13th. July from Liverpool, and 1st. September from New York, were duly received, and the Drafts therein advised of.1

£158. - - in favor of Maurey & Latham 2

201. - - ac of Thos. R. Hazard 3

have been discharged to the debit of your Account; extract of which to the 31st. of December last you will please to receive inclosed, showing a balance in your favor of £ 3..19..=, which on examination we trust will be found correct.

We have the honor to be with great regard & Sir Your most obedient & very humble servts

BARING BROTHERS & CO

The Honble. Henry Clay &c &c &c Washington

J.L. DLC-HC (DNA, M212, R1). Postmarked at Baltimore, April 22; stamped "ship." 1 Letters not found. 2 Merchants of Liverpool, where James Maury was at this time American consul. 3 Probably of London, correspondent of Jacob Barker.

Remarks on Bill for Relief of Canadian Volunteers

[February 16, 1816]

Cited in Washington National Intelligencer, February 17, 1816; Lexington Reporter, March 6, 1816. In Committee of the Whole Clay, among others, spoke "with much zeal" (the remarks not recorded), in favor of a bill for the relief of Canadian volunteers in the American service during the War of 1812. See below, Remarks, February 19, 1816.

Bill of Exchange Drawn by George M. Bibb


At thirty days sight, please to pay, on this my first of exchange,
(second of same tenor & date unpaid) to the order of Gray, Bacon & Arnold to two hundred dollars for value received, & place the same to the account of your friend Geo: M. BIBB
Honble, Henry Clay Washington City
[Endorsement on verso]

Accepted Washington March 8h. 1816 H. CLAY.

ADS. DLC-TJC (DNA, M212, R10). Endorsed on verso by Gray, Bacon, and Arnold and by Simon Gratz and Brothers; assigned by Thomas Wilson, Cashier of the Schuylkill Bank, Philadelphia, to C. T. Chapman, Cashier of the Union Bank of Alexandria, and by the latter to Samuel Elliot, Jr.

1 Not identified. 2 AES, following endorsements described above.

From James Morrison

Sir Wash. City Febr'y 17th. 1816

The magnitude of the claim which the late Lessees have for Improvements, other than those valued when the present Lessee John Bates was put in possession of that property: the Saline—induces me on behalf of all concerned, to ask your aid.—My application is to you ostensibly, as an attorney to Obtain your opinion—Should this however be favorable, it does not follow that the Sec'y of the Treasury would either make payment; or direct the present Lessee to do it—I want therefore not only your aid as Counsel—but I want & wish you to take upon yourself the direction and management of the claim precisely as tho' it were your own—and as a Compensation shall on behalf of myself and those concerned, authorize you to retain five hundred dollars at least—

I cannot for a moment doubt the Justness of our claim—but I would consider a Suspension, or reference to Govr. Edwards equals [sic] to a rejection of it—

From the best information I have obtained, the improvements cost the Company more than the Sum stated in our account—We then only ask remuneration for disbursements made long since; and which the Government by the present Lessee is in the possession of—

I need not attempt arguments to prove that under the Lease's we are entitled to payment for all valuable & useful improvements. A perusal of those instruments will I have no doubt satisfy you on this head—

It may not be improper to state that no Officer of the Governt. has decided on our claim—The papers exhibiting the amt. claimed, were forwarded by Col. Butler to me last winter—and lodged with Mr. Meigs of the land office, from whom I withdrew them lately—and obtained the Original Contracts or Lease's from the Comssr., with the avowed object of obtaining your Opinion.

The reason why we did not object formally to the instruction's given by Govr. Edwards to exclude exclude [sic] certain Improve-
ments was owing to accident.—Mr. Wilkins\(^6\) set out from Lexington to be at the Saline when the New Lease was to be taken: but unfortunately both himself and servant were taken with the Epidemic which prevail’d at that period in our state—the latter died—and Wilkins returned without going to the Saline—

The conduct of Govr. Edwards has been thought to be partial and unjust toward the late Lessees—

Permit me to conclude my remarks (which are more prolix than I at first intended:)—by again stating that I submit the entire management of our claim to you—whatever you advise shall be done—Some address may be necessary—you have that address; and with it Influence:—and above all a Just cause:—labour then to gain the end we have in view, and you shall have no cause to be dissatisfied with the sum you will receive as the price of your services.—I have the honor to be Sir very sincerely, your friend

JAMES MORRISON

for late Lessees, U S. Saline

P.S. There are some letters sent other than those numbered\(^6\)—You will Judge whether they ought to be exhibited

The Honl. H. Clay—

ALS. KyLxT.

\(^1\) The United States (or Wabash) Saline, leased to Bates on March 17, 1814, had previously been leased (on February 5, 1810) to a company composed of Morrison, Jonathan Taylor, and Charles Wilkins, whose claim for the value of kettles left at the salt works was not satisfied until enactment of special legislation in 1830. See below, Petition, January 4, 1830, and note.

\(^2\) Bates also operated salt works on Goose Creek in Clay County, Kentucky.

\(^3\) Ninian Edwards, who as Governor of Illinois Territory had served as agent of the Federal Government in leasing the Saline.

\(^4\) Probably Anthony Butler, a native of South Carolina, since 1807 a resident of Russellville, Logan County, Kentucky, where he practiced law and was president of the local branch of the Bank of Kentucky. In 1813 he had been appointed a lieutenant-colonel in the United States Army and in the next year had been promoted to a colonelcy. Later he was a member of the State legislature (1818-1819) and an unsuccessful candidate for governor (1820). He then moved to Mississippi and from 1829 to 1835 served as United States Minister to Mexico.

\(^5\) Josiah Meigs, a Connecticut lawyer, editor, and teacher (for a time professor of mathematics at the University of Georgia); Surveyor General of the United States, 1812-1814; Commissioner of the General Land Office, 1814-1822. He was an uncle of Return Jonathan Meigs.

\(^6\) Charles Wilkins.  

To John E. Hall

Washn. 19h. Feb. 1816

I have to acknowledge the favor of your letter of the 11h. instant, transmitting a proof sheet of an engraving from a portrait intended for me. I am sensible of the polite attention, on your part, in submitting it to my inspection.

One judges badly of every thing that concerns himself. I should therefore not venture to communicate to you the opinion, if it were not sanctioned by every friend to whom I have exhibited the
proof sheet, that it resembles any other person quite as well as the
original, and that it is rather a caricature than a likeness. It has
radical defects which I do not think that any subsequent impressions
would correct.

I am Sir with great respect Yr. obt. Servt. 

H. Clay

ALS. NHi. Addressed to Hall at Philadelphia.

Remarks on Bill for Relief of Canadian Volunteers

[February 19, 1816]

Cited in Washington National Intelligencer, February 20, 1816; Lexington
Reporter, March 6, 1816; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1030. Clay’s
remarks, not recorded, opposed a proposal to amend the bill so as to fix the bounty
in land proportionate to the rank held by the volunteer rather than graduated by
the amount of his losses in Canada. The amendment subsequently carried by a vote
of 77 to 49, and the bill was enacted March 5, 1816. 3 U. S. Stat., 256-57.

To [William H. Crawford]

Dr Sir

May I ask the favor of your attention to the inclosed letter? 1

The case complained of is this. The Militia were called into the
service for a term of six months. Prior to the expiration of that
term they engage in battle, are made prisoners, paroled, and reach
their homes. They are paid not for the full term, but for that
portion of it alone which elapses between their departure and their
return home. This abridgement of their pay results not from the
Law, under which they were called into the service, but a subsequent
act. 2 This is supposed not to be just. Were they not liable at any
time, within the term, to be exchanged and commanded into
service?

The inclosed letter is from a fine young fellow, the son of Govr.
Shelby. 3 Always Yrs. H CLAY

ALS. DNA, RG107, Letters Received, (9), C-55. 1 Not found.

2 Most of the survivors of “Dudley’s Defeat” in the engagement near Fort Meigs,
May 5, 1813 (above, I, 783n), had been captured by the British, confined briefly at
Malden, then paroled. Under legislation approved April 27, 1816, pay for the militia
under Dudley’s command was ordered to be rendered for the full enlistment period of
six months. 3 U. S. Stat., 310.

3 Probably James Shelby, who had been a major on Dudley’s staff.

To Benjamin W. Crowninshield

Sir

Capt. Geo. Stockton, 1 the bearer hereof, whom I beg leave to
introduce to you, informs me that he has some business to transact
at your office. I have great pleasure in saying of him, from a long
acquaintance, that he has my entire confidence in his integrity and veracity; and that I am persuaded you may safely rely upon him, in any respect, in which the exertion of those qualities may be necessary. I have the honor to be Sir with great respect Yr. obt. Servt.

H. Clay

Honble Mr Crowninshield

ALS. DNA, RG45, Misc. Letters Received, 1816, vol. 2, p. 64.

1 Of Fleming County; member of the Kentucky House of Representatives, 1806-1808; infantry captain, United States Army, 1813-1816.

Account with John Clark

Henry Clay

Lexington Feb 29th 1816

to John Clark .............. Dr

101 ft of Shevs @ 5 cts 90 Pigeon holes @ 6c .......... $ 57-55
2 uprights to Support Chimneys @ 7/6; 1 Rack 24/ ......... 6.50
2 Columns @ 18/- 91 ft. of Joice framed and floor @ 30/- ......... 12-00
93 ft Panels in Counter @ 14 cts 114 ft Counter top @ 8 cts ......... 22-14
21½ " Counter top Circular @ 24 cts 16 ft Circular Panel work @ 46 .......... [sic] 13-88
31½ ft wash board @ 61/4 cts 5½ circular wash board @ 18½ cts .......... 2-99
18 Counter frames @ 1/6 24 Drawer triming &c @ 4/6. 20 Lights sash @ 1/6 ........ 27-50
40½ ft Gothick Pilaster @ 16 cts 6 Rose Blocks @ 16 cts .......... 7-44
30 Rails @ 9d. 40½ ft. frame @ 9d. 2 windoor Sills 6/- ........ 10:811/4
24 ft Reeded Jambs @ 1/6 29 ft Plane Jambs @ 8 cts 8-32
55 " Sash and Door Lining @ 6 cts 21½ ft molding @ 3 cts .......... 3-941/2
4 Large butt hinges @ 15 cts 2 Barrs @ 1/6 .......... 1-10
4 Strap hinges @ 17 cts 2 out Side Barrs @ 1/6 .......... 1-18
26 ft Panel Shutters beed & flush & Lined @ 311/4 cts 8.121/2
1 Out Side Grate 9/- to altering 1 Grate 4/6 .......... 2.25
To Puting 1 Lintle ove [sic] front Door 6/ .......... 1-00
To moveing 1 Selor Door frame and Lintle .......... 1.00
To Puling down Stair Case Partition windoor frames &c. .......... 5-00
To Peasing out 1 harth ........................................ 1-75

$193-481/4

15 Pr Ct —

28.92

164:56
From John Hart

Dear Sir

Philad. Mar 3, 1816

I have recd. your letter of 20 feb. enclosing treasury notes for five hundred dollars, which I sold for a premium of 41½ per Cent, and according to your request, deposited 200$ of it in the Schuylkill Bank, to meet the dft drawn on you by John Watkins. The balance shall be entered to your credit in the books of the firm. I have completed my purchases, which amount to about 17000$, and the last of the goods left here the day before yesterday. I shall follow them tomorrow, & proceed directly home. There is some business of the estate which will require my attention on the 1st. of April and I am afraid if I were to go by Washington as I intended when I left you I might not get out in time. As I have purchased very sparingly of heavy articles the Carriage will be light—One thousand dollars will pay all charges to Lexington. This sum ought to be in Pittsburgh by the 13h. or 15h. inst, at which time my first waggon will arrive there. I understand that any kind of paper almost passes there. Kentucky paper about two weeks ago Commanded a premium of 2 pr. Cent—You will please to direct your letter to the Care of Allen & Grant to whom I have Consigned my goods. Thomas Hart has gone thro. Balto. and will take my horse on for me to Mc.Connells town. Your mirror frames are making—They will be superb, as you may suppose from the price—The four Cost one hundred and fifty dollars—Robert Leland has promised me to forward them to Pitts­burgh the moment they are finished—The other small articles you wrote for are on the road—The goods I have bought are generally very cheap & I feel confident of doing well with them—

very sincerely

Yours

JNO. HART.

P.S. I have sold Mr. Browns dft for a premium of 3 per cent, and enclose my note for the whole amount, towit, three thousand and ninety dollars, which you will please to hand to him.

J.H.


1 Not found.

2 Draft not found.

3 Of either Thomas Hart, Jr., or N. G. S. Hart.

4 Thomas P. Hart.

5 Not identified.

6 James Brown, serving in the Senate.

Remarks on National Bank Bill

[March 5, 1816]

Mr. Clay considered the arguments employed against this part of the bill as very strange. The evil complained of, he said, was that two hundred banks—that is, two hundred and sixty strong powers—
were in action without any possible control from Government, or any hope of being stopped except by indirect exertion. Was it proper that they should continue to be uncontrolled? And was it come to this, that the Government could not be trusted with the appointment of five officers, who had no salary? He insisted, that the proposed bank was a power over which Government ought to retain a salutary influence; not only that indirect influence which gentlemen were willing to allow it, but the direct influence imparted by the appointment of those five officers. It ought to have a direct active power, since, possessing one-fifth of the capital, there would always be a sum of from fifteen to twenty millions of its deposits continually in the coffers of the banks. And yet gentlemen said it would be better to place the appointment in the hands of individuals.1

Annals of Cong., 14 Cong., 1 Sess., XXIX, 1148-49. In Committee of the Whole on the national bank bill, the House was considering an amendment proposed by Timothy Pitkin of Connecticut to strike out the section giving the President, with the advice and consent of the Senate, power to appoint five of the directors.

1 William Gaston of North Carolina spoke in answer to Clay, upon which the latter replied (these remarks not recorded). Pitkin’s amendment was defeated.

Remarks on National Bank Bill

[March 7, 1816]

Mr. Clay (Speaker) agreed that the retention of the clause was unnecessary, and said that he would no more make a provision for the suspension of specie payments in a bank, than in forming a government he would provide for a revolution. Either case could arise but from an extraordinary convulsion not likely to occur, and which, if it ever did arise, would bring its own remedy time enough along with it. Providing for it according to Mr. Forsyth’s notion was not only unnecessary but would be pernicious—it would be like calling in a physician to a sick person, and mingling with his prescriptions materials to increase the disease. Were such a power ready at hand to be administered when necessity should require, the bank, whose interest it would be to suspend specie payments, would soon contrive to make that necessity. He therefore concurred in the amendment.1

Annals of Cong., 14 Cong., 1 Sess., XXIX, 1157-58. On the previous day, in Committee of the Whole on the national bank bill, Samuel Smith had “moved to strike out that part of the seventeenth section, which gives the President of the United States power, during the recess of Congress, on the application of the stockholders, to authorize the bank to suspend the payment of specie.” John C. Calhoun had proposed that Congress as well as the President be deprived of the power to suspend specie payments. John Forsyth of Georgia had opposed the latter amendment and John Randolph had supported it. On March 7 the debate was continued, and John Randolph, Daniel Webster (at this time a Representative from New Hampshire), and Clay, in turn, spoke in favor of Calhoun’s proposal.

1 After further debate the amendment carried by a large majority.
Remarks on Bill Increasing Compensation to Members of Congress

[March 7, 1816]

Mr. Clay took the opportunity afforded him by the committee of the whole, to yield his support to the bill, and at once to commit himself in its favor. As to the amendment to defer the commencement of its operation until the next Congress, he would remark, that, in his judgment, there was more propriety in the law ending than in beginning there. It was more respectful to our successors to leave them free to determine, what was the just measure of indemnity for their expenses, than for us to prescribe the rule for them. We can best judge for ourselves. With regard to the supposed indelicacy of our fixing upon our own compensations, let the constitution, let the necessity of the case be reproached for that, not us. Mr. C. said his own personal experience determined him in voting for the bill. He had attended Congress, sometimes without his family, and at others with a part of it; and although his compensation, whilst he had enjoyed the honor of presiding in this House, was double that of other members, he declared, with the utmost sincerity, that he had never been able to make both ends meet at the termination of Congress.

The honorable gentleman from South Carolina (Mr. Huger) tells us he was born to opulence. He ought to recollect, that few in this House have had the same good fortune. Would he reserve the seats here for the well born and the rich alone? And yet they must be confined to them, unless such an allowance is made as will enable the poor and the middling classes to come here. Mr. C. thought the rate of compensation ought to be such at least as that ruin should not attend a long service in this House. And yet how many are driven out of it by their inability to sustain the expenses and losses incident to the situation. This had been particularly the case from the state to which he had the honor of belonging. And he regretted to find, that this cause was still operating, and was about to deprive the House and the country of the valuable services of several of his colleagues. Mr. C. thought the compensation ought to effect more—it ought to guarantee the independence of the members of this House against the influence of the Executive branch. How was the fact in another country? There the members of the legislature received no stipend; and the consequence was, that it was filled with pensioners, placemen and the creatures of the ministry. The laborer is worthy of his hire, and if you do not give him the wages of honesty, it is to be apprehended the wages of corruption may, in process of time, come to be sought. He should give his most decided vote for the bill.
On the preceding day Richard M. Johnson of Kentucky, reporting for a drafting committee, had presented a bill to change the mode of compensation to members of Congress, so as to allow a gross sum of $1500 for each session instead of six dollars per diem. In support of the proposal Johnson had described it as affording a "trifling addition to the pay" of members. John Randolph, though himself preferring the measure as drafted, had suggested "as a quietus to over-tender consciences," that it be amended to suspend its operation until the meeting of the next Congress. The only lengthy speech in opposition to the bill had been presented by Benjamin Huger of South Carolina, who, while regretting that, in view of his personal fortune, his remarks "might not come with the best possible grace," nevertheless had severely criticized both the increase of pay, which he placed at "from 100 to 150 per cent.," and its "retrospective operation." To Randolph, who had argued that it was immoral "to oblige members to live, for the want of means, so many months separated from their families," Huger had replied that "the contemplated addition to the old per diem, would not enable gentlemen, who had not other and private means of their own, to bring their wives and children with them; nor did he believe that one additional family would spend their winter at Washington, in consequence of it. The only effect of this increased compensation would be that the expensive habits and inclinations of one portion of the members would be encouraged and excited, whilst others, who were more saving and economical, would carry heavier purses home with them."

1 Apparently an allusion to England.
2 Randolph's motion (re-offered by Richard Stanford of North Carolina after Randolph had withdrawn it) was rejected by a large majority; and when various proposals to change the rate of compensation had been similarly defeated, the bill passed the House with 81 ayes to 67 noes. It was enacted on March 19, 1816. 3 U. S. Stat., 257-58.

From Henry Goulburn

My dear Sir, Downing Street 8h. March 1816

I am really very much obliged to you for your letter of the 7th of January¹ which I received a short time since both because it has enabled me to relieve the anxiety which a friend of mine in this country Mr Harris² felt for the fate of the relation to whom it particularly relates and not less because it has assured me that though situated in so distant a quarter of the world I nevertheless bear a place in your recollection.

I had already learnt the death of Mr. Bayard³ before your letter reached me and although I could not but regret the event I was glad that he had at least the satisfaction of seeing his family before his death—

I have to congratulate you on your resumption of the arduous & honorable situation which you left in order to meet us at Ghent. I trust that this is an evidence that our joint work is approved in America. I assure you it is so in England and whatever may be said in the newspapers on either side of the Atlantic I have little doubt that it will continue to be approved by all rational persons. You seem by your papers to be fighting the same battle in America that we are fighting here namely that of putting peace establishments on a footing not unbecoming the growth of the population & the empire in which they are to be maintained—It is impossible that either country should feel any jealousy of the other so long as the augmenta-
tion does not exceed the necessity of the case and I have not heard an argument anywhere to prove that it does so exceed in either case. From all that I know I am sure I can take upon me to relieve the apprehensions which you seem to entertain of hostile movements on the part of this country in any quarter of the Globe. Newspapers will on subjects of this kind propagate any intelligence however false which is likely to excite an interest on the part of their readers but I am sure you will agree with me in thinking it the duty of every man to avoid giving the authority of his belief to any of the rumors which they so convert for their own purposes into facts.4

When you see Mr Gallatin5 may I beg you to present to him my best respects, and if at any time I can be of any service to you or to him in this country, I trust you will have no hesitation in commanding me for I can assure you that nothing could give me greater pleasure—Believe me My dear Sir, Yours most faithfully

H. Clay Esqre. &c &c &c

HENRY GOULBURN

ALS. DLC-HC (DNA, M212, R1). Published in Colton (ed.), *Private Correspondence of Henry Clay*, 51-52.

1 Not found. 2 Not identified. 3 James A. Bayard. 4 London newspapers had reported cession of the Floridas from Spain to England. Americans, hearing rumors that warships had arrived in Pensacola, questioned whether the British did not plan to occupy the region between Georgia and the Mississippi. See letter from a resident of Fort Stoddert (Mississippi Territory), dated January 8, 1816, in *Washington National Intelligencer*, February 12, 1816. 5 Albert Gallatin.

Speech on the National Bank Bill

[March 9, 1816]

Cited in *Washington National Intelligencer*, March 11, 1816, but not recorded. Cf. below, Speech, June 3, 1816. Following Clay's speech, a "desultory" debate on "one or two points" of his argument ensued among Clay, John Randolph, and John G. Jackson of Virginia, after which the bill was reported to the House. It passed that body on March 14 and, with some amendment after Senate consideration, was enacted on April 10. 3 *U. S. Stat.*, 266-77.

From Victor du Pont

The Honorable Henry Clay Speaker &a.—

Brandywine March 11th 1816.

We have been informed that the Committee of ways & means has reduced the tariff [sic] to 20 on Cloth & 25 on Cotton4 if it passes so, these two branches of industry are *ipso facto* destroyed never to rise again at least for 50 years2—

a french proverb says aux grands maux les grands remèdes and in our forlorn desperate situation we are convinced that nothing can save us, nothing can stem the torrent of mediocrity always falling in what is supposed to be a middle course, but the first talents and
the greatest influence, if you are so good as to follow the impulse of your patriotic heart and to break a spear or two in our defence probably you may keep the majority straight and we may yet be saved—

if the Committee of ways & means, mean to destroy the manufactures let him [sic] take the shortest way in the name of all the manufacturers on the Brandywine I protest against any extension of the old duty which is so evidently insufficient. let us die at one blow, honorably & without strugles, do not let us be poisoned or starved and those who do it willfully & knowingly have the credit of having administered remedy & food—

if the tariff passes as it is the probability is that the greatest part of the factories now existing will be destroyed in consequence of the immense efforts the british are making now in our ports to obtain that desirable end†—Congress do not pretend to know I suppose that a considerable number of british shops have been lately established who retail at 25 p% cheaper than the american mercht can import, they are certainly enabled to do so by the British government who pay for the difference—at Savannah [sic] & charleston a number of british vessels are offering to take the Cotton to england for ¼ pence when the price used to be 2 pence pr. lb and enter into contract that if the cotton do not clear itself in england, they will take no freight at all,—is it not plain that the object is to drain our factories from the raw material and that the British government is to pays [sic] for that freight,—

in any other country but this, such measures should be retaliated on, a sum of 3 or 4 millions should be raised to give bounties to the manufacturers or lend them money to enable them to weather the storm—But no—the same spirit of apathy to say nothing more which prevented the last congress to raise men during the war will prevent the present congress to insure the perfect independance of the country in saving their manufactures, and the worse of it is that it will not come altogether from the same side of the house—

a vessel arrived yesterday from Bordeaux has brought 26 manufacturers german & french Mr Chaptal & Counsellor Real⁴ are coming to this country, and bring with them 25 dyers & other workmen from the famous factory of the Gobelins⁵ at paris in the course of 2 or 3 months we shall be able to make in this country colours superior to the english and probably forced to emigrate to South america for there must be factories in this Continent and if the north wont have them the south will find it their interest to give them encouragement

there is no doubt that 20 p% will be more than enough⁶ after some⁷ years when the factories will be perfect well established & the tide of prejudice turned in their favor, but at present under their
present difficulties and the formidable opposition of British capital, British bounties, British habits, and British influence. Is even to ... little—

Excuse Sir this last & dying speech of a manufacturer those living on the Brandywine cannot in fact love & honor you more than they do already, but if you can save them. their gratitude will be equal to the importance of the deed—Respectfully Yrs V.D.P.—

[Marginal note]

†but some will survive and will extend & flourish when a regular trade is [. . .] again—.

ALI draft. PKsL. Du Pont, a native of Paris, had served in various diplomatic and consular posts in the United States and had moved to this country with his father, brother, and other relatives in 1798. His commission house, V. du Pont de Nemours and Company of New York, had failed in 1805, and he had engaged in an unsuccessful land venture. Soon afterwards he had become manager of the textile mills erected on the Brandywine River near Wilmington, Delaware, by the partnership of Eleuthère Irénée du Pont (his brother) and Peter Bauduy.

1 William Lowndes, from the Committee of Ways and Means, did not report the tariff bill to the House of Representatives until the following day, March 12. *Annals of Cong.,* 14 Cong., 1 Sess., XXIX, 1201.

2 Crossed out at this point: "or till congress is composed of a majority of more patriotic men—"

3 Preceding this word the following clause was deleted: “the arm of hercules [sic] is extended in our favor.”

4 Probably Jean Antoine Chaptal and Comte Pierre François Réal. The former, a noted chemist, had sympathized with the French Revolution, though disapproving its excesses and suffering a brief imprisonment, at one time; had held positions of importance under Napoleon until about 1804, when for several years he had fallen from favor; and on the return of Napoleon had again held high office. After the second restoration he was permitted to remain in France and enjoyed a distinguished career, mainly in scientific pursuits.

Réal, French lawyer, politician, and administrator, had also participated in the French Revolution and held office under the Directory. Napoleon had appointed him a member of the Council of State, charged with supervision of the police of the Empire, and during the Hundred Days, prefect of police. Condemned to exile in 1816, he resided for a time in New York before returning to France two years later.

5 The Gobelin family in the fifteenth century had established a dye works, to which in the next century was added the manufacture of tapestry. During the reign of Louis XIV the works had been purchased by Colbert for the king and, except for one brief span of years, had continued in operation until the French Revolution. Revived by the Bourbons upon their restoration to power, the establishment resumed the manufacture of tapestry and, several years later, began also to produce carpets.

6 Last 12 words interlined without deleting the clause: “the probability is that 20 p% will be enough.”

7 This word substituted for “few.”

8 Last three words interlineated over the phrase “is little enough,” but without deletion.

9 Word illegible.

From T[obias] L[ear]


Sir I have the honor to inclose you a Warrant issued by the Secy of War in advance, holding Capt Leslie Combs accountable on the Books of this Office for the amount due his Command agreeably to the Rolls exhibited, until he produces the Receipts of the persons on their representations [sic] for the amount due to each, You will be
pleased to estimate to him the Necessity of procuring & forwarding to
this Office the Necessary Vouchers for the distribution of the money
according to the Roll, which is inclosed for his Government
You will be pleased to sign the receipt for the Warrant & return it
to this Office, The Warrt directs itself for payment to The Treasury
U. S. I am &c T. L

Copy. DNA, RG217, First Auditor (War Department), Letters Sent, Letterbook 7, p. 126.
1 See below, Lear to Clay, March 12, 1816.

From T[obias] L[ear]
The Honl Henry Clay Speaker H. of R. March 12, 1816
Sir I have the honor to inform you in reply to your note of the
9h. Inst.1 that, the papers inclosed not being complete to authorize
a Settlement of the claim of Capt Combs2 detachmt. of Spies, I have
submitted the papers to the Sec. of War to decide whether a Warrant
shall issue for the amount, holding Capt Combs accountable for the
application of the money, by producing the Receipts of the persons
or their representatives, & will inform you of the result as soon as
received Very Respectfully Sir &c T. L.

Copy. DNA, RG217, First Auditor (War Department), Letters Sent, Letterbook 7, p. 124.
1 Not found. 2 Leslie Combs.

Remarks on Bill to Settle Land Claims in Mississippi Territory
[March 16, 1816]

Cited in Washington National Intelligencer, March 18, 1816; Annals of Cong., 14
Cong. 1 Sess., XXIX, 1221. The bill, proposing a method of "quieting and adjusting"
claims to land in the Mississippi Territory disputed between settlers under Spanish
grants and claimants under British patents, "produced a good deal of debate," in
which Clay advocated the measure (his remarks not recorded). Two days later, on
the question of engrossment for a third reading, the proposal was dropped.

Resolutions in Republican Caucus
[March 16, 1816]

Resolved, That it is inexpedient to make, in Caucus, any recom­
mendation to the good people of the United States, of persons, in
the judgment of this meeting, fit and suitable to fill the offices of
President and Vice-President of the United States.
[This resolution was rejected, after which James Monroe was
given 65 votes against William H. Crawford’s 54 for the office of
President, and Daniel D. Tompkins, 85 votes against Simon Snyder’s1
MARCH 18, 1816

30, for the office of Vice President. Clay then offered the following resolutions, both of which were adopted without opposition:

Resolved, That this meeting do recommend to the people of the United States, James Monroe of Virginia, as a suitable person for the office of President of the United States, and Daniel D. Tompkins of New York, as a suitable person for the office of Vice-President of the United States, for the term of four years, commencing on the 4th day of March next.

Resolved, That the Chairman and Secretary be appointed to ascertain from the persons above mentioned, whether they are disposed to serve in the offices respectively designated.

Washington National Intelligencer, March 18, 1816. Published also in Lexington Kentucky Gazette, April 1; Lexington Reporter, April 3, 1816. One hundred eighteen members of the Senate and House of Representatives and the delegate from Indiana Territory were meeting in the Chamber of the House of Representatives to nominate candidates for President and Vice President of the United States when Clay offered his initial proposal.

1 Son of an emigrant from the Palatinate, Simon Snyder (1759-1819) had established himself as a storekeeper and mill-owner at Selingsgrove, Pennsylvania, where he had achieved prominence as a leader of the back-country, farming-class democracy, strongly attached to Jeffersonian ideals. He had been a member of the Pennsylvania Constitutional Convention, 1789-1790, and of the State Assembly, 1797-1807; he had served as Governor of Pennsylvania continuously since 1808. In 1817 he was elected to the State Senate.

To Martin D. Hardin

Dr Sir

In relation to the Case of Capt. Ballard,1 I understand the practice of the War Dept. to be not to place Militia officers on the pension list without they were under the command of some Regular officer, when the disability occurred. This circumstance however is not regarded by Congress. To entitle him therefore to a pension it will be only necessary that he should obtain the Certificate of some respectable Surgeon as to the degree of disability; and the affidavits of two persons of the disability having arose in the public service, or a Certificate to that effect from his Commanding officer. If he would apply to Congress, a petition should also be forwarded accompanying the above documents asking to be placed on the Pension list.

Monroe and Tompkins were recommended in Caucus, on Saturday last, the former as President the latter as Vice—I voted for them both.2

The Bank bill has passed the House. I voted for it. Its fate is very uncertain in the Senate. Mr. Talbot is not decided how he will vote on it.3 Respectfully Yrs.

H. Clay

ALS. ICHI. Addressed to Hardin at Frankfort.
1 Bland W. Ballard, a Virginian who had come to Kentucky as a young man, fought under George Rogers Clark against the Indians, and settled in that part of
Jefferson County that in 1792 became Shelby. He several times had been a member of the State legislature, had fought at Fallen Timbers and Tippecanoe, and in 1812 had organized and led a militia company in Colonel John Allen's Regiment. Wounded and taken prisoner at the Battle of the River Raisin, he had survived his captivity and returned to Shelby County, where he died in 1853. He was awarded a pension beginning July 3, 1820, under a general act of April 24, 1816, which extended to militia the laws relating to pensioning of soldiers in the regular army. *House Exec. Docs.*, 31 Cong., 1 Sess., no. 74, p. 92; 3 *U. S. Stat.*, 297.

2 See above, Resolutions, March 16, 1816. 3 The measure passed the Senate by a vote of 22 to 12 on April 3, with the concurrence of Isham Talbot.

Remarks and Motion on Bill Taxing Stills

[March 19, 1816]

Mr. Clay said, he was in favor of the motion. He avowed himself decidedly friendly to a duty on distillation, so long as any part of the existing public debt remained unpaid; but in imposing this duty he wished to see every proper indulgence extended to those on whom the tax was laid. To shew the necessity of the proposed amendment, he adduced an instance in one of his own constituents, who had paid in duties to the government the sum of $3000, before he had received a single cent in return, from the sale of his manufacture. The situation of the western distillers, he said, demanded an extension of the proposed credit—they were obliged to seek a market at Natchez or New-Orleans, and thence perhaps to ascend the Red and other rivers to Natchitoches or elsewhere. Sound policy and justice to those concerned, required, therefore, the alteration proposed by his colleague—from whom he differed only in the extention of the credit moved for. Mr. C. said he would prefer twelve months, believing that term necessary to meet the cases already stated. A credit of two years was allowed in the duties on the India trade, and the voyages performed by the western people in seeking a market almost equalled those to the Indies. Mr. C. then, (Mr. Hardin having previously withdrawn his motion) moved to insert twelve instead of six months. 1

Washington *National Intelligencer*, March 22, 1816. Published also in Lexington *Reporter*, April 10, 1816; *Annals of Cong.*, 14 Cong., 1 Sess., XXIX, 1225. During consideration in Committee of the Whole of a bill to revise the duties on the distillation of spirituous liquors, Benjamin Hardin had “moved to extend to eight months the credit of six months, allowed by the bill to those whose license exceeds 20 dollars.” 1 After further discussion by Samuel Smith, William Lowndes, and Hardin, Clay's motion was adopted.

Motions to Amend the Tariff Bill

[March 21, 1816]

Mr. Clay then moved to amend the bill by increasing the duty on imported cottons from twenty-five to thirty-three and a third per cent. Mr. C. made this motion he said, to try the sense of the House
as to the extent to which it was willing to go in protecting domestic 
manufactures—assuming, that there was no difference of opinion on 
the propriety of such protection, but only on the degree to which 
encouragement should be carried. He proceeded to advocate a 
thorough and decided protection by ample duties, and supported his 
motion at some length. . . .

[Following replies by Samuel Smith and William Lowndes, Clay's 
motion was defeated, as was another offered by Timothy Pickering.]

Mr. Clay then renewed his motion in a modified shape, by pro-
posing to extend the duty on cotton goods to thirty per cent. in lieu 
of twenty-five.

Mr. C. advocated this motion still more at length than the first— 
replying to many of Mr. Smith's arguments; and entering largely 
into the general question of the expediency of affording protection 
to our own manufactures.¹

Washington National Intelligencer, March 22, 1816. Published also in Lexington 
Reporter, April 10, 1816; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1237-38. Im-
mmediately after the House had resolved itself into a Committee of the Whole on the 
tariff bill, Solomon Strong of Massachusetts had withdrawn a motion, which he had 
made on the preceding day, to raise the import duties on cotton goods from twenty-
five to thirty-three and one-third percent and on woollens from twenty-five to 
twenty-eight percent. Clay thereupon offered his proposal.

¹ Thomas B. Robertson of Louisiana replied to Clay, after which the Committee 
rose and obtained leave to continue the discussion subsequently.

Draft Drawn by Allen and Grant

$411 87/100

Five days after sight pay Mr George Grant or order Four Hundred 
and Eleven Dollars Eighty Seven cents value Recd. which place to 
account of Your Mo ob Serts

Honl H Clay Washington City

[Endorsement on verso]¹

Accepted 5th. Apr. 1816

H. Clay

DS. DLC-TJC (DNA, M212, R15). Endorsed by George Grant; by James Harper, 
later (from 1821 until his death in 1831) Cashier of the Lexington office, Bank of the 
United States; by Samuel Elliot, Jr.; and by C. Page, Cashier, Bank of the Potomac, 

¹ AES.

From Allen and Grant

Sir,  Pittsburgh 21 Mar 1816

Your esteemed favor of the 6 Inst. came duly to hand,¹ Mr. Hart² 
had started previously [sic] by water for Lexington, We were in-
structed by him to open your letter to him, which we did and 
credited his account Three Hundred and Thirty dollars. The letter 
we forwarded him with account of Carriages,³ for the balance four
Hundred and Eleven dollars 87 cents we have valued on you 5 days sight favor Geo. Grant. We need scarce assure you that it will give us the greatest pleasure at all times to render any service to a friend of yours. Respectfully

Allen & Grant

Hone. H Clay

ALS. DLC-TJC (DNA, M212, R12). 1 Not found.
2 John Hart. 3 Neither the letter nor the account has been found.
4 See above, Draft, this date.

Remarks and Motion on Tariff Bill

[March 22, 1816]

Mr. Clay then moved so to amend the bill as to class hempen and sail cloths, (including cotton bagging) with those of woollen, so that if the duty on the latter should be hereafter increased, as he wished, to 28 per cent. it would be also on the former articles, and if not, the duty thereon would still be raised to 25 per cent. the same as the duty on woollens.1

Washington National Intelligencer, March 23, 1816. Published also in Lexington Reporter, April 10, 1816: Annals of Cong., 14 Cong., 1 Sess., XXIX, 1247. During consideration in Committee of the Whole on the motion for a thirty percent duty on imports of cottons (above, Motions, March 21, 1816), Clay spoke in support of his proposal (his remarks not recorded). After further debate this amendment was adopted. Clay thereupon offered the further motion here reported. 1 After explaining his motives for offering the amendment, Clay was induced to withdraw it at the request of Samuel Smith of Maryland, who announced his intention to propose “a specific increased duty on a certain species of imported hempen cloth” and his willingness to support Clay’s proposal if permitted “to vary it in some degree.”

Motion and Remarks on Tariff Bill

[March 23, 1816]

Mr. Clay then moved to fill the blank with three and a half, but hoped some gentleman would propose to restore four cents; in favor of which sum Mr. C. argued at some length.

Washington National Intelligencer, March 25, 1816. Published also in Lexington Reporter, April 10, 1816: Annals of Cong., 14 Cong., 1 Sess., XXIX, 1263. The House, in Committee of the Whole, had adopted a motion to strike from the tariff bill the proposed duty of four cents on brown sugar and had rejected a move to fill the blank with the words “five cents.” Clay’s motion, which was adopted after some discussion, followed the latter action.

To ————

Dr Sir Washington 24h. March 1816

I have the pleasure to acknowledge the receipt of your favor of the 7th inst.;¹ and to thank you for the information it contains. You will have seen that the people will obtain much relief in the great reduction we have made of the taxes. The bill in relation to the
whiskey tax, as it has passed the House and now depends in the Senate, repeals the tax on spirits, and doubles nominally that on the Capacity.\(^2\) In truth tho' those who obtain licences for periods under six months will not be subjected to an augmentation of more than 50 per Cent on the old tax. The credit for the tax is extended to 12 months.

We have passed a bank bill, for which I believed it my duty to vote. It is before the Senate, and is somewhat doubtful.\(^3\) We are now on the tariff, and I begin to hope that something like solid encouragemen[t] will be given to the Manufacturers.

The public prints will give you our proceedings in Caucus.\(^4\) I think a happy effect has been produce[d] by the decision. The minority in the general acquiesce[d] with apparent satisfaction

We shall probably rise about the 1st. of May. Respectfy Yrs

H. CLAY

ALS. Owned by James H. Taylor, Omaha, Nebraska; photostat in DLC-HC (DNA, M212, R1).

1 Not found.

2 That is, stills. Cf. above, Remarks and Motion, March 19, 1816.

3 See above, Speech, March 9, 1816, note; Clay to Hardin, March 18, 1816, note.

4 See above, Resolutions, March 16, 1816.

To Willis Field

(Confidential.) Lexington, 25th Mar., 1816.

My Dear Sir:—You have no doubt heard of the project of getting delegates from militia companies to meet at Higbies to nominate a candidate in opposition to me. It originates, I am quite sure, in a design, not yet avowed openly, to bring out Mr. Pope.\(^1\)

To counteract it I have thought that it might be advisable for some company in Woodford to enter into counter resolves. Nothing, certainly, can be more revolting and monstrous than that a militia company should pledge itself (as parts of Faulkner's and Sullivan's\(^8\) in this county have done) to support any candidate (whom they know not) that may be designated by a caucus at Higbies composed of persons of whom also they are ignorant. It is giving up that greatest right of freemen, the elective franchise. It is making mere machines of the election. It would be better at once to say that they will send their delegates to the polls to elect a member of Congress, and they will all stay at home.

The scheme will not take. Two other companies have since met, and one did nothing, and the other by a large majority refused to concur in it.\(^3\)

I think, nevertheless, it would have an excellent effect if some company in Woodford county would meet and express in resolves the above and other similar sentiments. It would be better to come
from a Woodford company than one in this county, and even if it should be friendly to my election I think it best that the company should not express any determination to support me, as such a determination would appear inconsistent with their protest against the above scheme.

Can you not with some of my other friends get such resolutions adopted by some company?4

You see how much I presume upon your friendship. Faithfully y'rs,

H. CLAY.

Lexington Herald, July 24, 1910. Field, a substantial Woodford County, Kentucky, farmer and manufacturer, was a member of the county court for many years, served for a time as sheriff, and sat in the State House of Representatives in 1817, 1818, and 1829. He was until his death in 1839 a firm friend of Clay. Railey, History of Woodford County, 111.

1 Clay's support of the compensation bill and the bill to charter a second Bank of the United States was not favorably received in his Congressional district, where his political opponents seized upon the opportunity to try to unseat him. His evaluation of the scheme for a meeting of delegates of militia companies proved correct. Although several such units protested against the meeting and refused to participate, twenty-one delegates assembled at John Higbee's (proprietor of a mill, a distillery, and a tavern in the South Elkhorn section of Fayette County) on the appointed day, July 20, and nominated John Pope as a candidate for Congress.

Meanwhile, early in June, Thomas T. Barr had announced himself a candidate for Clay's seat in Congress. Upon the nomination of Pope, Barr, professing unwillingness to split the Republican vote when a Federalist had entered the race, withdrew his name from consideration. Clay won the election, held early in August, by 657 votes. Lexington Reporter, June 5, July 24, 31; August 7, 14, 1816; Lexington Kentucky Gazette, July 1, 22, 29, 1816.

2 Probably William Sullivan, of the southern district of Fayette County, one of the delegates of the company at the Higbee meeting. Faulkner has not been identified. The Lexington Western Monitor, June 21, 1816, published resolutions of these militia companies denouncing Clay's support of the compensation bill, calling for a convention of delegates of various militia companies to serve as a "general committee for the purpose of nominating a suitable man to oppose Mr. Clay, at our next election," and pledging support of "the man who may be selected by a majority of the committee."

3 Companies which had already acted have not been identified. On June 29 the Lexington Light Artillery Company, under Captain John M'Calla, adopted resolutions disapproving the proposal that delegates of militia companies nominate a candidate for Congress. On July 6, thirty-nine members of Captain Cavins' Company of Fayette militia drafted a similar statement.

4 Two articles signed "A Woodford Militia Captain," which appeared in the Lexington Reporter, June 26 and July 10, 1816, questioning the method of representation to be followed at the Higbee meeting, may have stemmed from Clay's request.

Motion to Amend Tariff Bill

[March 25, 1816]

Mr. Clay moved to amend the amendment by changing the word two in the first line to three, the word two in the second instance to one, and to conform the remainder of the amendment accordingly. We all know, said Mr. Clay, that now is the time for encouragement, and that the domestic manufacturer has to struggle more at the end of a war, and at that moment the greater aid is necessary, to support him against foreign competition. If the amendment he offered prevailed, four years would still reduce the duty to the minimum
proposed by the original motion, and would give to our own manufactures an adequate protection at the time of the greatest difficulty.

[Clay's proposal was debated by several members.]

Mr. Clay said the object of protecting manufactures was, that we might eventually get articles of necessity made as cheap at home as they could be imported, and thereby produce an independence of foreign countries. In three years, he said, we could judge of the ability of our establishments to furnish those articles as cheap as they were obtained from abroad, and could then legislate with the lights of experience. He believed that three years would be sufficient to place our manufacturers on this desirable footing; and others would not hesitate to enter into the business, because they would look to that liberal and enlarged policy which they might anticipate from the government at a future period.¹

Washington National Intelligencer, March 26, 1816. Published also in Lexington Reporter, April 10, 1816: Annals of Cong., 14 Cong., 1 Sess., XXIX, 1270, 1272. Daniel Webster had renewed a motion, which he had offered and withdrawn on the previous Saturday, to substitute for the proposed duty on cottons the following provisions: "For two years next ensuing the 30th day of June next, a duty of thirty per centum ad valorem: for two years to commence at the termination of the two years last aforesaid a duty of twenty-five per centum ad valorem and after the expiration of the two years last aforesaid, a duty of twenty per cent. ad valorem."

¹ Following remarks by Samuel Smith and John Ross, Clay's motion was defeated and Webster's approved.

Remarks and Motion on Tariff Bill

Mr Clay likewise spoke against the amendment, and against legislating on every voyage which might be thought to suffer hardship from the policy of the government; and also in reply to Mr. Ward's arguments.

[Following further debate the proposed amendment was rejected.]

[Several other amendments were then acted upon, after which Samuel McKee moved to strike out the words, "three cents," from the duty on lead ground in oil, with the view of inserting a larger sum. He was supported by Richard M. Johnson and by] Mr. Clay, who stated that the article was already manufactured and of a better quality than the imported article, amply sufficient for the consumption of the country, and that the great possessions of the government in lead mines was an additional reason for laying a high duty on the imported article.

[After William Lowndes, Samuel Smith, and William Irving of New York argued that the lower duty would offer adequate protection, McKee's motion was rejected.]

Mr. Clay then moved that the duty be increased from 3 to 4 cents. per lb. on red or white lead ground in oil. . . .¹
In Committee of the Whole on the tariff bill Artemus Ward, Jr., of Massachusetts, had moved to add a proviso to the section respecting the duty on cotton goods imported from India so as to extend the date of its application by six months. He had been opposed by Benjamin Huger and Samuel Smith, the latter protesting that the extension would not affect many voyages.

1 His motion was adopted.

From John Hart

Dear Sir

Lexington, March 26, 1816.

I got home on the 20 Inst. At Pittsburgh I found the river in such good order that there could be no danger of boats descending it, and as my goods would not be on for some time, I concluded to take my passage in a boat (with seven or eight Kentuckians), which we purchased for the purpose & in which we brot down our horses. At Limestone we sold the whole establishment before going ashore at a price which reduced the Cost of our passage to about the sum it would have cost us by land. I directed Allen & Grant to open your letter & take out what money you might enclose for carriages. Yesterday I recd. a letter from them, enclosing yours, in which they inform me that all my goods except about the third part of a load which had not then arrived had been shipped, in excellent order on the 16 Inst. They also send their act. Current, shewing a balance in their favor of $411.87/100 for which they will draw upon you. For the purpose of adding to the convenience of your house 1 I have had an opening cut thro. the floor so that we may hoist up our goods into the second Story & by means of a step ladder we shall enjoy all the benefit of the upper part of the houses which would otherwise have been lost. I calculate upon remaining there unless I should meet with an opportunity of getting a good stand on main Street. If I could do so I think it would be to our interest—At present my assortment is pretty complete, except the article of crockery ware, of which I bot none Knowing that I could get it from Louisville much lower than over the mountains—Four hundred crats [sic] arrived there about two months ago in the Etna 2 of which a considerable number are still on hand—Should I want any thing before I go in again I can get them out by an order & will not trouble you with any commission of that sort, which I know would be disagreeable. The merchants here are all complaining of hard times: For myself I have been much encouraged. All my friends & acquaintances tell me they have heard I am bringing out very cheap goods & that they have been laying up their money expecting their arrival. In a few weeks I shall be better able to judge of the matter—Thomas Hart 3 will stay with me till he goes into business for himself and I have taken a Grand son of Mr. Bradford 4 to assist us. He is to remain with me till he is of age for his board and
Cloathing if I am pleased with him. If not I can send him home at any time—He appears to be very steady, & I have very little doubt will suit me—

The children & family are all well—

You really must excuse bad writing—I am just going out to your house to a party & have not time to Copy. Your's truly

JNO. HART.

ALS. DLC-TJC (DNA, M212, R12). See above, Allen and Grant to Clay, March 21, 1816.

1 See above, Hart to Clay, December 5, 1815, note.

2 A steamboat, built at Pittsburgh. It had made its maiden voyage to New Orleans in March, 1815, after which it was employed in the trade to Natchez and Louisville. H. M'Murtrie, Sketches of Louisville and Its Environs . . . (Louisville, 1819), 201.

3 Thomas Pindell Hart.

4 John V. Bradford, grandson of John Bradford, was the son of Benjamin J. Bradford, who in 1795 had founded the Kentucky Journal at Frankfort, Kentucky, and subsequently moved to Nashville, Tennessee, where from 1798 to 1808 he had edited first the Tennessee Gazette and later the Clarion. John V. Bradford, who had attended Transylvania University from 1808 to 1810 and showed some promise as an artist, died in 1824.

Remarks on Amendments to Tariff Bill

[March 27, 1816]

Mr. Clay said he was in favor of the motion, because of the cheapness of the article at the places whence it was imported, but he was sorry his friend from Louisiana had declared war against the whiskey of the west; and regretted, if such was the fact, that the taste of the people of Louisiana was so bad as to prefer bad claret to good whiskey, &c.

[Robertson's motion was withdrawn in favor of another, offered by Samuel Smith, to reduce the duty on claret in casks, which was defeated.

[Following action on several other amendments, James Pleasants, Jr., of Virginia moved that the proposed duty on coal be raised from five to six cents per bushel, whereupon William Irving argued at length and with great earnestness against the increase.]

Mr. Clay also made a few remarks on the subject, saying that he supposed it was a substitute for a motion which Mr. Pleasants had previously made and withdrawn, (to make the imported bushel an even and not a heaped one) and as he could not shave the bushel down to a level, he wished to put a cent on top of it. Mr. C. asked his friend from Virginia, coming as he did from the South, used to cheerful coal fires, to recollect the shivering condition of those of the North, &c. who had to import their coal.1

Washington National Intelligencer, March 28, 1816. Published also in Lexington Reporter, April 10, 1816; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1284-85. Thomas B. Robertson had offered in Committee of the Whole a motion to strike from the tariff bill the duty on certain wines in order to substitute a lower rate. In the brief following debate, Benjamin Hardin had opposed the motion and advocated high
duties on luxuries, adding "that if the Louisianans could not obtain wine, they could obtain an abundant supply of whiskey from Kentucky, in lieu of it." Robertson had then commented "that Claret, in the part of the country referred to, was not only necessary to the health but to the morals of the people. They were a sober people . . . and it was to save them from the whiskey offered by the gentleman from Kentucky that he wished to reduce the duty on claret. The liquid fire of alcohol, he said, would in so warm a climate be poison to them; and its use more pernicious than arsenic."

1 Referring to the remarks made by Irving and Clay, Pleasants observed that "he did not expect by his motion to excite so much seriousness on the one hand, or so much pleasantry on the other. . . ." The amendment was rejected.

**Motion and Remarks on Bill to Remit Certain Duties**

And be it further enacted that all duties due & payable to the U. States on the Carriage & personal baggage of His Excellcy. William Gore, Governor of the British province of Upper Canada, imported into New York in the year 1815, be and the same are hereby remitted.

[John Forsyth of Georgia, inquiring what the practice of Great Britain was in such cases, observed that he was unwilling to extend the courtesy if it were not usual with that government.]

It was replied by Mr. Clay that, though his motion was founded in strict justice, it not being within the contemplation of the law to exact duties on a carriage which was not to be used in the country—the courtesy was usual in England, and on the continent of Europe. . . .

Motion, AD, DNA, RG 233, HR 14A-B1; remarks, Washington National Intelligencer, March 30, 1816. Reported also in Annals of Cong., 14 Cong., 1 Sess., XXIX, 1291. On January 26, Artemus Ward, Jr., had presented a petition from the President and Fellows of Harvard College asking remittance of duties paid for books imported for use by the College. A bill for this purpose, reported by William Lowndes on March 6, was now under consideration in Committee of the Whole.

1 Francis Gore, Lieutenant-Governor nominally since August, 1806, but under leave of absence from July, 1811, until September, 1815, when he had returned to his post.

2 The amendment was thereupon agreed to, and the bill enacted without further question. 6 U. S. Stat., 160-61 (April 9, 1816). The statute retains the erroneous identification of Gore.

**Remarks on Bill Relating to Compensation of District Judge**

Mr. Clay thought it would be better to meet the question fairly at once, by enquiring into the conduct of the offending Judge, than to get round it by allowing extra compensation to the Judge who performs the duty of both.

Washington National Intelligencer, March 30, 1816. Published also in Annals of Cong., 14 Cong., 1 Sess., XXIX, 1292. The House in Committee of the Whole was considering a bill to allow additional compensation to the Judge of the Southern District of New York for performing judicial duties in both districts of the State,
when the question was raised as to the “expediency of adopting some course by which the judge of the Northern district (Judge Tallmadge) should be compelled either to perform his official duties, or to resign; and not be permitted to hold a sinecure office.” Matthias Burnet Talmadge, a former member of the New York legislature and a son-in-law of Governor George Clinton, was in ill health; he died in 1819, at the age of 45.

By a vote of 53 to 51 the Committee finally voted to rise pending an inquiry into the conduct of Judge Talmadge. On April 17 the investigation was postponed until the next Session of Congress, and two days later the House approved the bill initially proposed. The measure was enacted without further controversy on April 27, 1816. 3

The manuscript version of the bill in the House files is interlined in Clay's hand with the words “for performing the duties of the District Judge of,” in place of the phrase “in holding the Courts of the United States in”; but the bill was enacted without Clay's alteration. AD. DNA, HR 14A-B1.

Remarks on Interpretation of the Compensation Act

[April 1, 1816]

This construction of the act was disputed by Mr. Clay, the Speaker. He thought that the members, whenever they could exhibit evidence of the rendition of services, had a fair claim for a due proportion of the annual salary.—Such had been the practice heretofore; and if the rule laid down by the Attorney General were adopted, a member who happened to come into Congress after the 4th of March, would receive nothing until the next March. Against the inconvenience and hardship of this construction, Mr. C. argued at some length; and for the purpose of making an appropriation out of which to compensate the members for the remainder of this session, and part of the next, moved to fill the blank with a sum adequate to meet that object. Mr. C. added, that as the public interest would be unaffected by this decision, let either construction of the act be adopted, he saw no objection to pursuing the course he proposed, without however allowing any member to draw so much of the salary as would bring him at any time in debt to the government.1

Washington National Intelligencer, April 2, 1816. Published also in Annals of Cong., 14 Cong., 1 Sess., XXIX, 1305. During consideration, in Committee of the Whole, of the appropriation bill for 1816, a debate had arisen on the amount to designate in the blank left for paying the members of Congress. William Lowndes “in obedience to instructions from the committee of Ways and Means, and in accordance with what was understood to be the construction given to the act by the Attorney General, moved to fill the blank with a sum sufficient to defray the compensation for the year ending on the 4th of March 1816, and making no provision for the services which would intervene between that period and the end of the next session.”

1 After remarks by several other Congressmen, Clay's amendment was adopted.

Remarks on Appropriation for the Cumberland Road

[April 1, 1816]

Messrs. Jackson, Clay, Randolph, Smith, Wright, and Goldsborough1 respectively advocated the amendment; the three gentlemen first named being particularly zealous in its support. It was
argued that the appropriation moved for, was extremely interesting to the western states, and more important to the people of every section of the country, than any other item in the bill, if the union of the states was to be, as all expected it to be, the means of public happiness, prosperity & safety: That the appropriation was required from a fund already set apart for the work by a solemn compact: That if this House could be called on to appropriate money to carry into effect a convention with a foreign government, it could surely make an appropriation to execute a contract with the states, a double compact too, it being between the general government and the states of Ohio, Pennsylvania and Virginia, as they were all parties to it;\(^2\) That the appropriation was, furthermore, sanctioned by former laws directing the work to be prosecuted, and that nothing was wanting to fulfill the law but the present appropriation of money, for which there were several precedents; that the single state of Maryland had undertaken to complete, in five years, a road from Baltimore to the point at which the Cumberland road commenced, and that it would be derogatory to the character of the general government to be outdone by a small state in a work of so much public utility and political consequence; a work authorised by repeated laws, and wanting an appropriation only from the fund already solemnly pledged to it, to carry it on rapidly, &c. It was likewise stated in debate by all whose personal knowledge enabled them to speak on that point, that the thirty miles of the turnpike completed between Cumberland and Ohio, was the most excellent road which had ever been made in America; and Mr. Clay took occasion to remark, that he had seen many turnpikes as well in Europe as in this country, but had never travelled on so fine a road as the thirty miles of the Cumberland turnpike which were finished.\(^3\)

\(^1\) In addition to Jackson and Clay, the advocates of the amendment were John Randolph, Samuel Smith, Robert Wright, and Charles Goldsborough (of Maryland).

\(^2\) Construction on the Cumberland (or National) Road, leading from Cumberland, Maryland, westward, had been authorized by an act of Congress in 1806. The work had already begun, with the letting of contracts for the first ten miles in 1811. Congress in 1802 had prepared the way for this project by providing, in the enabling act which authorized Ohio to draw up a constitution preparatory to entering the Union, that one-twentieth of the net revenue from sales of public lands in the new State should be applied to the building of such a road as well as of roads within the State. In the next year another act had stipulated that, of this five per cent of the proceeds of public land sales, three per cent should be set aside for roads within Ohio and the remainder for the interstate highway. Appropriations for surveys and construction had been made in 1806, 1810, 1811, 1812, 1813, and 1815. 2 U. S. Stat., 175, 226, 357-59, 555-56, 661-62, 730, 829; 3 U. S. Stat., 206, 282. American State Papers, Misc., III, 297.

\(^3\) Washington National Intelligencer, April 2, 1816. Published also in Annals of Cong., 14 Cong., 1 Sess., XXIX, 1306-1307. This discussion arose in Committee of the Whole on the appropriation bill after John G. Jackson had “moved to insert a clause appropriating 300,000 dollars out of the fund set apart for that purpose, for carrying on the great western road from Cumberland to Ohio,” and William Gaston had objected to introducing “into an ordinary bill, an appropriation for an object which had not been authorised by a previous act.”
Since the road crossed portions of Maryland, Pennsylvania, and Virginia, application had been made to those states, and permission granted by them, for construction of the road within their boundaries. American State Papers, Misc., II, 300; Archer Butler Hulbert, The Cumberland Road (Historic Highways of America, X; Cleveland, 1904), 54 and note.  

The amendment was then adopted.

From John Alsop King

Dear Sir

New York April. 3d. 1816

The reports which have been for some time past in circulation, to the disadvantage of My Brother Mr. Charles King, in relation to his conduct in the Dartmoor investigation, have at last found their way into the public Prints and are at this moment made subservient to the vilest purposes. That you may be enabled to judge of their Character, and dye, I have taken the liberty of enclosing for your perusal, an extract from an Albany paper. No one knows better than yourself Sir, how to estimate the feelings, and attachment, of Mr. C. King towards the Country which gave him Birth—You were both in England at a period which was eminently calculated to call forth, and give strength to their warmest effusions. To no one then could I apply with more justice and I trust with more propriety than to yourself for a vindication of those feelings, and in a particular manner, of his conduct, in relation to the Dartmoor affair, more especially as it was at your instance & solicitation, that he was induced to undertake the Investigation; which, is at this moment furnishing the materials for a most Venomous and unprincipled attack upon his character & Reputation—To you therefore do I appeal in the utmost confidence that you will afford the means of repelling these attacks by vindicating his conduct in this behalf, from the unworthy insinuations which have been levelled against it—Your intimate acquaintance with the circumstances of that unfortunate Event, the high station which you were filling at that moment in England, Enable you to speak with that confidence. and authority which cannot fail in a great degree to correct and control the popular prejudice. Feelings of the strongest attachment to my Brother, an earnest desire that his standing and Integrity should remain unimpaired in the estimation of honorable men. The Sentiments of friendship and regard for his [sic] which you were good enough to express to me when you were in New York, and when speaking of him in relation to the Dartmoor Investigation Must plead my apology for thus enlisting you Sir, in the defence of an injured and an absent Brother—and I trust Sir that your reply to this letter will enable me to put forth a Vindication of his character and conduct which shall be at once honorable to your friendship and fatal to his Calumniators.
I have the honor to be with great respect Your obedt humble Servt

The Honble Henry Clay Speaker of the H. of R.

JOHN. A. KING

ALS. DLC-HC (DNA, M212, R1). King, the eldest son of Rufus King, had been a cavalry officer in the War of 1812 and was now an attorney in New York. Subsequently he served several terms in his state legislature, had brief diplomatic experience in London, was elected to Congress in 1849, became one of the founders of the Republican Party, and was Governor of New York, 1857-1859.

1 See above, Minute of a Conversation, April 16, 1815; Castlereagh to Clay and Gallatin, May 22, 1815.

2 Charles was apparently still in Liverpool, England. Later in the year he spent several months in Paris.

From James Monroe

William H Crawford & Henry Clay Esqrs

Sir

Department of State April 3. 1816

I am requested by the Chairman of the Committee of ways & means to communicate the Sentiments of this Department, as to the expediency of increasing the Salaries of the Ministers of the United States in Foreign nations, and allowing Salaries to their Consuls in Foreign Ports. My Experience abroad satisfied me that the Salaries of our Ministers at London & Paris, were altogether inadequate to their expenses, and from what I have heard from the best authority, I am equally well satisfied that the same remark is applicable to St Petersburg. The expenses at each of those Courts have I presume been increased since that time, from a variety of causes. your late services abroad will enable you to afford useful information on this subject which I shall be happy to receive to be communicated if you see no impropriety in it, to the Committee. Should you have ascertained the Salaries allowed by the European Governments to their Ministers at Foreign Courts it might be usefull to State it

JAMES MONROE

Copy. DNA, RG59, Domestic Letters, vol. 6, pp. 291-92. A similar inquiry, in the form of a "Circular to Rufus King Wm H Crawford & Henry Clay Esqrs," was apparently sent out by Monroe on the same date. Copy. Ibid., 292-93.

To James Monroe

Dr Sir

Washington 5h. Apl. 1816

I have the honor to inclose to you my answer to your note. Mr. Pinkney, Mr. Crawford, Mr. King and others whom you may conveniently consult, must be so much better informed than I am on the subjects of your letter, that I am persuaded no advantage can be derived from communicating what I have said to the committee, especially as, if the subject comes before the House, I may there
render my testimony on the occasion. I send the letter, however, to be used as in your judgment may be proper—Respectfy Yrs.

H. Clay


I have the honor to acknowledge the receipt of your letter of the 3d. inst.

During my residence in Europe my place of abode was so frequently changed, and it having been moreover principally at provincial towns, that I am not able to furnish much useful information on the subjects of your letter, derived from my own personal experience. I was in London rather more than three months, and expensive as I had previously understood that City to be, I found it, in that respect, greatly exceeding all my anticipations; and yet I kept no house, and was certainly not extravagant in my personal expenses.

My opinion of the stile in which an American Minister ought to live is that, avoiding the meanness which provokes ridicule, and the ostentation which challenges observation, it should be one of neat simplicity, regulated by the habits of society in the Country where he resides, and admitting of the return of civilities and the dispensation to our respectable Countrymen of expected hospitality. I believe the present Salary wholly inadequate to sustain the expenses of such a stile of living at most, if not all, of the foreign Courts at which we have Ministers.

I can communicate to you no information of the Salaries allowed by other powers to their ministers at Foreign Courts, nor as to the propriety of allowing Salaries to our Consuls.

I am Sir with great respect Yr. obt. Servt.

H. Clay

The Honble James Monroe

ALS. DNA, RG59, Misc. Letters.

1 See above, Monroe to Crawford and Clay, April 3, 1816.
2 William Pinkney, William H. Crawford, Rufus King.

To John A. King

Washington 9th. April 1816.

I have to acknowledge the receipt of your letter of the 3d. instant in relation to the reports which you state to have been propagated to the prejudice of your brother Charles King Esquire.

I had the pleasure of making his acquaintance during the last spring in London. He appeared to me to be animated by the best spirit Abroad, all party considerations are generally forgotten by our countrymen, or merged in the preponderating sentiment of
love of Country. All that I saw (and none more than your brother) seemed delighted with the high character which we had established by the war. When the unfortunate event at Dartmoor took place, it produced the strongest sensation among the Americans in London. Your brother participated in this feeling and expressed himself with the utmost indignation. Mr. Adams had not arrived, and Mr. Gallatin and myself could not abandon the business in London with which we were alone charged,¹ and proceed to a distant place on an affair, however much we were afflicted by it, which did not fall within the scope of our duty. At the same time we did not hesitate to give our advice to Mr. Beasley,² the only person on the spot authorized to act. Several considerations forbade his undertaking the investigation, and no American in London within the circle of our acquaintance, appeared to be so well qualified for the task as your brother. At my instance, his name was suggested to Mr. Beasley, by whom he was also well known. No one could engage in a service in a manner³ more honourable to himself or more disinterested. He was on the eve of a voyage to Lisbon rendered necessary, as I understood, by pressing and highly interesting private concerns, which he postponed and proceeded to Dartmoor, declining not only any compensation, but even the re-inbursement of his expenses, as Mr. Beasley informed me. The joint report of Mr. Larpent⁴ and himself was made to Mr. Adams, accompanied by the depositions which were taken by them. These depositions are now before the public, and certainly demonstrate, by their number as well as their contents, an earnest desire, on the part of those who took them, to arrive at the truth.—Whilst it is impossible not to see in the general character of the transaction a wanton sacrifice of men so situated as to be utterly incapable of making resistance against an armed force, it is extremely difficult if not impracticable, from the contrariety of the testimony, to assign to the several persons concerned the share of guilt which attached to them respectively. Without expressing any opinion respecting the conclusions which your brother and Mr. Larpant [sic] have drawn, from the evidence that was given to them, I have great satisfaction in the explicit avowal of my entire confidence in the purity of the motives and conduct of your brother on this occasion;

It is also but strict justice, which I take great pleasure in rendering to the British Government to say, that it manifested an early, constant and apparently deep regret on account of the occurrence.

I did not see your brother after he had performed the business until his return from Lisbon to London. He continued to lament, as much as any one could do, the unhappy event, and I know that he particularly regretted the obstacles which he had encountered
in developing the transaction, arising out of the great contrariety of testimony. He stated that it would have been an endless business to have examined all the persons who were spectators of the scene; and that the committee who managed the enquiry on the part of the American prisoners, or the commissioners (I do not recollect which) had selected the most intelligent of the witnesses.

It is scarcely necessary to add, that I shall be extremely glad if the preceding statement, shall in any way, contribute towards, placing the purity and fidelity of the motives and conduct of your brother in a just point of view. I am, Sir, With great respect Your obedient Servant.

H. Clay

John A King Esqr.

LS. DLC-HC (DNA, M212, R1).

1 See above, Clay and Gallatin to Monroe, May 18, 1815.
2 Reuben G. Beasley.
3 The last three words inserted.
4 Francis S. Larpent.

Amendments to Bill to Improve Capitol Square

[April 11, 1816]

In Committee of the Whole on a bill making an appropriation for improvement of the Capitol Square, Clay offered amendments (adopted as sections 2 and 3 of the statute) to provide one commissioner, instead of the three serving under existing law, to superintend public buildings and to contract for and superintend improvement of the public square. AD. DNA, RG 233, HR 14A-B1; 3 U.S. Stat., 324-25 (April 29, 1816).

From Martin D. Hardin

Dr Sir

I owe Mr. Wm. Challen of your town eighty dollars for some furniture—please pay him that sum toward my fee in the suit of Col Thos. Harts heirs against Dinwiddie &c1—and oblige Your friend &C

The Hon: Henry Clay

[Endorsement]2

Recd. payment, 24 June 1816.

M. D. HARDIN

ALS. DLC-TJC (DNA, M212, R15).

1 James Dinwiddie of Madison County, Kentucky, was one of the defendants in the case more commonly identified as Hart’s Heirs vs. Benton’s Heirs. See above, Receipt, November 6, 1815, note. Since Clay had been abroad at the time the case came before the Court of Appeals, Hardin had apparently handled the suit for him.
2 ES, in Clay’s hand.

Amendment to, and Remarks on, Navy Bill

[April 13, 1816]

Mr. Clay proposed that the bill be so amended as to vest in the
President a discretionary power to cause the steam batteries to be built as soon as he should deem necessary, without waiting any particular emergency. He referred to some correspondence between the Governor of Louisiana, the general government, and the state of Kentucky, to shew the great anxiety felt on the subject of creating at once a proper defence for the important city of New Orleans. The erection of the batteries could not be executed at that point, in case of any threatening circumstance, with as much promptitude, as in the Chespeake, which was in the vicinity of all the great resources of the country; and it was imprudent therefore to delay the building until an emergency should demand them, &c.¹

[Daniel Webster proposed as an amendment to the bill that the President be given freedom to decide where the steam batteries should be stationed. Thomas B. Robertson urged specific assignment of batteries to New Orleans.]

Mr. Clay felt the same desire for the defence of New Orleans, as his friend from Louisiana; but he must surely be struck said Mr. C. with the impropriety of directing one steam frigate to be stationed at this place and one at another, &c. We may confidently rely, he said, on the President of the United States for the prudent application of the public force; a contrary course would imply a suspicion of an improper employment of the force by the Executive, which he was certain the naval committee did not mean.²

Washington National Intelligencer, April 16, 1816. Published also in Lexington Reporter, May 15, 1816; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1369, 1371. Clay’s motion, offered in Committee of the Whole, followed a statement by the Chairman of the Naval Committee, outlining plans for an increase in the navy to extend over eight years. Among the additions proposed for defense of the coasts were three “steam batteries” (or steam frigates), two to be stationed in the Chesapeake and the other at New Orleans.

¹ The amendment was adopted.
² Webster’s amendment was thereupon approved.

To ———

[April 14, 1816]

The Bill respecting the tax on whiskey has passed both houses—the facilities allowed to the distiller, are such as to render this bill, I hope, acceptable.¹ Our horses are to be paid for, without any deduction for the 40 cents per day.² A bill has also passed the house for paying Dudley’s regiment for the whole term of six months³—Congress will probably adjourn in 10 or 12 days.

Extract. Georgetown (Ky.) Patriot, April 27, 1816. Noted as from Clay “to his friend in this place.”

¹ See above, Motion, March 19, 1816.
² See above, Motion, December 22, 1815.
³ See above, Clay to Crawford, February 25, 1816.
Amendment on Salaries of Congressional Clerks

[April 15, 1816]

On April 12, during consideration of Senate amendments to the general appropriation bill, Clay had moved that the salaries of Congressional clerks be increased. Washington National Intelligencer, April 15, 1816. His proposal had been adopted, but the House had then rejected the relevant Senate amendment. Separate legislation later effecting the increase included with slight changes a Clay amendment (sect. 3 of the statute), offered on April 15, temporarily to extend the raise to engrossing clerks. AD. DNA, RG 233, HR 14A-B1; 3 U.S. Stat., 334 (April 30, 1816).

Remarks on Compulsory Specie Payment

[April 17, 1816]

Mr. Clay also said a few words on the subject, in which he doubted the propriety of at present adopting so rigorous a measure. He was in favor of milder means: pledges himself, if they should not be effectual, to join in this act of severity at the next session.¹

Washington National Intelligencer, April 18, 1816. In connection with a bill providing for the collection in specie of debts due to the federal government, Solomon P. Sharp had moved to levy a stamp duty of 10 percent on the notes of banks which failed to pay specie on the appointed day. His proposal occasioned lively debate.

¹Sharp then withdrew the motion. The basic bill was rejected by the House on April 25: but on the following day a resolution of similar nature, introduced by Daniel Webster, was adopted. Under it debts due the United States must be paid in legal currency, Treasury notes, or notes of the Bank of the United States, from and after February 20, 1817. Annals of Cong., 14 Cong., 1 Sess., XXIX, 1437, 1440, 1450, 1451.

From Cornelius Comegys

Hon’ble Henry Clay Philadelphia 20 April 1816
Sir;

Since I had the honor to see you last I have taken up my residence in this City, and having Occasion to drop you a line, permit me in the first place to congratulate you on the happy termination of your mission and safe return in time to take an active part in the Councils of our beloved Country. The motive for troubling you at present is merely to say that soon after you embarked for Europe I recd a Letter from Mr. Bradford¹ whose Bond I put into your hands for suit, advising me that he paid to you Three hundred dollars, and as well as my recollection serves me, his Letter being with my papers at Baltimore, he advised that the Taxes on the Land on which you took a lien should be attended to; and the purport of the present is to beg the favor of you to give it your attention and if possible raise the amount of my claim against those Gentlemen² being of some Consequence to me, as my late Partners Benjamin & John Comegys are both dead & by an arrangement previous to the dissolu-
tion of our Copartnership this debt devolved on me solely, and if it can be recovered [sic] will be very useful. If time will permit I shall be thankful for a line from you previous to your leaving Washington. I have the honor to be very respectfully your Obt. Servt.

Corns. Comegys

ALS. DLC-TJC (DNA, M212, R12).

2 William and his brother, Ira Bradford (see below, Comegys to Clay, August 9, 1823). Ira, formerly of Sumner County, Tennessee, had moved to Madison County, Mississippi, whence around 1815 he had removed to Natchez.

To Alexander J. Dallas

Sir Washington 3d. May 1816.

I find that the amount of advances made to me to pay the members of the House of Representatives will exceed my disbursements, upon that account, by about Twelve thousand dollars. The precise balance cannot be now ascertained, because some checks that have been issued have not yet come in. I have directed the Cashier of the Bank of Washington to close the account on monday next, and to pay over to the Treasury of the U. States the balance whatever it may be. I will thank you to give the requisite orders for transferring this balance and for crediting my account accordingly.

The Honble Mr. Dallas &c &c &c


From John A. King

Sir/— May 3d. 1816—New York.

By yesterdays Mail I had the pleasure of receiving a second letter from you relating to Mr. C. King, in which by reconstructing one of the Sentences contained in the first letter you have removed an inference concerning your opinion that otherwise might have resulted and which might in that case have operated as a Drawback on the rest of a letter which does infinite credit to your friendship and liberality—For the sentiments and testimony therein Expressed and born [sic] to the honor and integrity of my Brother and particularly for the prompt and handsome manner in which those sentiments were conveyed I beg you Sir to accept of my warmest acknowledgments—I have the honor of returning herewith your first letter—& remain with great respect Your obedt. Servt

The Honble Henry Clay.

John. A. King

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay at Washington and redirected to Lexington.

1 Not found.
2 Above, April 9, 1816.
From Joseph Desha

My friend Mays Lick May 30th 1816—

You no doubt heard of a report that is in circulation as you passed through the district I represent, which is, that although I voted against the compensation bill¹ (as it is called) I was as anxious for its passage as those who voted for it, and encouraged others to support the measure. I have pronounced the report to be a base calumny, and palpable falsehood [sic] which I think I shall in a short time be able to make appear, as I have written on to a member of govt of the eastern states who ha[s s]ided with me for statements on the subject. I dont recollect that we had any private conversations on the subject while the bill was pending, but as speaker of the house you must recollect, that I voted against the measure at every stage from its introduction to its final passage, that I was one of the sixteen who voted against the ingrossment of the bill when the ayes and nays could not be obtained more particularly as I was the only member from this state who voted against the measure—I am not apprehensive that the report can injure me ultimately, as I shall when I receive answers from the east, have it in my power to place the thing in its proper light, but it injures my feelings by holding out a charge of political duplicity, or dishonesty, foreign from my Character I call upon you my friend for a statement of my conduct on the occasion. I should not do it, if it could injure you, but it cannot, and would materially relieve the feelings of your friend, let me hear from you as soon as convenient I have the honour to be your friend and Obedt Servt

[. . .].² DESHA


Advertisement of Land Sale

[June 1, 1816]

[Clay offers for sale at public auction at John Postlethwait's tavern in Lexington, on the first Monday in July next, about 237 acres, the residue not heretofore sold from a tract of 4000 acres lying on Mill Creek in Harrison County, conveyed to Samuel and Robert Purviance by Willis Green.¹ The land will be sold to the highest bidder above the fixed minimum price of $500.]

Georgetown (Ky.) Patriot, June 1, 1816.
¹ On September 27, 1786. Jillson, Old Kentucky Entries and Deeds, 442, 494.
Property Deed to James T. Sandford and Anthony J. Turner

[June 1, 1816]

[In pursuance of a bond dated July 29, 1811,1 pledging conveyance of the below named tract for the sum of $4800, the receipt of which is hereby acknowledged, Clay, as surviving executor of Thomas Hart, Sr., gives title with general warranty to James T. Sandford and Anthony J. Turner for 1,600 acres of land on the north side of Duck River in Maury County, Tennessee.]

ADS. DLC-TJC (DNA, M212, R10). An undated endorsement in Clay’s hand notes that “This deed is cancelled & another executed.” The latter deed has not been found.

1 Not found.

From John Rowan

Dear Sir

Federal Hill June 1st. 1816

It was with some Regret I learned from Mr. B. Harden¹ that some observations of mine During the last legislature, uttered in the debate upon the Seminary Bill,² gave you pain.

Unwilling that the harmony which has always Existed between us individually shoud be interrupted; and still more unwilling that difference in political opinion shoud be thought to influence my private friendships; I hasten to assure you that not a word escaped my lips calculated to have that Effect—You were named with many others as Trustees of that institution in lieu of the then incumbants—Mr. Hart of Woodford Cty³ I think was one—I stated that Mr. Hart lived too remote & was moreover but little acquainted with Classical or Scientific Subjects—and Even Mr. Clay (said I) a Gentleman of whom we are all proud is more indebted to the prodigality of Nature for the Elevation which he now occupies so honorably to himself and advantageously to his Country, than to any regular Classic or Scientific attainments.” Buchannan⁴ whose purpose it seemd to be throughout the session, to pervert and distort every thing said by me, with what view you can easily conjecture, made me say that you were without sufficient learning to be Trustee—or had not learning Enough for a Trustee—that however was among the least of his stenographic sins towards me—and had it been confined to myself woud with the other instances of his injustice towards me, have been passd over unheeded & unthought of—and indeed so it was until Mr. Harden brought to my Recollection that you were wounded by it—I think I have quoted the very words used by me—I am sure I have quoted the substance—they were used in the ardor of debate upon a subject that Excited considerable sensation in the House—they were not intended to inflict pain—they were not calculated to do it—as reported by By [sic] Buchannon
they were. His motives were not to injure you; But me—to me they woud seem to attach an unfeelingness and vulgarity, of which I am sure, you know me to be incapable—while we differd in politicks it made no difference in our individual Respect and friendship for, and towards, Each other; now that we gree [sic] in every thing but name I shoud still more be unwilling that there shoud be any private discord.

Under the full persuasion that you will be entirely satisfied that I not only did not in fact: But that I had no inclination to wound in the slightest degree your feelings I subscribe myself Honble. H. Clay Yours very Respectfully JoHN RowAN

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay at Lexington. Rowan was at this time a member of the Kentucky House of Representatives from Nelson County.

1 Benjamin Hardin.

2 Following the report of a special committee appointed "to enquire into the situation of the Transylvania University," a bill had been presented in the Kentucky House of Representatives to provide for the selection of new trustees for the school. The membership of the board, fixed at thirteen, was to have been chosen biennially by both houses of the legislature. The bill had been approved by the House on February 7, 1816, near the close of the session, but had not been taken up by the Senate. Ky. H. of Reps., Journal, 1815-1816, pp. 35-36, 199-221, 284-85. Cf. below, Committee Report, ca. July 1, 1818, note.

3 Nathaniel Hart.

4 Dr. Joseph Buchanan, philosopher, medical doctor, teacher, lawyer, and editor—one of the most versatile Kentuckians of his time. From 1814 to 1816 he was a partner in the publication of the Frankfort Kentucky Palladium; he was later editor of the Cincinnati Western Spy and Literary Cadet and, from 1826 to his death in 1829, of the Louisville Focus. At the beginning of the legislative session of 1815-1816 the House of Representatives had permitted him "to take a seat within the house to the left of the clerk's table, for the purpose of taking a sketch of the proceedings and debates of this house." Ky. H. of Reps., Journal, 1815-1816, p. 10.

5 According to Buchanan's report, Rowan, speaking in opposition to the nomination of trustees, "had nothing to say against them as gentlemen of respectability; but he thought some of them were not sufficiently learned, to be entrusted with the care of an institution of learning—He alluded particularly in his remarks to a gentleman of splendid talents (Mr. Clay) whom he was pleased to say we all admired; but who he thought was not a very fit person, on account of his want of education, to superintend the interests and affairs of an institution of learning." Frankfort Palladium, reprinted in Lexington Reporter, February 14, 1816.

Speech on the Bank of the United States

[June 3, 1816]

On one subject, that of the bank of the U. States, to which, at the late session of Congress he gave his humble support, Mr. C. felt particularly anxious to explain the grounds on which he had acted. This explanation, if not due to his own character, the state and the district to which he belonged, had a right to demand. It would have been unnecessary, if his observations, addressed to the house of representatives, pending the measure, had been published; but they were not published, and why they were not published he was unadvised.

When he was a member of the Senate of the United States, he was
induced to oppose the renewal of the charter to the old bank of the United States by three general considerations. The first was, that he was instructed to oppose it by the Legislature of the state. What were the reasons that operated with the Legislature, in giving the instruction, he did not know. He has understood from members of that body, at the time it was given, that a clause, declaring that Congress had no power to grant the charter, was stricken out; from which it might be inferred, either that the Legislature did not believe a bank to be unconstitutional, or that it had formed no opinion on that point. This inference derives additional strength from the fact, that although the two late Senators from this state, as well as the present Senators, voted for a National Bank, the Legislature, which must have been well apprised that such a measure was in contemplation, did not again interpose either to protest against the measure itself, or to censure the conduct of those Senators. From this silence on the part of a body which has ever fixed a watchful eye upon the proceedings of the general government, he had a right to believe that the Legislature of Kentucky saw, without dissatisfaction, the proposal to establish a National Bank, and that its opposition to the former one was upon grounds of expediency, applicable to that corporation alone, or no longer existing. But when, at the last session, the question came up as to the establishment of a National Bank, being a member of the house of representatives, the point of enquiry with him was not so much what was the opinion of the Legislature, although undoubtedly the opinion of a body so respectable would have great weight with him under any circumstances, as what were the sentiments of his immediate constituents. These he believed to be in favour of such an institution from the following circumstances: In the first place his predecessor, (Mr. Hawkins) voted for a National Bank, without the slightest murmur of discontent. Secondly, during the last fall, when he was in his district, he conversed freely with many of his constituents upon that subject, then the most common topic of conversation, and all, without a single exception as far as he recollected, agreed that it was a desirable, if not the only efficient remedy for the alarming evils in the currency of the country. And lastly, during the session he received many letters from his constituents, prior to the passage of the bill, all of which concurred, he believed without a solitary exception, in advising the measure. So far then from being instructed by his district to oppose the bank, he had what was, perhaps, tantamount to an instruction to support it—the acquiescence of his constituents in the vote of their former representative, and the communication, oral and written, of the opinions of many of them in favour of a bank.
The next consideration which induced him to oppose the renewal of the old charter, was, that he believed the corporation had, during a portion of the period of its existence, abused its powers, and had sought to subserve the views of a political party. Instances of its oppression for that purpose were asserted to have occurred at Philadelphia and at Charleston, and, although denied in Congress by the friends of the institution during the discussions on the application for the renewal of the charter, they were, in his judgment, satisfactorily made out. This oppression indeed was admitted in the house of representatives in the debate on the present bank, by a distinguished member belonging to that party, which had so warmly espoused the renewal of the old charter. It may be said what security is there that the new bank will not imitate this example of oppression?—He answered, the fate of the old bank warning all similar institutions to shun politics, with which they ought not to have any concern. The existence of abundant competition arising from the great multiplication of banks, and the precautions which are to be found in the details of the present bill.

A third consideration upon which he acted in 1811 was, that as the power to create a corporation, such as was proposed to be continued, was not specifically granted in the constitution, and did not then appear to him to be necessary to carry into effect any of the powers which were specifically granted, Congress was not authorised to continue the bank. The constitution, he said, contained powers delegated, and prohibitory powers expressed and constructive. It vests in congress all powers necessary to give effect to the enumerated powers—all that may be necessary to put into motion and activity the machine of government which it constructs. The powers that may be so necessary are deducible by construction. They are not defined in the constitution. They are from their nature, indefinable. When the question is in relation to one of these powers, the point of enquiry should be, is its exertion necessary to carry into effect any of the enumerated powers and objects of the general government?—With regard to the degree of necessity, various rules have been, at different times laid down; but, perhaps, at last there is no other than a sound and honest judgment exercised, under the checks and control which belong to the constitution and to the people.

The constructive powers being auxiliary to the specifically granted powers, and depending for their sanction and existence, upon a necessity to give effect to the latter, which necessity is to be sought for and ascertained by a sound and honest discretion, it is manifest that this necessity may not be perceived, at one time, under one state of things, when it is perceived at another time, under a different state of things. The constitution, it is true, never changes;
it is always the same; but the force of circumstances and the lights of experience, may evolve to the fallible persons, charged with its administration, the fitness and necessity of a particular exercise of constructive power to day, which they did not see at a former period.

Mr. C. proceeded to remark, that when the application was made to renew the old charter of the bank of the United States, such an institution did not appear to him to be so necessary to the fulfillment of any of the objects specifically enumerated in the constitution as to justify Congress in assuming, by construction, a power to establish it. It was supported mainly upon the ground that it was indispensable to the treasury operations. But the local institutions in the several states, were at that time in prosperous existence confided in by the community, having a confidence in each other, and maintaining an intercourse and connexion, the most intimate. Many of them were actually employed by the treasury to aid that department, in part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superceded in his judgement, the necessity of a national institution. But how stood the case in 1816, when he was called upon again to examine the power of the General government, to incorporate a National Bank. A total change of circumstances was presented—Events of the utmost magnitude had intervened.

A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about 300 banking institutions, enjoying in different degrees the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the State authorities. These institutions were emitting the actual currency of the United States; a currency consisting of a paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. He saw these institutions in fact exercising what had been considered at all times and in all countries, one of the highest attributes of sovereignty, the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit or distribution of the public revenues. In fact the paper which they emitted, and which the treasury, from the force of events found itself constrained to receive, was constantly obstructing the operations of that department. For it would accumulate where it was not wanted and could not be used where it was wanted for the purpose of government, without a ruinous and arbitrary brokerage. Every man who paid or received from the government, paid or received as much
less than he ought to have done as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform; in N. England, where specie payments have not been suspended, the people were called upon to pay larger contributions, than where they were suspended. In Kentucky, as much more was paid by the people in their taxes than was paid, for example, in the State of Ohio as Kentucky paper was worth more than Ohio paper.

It appeared to Mr. C. that in this condition of things the General Government could depend no longer upon these local institutions, multiplied and multiplying daily; coming into existence by the breath of eighteen State Sovereignties, some of which by a single act of volition had created 20 or 30 at a time. Even if the resumption of specie payments could have been anticipated, the General Government remaining passive, it did not seem to him that the General government ought longer to depend upon these local institutions exclusively for aid in its operations. But he did not believe it could be justly so anticipated. It was not the interest of all of them that the renewal should take place of specie payments, and yet without concert between all or most of them it could not be effected. With regard to those disposed to return to a regular state of things great difficulties might arise, as to the time of its commencement.

Considering then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm, that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government, it appeared to him to be the duty of Congress to apply a remedy, if a remedy could be devised. A National Bank, with other auxiliary measures was proposed as that remedy. Mr. C. said he determined to examine the question, with as little prejudice as possible arising from his former opinion. He knew that the safest course to him, if he pursued a cold calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that if he changed or seemed to change it, he should expose himself to some censure. But, looking at the subject with the light shed upon it by events happening since the commencement of the war he could no longer doubt. A Bank appeared to him not only necessary, but indispensibly necessary, in connexion with another measure, to remedy the evils of which all were but too sensible. He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their candor and justice. That which appeared to him in 1811, under the state of things then existing, not to be necessary to the general government, seemed now to be necessary, under the present state of things. Had he then foreseen what now exists, and no objection had laid against the
renewal of the charter other than that derived from the constitution, he should have voted for the renewal.

Other provisions of the constitution but little noticed, if noticed at all, in the discussions in Congress in 1811, would seem to urge that body to exert all its powers to restore to a sound state the money of the country. That instrument confers upon Congress the power to coin money and to regulate the value of foreign coins; and the states are prohibited to coin money, to emit bills of credit, or to make anything but gold and silver coin a tender in payment of debts. The plain inference is, that the subject of the general currency was intended to be submitted exclusively to the general government. In point of fact, however, the reputation of the general currency is in the hands of the state governments, or which is the same thing, of the banks created by them. Their paper has every quality of money, except that of being made a tender, and even this is imparted to it by some states, in the law by which a creditor must receive it, or submit to a ruinous suspension of the payment of his debt. It was incumbent upon Congress to recover the control which it has lost, over the general currency. The remedy called for, was one of caution and moderation, but of firmness. Whether a remedy directly acting upon the banks and their paper thrown into circulation, was in the power of the general government or not, neither Congress or the community were prepared for the application of such a remedy. An indirect remedy, of a milder character, seemed to be furnished by a National Bank. Going into operation, with the powerful aid of the Treasury of the U. States, he believed it would be highly instrumental in the renewal of specie payments. Coupled with the other measure adopted by Congress for that object, he believed the remedy effectual. The local banks must follow the example which the National Bank would set them, of redeeming their notes, by the payment of specie, or their notes will be discredited and put down.

If the constitution then warranted the establishment of a bank, other considerations besides those already mentioned strongly urged it. The want of a general medium is every where felt. Exchange varies continually not only between different parts of the Union, but between different parts of the same state, and even different parts of the same city. If the paper of a National Bank were not redeemed in specie, it would be much better than the current paper, since although its value in comparison with specie might fluctuate, it would afford an uniform standard.

If political power be incidental to banking corporations, there ought perhaps to be in the general government some counterpoise, to that which is exerted by the states. Such a counterpoise might not indeed be so necessary, if the states exercised the power to incorpo-
rate banks equally, or in proportion to their respective populations. But that is not the case. A single state has a banking capital equivalent or nearly so to one fifth of the whole banking capital of the U. States. Four states combined have the major part of the banking capital of the United States. In the event of any convulsion, in which the distribution of banking institutions might be important, it may be urged that the mischief would not be alleviated by the creation of a National Bank, since its location must be within one of the states. But in this respect the location of the bank is extremely favorable, being in one of the middle states not likely from its position as well as its loyalty, to concur in any scheme for subverting the government. And sufficient security against such contingency is to be found in the distribution of branches in different states, acting and re-acting upon the parent institution, and upon each other.

Lexington Kentucky Gazette, June 10, 1816. Published also in Lexington Reporter, June 12, 1816; Washington National Intelligencer, October 1, 1834; Annals of Cong., 14 Cong., 1 Sess., XXIX, 1189-95; Chambers, Speeches of the Hon. Henry Clay, 463-68; [Swain], Life and Speeches of Henry Clay, II, 82-88; Mallory, Life and Speeches of the Hon. Henry Clay, I, 318-23; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 75-80. This “address to the people” of his Congressional district, delivered at Lexington, reportedly contains the substance of Clay’s unrecorded speech in Committee of the Whole of the House of Representatives on the national bank bill, March 9, 1816.

1 For Clay’s speech in 1811 opposing the bill to recharter the Bank of the United States see above, I, 527-40.
2 George Walker and Jesse Bledsoe had voted for the bill under consideration on December 9, 1814. William T. Barry, as well as Isham Talbot, had supported the bill in the Senate vote of April 3, 1816. Annals of Cong., 13 Cong., 3 Sess., XXVIII, 126; 14 Cong., 1 Sess., XXIX, 281.
3 Joseph H. Hawkins had been elected to Congress to fill the vacancy caused by Clay’s resignation in January, 1814.
4 Probably a reference to Timothy Pitkin, who on February 26, 1816, had expressed unwillingness to place a large capital “in the hands of any set of men” because “they would use it oppressively; the old Bank of the United States had done so, and so would this.” Annals of Cong., 14 Cong., 1 Sess., XXIX, 1067.

From Robert Breckinridge

Dear Sir

Louisville June 10th. 1816.

In answer to your letter of the 30th. ultimo I am under the necessity of reminding you of the embarrassing situation imposed upon the Trustees of A. W. Grayson by the refusal of Mr. Trimble to fulfil the agreement made with me by him for himself and you. The Trustees of A. W. Grayson are extremely anxious to execute with dispatch the trust they have undertaken and to pay without delay every debt provided for by it as far as they may have funds to enable them to do so—but until the dispute with Mr. Trimble is adjusted you will readily perceive the hazard the Trustees must bring upon themselves to pay any debt whatever—Until a decision can be procured against the claim of Mr. Trimble, the purchaser
from the Trustees will make no farther payment—nor would it be safe in the Trustees to apply it, were the payment made. with respect

Ro. Breckinridge

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay at Lexington. See above, Breckinridge to Clay, October 16, 1815.

1 Not found.

From Samuel Hopkins

My dear Sir. Henderson. 15th. june 1816.

Your favor of 27th. Ulto.¹ was brought to this Post office a week ago, but from my absence two or three days, I lost the Opportunity of then addressing you.

Since my return from Congress in 1815. I have Confin’d myself exclusively to domestic business, & am now in progress with Crops that promise to furnish the means of retrieving my losses & misfortunes Since the Contract made with you for the Purviances.² these have not Been attributable to me, but have Grown out of the incidental (though necessary) state of the Country.

My Notes were payable in 1812.—in April I descended the River with a Cargo of Tobo. & Pork Sufficient for all the Demands, & met at New Orleans the Embargo, laid before the Declaration of War; this to me was the more distressing, as I had Reciev’d the Tobo. & Pork of the people, for whom I purchas’d the lands at the then price Current at my own Risque.—this Cargo I was obliged to leave Stored in Orleans where it remain’d Until june 1813 & then was Sold for less than half Price—with Great Exertion I made out in 1814 another Cargo & Sent it to orleans of 150 M lbs. of Tobacco which I directed to Wait Events, & was Sold at almost no price upon the rumour of the British invading Louisiana.—in the Years 1814 & 15, our Labour was necessarily directed to the means of providing food & Cloaths for our families so that neither myself or my Neighbours have been avail’d by the high prices of the products of those Years. when I got Home from Washington in 1815, I felt the necessity of making provision for this Debt, & actually Contracted in the Sale of a Tract of land for $4000 payable in the Decemr. & March following, With a man reputed Rich & punctual. which has become abortive by the total failure on his part to Comply. from This Source, I thought myself Justified in Writing as I did to you in October last;³—these misfortunes & disappointments were & are sources of Great Mortification to me, as they have a Tendency to Paralyse a Credit I Value beyond price & gives [sic] room to Suspect, an equivocal Conduct which my mind abhors.

My prospects now are, the hopes of a large Crop in Tobo. Corn & wheat, fully Competent (without disaster) to accomplish the Debt I owe You. & the Sale of Lands;—
After making to You a true & Unvarnish’d exposition of my Situation, it must rest with You my dear Sir what course you will pursue. I could not express my feelings better than in acknowledg­ ing, the Friendly and patient manner you have already exercis’d towards me, & my belief that those Sentiments will Continue [sic] to operate as far as Consistent with the Justice due to those You act for. but I will observe that the Purviances owe to my Labours (unre­ muneredated) not only the origin of this debt, but of a Vast Sum arising from the Sale of their lands here for more than 15 years.

I will now propose. that I will attend You at Lexington at any time You prescribe; though before my Crop is finished it will be Greatly incoveneint [sic] as I have no person to assist me in my plantation business & my farms are Seperate which gives me enough to do. if then my dear Sir you think I may with eaqual advantage See you about 20th. of October it would be best for me, but if Sooner I will Attend you, & use every means to emburse as much as I can, or in the last resort, render you any assistance I can.

With Sincear Regard I am my dear Sir Your Friend

Honble Mr. Clay.

SAM’, HOPKINS

ALS. DLC-HC (DNA, M212, R1).

1 Not found.

3 Above, October 23, 1815.

To Joseph Gales, Jr.

Dr Sir Ashland 15h. June 1816.

Allow me to introduce to your acquaintance Mr. Carey,¹ the bearer hereof, a respectable Citizen of Fayette County, and one of my Constituents. He visits Washington for the gratification of that curiosity which one feels in relation to the Metropolis of his Country which he has never seen. Any attentions you may shew him will greatly oblige Dr Sir Yr. friend &c

H CLAY

ALS. NNPM. Addressed to Gales at Washington.

1 Several Careys were residents of Fayette County—Ludwell in the southern district: Robert and John in the northern district.

From James Smith, Jr.

Respected Friend June 17h. 1816

In your letter from Washington¹ you promised that when you returned home you would inform my Son John or myself with respect to the 3 small Debts you had under care previous to leaving this country—Will you be kind enough when you have leisure to do so. There must be something coming from them all—& if you will address a few lines to John J. Smith. my Son—it will oblige

Yr friend

JAS SMITH JR.
From “Pitt”

sir, 

[ca. June 21, 1816]

You will, no doubt, excuse the rustic simplicity of my address, when you learn that it comes from one, who was formerly your admirer. Even, sir, when the compensation bill was before the house, and I heard of your disposition towards it, I was disposed to attribute your speech upon the subject to that expansive munificence of nature, which is at once the badge and highest characteristic of an elevated soul. Though it manifested a carelessness and utter disregard of public economy, and the hard-earned pittance of the poor, I was willing to attribute it to one of those momentary and irregular flashes, which in the brilliant path of an elevated genius sometimes present themselves to bewilder and delude. Judge then of my surprise upon an inspection of the law to find it branded with the most odious features. Not only does it wring from the industrious and patriotic farmer a portion of the competence, which the gluttonous taxes of the country have left him; but you have directly infracted the Constitution, by making the law retrospective in its operations. You are a Lawyer, sir, and I fear must have knowingly invaded that great charter of our liberty. The argument which you make upon this point exposes the barrenness of your defence. Indeed, sir, I can scarcely believe you serious in declaring that you had a right to make a retrospective law. By the same authority that you have stretched this law back to the year 1815, you can extend it back to the first day, on which you took your stand upon that floor—How monstrous and absurd! Rely upon it, you mistake the tribunal before which you stand. It is not a criminal jury leaning with tender mercy towards a prisoner, and anxious to lay hold of any excuse or shadow of reason to shelter him from the penalties of the law. It is the august tribunal of the people, before whom sophistry is unavailing, and prevarication treason. It is not a mere question of policy, on which all may be mistaken; but [our] bleeding Constitution cries for [r]epara[tion.]

[. . .] sir, there is still something further on this subject that requires explanation. You were speaker of the house:—there was no opposition to the bill. Why for a moment abdicate your dignity to enforce the propriety of the law? Why such great anxiety to “commit yourself upon the bill”? Was it, sir, that you did not dream of opposition?—And did you then consider us so tame and docile that you might put your foot upon our necks, and expect us not to wince? Or was it that all parties, for a moment laying aside
their hostility, came to the amicable compromise to pilfer from the public chest, then to unite all their forces and put forth the eloquence of a few (otherwise unnecessarily displayed) to brave the opposition of the people? If so, sir, and you have thus thrown the gauntlet to your constituents, it was base to cry mercy as you have: -Yes, there is even honesty among thieves, and we all admire the magnanimity that would die when overtaken, rather than betray a fellow to the sword of justice. Trust me, your promises to abandon your principles and repent, are not satisfactory to the people. Besides, sir, we know not how to take you. Still whenever attacked you make a furious defence, and then cry for mercy. Come out, sir! Skulking is unworthy of your character. You must stand or fall by your actions.

But we will investigate your claims to mercy[]. It is urged that you are great. Granted. So were Caesar, Marius, Cromwell; and woe to Rome and England that they were! There is an inborn propensity in human nature to admire what is great, without regard to other qualities. Even Napoleon we can never recollect without a feeling of admiration, though steeped in vice and polluted by ambition. And could I expect you to accuse yourself, I would ask you, sir, if you did not build your hopes of braving the people upon this principle in human nature. Though well read in the great volume of mankind, I trust you were misguided as to the nature of your constituents. Perhaps your recent observations upon the tame idolatry of the European peasants have contributed to your mistake. At any rate you will subscribe to the correctness of the sentiment, that to protect the frailty of human virtue we must not flatter it: And what would you think, sir, whilst your coadjutors around you were sinking, under the indignation of the people, should you alone ride out the storm?—you, who were so very anxious "to commit yourself upon the bill" as wantonly to defy the opposition of your constituents.

But it is said to be your first offence. For one moment grant it. It is the first time your private interest has come in opposition to the public weal. You cannot ask us to let the slightest invasion of the constitution pass with impunity. The sentinel is properly punished with death, if the enemy is in the neighbourhood, and he is found, but once, sleeping upon his post—nor sir, can you be insensible [to t]he influence of example. We know [that what p]asses with impunity becomes [habit]; and that which is but fact today, becomes principle to-morrow.

If sir, those were the only objections to your conduct there would still be room for charity to operate. Good men, in tender consideration of the frailties of human nature, would have excused your
offences, numerous and aggravated as they are, but as if to take away from those, who still felt a disposition to support you, all pretext and excuse for such conduct, you openly declared on the floor of Congress, and in the face of your constituents, (in reference to your votes upon the Bank) that what was unconstitutional in 1811 has, under a change of circumstances, become constitutional in 1816.2 This, sir, you will no doubt retract. I hope for the honor of the district that [you] will speedily and explicitly retract it, but [you] cannot so easily remove the [effect] this avowal has produced: no sir, [not] all the tears that you have shed upon this subject, nor all the grog that you have drank to prove your perfect devotion to the people, can wash away the stain. Many who have fettered themselves to your fortune, have espoused the principle and palmed it upon weaker heads as a fair exposition of that immutable instrument. You may recall the expression sir, but you will leave the sting festering in the Constitution. I rely upon your retracting it, because I know you dare not persist in it. I believe it was the first time the doctrine has been heard of in America. Nor, sir, do I know that even my Lords Castlereagh or Gambier (with whom you were so intimate abroad) ever contended that our Constitution was any thing or nothing—one thing to day and the opposite to-morrow, as the views or interest of the great may require. With due respect, Yours, &c. Pitt.

1 Above, March 7, 1816. 2 See above, Speech, June 3, 1816.

Receipt from William Challen

[June 24, 1816]

Attached to letter, Hardin to Clay, April 11, 1816.

Receipted Fee Bill from Joel P. Williams

[ca. July 1, 1816]

1816 H. Clay To Sheriff of Mercer
To half commission & fee on 975:52 fifa
agt. M Bell1 Levied & Replevied

Dr 15:25

$15:25

Recd. paymt. JoEL P WILLIAMS
Dep H Palmer2

DS. DLC-TJC (DNA, M212, R15). Williams was later a member of the Kentucky House of Representatives from Mercer County.
1 Montgomery Bell, who with his brother John had become surety in 1811 for a note (not found) amounting to $750, given by John P. Wagnon to Clay. When the note
was not paid, Clay had brought suit in the Fayette Circuit Court at the June Term, 1816. The judgment of this court awarding Clay the value of the note, plus interest, damages, and costs, was sustained by the Kentucky Court of Appeals at the Spring Term, 1818. Fayette Circuit Court, Order Book P, 214-18, 251; 8 Ky. Reports (I A. K. Marshall) 257-58.

2 Probably Henry Palmer.

Property Deed to William Gibbons

[July 2, 1816]

[Henry and Lucretia Clay, for $2,000 current money of Kentucky, paid and acknowledged, convey to William Gibbons, of Fayette County, 124 acres on the waters of Hickman in the aforesaid county, beginning at a sugar tree corner to John H. Morton, thence S 62 E 81 3/4 poles to a large hickory corner to Elijah Poage, thence with his line N 15 1/4 E 180 poles to a sugar tree and dead elm, thence N 22 E 40 poles to a sugar tree and honey locust in Morrison’s line, thence with the same S 67 3/4 W 99 1/2 poles to near an ash stump, thence S 17 W 119 1/2 poles to a chop on a walnut log on Morton’s line, thence S 5 W with his line 96 1/2 poles to the beginning. Signatures of Henry and Lucretia Clay. Endorsement by John Murphy, witnessed by Abner Field: “I acknowledge the within deed to be made by my directions.” Recorded July 5, 1816.]

Fayette County Court, Deed Book O, 471-72. Cf. above, I, 588.

1 James Morrison.

Property Deed from John and Mary Murphy

[July 2, 1816]

[For the sum of $2,000, paid and acknowledged, John Murphy and Mary, his wife, convey to Henry Clay 15 acres in Fayette County, bounded as follows: “Beginning at a sugar tree standing on the side of the road leading from Lexington to Boones Station by J. Masters sons’ Meadow fence thence with said road South 45 west [sic] forty three poles to a Stake opposite to the house in which the said Murphy formerly lived thence South 45° W. sixty five poles to a Stake on the line of Land belonging to Said Clay formerly belonging to the Estate of George Nicholas which two last mentioned corners are also corners to a piece of Land owned by the said Clay formerly belonging to Thomas Bodley thence with the line formerly the said Nicholas’s line N 32 W. forty three poles to a Stake near a large black Ash thence North forty five degrees East to the beginning Being part of a tract of Land conveyed by Elisha Winters to Thomas Hart decd. . . .” and the same tract conveyed by Hart to Murphy on June 23, 1800. General warranty of title. Signatures of the]
Murphys recorded July 2, 1816, by John D. Young, Clerk of Fayette County.]


1 James Masterson, pioneer Lexingtonian. 2 Should read "east."

Property Deed from David Dodge and Wife

[July 3, 1816]

[David Dodge and Dorcas, his wife, of Clark County, Kentucky, in consideration of the sum of $1,000, paid and acknowledged, convey to Henry Clay 10 acres in Fayette County near Lexington, "Begining at a sugar tree and hickory on Mastersons line corner to the land lately the property of John McNair now belonging to the Heirs of George Trotter on the north East side of Boones Station road thence with said road South 45° East thirty eight and a half poles to a sugar tree corner to the land formerly the property of John Murphy now belonging to the said Clay on Mastersons line, thence with the said Murphy's or Clay's line South 45° west fifty eight poles to his corner being a stake near a large ash tree thence north 32° west Twenty five poles to a hickory and ash corner to lately the land belonging to Nicholas now the said Clays on Trotter's and the said McNairs (now also Trotter's) line thence with the said McNairs line North 28° East fifty four poles to the beginning ...", the property here transferred having been sold to Dodge by Jacob Lauderman under deed of February 25, 1806, and to Lauderman by Thomas Hart, Sr. Recorded July 3, 1816, by John D. Young.]

Fayette County Court, Deed Book O, 19-20. The property became part of Clay's estate, "Ashland.”

1 James Masterson. 2 George Trotter, Jr. 3 George Nicholas. 4 Lexington District Court, Deed Book C, 298 (August 12, 1800); Fayette Circuit Court, Deed Book B, 653 (February 25, 1806). Lauderman had for many years manufactured tobacco for sale in his shop on Main Street, Lexington. In 1810 he had resided in the northern district of Fayette County.

Check to Benjamin Atkinson

3 July 1816

Pay to Benj. Atkinson or order forty seven dollars and seventy one Cents. $47.71.

Cashier of the K. In. Company.

Check to Thomas T. Burns

3 July 1816.
Pay to Tho. T. Burn [sic] or order Thirty six dollars and fifteen Cents. $36:15.
H Clay
Cash. of the K. I. Co.

Property Deed from Daniel Bradford and Wife

[July 3, 1816]
Daniel Bradford and Eliza P., his wife, for the sum of $3097.30 in current money of Kentucky, paid and acknowledged, sell to Henry Clay a tract in Fayette County on the waters of Cane Run, beginning at a stake on the northeast side of Russell’s road and encompassing 42¾ acres and 11 poles, which property is part of a larger holding conveyed to Bradford by William Challen and wife under deed dated March 25, 1814.¹ General warranty of title. Recorded July 5, 1816.

¹ Fayette County Court, Deed Book H, 442.

Property Deed to William Challen

[July 3, 1816]
Henry and Lucretia Clay and Daniel Bradford in consideration of the sum of five shillings, paid and acknowledged, convey to William Challen part of Lot no. 35 in Lexington, beginning at the south corner of Main and Spring streets and extending southeast 40 feet along Main Street, which lot was deeded to Clay by William Shellars and wife on July 21, 1813, “and which by the Conditions of the said deed on the contingencies therein expressed the said Clay was to convey to the said Challen.” Bradford covenants to defend the title. Recorded August 8, 1816, by John D. Young.

Fayette County Court, Deed Book O, 248-49.

Receipt from Thomas McClanahan

[July 6, 1816]
Recd. 6 July 1816 of Henry Clay in bonds of Thomas McClanahan deceased¹ & in money & an order the amt. in full collected by said Clay of Tho. Todd upon a Judgt. to the use of said McClanahan agt. him in Fayette Circuit Court.² THOS, McClANAHAN Ext,
McClanahan was a resident of Bourbon County, Kentucky.

1 A native of Orange County, Virginia, who had settled in Bourbon County, which he had represented in the Kentucky legislature in 1793. His will had been probated in February, 1809.

2 Suit not found.

From [Richard Bland Lee]


I have this moment received your letter of the 30th. Ulto.1 mentioning five gentlemen in Fayette County qualified to act as commissioners under the law establishing this office. The law has not made any provision for the compensation of the commissioners, or any other expense incident to its execution, except the salaries of the commissioner and his Clerk. This is an omission which I suppose Congress will remedy at their next Meeting.2 At present it might be proper for the commissioners to charge to the parties at whose instance they may be employed such fees as are allowed in the State or district in which they reside. Then the claimant may add these to his demand against the United States, the allowance of which will be a subject of consideration in this office and if on full consideration such charges shall be rejected the question may be submitted to the decision of Congress.—It would appear unjust to burthen the United States with such charges in cases where the Claimant should fail to make out any just demand. And on the other hand in cases which shall be substantiated by the requisite evidence it seems to me right the claimant should receive a return of such expenditure. I communicate to you the hasty suggestions of my mind on the question submitted to me in your letter. Your more correct judgment may enable you to point out to such of your constituents who may have claims the course most proper for them pursue [sic]

I have the honor to be with sentiments of the highest respect & consideration Your most Obt: Servt:
The Hon Henry Clay Esqr.

Copy. DNA, RG217. Lee had been appointed Commissioner of Claims under the act of April 9, 1816, “to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes.” Cf. above, Motion, December 22, 1815, note. 1 Not found.

2 The act authorized the commissioner, in cases in which the claim exceeded $200, to “award a commission to some one or more discreet commissioner in the vicinity of where the witnesses are stated to reside, accompanied by interrogatories to be propounded to such witnesses, which said commission, when executed, shall be returned . . . to the office of the said commissioner.” 3 U. S. Stat., 263-64. No authorization for the payment of these local commissioners has been found.

From [Josiah Meigs]

Sir Genl. Land Office 11th July 1816

I have had the honor of your letter of 30th Ulto, (recommending
JULY 13, 1816

Joseph M Street as a Commissioner for locating a road from Shawneetown to Kaskaskia,) & have transmitted it to the Secretary of the Treasury. I have &c

Hon: H Clay Lexington Keny.


1 This letter and another, recommending Jonathan Taylor as a second Commissioner (see A. J. Dallas to Josiah Meigs, July 13, 1816, in Carter (ed.), Territorial Papers, XVII, Illinois, 1814-1818, p. 361), have not been found. Street and Taylor were commissioned August 3, 1816.

From Samuel Hopkins


Your favor of 23d. Ulto.1 owing to a failure in the Mail by High Waters was not at hand untill this day, by it I perceive You feel compell’d to execute the Powers Vested in You by the trust Given to Secure the payments to the Purviances: it is not for me to say what is proper on this occasion; Misfortune, whether Arising from Willfulness, Negligence, or Causes not within our controul, are not perhaps proper to be plead in Courts of Philanthrophy or Conscience: stern justice must be Satisfied. but let me make a [few]2 observations.—the trust must be clos’d, the 20th. of October the last period Mention’d in Your letter;—now my dear Sir, has it occur’d to you that from this arrangement I shall be Mulcted in Double Damages? My Crop of Tobo. which now promises well, will not be even Housed before the 10th. or 15th. of October, then in its Crude State to be left upon me with out the Means of preparing that & my Crops of Corn & wheat for use, will put it out of my power to derive any advantage from it. & of course subject me to not only paying what I owe but, the loss of all my labour this Year, to Carry 40 Negroes to Lexington so as to be ready for Sale by the 20th. of October, they ought to be from this place by the 6th. or 8th. of that Month, which I am Morally Certain would leave me at least, my whole Crop of Corn & one third of my Tobo. on the Ground. if my people must be Sold from me, the additional Loss of my Crop would inflict a wound, never to be Heal’d by me, because the Means would be Gone.

I have now Growing, near 100 acres of Tobo. 160 of Corn & am Securing more than 1000 bushells of Wheat, my whole Force to Mature this Crop, is 27 hands, male, female, Young & old, 24 of these are embraced by the trust.—I am Sure I need not argue to present to you the ruin, that would attend, a Measure of this Kind. the Notes Negociable in the bank, would bring the 20th. of Decemr. & I would only ask until the 1st. or 15th of January. this would put it in my power to finish my Crop, & be avail’d by its proceeds, so as to Save a little for declining Years, without resorting to the Cold
Hand of Charity.—besides I have Certainly the prospect of raising a Considerable Sum independent of Crops or Sales during the Months of Novemr. & Decemr.—Your agent I presume Could do Your business effectually & be assur’d in the Worst event I would render him all the assistance in my power so as to raise the Money by the 15th. or even 1st. of January if it be insisted on.

However, my dear Sir, these reasonings and Expostulations may be thought of by You, I beg the favor of Your decision on them, as Soon as Conveniant; previous to any final [determ]ination—I wish to See You, for this purpose I will attend You at any time through Summer or Fall.

With Sincere regard & Esteem I am my dear Sir, Your Friend

Mr. Clay.

SAM’, HOPKINS

ALS. DLC-HC (DNA, M212, R1). Cf. above, Hopkins to Clay, June 15, 1816.

1 Not found. 2 MS. torn.

Campaign Speech at Sandersville

[July 25, 1816]

Mr. Clay said, without any consultation of me it has been published in the Lexington papers, that the candidates for Congress would address the people on this occasion.1 My adversary, Mr. Pope,2 is absent, as has been stated, on professional duties, and I have no doubt such statement is correct. I do not intend to take advantage of this circumstance to say any thing with regard to the conduct or character of Mr. Pope—indeed I could say nothing to his discredit as a man; for I have always esteemed him in private life a virtuous citizen, possessing talents which are highly respectable and would do honor to the district.

But I do not think Mr. Pope’s absence a sufficient reason, why I should say nothing of myself, why I should not explain to the people the measures of which they complain, and vindicate myself from the charges, which have been made against me.3 When I returned from Washington City I found there were among the people two causes of complaint; first, my vote on the Compensation Bill.

With respect to the bank question it has been almost lost in the warmth, which has arisen with regard to the latter measure; but I still consider it my duty to state the reasons, why I opposed the renewal of the U. States bank charter in 1811 and voted for the establishment of a similar institution in 1816.

My first reason is, because I was instructed by the legislature of Kentucky. I hold instruction binding when given to a Senator by the legislature of the State, or when given to a representative by the people themselves. But there may be cases, when it would be the
duty of a representative to disobey an instruction; for instance, if he were instructed to violate the constitution. Here his oath would be paramount to the instruction.

On this point it has been said, that the instruction could have had no influence on my vote, because it was not received at Washington, until the day before, or on the very day the question was taken. Though it is true, that the instruction did not arrive at Washington in an official form, till the time mentioned, yet I knew days beforehand both from private letters and the public papers, that a vote of instruction had been passed. It is likewise true, that I had received a memorial from Lexington requesting me to use my influence for the renewal of the charter; but knowing that it was contrary to the wish of my constituents in general, as much as I respect that town for the many favors it has done me, I considered it my duty to pay no regard to it. I hold it immaterial, in what way a representative becomes acquainted with the will of his constituents—it is equally binding, whether he knows from general conversation, or whether it be inscribed upon parchment in the most formal manner.

I assert in contradiction to the report, which has been circulated, that these instructions did have a weighty influence on my mind.

But there were other motives which induced me to vote against the renewal of the old bank charter. Seven tenths of its capital were in the hands of foreigners, and the institution was under the control of men, who were inimical to the administration. They had already used it for electioneering purposes, and prostituted it to the oppression of republicans. We were on the eve of a war with that nation, by which most of the capital was held, and it might, with such stockholders and such directors, have been used as a powerful engine to thwart and embarrass every measure of our government. But it is said, that the stock of the present bank may in like manner pass into their hands; but there has been such a change in the circumstances of the world, since the destruction of the old bank, that it is very unlikely. Then, Europe was convulsed with wars and revolutions—kingdoms and empires were tumbling into ruin, and mankind looked to America as a last resort, a place, where they might deposit their property in safety from the storms of the old world. Here they were eager to purchase American funds, and hence so much of the bank capital passed into the hands of foreigners. But this state of things has passed away. That power, which threatened the existence of kingdoms is annihilated, commerce has resumed her antient channals, British funds are high and French stock daily rising. When there is equal danger the Europeans, as I have learned by my residence among them, prefer the stock of their own country. It is at home—they can draw the interest themselves, and immediately; but if they own American stock, they must employ agents.
and at any rate wait a considerable time, before they can receive their money. For these reasons Europeans will not be desirous of purchasing this stock. Besides, there is an immense capital in our own country, which has accumulated by our unexampled prosperity since the establishment of the old bank. These circumstances render it very improbable, that the stock of this bank will pass into the hands of foreigners. The banks are not, therefore, alike in this respect. There is a difference between a possibility and a fact. In acting upon the old bank, we had before us the *fact*, that seven tenths of the capital was in the hands of foreigners, and in acting upon the new we saw only the remote *possibility* of a similar result.

But I had another and a stronger reason—I believed it *unconstitutional*. The constitution of the United States has granted to the federal government certain express powers, and by implication all other powers necessary to carry the delegated powers into operation.

What powers are really necessary for this purpose is a very difficult matter to determine. In 1811 I did not think a national bank necessary for this purpose. I thought the state banks might afford to the general government all the facilities, which it derived from the institution, and that it was not necessary to regulate the currency of the country. But experience has shown the incorrectness of this opinion. I am now convinced, that such an institution is necessary both for the government and people. The taxes of Kentucky are paid in Kentucky money; those of Maryland in Maryland money, and those of New-York in New-York money. But as the money of New-York is worth ten per cent more than that of Maryland, the people of New-York pay a tax heavier by ten per cent, than the people of Maryland. If the government wished to pay soldiers in New-York and should do it with Maryland money, the soldiers would have a right to complain, because they would actually loose [sic] ten per cent on all their wages. Indeed so numerous had the local banks become, so much had they flooded the country with paper, and at length refused to redeem it with specie, that the business of the country was thrown into the utmost confusion and we were in danger of a general bankruptcy. In fact as a celebrated man⁶ once said, "the wheels of the government were almost stopped." This state of things has convinced me that a national bank is necessary to enable the government to transact its business without loss, to restore confidence to the country and keep within the bounds of duty & propriety the multitudes of little monied institutions. It has been said, that I considered the constitution a pliant thing, which may be made to conform itself to the necessity of the times or the conveniance of those in power. I spurn the idea. The Constitution is *immutable*; but we may really and honestly change our opinion
about its constructive powers. It is I who have changed and not the Constitution. The bank was just as constitutional in 1801 as at the present moment; but I did not then think so. The reasons for my change of opinion I have several times laid before my constituents and if you are not satisfied that I have acted correctly, then turn me out. I knew what use my enemies would make of it, but preferring the interest of my country to the foolish pride of consistency, I throw myself on your candor & leave the result to your determination. With regard to the Compensation Bill I will detain the people but a short time. I cannot go into details. The price of board when Congress sat in New-York was six dollars per week and now in Washington it is fifteen. Money has materially depreciated as appears by the greater price of all the necessaries of life. If you buy a piece of goods, you give twice as much as you did in 1796, and if you sell your produce, you get the same.

It has been asked, why if our wages were too low, we did not raise the daily allowance to nine or ten dollars? By calculating on a series of years the only true criterion it will be found that 1500 dollars does not amount to more than from nine to ten dollars per day.

But as to the mode adopted in the bill, I appeal to the Hon. R. M. Johnson whom I am happy to see here present, that I have always been opposed to it. But I did not consider it of any great importance, whether members of Congress were paid by the day, by the month, or by the year. But we have sinned, we have been guilty of indelicacy in making the law retrospective, in voting money into our own pockets. We raised the pay, because it was too little, and surely there is the same and even stronger reasons why the present congress should receive the increase than the next. The present Congress receive their pay in a depreciated currency, not worth so much by ten per cent as specie; but before the next congress will be paid, the revival of commerce, and the operation of the United States bank, will have restored the money of the country to its original value, so that the same sum will be worth to them ten per cent more, than it is to us. Here then is a powerful reason, why we should permit the law to go into operation during the present congress, and not postpone it to the next.

But it has been said, that this measure was adopted at an improper time, when the people were burdened with taxes. What is the fact? During this same session of Congress almost every tax to which the people are subject, was either diminished or repealed. The tax on manufactures and on furniture was repealed—the tax on whiskey has been lessened, and the direct tax reduced one half. It is therefore not true, that the people are burdened with taxes—their taxes are now but trifling. And how much more do my
constituents pay in consequence of this bill? I believe, on my conscience not more than one hundred dollars. The revenue of the United States consists of about twenty five millions of dollars, of which about seventeen millions are raised by duties on commerce and articles imported into this country. Very little of this tax is paid by the people on this side the mountains. Almost the only taxes, which reach them are the whiskey tax and direct tax except a few hundred dollars, which are paid for stamp paper in transacting business with the banks. I do not, therefore, on my conscience believe, that the real amount, which you pay more than you would have paid, had no such bill been passed can exceed one hundred dollars. But supposing that you paid according to your numbers instead of the real amount,—the additional tax, which would be paid by my whole district, would amount to about five hundred dollars. Yet for this paltry sum you would quarrel with your representative, a man, who has thro’ a long course of years been a faithful if not an able servant. Did I ever neglect your interests? Have I not done all in my power to serve you? When the wide ocean separated us, when far from my wife, children, friends, and country, did I forget you, or neglect your interest? No; through an arduous negociation I supported your rights, and signed a peace which astonished Europe.—A peace, which was hailed with the liveliest demonstrations of joy throughout the U. States. No right was surrendered, not an inch of the sacred soil of our republic given up to the enemy. But it is now sneeringly asked, what have we gained by the war? Ask the Hartford Convention—ask those, who denied us the means of prosecuting it, who braced every nerve to thwart and weaken the measures of government. They can tell you, why we have not gained more by the war. Had New-England been as patriotic as Kentucky, as you whom I now see around me Canada would have been ours. But have we really gained nothing by the war? Are all the splendid victories, which we have gained on land, on the lakes and on the ocean nothing? Are the honor, the fame, and respect, which we have obtained in the eyes of foreign nations, nothing? If we have not humbled Great Britain, we have taught her to respect us; if we have not got redress for past wrongs, we have in the spirit we have displayed, a guarantee against future injuries.

If you would quarrel with me, I beg you to select for that purpose some great and important act of my life, which is worthy of you, and not descend to a measure so trifling and so pitiful. I voted for the war, I contributed much to the passage of that law, I advocated every measure, which had a tendency to bring it to an honorable and glorious conclusion, mourned for our defeats and hailed our victories
July 25, 1816

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with rapture. I sacrificed much in its progress, and lost many friends on the field of battle, who were dear to my heart. Their fate caused but few tears; for I knew, that though they had not fallen in the arms of victory, they died in defending the rights and honor of their country. How then could I mourn?—the life of every republican belongs to his country. When the circumstances of the world had changed; when the fall of Bonaparte an event, which no statesman could foresee, had let loose the whole power of the British empire upon our shores and our frontiers, on the call of my country I went to Europe, and there continued my exertions for the support of your rights. Will you quarrel with me for this? Great as have been my personal sacrifices in this war, I would give them all for the pleasure I received in one hour while in Europe. I had heard of the expedition to New-Orleans—I inquired of the British ministers its numbers and equipment. They were sure of success. The English papers were filled with accounts from it, and so confident of victory that it was stated, they should have to restore New-Orleans to the Americans in consequence of the infamous treaty, as they were pleased to call it, which had been concluded at Ghent. I knew of how much importance New-Orleans was to the Western country.—I thought they must know better than I the force of their expedition, and my heart sunk within me. New Orleans was the constant subject of my thoughts. In this desponding mood, I was walking the Boulevards in Paris, when I saw an American advancing towards me. Joy was sparkling in his countenance and I saw that he had some good news. "Mr. Clay," said he, "have you heard the glorious news"? No, said I. "We have given them a sound drubbing at New-Orleans—here read!"—I would not exchange the feelings, the joy of that moment for all the sufferings and sacrifices, which the war has cost me. Go, then censure me for this, for the war, for the peace, or some other great act of my life, but do not quarrel with me for the mean, pitiful consideration of my tavern-bills at Washington.

Georgetown (Ky.) Patriot, August 3, 1816. This speech was delivered at Sandersville, a few miles north of Lexington, where a large crowd had gathered for Kentucky's first cattle show, under the management of Lewis Sanders, as well as for political fireworks. A brief account of the affair, as reported by Sanders, may be found in Alvin H. Sanders, "Tardy Justice to a Great Pioneer: the Story of Col. Lewis Sanders," Breeders' Gazette, LXVI (December 17, 1914), 1045.

Clay had spoken at the Woodford County Courthouse on June 10 and perhaps at John Higbee's mill on July 20, but no record of the remarks on these occasions has been found. Lexington Western Monitor, June 21, 1816; Lexington Reporter, July 24, 1816.

1 Lexington Kentucky Gazette, July 22, 1816; Lexington Reporter, July 24, 1816.
2 John Pope. 3 See above, Clay to Field, March 25, 1816, note.
4 Document not found. A resolution asking that Kentucky's Senators and Representatives in Congress "be requested to oppose a renewal of the charter of the bank of the United States" had been introduced in the State House of Representatives on January 23 and adopted by that body two days later. The Senate had approved the

5 See above, I, 523. 6 Not identified.


Promissory Note to George Shackelford and Ebenezer Dickey

[July 26, 1816]

Nine months after date for value recd. I promise to pay to George Shackelford [sic] and Ebenezer Dickey four hundred and fifty two dollars. Witness my hand & seal this 26th. July 1816.

H. CLAY Surviving Exor
of Tho. Hart {L.s.}

[Endorsement on verso]¹

Recd. the Amount of the Note with Interest to this day Octr. 3d 1817

SETH BRIGGS

ADS. DLC-TJC (DNA, M212, R15). Endorsed by Shackelford to Seth Briggs (not identified).

¹ AES.

Memorandum of Agreement with George Shackelford and Ebenezer Dickey

[July 26, 1816]

["It is understood that the note given to us this day" by Clay as executor of Thomas Hart, Sr., "was Executed upon the Supposition that a Compromise Between Adolphus F. Hubbard & George Shackelford & James Rice¹ for a settlement & preemption in the name of John Hart lying & being in Madison County would be carried into effect."² If that contract should fail of accomplishment, Clay is to pay only $305.50, the expenses already incurred in purchasing the land from Josiah Hart. It is also understood that when the above compromise takes place, Hart's bond to Sarshell and Braxton Cooper, Patrick Woods, and Ebenezer Dickey³ for the conveyance of approximately 700 acres in Madison County is to be surrendered to Clay and the question of surplus land adjusted.]

ADS. DLC-TJC (DNA, M212, R15). ¹ Of Madison County, Kentucky.

² By deed of November 9, 1816, Hubbard, through his attorney in fact, Williamson Gatewood, conveyed the 400 acres on Silver Creek, in Madison County, to Shackelford and Rice, in trust for numerous Madison County residents. The named consideration was payment of $550. Madison County Court, Deed Book M, 109-110.

³ All of Madison County.
Henry Clay Esqr.

Dear Sir,

I have transferred to Mr. John McKim Junr. of this place, for a valuable consideration, the claims of the late firm of Jno Kennedy & Cox against William Taylor & Co. and Akin & Eastland, in your hands for collection, to whom you will please to pay the amount now due on the above accounts, or whatever sum you may be enabled to obtain from them, deducting therefrom your commission &c.—

I hope you will succeed in setting aside the injunctions filed by P. Barbour and Akin & Eastland [sic] at your next court, and be enabled to bring in with you money for the greater part of those accounts on your return to Congress next Winter, or remit it before that time if practicable, which will be of essential benefit to me in my contract with Mr McKim—

I enclose you a statement of all the payments recd. from you on acct. of William Taylor & Cos debt, agreeable to your request when I saw you last winter in Washington. Yours respectfully

JNO KENNEDY

P.S. I wish you to examine the papers relative to the injunctions filed by P Barbour and Akin & Eastland as early as possible, that you may have it in your power to obtain the necessary information from Mr John Clay of New Orleans, if wanted, previous to the time the court sits—have the business settled if possible at your next court, I would rather give up some small sum than to have it put off any longer—

J. K

[Enclosure]

Wm. Taylor & Co.

Dr.

1810. March 10. To P Barbours note with securities payle.³ 25 decemr. last .........$6500
   "   Int on ditto to this day ........ 81.25 $6581.25
   "   To Jonathn. Taylors note with securities payable this day .............. 5000.00
   "   To Wm. Taylors ditto ditto 5883.21
   "   To ditto " " 1000.00

Credit

By the following payments recd of H. Clay Esqr.

December 26th ... Cash .......... 2900.00
1811 Febry 23d ... ditto .......... 1070.00
March 6th ... ditto & a horse . 725.00
April 17th. ... ditto .......... 821.80

$18,464.46.
May 16th          ditto             108.20
August 22d.       ditto             3000.00
Novemr 11th.      ditto             1000.00
1812 April 25th.  ditto             1000.00
May 25 & 26th.    ditto—1500 & 412 1912.00
August 21st.      ditto             1050.00
1814 March 7th.   a horse            195.00

$13782.00

ALS. DLC-HC (DNA, M212, R1). Enclosed in letter, below, John McKim, Jr., to Clay, August 8, 1816.
1 The firm had suffered bankruptcy in 1809. Edward M. Gwathmey, John Pendleton Kennedy (New York, 1931), 14.
2 In unidentified hand.
3 Payable.

From John McKim, Jr.

Henry Clay Esqr
Baltimore Augt. 8h. 1816
Dear Sir
Annexd. you have a Letter from Mr. John Kennedy by which he Directs you to pay me the Balances that you have or may Collect on his Acct. from the persons therein named
You will greatly oblige me as well as Mr. Kennedy to forward to me, as soon as you can make Collections—the Amt. as you receive it and to have the whole Closed as soon as Possible. Money is much wanted here and your Exertions in this Case will greatly serve, Your Obt. Servt.

JNO. McKIM JR
P.S. please let me hear from you when you receive this

ALS. DLC-HC (DNA, M212, R1). 1 See above, August 7, 1816.

From Joseph Russell

To The Honourable Henry Clay Esqre. Washington
Dear Sir
Havre 14th August 1816
During the short time that I had the honour & pleasure of your acquaintance, I received so many proofs of your friendly disposition towards me that I think it unnecessary to apologise for the liberty I take in addressing you on this occasion.
Encouraged by your kind promises of support & that of many other very respectable friends, I wrote the Secretary of State about 18 months ago, requesting him to use his influence to procure me the appointt. to the American Consulate at Paris, or to that at Havre, in case Mr. Barnet should be named to the former—As I have not received a reply to my letter I am uncertain whether it got to hand but having long had the honour of being acquainted with Mr Munroe2 & received repeated marks of his esteem, I rely with
confidence on the continuance of his friendly sentiments & I have this day written to him, soliciting the appointment to the Consulate at Havre, now vacant by Mr. Barnets being commissioned for Paris—Having yesterday received from his Excellency Mr. Gallatin\(^3\) authority to act as Consul for this place until the President's pleasure is known, & understanding that your good offices have been used to procure me this appointment, I embrace the earliest opportunity to offer you my sincere & grateful thanks & at the same time request you to have the goodness to use your influence to procure for me the permanent appointment—\(^4\)

Having a large commercial establishment in this place & possessed of an ample Capital, the emoluments of the Consulate cannot be an object to me. & I understand they are too inconsiderable to be of importance to any one, but it would be highly gratifying to me to receive this appointment, considering as a mark of confidence conferred by an administration that has so essentially contributed to the Glory & Prosperity of our Country

It would afford me very great pleasure to have opportunities of being useful to you or to any of your friends—I beg you to command me freely whenever such occasions occur & believe me with sentiments of great respect & cordial esteem, Dear Sir Your most obed & devoted Servant

JOSEPH RUSSELL

ALS. DLC-HC (DNA, M212, R1).

\(^1\) Isaac Cox Barnet, of New Jersey, had been appointed United States Consul for Paris in April, 1816.

\(^2\) James Monroe.

\(^3\) Albert Gallatin.

\(^4\) In December of this year Reuben G. Beasley received the appointment that Russell sought.

Credentials as United States Congressman

[August 19, 1816]

ADS by James E. Davis, deputy for Robert Frier; signed also by William Whittington and by Otho Robards, the latter as deputy for Peter Higbee. DNA, RG233, HR15A-J1. Cf. above, August 21, 1810; November 13, 1815.

Receipt for Direct Tax

[August 20, 1816]

RECEIVED this 20th day of Augt 1816, from Henry Clay the sum of Two Hundred & Seventy five dollars 14\(\frac{1}{2}\) cents, for the Direct Tax of 1815 upon the property of himself in the County of Fayette in the second collection district of Kentucky. H Daniel\(^1\) for

Jno H Morton

$275 14\(\frac{1}{2}\) Collector of the 2nd Collection District of Kentucky.
Receipt for Tax on Furniture

[August 20, 1816]

RECEIVED this 20 day of Augt 1816, from Henry Clay Six dollars, for duties for the year 1815, on household furniture valued at 1200 dollars.

H DANIEL for

John H Morton

Collector of the 2nd Collection

District of Kentucky

DS (printed form). DLC-TJC (DNA, M212, R15).

Release from Cuthbert Banks

[August 29, 1816]

[Believing that Colonel Thomas Hart’s claims against Cuthbert Banks for the purchase of the Olympian Springs, for articles furnished “for consumption at the said Springs,” and for various other advances, are balanced by Banks’ accounts against Hart “for his and his family expences and boarding at the said Springs, and after his death the boarding and expences of Mrs. Susan Hart,” Banks releases Clay, Hart’s executor, and Mrs. Hart from all demands growing out of these accounts.]

DS, in Clay’s hand. DLC-TJC (DNA, M212, R10). 1 Mrs. Susannah Hart.

From James Madison

Montpelier Aug. 30. 1816

Mr. Dallas seems to have made up his mind to retire early in October from the Department in his hands, and the event may draw after it a vacancy in the War Department. 1 Will you permit me to avail our country of your services in the latter? It will be convenient to know your determination, as soon as you have formed it, and it will be particularly gratifying if it assent to my request. Accept assurances of my great esteem and of my cordial regards.

H. Clay Esqr

JAMES MADISON

ALS. DLC-HC (DNA, M212, R1). Published in Colton (ed.), Private Correspondence of Henry Clay, 52-53.

1 When Alexander J. Dallas resigned as Secretary of the Treasury October 20, 1816, he was succeeded by William H. Crawford, who had been Secretary of War.
SEPTEMBER 2, 1816

To [Josiah] Meigs

Dr Sir


A friend of mine Dr. Warfield¹ of this place has put into my hands the inclosed papers for the purpose of procuring a patent for the 300 Acres to which they relate. I perceive but one difficulty in the case which is the want of an assignment from Thomas Overton,² but that will be removed by the records of your office, from which you will find that a patent issued on the 16th. July 1798 to Dr. Warfield for the 1000 Acres, of which 300 being lost, the inclosed survey constitutes a part. I might also add that Dr. Warfield is a man of honor and of integrity, who would not set up a title where he had none. I will thank you to inclose the patent to him or to Yr. obt. Servt.

H. CLAY

Jonathan Meigs Esqr &c &c &c.

ALS. DNA, RG49, Misc. Letters Received, "C". Addressed to "Jonathan [sic] Meigs Esqr. Commr. of the Genl Land Office. Washington" and to "Mr Van Zandt." Josiah, not his nephew, Return Jonathan Meigs, Jr., was Commissioner of the General Land Office; Nicholas B. Van Zandt was Examiner. Endorsements indicate that the letter was received September 16 and answered October 14. Answer not found.

¹ Dr. Walter Warfield.
² Revolutionary veteran from Virginia, brigadier-general of Tennessee militia, close friend of Andrew Jackson, and brother of John Overton.

To Daniel D. Tompkins

Dr Sir

Lex. (K) 2d. Septr. 1816.

A man calling himself Thomas F. Goodhue, during the last Session of Congress, produced to me a general letter of introduction, under your signature, but addressed to no one, and stated that he had been directed by you to call on me. He had at the same time a similar letter from Govr. Galusha.¹ Subsequently he came to this State, and in the course of the last summer practised an infamous trick of swindling upon Mr. Prentiss² and some other gentlemen here, by the exhibition of letters of Credit, supposed to be counterfeited, from some respectable houses in New England, and inducing them to advance to him money upon the credit of those forged letters. He practised no imposition upon me, because there was some thing in his manner & conversation that impressed me, at my first interview with him, with the opinion that he was an impostor.

He has been pursued arrested & I understand imprisoned in the City of New York, and efforts are now making to bring him to justice. Thinking it possible that this communication may assist in promoting that desirable object I have the liberty to make it to you. Respectfy. I am Dr Sir Yr. obt. Servt.

His ExceIIly, Govr. Tompkins

H. CLAY
From James Smith, Jr.

Respected Friend Philada. Sep’ 3d 1816—
Henry Clay Esqr.

Permit me to bring to your recollection the situation of some debts that were under your care, some time previous to your departure for Europe, & which it is my duty to see after and get collected if possible—I find the part of Millers’ debt, is thus circumstanced which you put into the hands Mr. Sharp’s—his letter to me on the subject is as follows—

"Sir Washington City Octr 22’ 1814

"Inclosed I send you One hundred and forty Dollars, the ballance on your Judgment against Burnett’s—part I received sometime since and paid to Mr Porter Clay, on the order of the Honble Henry Clay Esq’—part was paid by the Sherriff, to Mr P. Clay, and this is the ballance, after retaining 21 Dollars for my services—&ca” So that it appears there must be something considerable coming on Accot of Robert Millers debt—

The demand against Owing for a debt put into your hands also remains unsettled—The Judgment you obtained against Woodson Wren has not been finally adjusted—I belive [sic] there is yet due from him near 300 Dollars & perhaps more. I find by a letter received from him dated April 1’ 1814—

He states the business thus.

"I have Mr Clays recep dated 27’ July 1808” for D. M Sharpes Note for 192$ for Geo. Walkers Note dated 27’ August 1809 for 194.49—Mr Clays recd by Bartlett & Cox for 410$ and alike recd for 500. 1t. May 1813—If you will look at your Invoice Book you will find the Article of India Persians are overcharged £17.18/—Deduct these payments and that error, & make a fair calculation of Interest, & my remaining Debt to you will be less than 100 Dollars—the ballance whatever it may be I hope I shall be able to pay in the course of the ensuing summer—” Mr Wren I concieve is mistaken with respect to the ballance that will be found due, but I cannot ascertain this not knowing the amount of the Judgment you obtained—Nor can I find that any such over charge as he alludes to was made in the persians—I shall esteem it a particular favour if you will, as soon after you receive as you can with convenience look into the real situation of these three debts—and as soon as possible remitt me the ballance of what you may find coming, with a statement of each particular demand I have to account to my Creditors who are anxious to have things settled—I have understood lately that W.
SEPTEMBER 11, 1816

Wren lives at Natches and is doing well—from his conduct with respect to his Debt, I have no doubt but whatever balance may be found due by your statement of his Account—may be got by your writing to him—Do you know whether it is probable I shall ever get any part of the drafts on N Orleans—will you be kind enough to make the enquiry for me—

An early attention to this business and a communication from you will much oblige Yr. friend

Jas. Smith Junr.

ALS. DLC-TJC (DNA, M212, R12).

1 Robert Miller.
2 Solomon P. Sharp.
3 Not identified.
4 Thomas Deye Owings.
5 Case not found.
6 Not found.

To [Thomas Jefferson]

Dr Sir

Lexington 8th. Sept. 1816

Mr. Alvan Stewart, who will deliver to you this letter, being desirous of the honor of your acquaintance, and of visiting Monticello, has asked of me a letter of introduction. Altho' I am sure, with his objects, it is altogether unnecessary, I have no hesitation in soliciting your favorable reception of him. I comply the more readily with his request as it affords me an opportunity of tendering to you assurances of my high respect and consideration.

H. Clay

ALS. DLC-Thomas Jefferson Papers (DNA, M212, R21).

1 Not identified.

From William Clark

Dear Sir

St. Louis Missouri Territory September 11th. 1816

Mr. George Shannon a very worthy and valuable man residing in Lexington, (with whom [sic] I presume you are acquainted) accompanied me to the Pacific Ocean, and on that expedition was one of the most active and useful men we had. In the early part of the year 1807. Mr. Shannon was employed by me (as Agent for the government) to accompany and assist the Mandan Chief on his return to his Nation, Sixteen hundred miles up the Missouri—for which he was to receive Twenty five Dollars per month.

The Ricaras Tribe opposed the return of the Mandan Chief and in an attack which they made on Mr. Shannon and this party, wounded him Severely with a Ball through the Leg which resulted in the amputation of his leg a Short time afterwards—:

The Certificate of Doctr. Barnard G. Farrar herewith inclosed will shew the nature of the wound and the extent of injury Sustained by Mr. Shannon.

In bestowing pensions upon individuals the object of the govern-
ment Should be, and doubtless is, alleviate [sic] the misfortunes of all, and above all, of the meritorious men who Suffer in the Service of the Country:

And from a througher [sic] knowledge of the worth of Mr. Shannon, and an acquaintance with his Services, I feel no hesitation in pronouncing him worthy of their benevolent notice. As to the amount of Pension, it is altogether a matter of opinion; but for myself, I conceive Mr. Shannon justly entitled to, at least one half of the Salary he was receiving from the Government, at the time the misfortune befell him, which has occasioned his disability.3

I have the honor to be with high respect Your Mo. Obt. & respectful He. Sert

The Honble. Henry Clay Member of Congress

Wm Clark

ALS. DNA, RG15A-Pension Files, OW Inv. 24807. Clark, a brother of George Rogers Clark, had been one of the leaders of the Lewis and Clark Expedition (1803-1806). He was now (1813-1821) Governor of Missouri Territory. 1 Shannon had rendered further service when, during the time he was engaged in the study of law in Philadelphia, he had helped prepare for publication the History of the Expedition under the Command of Captains Lewis and Clark . . . (Prepared for the press by Paul Allen, 2 vols.; Philadelphia, 1814). 2 Bernard G. Farrar, of St. Louis. 3 Shannon’s pension (see above, Power of Attorney, November 2, 1815, note) was raised to twelve dollars per month. 6 U. S. Stat., 189 (March 3, 1817).

From Joseph H. Bush

Frankfort 12th Sept'r. 1816

You have no doubt thought me very remiss in not refunding you the money which you were so kind as to loan me, but the fact is I have been so harassed by various circumstances that I have never yet been able to do [sic] it—

I receiv'd a letter from the Executor of my grandfathers estate some days ago, which informs me that I will have to go on to Winchester to receive the money due to me—1

I will set out for Phila. in a few days, where I shall remain for some months for the purpose of copying Portraits of distinguish'd persons, to bring to this Country, also for my own improvement, And from which place I will remit you the money to Washington City—

Yours very sincerely

Jo H Bush

ALS. DLC-TJC (DNA, M212, R12). Addressed to Clay at Lexington. Born in 1794, Bush was a young artist whose father, Philip, operated Bush’s Tavern in Frankfort. Encouraged and assisted by Clay, the young man at the age of 17 had gone to Philadelphia where he had studied for about two years under the painter, Thomas Sully. Upon his return to Kentucky young Bush had settled first at Frankfort. He later moved to Lexington for a few years, then established himself in Louisville. During the winters he painted in Natchez and New Orleans. 1 Bush’s grandfather, Philip Bush, had emigrated from Germany to Winchester, Virginia, about 1750. His will, dated September 4, 1810, names his sons-in-law John Ambler and Edward Smith as executors. Frederick County (Virginia), Circuit Court, Will Book 9, p. 180 (probated January 4, 1813).
From Christopher Hughes, Jr.

Baltimore 13th September 1816.

My dear Sir

Your two letters of 2d. & 8th. August followed me to the Bedford Springs, whither I had gone to recruit from a severe illness, and also to try the preventive qualities of the waters, against my constitutional bilious habit. I have derived great present, & I hope, future advantage from my trip. I reached home on Monday last.

Of course, I lost the pleasure of meeting your Sons: I wrote immediately to my brother in Law Colonel Moore, to call at Gadsby's & enquire for them, & to take them under the same guidance, as the sons of my most valued friend, & to show them all the hospitality & kindness, which he knew I should have felt happy to evince to them, had I been at home. On Mr. Moores enquiring, he learnt of their having past through Town.

It would have given me much satisfaction to have seen Mr. Hart. I hope that he will give me that pleasure when he returns.

I was very happy at your success: all of your friends, & all of the party here, took very particular interest in your success, I assure you: and very great satisfaction was felt, that the people put the veto upon Pope.

I heard, with much regret, of an altercation or something worse, which you had with a man named Snead: I was sorry, that you should have encountered such an occurrence: it was so little suited to the walk you are formed to honour: and I may add, to the dignity of your station before the nation! There was a waspish little fellow of the name, at College with me: if he be the man, he really was an antagonist unworthy your Excellencys anger. I hope you will pardon my liberty of speech! You must, when you attribute it to my sympathy in every thing which regards your happiness & fame, from which sentiment it alone proceeds.

On my return from South America, Col. Monroe proposed to me to go to Sweden as secretary of Legation, stating that Mr. Russell was certainly to come home: & that the President had decided to leave the affairs of the Legation in the hands of the Secy. who would remain with the rank, pay & outfit of Charge d'affaires, & that the place had been kept open, supposing it might suit me. I, after some deliberation, accepted, and am in daily expectation of orders to proceed. I calculate upon an absence of three years, & have the certainty of $24,000, i.e. $8,000 per ann, on which I could live very genteely at Stockholm: 3 years pay at $4,500 would be $13,500, the outfit. My own income at $2,000 (at least) for the 3 years, independent of contingencies, & some other means of
my own, which I have not counted. I should have liked to have had the advantage of your counsel, my friend: but from a fair view of my own circumstances, I found it much better for me to accept: I shall also, from the sale of such of my furniture & household goods as I shall dispose of, be able to take $5. or 6,000 to aid in my establishment, & all this will be so much the more valuable, as I can bring every thing home with me, when I return.

Col. Monroe said that the Government wished to varie the Mission gradually without altering the diplomatique relations, as they are at present: & this was to be done in the manner I have mentioned: and he added, "You know Mr. Clay is against the maintenance of any Legation at all—& that the highest rank of minister would be a Chargé. Now, after I shall be there some time, it would very much gratify me to be nominated to the Senate as Chargé, which would give rather more respectability to my place, than as a mere succeeding locum tenens! However, this is a matter which will depend on circumstances: I want the employment: it suits my taste & I may now say, my habits & pursuits: & it is fully equal to [my] claims; & I am not going to quarrel about shadows, when I am offer'd the substance. I have little doubt, that I could, notwithstanding General Smith, being in Congress, be made his Colleague: during my absence, it has been much talked of among the people: & both Little & Stansbury have so low a station in the district, that if I were to be about, I think I could be returned: but I remember your suggestions on the subject, to me last winter: they were sound & wise. They have occurred to me & had full weight: your candid statement of them, w[as] conclusive: the other is the better employment for me: 8 or 10 years hence perhaps a seat in Congress, if things go on well, will suit me better: I have a good deal more respecting myself, to trouble you with but I know you hate long letters, & this requires an apology. Giv[e] my sincere good wishes & those of Mrs. H. to Mrs. Clay. Yr. sincere frien[d]

C. Hughes Jr.

P.S. If I go, of course I move my family, that is Mrs. H.: tell this to Mrs. Clay, or she will think me too bad. My poor wife had another disaster, & after going 8 months in perfect health & strength, unhappily miscarried, about 5 weeks ago: She is now perfectly recovered. Major Smiley was at Bedford: he is a worthy man & a sincere friend of yours. I am told Mr. Browns re-election from N. orleans is rather doubtful.
OCTOBER 1, 1816 233

5 Gadsby's Indian Queen Hotel in Baltimore. 6 John Hart. 7 John Pope. 8 Possibly John S. Snead, Lexington merchant. 9 Hughes had been sent by the Secretary of State to Cartagena, where he succeeded in obtaining the release of American citizens imprisoned by Spanish military authorities. 10 James Monroe. 11 Jonathan Russell remained as Minister to Norway and Sweden for about two years longer. 12 Samuel Smith, Hughes' father-in-law. 13 Earlier in the year Peter Little had been elected to Congress to fill the vacancy caused by the resignation of William Pinkney. In the fall elections, 1816, Samuel Smith and Little won the two seats for the Congressional district composed of Baltimore city and county. General Tobias E. Stansbury was also a candidate. 14 See below, Clay to Hughes, December 8, 1816, note. 15 AE. 16 Probably James Smiley of Bardstown, Kentucky, who during the War of 1812 had served as a major in the 28th United States Infantry Regiment. 17 James Brown was defeated for re-election to the Senate from Louisiana.

To James Madison

D. Sir

Ashland 14h. Sept. 1816.

The last mail brought me the letter which you did me the honor to write on the 30th. Ulto. stating your expectation of a vacancy in the Department of War, and communicating your wish that I would take upon myself the discharge of the duties of that office. Several considerations appear to me to require that I should decline accepting the honor which your favorable opinion has tendered. I regret the necessity of this decision the less as I hope that you will fill the place equally agreeably to yourself, and I am sure more advantageously to the public interest. I pray you however to believe that I shall always entertain the highest sense of this new proof of your confidence, and that with the greatest respect & esteem I am Yr. obt. Servt:

H Clay.

Mr: Madison

ALS draft. DLC-HC (DNA, M212, R1). Published in Colton (ed.), Private Correspondence of Henry Clay, 53.

Account with John Watkins

[ca. October 1, 1816]

1816  H. Clay  In a/c with John Watkins  Dr.
June  To Collecting $125 of McCullough & Foster @ 2½ pr. Cent  312.5
July  To do of Shreve & Smith¹ for 3d. Quarters rent (131 @ 2½ pr. Cent)  327½
"  "  To do $62.50 of E. Keiser for Rent at 2½ pr. Cent  156
"  "  To Collecting $125 of Bradford² &c. for Rent of Stables at Hotel @ 5 pr. Ct.  625
To Collecting $65 Rent of Hotel Cellars &c. @ 5 pr. Cent  325
Memo the sd Clay reserves the use of the premises now used by the

---

1 The firm, composed of Leven L. Shreve and Clement Smith, both of Lexington, had subleased the property rented by Clay to Elijah Noble, above, Rental Agreement, I, 436-37. See below, Rental Agreement, October 1, 1816.
2 Daniel Bradford.
3 Oliver Keen.
4 Richard Sharp.
5 James Kelly, blacksmith on Short Street, Lexington.

Rental Agreement with Shreve and Smith

[October 1, 1816]

Memorandum of An agreement betwen [sic] Henry Clay of the one part & Shrive [sic] & Smith of the other part

Witnesseth: That the sd Clay has this day leased to the sd Shreve & Smith the property now occupied by them lying betwen Mr Rosss.\(^1\) Shoe store And the Corner house Occupied by John Hart & Co. & Emdon [sic] & Fullerton\(^2\) extending back the full width of the front to the line of fence which now divides the sd property from the premises now occupied by Mrs Keyser\(^3\) to include the Kitchen and all other buildings and appertenances within those limits for the term of three years from the date hereof. In & for Consideration of which the sd Shreve & Smith bind themselves to pay to the sd Clay or his order Five hundred & fifty dollars per year payable as follows For the first year two hundred & twenty five dollars in hand the ballance at the end of the year and for the second & third years Quarterly payments of One hundred & thirty Seven dollars 50/100 each

And it is also further understood that where as the sd Shreve & Smith are bound a [sic] contract as subtenants to Elijah Noble tenant of H. Clay that the sd Clay binds himself to release the sd Shreve & Smith from that Contract in every respect—

To all which agreements we bind ourselves &C to the true performance thereof As witness our hands & seals this first day of Octr 1816

H. CLAY \(\{\text{Seal}\}\)

SHREVE & SMITH \(\{\text{Seal}\}\)
OCTOBER 6, 1816

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tenants in the corner house until he has another erected for their accomodation

S & S

DS. Fayette Circuit Court, File 823. ¹ William Ross.
² William F. Emlin and E. J. Fullerton, Philadelphia merchants, co-partners with Thomas E. Boswell and Company to carry on trade in Lexington.
³ Elizabeth Keiser.

Receipt from John Watkins

Octr. 5th. 1816

Recd. of H. Clay Two hundred and fifty Dollars the amount he was to give me for my Crop of Corn &c. including leases &c.

JOHN WATKINS

ADS. DLC-TJC (DNA, M212, R15). Cf. above, Agreement, October 27, 1815.

To William Jones

Dr Sir


Majr. Tilford, Mr Clifford, Col. Morrison and Mr. Prentiss¹ of this place have proceeded to Philadelphia for the purpose of representing the Stock taken at this place in the Bank of the U. States, and to solicit of the Corporation, when organized,² the location of a branch here. This latter object is one which we all have much at heart. We think it would be beneficial to all parties to establish a branch in the Western Country, and that this place is recommended by its population, by its wealth, its enterprize, and its actual position. If you concur in opinion with us, we should be very thankful for your aid & assistance. You will oblige me by rendering any assistance in your power to those gentlemen, and shewing them any civilities that may be convenient. This letter will be handed to you by Majr. Tilford. With great respect I am Dr Sir faithfy Yrs.

H. CLAY

Wm. Jones Esqr.

ALS. PHI.

¹ John Tilford; John D. Clifford, merchant who had moved from Philadelphia to Lexington about 1808; James Morrison and James Prentiss.
² See above, Speech, March 9, 1816, note. Lexington was included among the towns first announced as sites for offices of discount and deposit. Niles' Weekly Register, XI (November 16, 1816), 491.

From William T. Barry

My dear Sir

Lexington 6th. Octr. 1816

I go to Montgomery court to day and it is possible I may not see you again before you leave Lexington, altho' I hope I shall have that pleasure.

Will you be so good as to authorise Richard C. Holder, the Clerke
of the Richmond Branch Bank\(^1\) to continue your endorsement on my note for $2000 endorsed by yourself & Jno. H. Morton—inclose the power under cover to me and leave it in the Post office or with Doctr. Overton\(^2\) your friend & Sert. W. T. Barry

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay “near Lexington.”

\(^1\) Richmond, Kentucky, branch of the Bank of Kentucky. \(^2\) James Overton.

Agreement with Benjamin Atkinson

[October 7, 1816]

An agreement between Benjamin Atkinson & H. Clay.

The said Atkinson agrees hereby to do all the painting and glazing on the said Clay’s new house that he is now building in Lexington\(^1\) & to furnish all the materials for doing the same, except the glass. He is to put on at least three coats of paint on the inside, and two on the out side—The colors of the inside work are to be such as the said Clay may direct, or in his absence, John Hart—He covenants to compleat all the painting and glazing in a workmanlike manner, and if the said Clay is dissatisfied therewith, to put on other coats of paint until he is satisfied.

In consideration whereof the said Clay agrees to pay him one hundred & forty dollars, seventy in merchandize during the progress of the work, and seventy dollars in money when it is completed.

Witness our seals this 7th. Oct. 1816.  

Benjn. Atkinson {L.s.}  

H. Clay {L.s.}

ADS, signed also by Atkinson. Owned by Dr. Alan Westin, Cornell University.

\(^1\) On Market Street, adjacent to John Hart and Company.

Transfer of Deed of Trust to John H. Morton

[October 7, 1816]

[Whereas on October 1, 1811, Samuel Hopkins executed to Henry Clay a deed of trust to secure payment of two bills of exchange, whereas the bills were protested, whereas Clay has hitherto forborne to enforce the deed of trust and has agreed to delay acting until January 1, next, and whereas Clay is about to leave the State, to be absent some time, it has been agreed between Hopkins and Clay that they shall execute a joint conveyance to John H. Morton of all property described in the aforesaid deed of trust—

For these premises and five shillings, paid and acknowledged, Hopkins and Clay grant to Morton the land and slaves included in the aforesaid deed, in trust that if Hopkins fails to pay Clay before January 1, next, the amount of the two bills of exchange, together with damages, interest, and costs thereon, then Morton is to sell at
public auction in Lexington the land and slaves as necessary to cover this debt and the costs of sale. Hopkins is to deliver the slaves by the second Monday of January, next. Morton is to execute the trust to the best of his ability, paying over to Hopkins any excess return from the sale.

Memorandum: The debt mentioned is to be credited with the sum of $3500 paid in 1812, being the amount of a bill of exchange drawn January 13, 1812, at New Orleans by Smith and Morrison on Henry Thompson of Baltimore in favor of Clay, remitted by Bartlet and Cox, and also with any other bills which Bartlet and Cox have remitted to Clay and which shall have been paid, of which Clay is hereafter to furnish Morton with the amount. The debt is also to be credited with $1647.66 received on November 1, 1815, from the Bank of Kentucky.

ADS, signed also by Hopkins and Morton. Acknowledged by Hopkins and recorded by Achilles Sneed, Clerk of the Court of Appeals (Ky. Court of Appeals, Deed Book R, 69-72), October 7; acknowledged by Clay October 16; acknowledged by Morton December 3, 1816. Fayette Circuit Court, File 414 (1818). Endorsements show that on July 30, 1817, Morton received from Hopkins a check on the Bank of Kentucky for $4,892.22 and on August 13 sent to Clay a check on the Bank of the United States for $4,819.96.

1 John K. Smith and James Morrison, New Orleans mercantile firm.
2 Merchant.

To [Robert Brent]

Sir

Lex. 8h. Oct. 1816.

Inclosed I transmit you some papers having for object to place Prudence Elliott on the pension list. I believe they conform to your published notice, and in that case I presume nothing further will be necessary to entitle her to the provisions of the Law. If there be any defect you will be good enough to apprize me of it.

Yr. ob. Servt.

H. Clay

ALS. DNA, RG217. Endorsed on verso: “Reed 19 Octr 1816.” Brent was Paymaster General in the War Department.

1 In an accompanying petition, dated September 5, 1816, “To the Honble the Senate and the House of Representatives of the U States and to the Honble the Secretary of War” (DS, in Clay’s hand), Prudence Elliott states that on December 11, 1809, she was married to James Elliott, by whom she had two children; that Elliott, a militiaman, was killed in battle at “Dudleys defeat”; that she remains a widow; and that she desires a pension “in behalf of herself and her infant children.” Elliott, a private in Captain Joel Henry’s Company (Woodford County), Kentucky Militia, had been killed May 5, 1813. [Sam E. Hill], Report of the Adjutant General of the State of Kentucky, Soldiers of the War of 1812 (Frankfort, 1891), 203.
2 Circulars dated May 9, June 25, 1816, issued by Paymaster General’s Office and signed by Robert Brent, in Washington National Intelligencer, May 11, July 2, 1816.

To David Meade

Dr Sir

Ashland 8h. Oct. 1816

I beg leave to introduce to your acquaintance Mess. Poinset [sic],
Dart, Manigold, and Gibbs of South Carolina, who have been making a tour of a portion of the Western Country.\footnote{Joel Roberts Poinsett, traveler, member of the South Carolina House of Representatives (1816-1820), United States Congressman (1821-1825), Minister to Mexico (1825-1829), and Secretary of War (1837-1841), had just returned from a mission to South America, on which he had been sent by President Madison in 1809. On August 29, 1816, he and three young men from Charleston, South Carolina ("Manigold" probably should read "Manigault"), had left Philadelphia on a horseback tour of the West, during which they covered a distance of more than two thousand miles in less than two months. Herbert E. Putnam, \textit{Joel Roberts Poinsett: A Political Biography} (Washington, 1935), 50.} I have said to them that they should not leave us without visiting you, and have ventured to add that you would give them a welcome reception at Chaumiere. They have accordingly determined to call & pay you their respects. Their character, respectability, and intelligence will I am sure obtain for them your respectful attention, in rendering which you will greatly oblige Yr's faithfuly.

\textit{ALS. KyLxT. Addressed to Meade at "Chaumiere."}

H. CLAY

\textit{Property Deed from Anderson Miller and Wife}

[October 10, 1816]

[Anderson Miller and Elizabeth, his wife, of Franklin County, Kentucky, in consideration of the sum of $3,000 current money of Kentucky, paid and acknowledged, convey to Henry Clay a house and lot on Main Street in Lexington, bounded beginning on the south corner of Thomas Whitney’s lot on Main Street, thence north with Whitney’s and Robert Bywaters’ lots 45° east 126 feet to William Huston’s\footnote{Fayette County Court, Deed Book O, 527 (March 23, 1816).} line, thence with it south 45° east 30 feet, thence south 45° west to Main Street, and along the street north 45° west 30 feet to the beginning, being part of In Lot no. 14, the property having been conveyed to Miller by David Megowan and wife.\footnote{At this time proprietor of a grocery, also a resident at this location.} Recorded October 26, 1816, by John D. Young.]

Fayette County Court, Deed Book P, 41-42. Miller, a former resident of northern Jessamine County, was now a director of the Bank of Kentucky. He later became prominent in financial affairs at Louisville, where in 1819 he was one of the incorporators of the Louisville Insurance Company.

\textit{Settlement with John Watkins}

[October 12, 1816]

Attached to Agreement, October 27, 1815.

\textit{Receipt from Martin D. Hardin}

October 16th. 1816

Recd. of The Hon: Henry Clay twenty dollars which with eighty
dollars the amount of an order hereto fore drawn on him, makes one hundred being in full of my fee &c in the suit Thos. Hart Snr. heirs agt. Dinwiddie &c.

M. D. HARDIN

DS. DLC-TJC (DNA, M212, R15). Cf. above, Hardin to Clay, April 11, 1816.

Receipt from George Shannon

[October 18, 1816]

Recd. 18th. Oct. 1816 of H. Clay eighteen dollars which with what he has heretofore paid me amounts to two hundred & eighty eight dollars, being three years of my pension recd. by him—

GEORGE SHANNON

DS, in Clay's hand. DLC-TJC (DNA, M212, R15). See above, Power of Attorney, November 2, 1815.

From James Smith, Jr.

Esteemed Friend/

Philad. 18 Oct’. 1816.

Your favour of 30 Ulto.¹ I have duly received. I find that no other sums have been received since your Accot was furnished than the following—

At the time that I stopped payment I gave to my Son John J Smith the following Debts to secure him, which Debts were at that time under your care in the year 1812—

There was then due of Miller's² Debt about 500 Dollars—since which has been received from S. P Sharpe Esq'. 140$—& no other sums— Woodson Wrens Debt was then between 11 & 1200 Dollars—since which has been received from yourself—400 & a Drft on New Orleans 480 protested—By a letter received from W. Wren I find he claims an abatement for (as he says an Error in some persians of about 30£, which I suppose must be allowed him, altho' I cannot find there was any such error—There certainly is coming from his Debt at least 300 Dollars—& I suppose he must be liable for the Debt of Sharpe's³—Will you be kind enough to have the business adjusted & get the money—I have heard that he is doing well in Cincinnati—& he certainly ought to pay whatever ballance may appear due—Of Owings⁴ Debt it does not appear that any thing has been paid us—

You will particularly oblige me if you will make every exertion to get the money for these three Debts as soon as you possibly can—My Son to whom the money belongs is very anxious for a settlement—& I hope by the time you come on to Congress you may be able, by compromise or otherwise to obtain the money—

I am very respectfully Yr Friend

JAS SMITH JR
Receipted Bill from Robert Wilson

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Easy Chair</td>
<td></td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>To 2 Corner Bason Stands</td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>To Glass frame</td>
<td></td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>Brass Claws for Do</td>
<td></td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>To Screws and plating Do</td>
<td></td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Cr By Cash</td>
<td></td>
<td></td>
<td>$74[\textit{sic}]</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>$32</td>
</tr>
</tbody>
</table>

[Endorsement]^{1}

21 Octr 1816 Recd. payment. ROB'T. WILSON

From Joseph Hall, Jr.


Sir.

Gothenburg 21st October 1816.

Having once obtained your kind Promise, to speak in my favour in case the Consulate at this Place should be vacant; I again take the liberty to trouble You, as I am informed that Mr. Strong\textsuperscript{1} has resign'd the Office.—

Mr. Russell\textsuperscript{2}, who has lately left this, has been good anough to promise me to use all his influence in my favour & join'd with yours, I am almost confident I'll obtain the Situation.—

For four years past I have acted as Vice Consul & I am confident I have done every thing to deserve the trust.—It is well known to Government that during the War I had trouble anough with the great number of distressed Seamen that were on my hands.—

I sincerely hope that you will excuse the liberty I have taken & should I not now have troubled you, if I had not lately been unfortunate in my Mercantile Speculations.—The Office at present would greatly assist me it would finally be the means of again bringing me forward.——

Every thing remains very tranquil in Sweden & the Norwaygeans seem quite reconciled.\textsuperscript{3}—The Crown Prince\textsuperscript{4} has anough to do to keep the Paper Currency in some value & has sacrifised much of his own Property.—The Money is however daily getting worse & the
October 25, 1816

Exchange on London is now 12½ ks pr £.—It was 6½ to 6½½ ks pr £ when you were here.

If I ever could be of any Service to you here I hope you will freely command me & believe me in the mean time Hon. Sir with true regard Your Mo Obt Servant.—

JOSEPH HALL J.—

ALS. DLC-HC (DNA, M212, R1).

1 Nathaniel W. Strong.
2 Jonathan Russell.
3 To the union with Sweden.
4 Jean Bernadotte.

Agreement with Samuel Long

[October 24, 1816]

An agreement between Saml. Long and H. Clay—

The said Long agrees to do the Carpenter’s work on the new house now building by said Clay in Lexington¹ at fifteen per cent below the Book prices of the House Joiners— And he agrees to receive paymt. for his work as follows Three hundred dollars in money & the residue in the store of J. Hart & Co. as the work progresses—

The work to be measured & valued if the parties cannot agree—

Witness our seals 24 Oct. 1816.

SAML. LONG {L.s.}
H. CLAY {L.s.}

[Endorsement on verso]²
Recd. of H. Clay Twenty five dollars on account of the within this 24 Oct. 1816.

SAML. LONG

ADS, signed also by Long. KyLxT.
¹ See above, Agreement, October 7, 1816. ² ES, in Clay’s hand.

Check to Alexander Dunlap, Jr.


Pay to Alex. Dunlap or order Thirteen hundred dollars.
Cashier of the K. Ins. Co.

H. CLAY

ADS. DLC-TJC (DNA, M212, R15). Endorsed on verso by “A Dunlap Jr.,” of Woodford County, son of the early settler, Alexander Dunlap.

Promissory Note to John H. Morton

$3000 No. 589 due 23/26 Jany Lexington Octr. 25th. 1816.

Ninety days after date I promise to pay John H. Morton or order three thousand dollars, negotiable & payable at the Office of the Kentucky Insurance Company with out defalcation for value recd.

H [CLAY]¹

[Endorsement on verso]²
Recd. for the Ins Co.

CS BRADFORD clk
Property Deed to and from James Trotter

[October 25, 1816]

[Whereas Henry Clay has within his enclosure a small piece of land the property of James Trotter and Trotter has within his fence a small tract belonging to Clay, they agree to exchange the aforesaid plots. Trotter therefore grants to Clay 4 acres and 42 poles adjoining Clay’s farm, east of Tates Creek Road, while Clay conveys to Trotter 3 acres and 129 poles adjoining Trotter’s farm, west of Tates Creek Road. Recorded October 26, 1816, by John D. Young.]

Fayette County Court, Deed Book P, 38.

Receipt from Robert Wilson

[October 25, 1816]

Recd. of H. Clay 25 Oct. 1816 a Mirror for which I am to pay him at all events fifty dollars; and if when put in a frame I sell it (frame & all) for one hundred dollars I am to pay him ten dollars more—

ROBT. WILSON

DS, in Clay’s hand. DLC-TJC (DNA, M212, R15).

Account with John Hart and Company

[October 25, 1816]

Dr. Henry Clay in a/c with John Hart & Co.

1816.

Mar 25  To Cash paid Mrs S. Hart as pr rect. to you as Exor of Tho. Hart Sen  245. "

  To Do. paid John Fisher’s a/c pr rect  143.35.

  To Do. paid my note to Craig & co, for which you have credit on the other side  500. —

  To Do. deposited 26 feb. in the Schuylkill Bank, to meet a dft made on you by John Watkins1  200. —  1088 35

  To Do. paid 5 feb for flute for Theodore2  6.—

16 "  " lamp oil pr Inv.  13.50
**October 25, 1816**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>23</td>
<td>Wax candles</td>
<td>27.12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>4 gilt mirror frames</td>
<td>153.50</td>
<td></td>
<td>200 12</td>
</tr>
<tr>
<td>Apl. 1</td>
<td>To Do. paid for hawling dirt from the cellar, and levelling back yard</td>
<td></td>
<td>5.50</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>To Do. paid Carriage of 1 Keg oil &amp; 1 Box Candles from Phila. to Lex 97 lbs. 10 cts.</td>
<td></td>
<td>9.70</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>To 11.6 oz lump sugar</td>
<td>561/2</td>
<td>6.40</td>
<td>13 65</td>
</tr>
<tr>
<td></td>
<td>1/2 Young hyson tea</td>
<td>2.50</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>To Cash paid Theo. &amp; Tho. ³ pr Reqts.</td>
<td></td>
<td>20 —</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>To Do. paid for nails for the cellar floor</td>
<td></td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>To Do paid direct tax on the property belonging to the Estate of Tho. Hart Sen</td>
<td></td>
<td>38.10</td>
<td></td>
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<tr>
<td></td>
<td>To 1/2 yd mul mul</td>
<td>1</td>
<td>.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 1/2 &quot; Cambrick muslin</td>
<td>831/3</td>
<td>3.75</td>
<td>4.25</td>
</tr>
<tr>
<td></td>
<td>To 1 &quot; Vesting</td>
<td>167</td>
<td>1.67</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 &quot; Muslin</td>
<td>621/2</td>
<td>1.25</td>
<td>2.92</td>
</tr>
<tr>
<td>16</td>
<td>To Cash paid Clarks' bill for flooring cellar, makg trap door &amp;c</td>
<td></td>
<td>41.75</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>To 1 yd. Brown linen</td>
<td></td>
<td>&quot; 50</td>
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<tr>
<td></td>
<td>To Cash paid for a stamp at In. Off.</td>
<td></td>
<td>&quot; 75</td>
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<tr>
<td></td>
<td>To Do. paid disct at Do.</td>
<td></td>
<td>14.93</td>
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<tr>
<td><strong>Over</strong></td>
<td></td>
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<td>$1442 2</td>
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**1816**

**June 29**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>To 1 floc’t Hfº pr. Mde. Mentelle</td>
<td>1.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To 2 1/4 yd Gingham P Miss Hallº</td>
<td>46</td>
<td>1. 31/2</td>
<td>2 531/2</td>
</tr>
<tr>
<td></td>
<td>To Merchd. paid Mde. Mentelle</td>
<td></td>
<td>12.80</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To 3 yds leno</td>
<td>50</td>
<td></td>
<td>1 50</td>
</tr>
</tbody>
</table>

**July 3**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>To Cash paid Mr. Bufordº</td>
<td></td>
<td>1183.87</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To 1 yd figured muslin</td>
<td></td>
<td>&quot; 92</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To 11 &quot; Gingham</td>
<td>46</td>
<td>5.6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 1/4 &quot; Muslin</td>
<td>561/4</td>
<td>3.30</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 prs stockings</td>
<td>1.25</td>
<td>3.75</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 fine combs</td>
<td>50</td>
<td>1. &quot;</td>
<td>13 11</td>
</tr>
<tr>
<td>6</td>
<td>To 2 pairs suspenders</td>
<td>621/2</td>
<td></td>
<td>1 25</td>
</tr>
<tr>
<td>9</td>
<td>To 2 &quot; Childrens shoes 1. -</td>
<td></td>
<td>2 -</td>
<td></td>
</tr>
</tbody>
</table>
To Cash paid for a doz. claret 12 —
16 To 8 yds Calico 50 4.
   1½ " Do 50 „.75
   5⅔ " Muslin 1. 5.37½ 10.12½
to ½ doz Supper plates 1. — „.50
to 1 Dinner plate „.18¾ 1 Oz nut megs „.75
   1 pair shoes 1.62½ 3. 6½
22 To John Hart amo. Anna E. [sic] Hart's 9 pension from the U.S.
from 23 July 1814 to 23 Jany 1816 recd by you at Wash. 810. „ 810 „
   To 2 ps tape @ 18¾, 6 Hkfs @ 1.31¼ 8.25
   2 Hfs @ 87½, 4 prs socks „62½ 4.25
   1 yd muslin $1. 4½ doz buttons „25 2.12½
   7 " cloth @ 7c, 1 yd padding 1.12½ 50.12½ [sic]
   2½ " muslin „62½, 4 " muslin „46 3.40½
   4½ doz Buttons „62½, 2
   Combs „18¾ 3.18¾
   2 Combs @ 37½, 21 Silks &
twists „8½ 2.50
   ¾ yd linen @ 50, 2 yd muslin „62½ 1.62½
   thread 17 cts., 2½ " Do „42 1.22 76.68½
   23 To Do. 25
   Cash paid for 2 prs saddle bags
   for your boys 10.50 10.75
1816 forward $4,552 46½
   forward $4,552 46½
July 23 To 1¾ yd cloth 7. 9 62½
24 To Cash paid disct at the B. B 4.32
25 To 1 pen Knife 1 „
29 To Cash 1 „
30 To 2 saddle bags locks „50
31 To 2 Tooth brushes 25 „.50
   2 Combs 37½ „.75
   Cash for 2 whips for the boys 3.50 4.75
Augt 1 To John Bryan [sic] for 2 Common saddles with Coat pads, @ 16 p 33 —
   2 Extra girths for breast plates @ 50
   To Do. for 2 Common bridles 3 —
OcTOBER 25, 1816 245

8   To 1 pair shoes                             75
9   To Cash paid Allen Davis                   3 —
10  To 16.8 oz loaf sugar                      9.28
    1/2 lb. allspice                           621/2 .311/4
    1 sweeping brush                           75 10 341/4
17  To Cash paid Allen & Grant’s bill          1 95
20  To mdse paid Mr Pollock12                  4 17
21  To Cash paid for a stamp                   75
23  To John Bryan " a pair sad. bags           6 "
    To 1 Barrel salt 305 lb. — 2 3/4 cts       8 383/4
26  To Mdse paid Mr Pollock                    5 183/4
    To spirits terpine                         121/2
    To Cash paid for 280 feet scantling
    @ $4.25 per hundred                       11 90
29  To mdse paid Pollock                       62
30  To Cash & goods paid Long’s13 order        20 75

Sep 4  To Do. paid Mr. Jouett14                21 "
6   To 1 pair shovel & tongs pr. Beatty &
    Solomon15                                 4 75
10  To mdse paid Pollock                       311/4
13  To 21.9 oz Sugar                           12 123/4
14  To 4 yds Camb @ 1 $                       4.75
    1/4 yd Sattin                             $.3. 5 50
    2 Set hinges & Screws                     371/2 "75

Over                                         $4727 283/4

1816   forward 5.766 783/4

Oct 11 To Cash & goods paid Lewis
      Hogan,17 pr Request                      85
12  To 1 Oz nut meggs                         75
   To mdse paid Edmd. Cullen18 p Req          2 50
14  To Do. " to Pollock " Do                   701/2
    To screws & hinges for the house
    Miss Kieser19 occupies                    1. — 1 701/2
   To Cash for nails for Do                   50
15  To Latches screws & Stock lock for same    2 50
   To 4 yds flannel                          3 —
      5 " Bumbazet                            561/4 2.811/4
      31/2 " Shirting                          621/2 2.183/4
      2/3 doz Buttons                         371/2 .25 8 25
16  To 6 yds calico                           3. —
      1 Imitation shawl                        3.25
      Cash paid Carriage of trunk to
      Limestone                                4. 10 25
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1816</td>
<td>To locks nails &amp; screws</td>
<td></td>
<td></td>
<td>1 12</td>
</tr>
<tr>
<td></td>
<td>To Mdse paid Cullen p Reqt</td>
<td></td>
<td></td>
<td>10 —</td>
</tr>
<tr>
<td></td>
<td>To Cash paid for sand &amp; nails</td>
<td></td>
<td></td>
<td>6 75</td>
</tr>
<tr>
<td></td>
<td>To 2 3/8 Ribbon @ 17, 2 yds binding</td>
<td>6 1/4</td>
<td></td>
<td>&quot; 52 3/4</td>
</tr>
<tr>
<td></td>
<td>To 2 ps tape</td>
<td>37 1/2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mdse paid Miss Hall</td>
<td>15.22 3/4</td>
<td></td>
<td>15 60 1/4</td>
</tr>
<tr>
<td></td>
<td>To Cash paid for a chance for</td>
<td></td>
<td></td>
<td>5 &quot;</td>
</tr>
<tr>
<td></td>
<td>Cook's portrait</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>To 2 yds leno</td>
<td>50</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 1/2 &quot; flannel</td>
<td>62 1/2</td>
<td>2.18 3/4</td>
<td>3 18 3/4</td>
</tr>
<tr>
<td></td>
<td>To 6 doz Buttons</td>
<td>25</td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5.14 oz lump sugar</td>
<td>50</td>
<td>2.43 3/4</td>
<td>[sic]</td>
</tr>
<tr>
<td></td>
<td>2 yds leno</td>
<td>62 1/2</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1/4 lb. tea</td>
<td>2.50</td>
<td>&quot;62 1/2&quot;</td>
<td>5 81 1/4</td>
</tr>
<tr>
<td></td>
<td>forward</td>
<td></td>
<td></td>
<td>$5.926 24 3/4</td>
</tr>
<tr>
<td>1816</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>26. &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. recd. at Wash. 28 Jan. a dft from the treasury dept. at St. on the Manhattan Co. for $1767.94/100, and a prem. at Phila. thereon of 5 1/4 prCt $92.81/100</td>
<td>1860.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. recd. at Phila. 5 feb. treasury notes for $500 $ &amp; 41/2 prct prem. $22 50/100</td>
<td>522.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. recd. to feb. nett proceeds of Mr. Clay's note at Bank Penn. at 90 d/ date for 5000 $</td>
<td>4921.67</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. recd. 26 feb in treasury notes 500 $ &amp; 4 1/2 prct prem. $22 50/100</td>
<td>522.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. recd. in Balto notes, enclosed to J. Hart at Pittsburgh, in yr letter of 6 Mar.</td>
<td>330. &quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. recd. at setting out from Lex. for my note made payable in Phila. on my arrival, wh. was to be taken up by Mr. Clay</td>
<td>500. &quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. paid Allen &amp; Grant's dft on you</td>
<td></td>
<td></td>
<td>8773 25</td>
</tr>
<tr>
<td></td>
<td>Apl 18 By Do. recd. from Worsley for his note to you due 10/13 ass.</td>
<td></td>
<td></td>
<td>411 87</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>240 &quot;</td>
</tr>
</tbody>
</table>
23 By Do. recd. of John Watkins in Ohio and Eastern notes

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 3</td>
<td>By Cash recd. from Tho. P. Hart</td>
<td>200</td>
</tr>
<tr>
<td>27</td>
<td>By Do. in treasury notes on which you shall be allowed the advance we receive at Phila. &amp; the exchange between that place &amp; this (credited further on)</td>
<td>300</td>
</tr>
<tr>
<td>1816</td>
<td>forwd. $10,123 12</td>
<td></td>
</tr>
</tbody>
</table>

July 8 By prem. on 40 $ silver

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>By U.S. 7 pr. ct stock</td>
<td>2000</td>
</tr>
<tr>
<td></td>
<td>1 mo. Int on Do. from 1 June to 1 July at 7 pr ct</td>
<td>11.66</td>
</tr>
<tr>
<td></td>
<td>Advance on the above stock allowed us by the Commissioners for receiving subscriptions at $6.51 per ct</td>
<td>130.20</td>
</tr>
<tr>
<td>22</td>
<td>By the price of your boy Jim sold to Mr Brown</td>
<td>600</td>
</tr>
<tr>
<td>26</td>
<td>By Cash recd. of you</td>
<td>1978 67</td>
</tr>
<tr>
<td>30</td>
<td>By Do. returned by Aaron</td>
<td>1</td>
</tr>
<tr>
<td>Sep 7</td>
<td>By this sum charged you yesterday, which ought to have been charged to Rob. Beatty</td>
<td>4.75</td>
</tr>
<tr>
<td>25</td>
<td>By Do. recd. from Bodley for a sword</td>
<td>50</td>
</tr>
<tr>
<td>Oct 5</td>
<td>By Do. recd. for 2 poneys saddles and bridles</td>
<td>51</td>
</tr>
<tr>
<td>7</td>
<td>By Do.</td>
<td>1 50</td>
</tr>
<tr>
<td>17</td>
<td>By amt. chd. 8 oct. &amp; 12 oct as paid Cullen, both being included in the charge of 10 $ paid him</td>
<td>6 75</td>
</tr>
<tr>
<td>21</td>
<td>By Cash recd. of Sanders</td>
<td>200</td>
</tr>
<tr>
<td>24</td>
<td>By advance on 300$ treasury notes recd. from you 27 May last 9½ pr ct</td>
<td>15.231.15</td>
</tr>
<tr>
<td></td>
<td>By Balance of Interest, as pr statement herewith</td>
<td>367 87</td>
</tr>
<tr>
<td></td>
<td>By Balance due you pr contra</td>
<td>9 524 89 3/4</td>
</tr>
<tr>
<td>1816</td>
<td>forward $5,926 24 3/4</td>
<td></td>
</tr>
</tbody>
</table>

Oct 23 To Cash paid for stamp at I. O. " 75

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>To Error in 1/2 doz plates 20 July Sugar 23 Oct</td>
<td>.50</td>
</tr>
<tr>
<td></td>
<td>To 2 prs gloves</td>
<td>621 1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 25</td>
</tr>
</tbody>
</table>
Memorandum to John Hart

Memo for Mr. Hart—[ca. October 25, 1816]

I have a note in the Branch Bank\(^1\) for $2000 due abt. 20h. Novr. I wish whatever monies may come to your hands of mine between now and then to be applied to its discharge; and for the bal. to draw on me at the longest sight which will bring par payable in Philada.

I have also obtained an accommodation in the K. Ins. Co. for $3000 at ninety days\(^2\)—When the note becomes due I wish you in like manner to draw on me at Philada., unless I advise in the meantime other arrangements—Mr. Morton\(^3\) will indorse—

\(^1\) See Hart to Clay, March 3, 1816.
\(^2\) Clay's son.
\(^3\) Theodore and Thomas Hart Clay.
\(^4\) John Clark.
\(^5\) Probably two sheets missing.
\(^6\) Flocked handkerchief.
\(^7\) Sarah Hall.
\(^8\) Probably Abraham Buford.
\(^9\) Anna Gist Hart.
\(^10\) Lexington Branch Bank of the Bank of Kentucky.
\(^11\) Saddler and harness maker, Main Street, Lexington.
\(^12\) William Pollock, at this time a resident of the southern district of Fayette County.
\(^13\) Samuel Long.
\(^14\) Probably Matthew Jouett (see above, I, 791n), who had attended Transylvania University, studied law, and practiced in Lexington before the War of 1812. After the war he had given up the law to concentrate on art, and in 1816 had studied briefly under Gilbert Stuart in Boston. He returned to Lexington in the fall of this year and opened a studio in Clay's Short Street building formerly operated as the Kentucky Hotel. He early formed the habit of wintering in New Orleans, where he also painted extensively.
\(^15\) Robert Beatty, Lexington weaver and blue-dyer; probably William Solomon, carter. This entry, made erroneously, was corrected on the following day. See below, same document, credit entry of September 7.
\(^16\) Probably one sheet missing.
\(^17\) Lexington stone-mason.
\(^18\) Of Fayette County.
\(^19\) Elizabeth Keiser.
\(^20\) Probably a ticket in a lottery in which the prize was a likeness of George Frederick Cooke, famous English actor, the subject of several paintings. Cooke had died in 1812. [William Dunlap], Diary of William Dunlap (1766-1839): The Memoirs of a Dramatist, Theatrical Manager, Painter, Critic, Novelist, and Historian (New York Historical Society, Collections, 1929-1931: The John Watts DePeyster Publication Fund Series, LXII-LXIV: 3 vols.; New York, 1930), II, 431, 435, 442, 454n.
\(^21\) Not found.
\(^22\) William W. Worsley.
\(^23\) Between February 12 and December 3, 1816, the Treasury issued 7 per cent stock to the value of over $41\(\frac{1}{2}\) million dollars in lieu of small Treasury notes funded at par—this mechanism being necessitated by "the disordered state of the currency," under which the government was compelled to issue notes to meet demands upon it in Eastern cities while government reserves in discredited local currency were accumulating elsewhere over the country. "State of the Finances. Communicated to Congress, on the 3d of December, 1816," American State Papers, Finance, III, 131, 134, 135, 156.
\(^24\) Probably James Brown.
\(^25\) Aaron Dupuy.
\(^26\) Probably Thomas Bodley.
\(^27\) Probably Lewis Sanders.
\(^28\) See above, Debit item, same account, this date.
\(^29\) These accounts are followed by a four-page statement of interest on Clay's account with John Hart & Company from January 6 to October 25, 1816.
OCTOBER 25, 1816

Saml. Long—I have paid him $50—You may pay him $250 more in money, and $300 in goods when the house is completed. The goods to be paid as the work progresses.

G. Spiers— I have paid him $80 besides what you have paid him in the store—You may pay him $100 more half in goods & half in money—

B. Atkinson’s— Is to be paid 140$ half in money & the other half in goods—the goods as the work progresses—the money when it is completed—

W. Bobb— May be paid in goods any amt. not exceeding $500—

N. Barbee— To be paid according to Tho. Harts’ agreement with him—

J. Harrison—

R. Beatty—

I have left Saml. Ayers note for $530 payable abt Xmas and Worsleys for $4240 payable 10 Apl. next.

AD. DLC-TJC (DNA, M212, R15).
1 Of the Bank of Kentucky. Note not found.
2 Note not found.
3 John H. Morton.
4 Greenberry Spiers, a resident of the southern district of Fayette County.
5 William Bobb, Lexington brick manufacturer.
6 Nathaniel Barbee, Lexington plasterer.
7 Probably Thomas P. Hart.
8 John Harrison.
9 William W. Worsley. The two notes here mentioned have not been found.

Promissory Note from John Hart


On demand I promise to pay Henry Clay, or order, for value received, five thousand two hundred and twenty five dollars.

JN. HART.

ADS. DLC-TJC (DNA, M212, R15). See Agreement, same date.

Agreement with John and Thomas P. Hart

[October 25, 1816]

An agreement entered into this 25th. day of Octobr 1816 between John Hart, H Clay and Thomas P Hart

Whereas an agreement of copartnership has been on the 29 day of January 1816 entered into between the said John Hart and H Clay, as by the said agreement reference thereto being had will appear: And it has been agreed by the parties hereto that the said H Clay shall with draw from the said partnership; and be released from all responsibility connected therewith; upon the following terms: that is to say that he shall receive back all advances he has made to the concern with interest thereon from the time they were respectively
made, which said advances according to an account made up to this
day, including [sic] interest thereon, and deducting all charges
against said Clay, amount to nine thousand five hundred and twenty
four dollars and 89 cents; which said sum the said Clay has received
as follows: the note of John Hart for five thousand two hundred
and twenty five dollars,1 and the note of John Hart and Thomas P
Hart for four thousand two hundred and ninety nine dollars and
89 cents2 From the latter sum is to be deducted whatever advances
in Merchandize or money the said John Hart and Thomas P Hart
may make to the said Clay not included in the account this day
rendered marked A.3

The said John Hart and Thomas P Hart further agree to pay
the said Clay for the store room which they now occupy three
hundred and fifty dollars per annum, commencing from the 2nd
day of April last. They are to have the counting room now finishing
when it shall be completed, but the upper part of the building is
reserved by the said Clay.

The said Harts hereby agree to release the said Clay from all
obligations whatever that he stands under as a member of or for
John Hart & Company and particularly in a contract made for
bagging with Morrison Boswells & Sutton.

The said Harts are to enter into an agreement between themselves
specifying the conditions of their partnership.4

Witness our seals the day and year first mentioned

JN. HART. {L.S.}
H. CLAY {L.S.}
THOMAS P. HART {L.S.}

ADS, signed also by the Harts. DLC-TJC (DNA, M212, R15).
1 Above, same date. 2 Not found. 3 Above, same date.
4 Under the agreement of that date the partnership was known as John and Thomas
P. Hart. DS. KyU-Samuel M. Wilson Collection.

Rental Agreement with William Miller

[October 25, 1816]

An agreement between H. Clay and William Miller.

The said Clay agrees to rent to the said Miller for the term of
one year, commencing on the 28th. inst. his Country house and the
pleasure grounds inclosed around the same.

During the same term the said Miller is also to have the use of
four of said Clay's Milch Cows which are to be wintered from the
said Clay's provender, as also are two of the said Miller's own.

He is also to have the privilege of taking fire wood from the
fallen or decayed standing timber in the said Clay's wood land.
He is also to have the privilege of using the corn and hay of the said Clay upon his farm for any number of horses not exceeding four until the first of March next.

He is to have the use in common with the said Clay of his wood land pasture and other pasture grounds used by the said Clay's stock for any number of horses not exceeding ten.

His table is to be constantly supplied with vegetables from the garden of the said Clay, the cultivation of which he reserves to himself.

The said Miller is to put no stock of any kind on the said pleasure grounds and he is to permit no waste thereon; but he may mow that part of it for hay in front of the house.

The said Clay intending to continue to improve his said grounds, his gardner¹ and hands are to be permitted to plant trees and shrubbery therein and to superintend the same.

The said Clay reserves one room in the said house for the purpose of storing away such part of his furniture as he shall not leave for the use of the said Miller. A list of the latter shall hereafter be made out.

The said Miller hereby covenants & agrees to pay to the said Clay the sum of five hundred dollars, one fourth thereof to be paid quarterly during the year aforesaid.

Witness the hands & seals of the parties this 25h. day of October 1816.

H. CLAY {L.s.}

Teste

WM MILLER {L.s.}

ADS, signed also by Miller, formerly a resident of the northern district of Fayette County. KyLxT.

¹ John Foy.

Property Deed to William W. Worsley

[October 26, 1816]

[Henry and Lucretia Clay in consideration of the sum of $6,000 current money of Kentucky, paid and acknowledged, convey to William W. Worsley a tract in Lexington fronting on Upper Street for 33 feet opposite the courthouse, the lot having been transferred to Clay by John Jordan, Jr., on August 6, 1805. Recorded October 26, 1816, by John D. Young.]

Fayette County Court, Deed Book P, 47-48.

Settlement with William C. Dunn

[October 27, 1816]

Attached to Lease, November 30, 1815.
Receipted Bill from Samuel Trotter

Lexington Oct. 28th 1816

Henry Clay Esqr.     Bot of Saml. Trotter
1 Keg powder. 12½ lb. @ 45 Cents Keg 40/100         $ 6 02/100
Recd. payment   For Saml Trotter

W. M. Ferguson

ADS by Ferguson, presumably a clerk. DLC-TJC (DNA, M212, R15).

From Peter Irving

Liverpool 1st Novr. 1816

My Dear Sir

I received a few days ago your letter of 30th August & hailed it with the greater pleasure as it was dated Lexington & apprised me that you were again in the bosom of your family & in the midst of friends whose affections I am happy to find by the public prints have not been estranged from you by a two year absence.

It gives me pleasure to learn also the health of your family & the improvement of your children & I trust that if my relatives in New York can be of any use to your two eldest boys you will freely claim their services.

I regret to say that I have been disappointed of my intended visit to the continent this summer. The commercial world has been turned topsy turvy by the sudden & extensive alterations produced by so general a peace among the late contending nations; & I have been detained from my excursion by affairs of business, together with some slight return of indisposition which rendered it necessary that I should visit some of the watering places of this county [sic]. My health is now perfectly restored, but not so ruggedly confirmed as to permit a change of climate unless for one of milder temperature. I shall therefore make myself comfortable here for the winter.

Your commission in regard to the purchase of cattle shall have my particular attention. The trouble will be nothing & the advance for the purchase & expence of forwarding them will be of no importance. It will be a great satisfaction to me to contribute to an object so laudable & for which your section of our country will be so much indebted to you. From the inquiries I have already made I am led to think the season too advanced at this moment as they could not be procured & expedited so as to arrive on our boisterous coast earlier than in January, & I am told that the spring will on every account be more suitable. On this & every other point I shall however take the best opinions I can procure, & I am not a little astonished to find the contrariety of opinions prevalent in regard to the different breeds of cattle.

our friend Mr Russell embarked from this place about a week ago
November 1, 1816

for New York, & during his detention here of several days I had the pleasure of seeing a great deal of him, and of brightening the chain we formed at Ghent.

This country is experiencing great distress in both the agricultural & manufacturing department. Taxation seems to have reached its maximum & is at present defeating itself by producing general curtailment of expenditure. The distresses of the lower classes are becoming daily more severe, & the riots & robberies consequent on them threaten serious evils in the course of the approaching winter.

I thank you for giving attention to my wishes in behalf of my friend Beasley. He is a worthy man & one on whom the wind has blown too roughly. I fear however from the number of his competitors that the object of his present wishes will be defeated.

My brother Washington is with the family party at Birmingham, who would all join in good wishes were they apprised of my writing.

With sincere regard, I am Dear Sir Your friend P IRVING

Henry Clay Esqr &c &c &c

ALS. DLC-TJC (DNA, M212, R12). Endorsed by Clay: “Purchase of Blooded cattle.” Irving, a New York writer and merchant, had earned a degree in medicine, turned to politics, and edited a newspaper for a brief time before organizing in 1810, with his brothers Ebenezer and Washington (the writer), the importing firm of P. and E. Irving. Peter Irving represented the firm in England until its bankruptcy in 1818.

1 Not found. 2 See above, Bill, same date. 3 Jonathan Russell. 4 Reuben G. Beasley. See above, Russell to Clay, August 14, 1816, note.

Bill from Lewis Bancel

[ca. November 1, 1816]

Mr. Clay to Lewis Bancel

Dr

1816

Nov. 1. Board of his two sons1 from 25th August to 1st of November ................. 108½

ditto to February 1817 ............... 150

Fencing Entrance .................... 10

half a quarter to Nov= 10

One quarter to February ............. 20 41

Use of foils ........................ 1

Dancing Entrance ................... 10

Latin to February quarter ½ ........ 24

Greek ditto ........................ 30

Tailor’s bills ....................... 66½

Shoe maker’s bills ................... 8½

Book’s &c .......................... 45

2 Silver tumblers .................... 20

2 forks ............................. 10

2 spoons ........................... 7
### Power of Attorney from John Stone

Know all men by these presents that I John Stone of Warren County late of Woodford & State of Kentucky do hereby nominate and constitute Henry Clay Esq Member of Congress from Fayette County & State aforesaid my lawful Attorney in Fact, for the purpose of settling [sic] my account with the United States for two horses I lost whilst they were employed in the service of the United States & also for all sums due me for arrears of forage for my Team whilst in said service & to receive all sums of money which the United States may be indebted to me upon Settlement of my accounts And I do hereby invest my said Attorney in fact with full power & authority to settle my said accounts & receive what money may be due to me here by declaring any act which he may do as good & binding on me. Witness my hand & seal this 2nd. day of Novr. 1816

John Stone {Seal}


### From William D. Lewis

My dear Sir  
St. Petersburg Novr 4/16th 1816

The departure of Mr. Coles¹ showing me a favorable opportunity
of writing you a few lines I embrace it to do so, though I have nothing to communicate to you either new or interesting. I hoped indeed & fully intended to have accompanied Mr C. as far as Paris or London, but was unexpectedly prevented when almost on the eve of setting out.—Since your arrival in America I have not been favored with a line from you, tho' I have written to you many times, I am still however in hopes, that one of your Epistles is upon the road. Concerning the Political state of this Country I know (like every body else) but little, & dare not write the little that I know. The Emperor has lately arrived here from a journey into the Interior, and the unpleasant affair of Kozloff is at end, Mr Harris is again permitted to appear at Court, and the Republic reinstated in her former post. "Thus far we run before the wind." Mr. King the Secretary of Mr Pinkney arrived here some days since and his Excellency is expected in four or five weeks, with his family. At present there are few Americans here, nine or ten all told, Mr. P. however & his family will be a considerable accession to our number and I only hope that he may take more pains to make the residence of his mercantile Countrymen here agreeable, than some other public functionaries have done, or one other at least.—I hope every kind of success attends all your undertakings and that your family & self are crowned with every kind of happiness.

Very sincerely & truly Your friend

H. Clay Esqr

P.S. I enclose you a Document which may perhaps afford you some gratification.

ALS. DLC-HC (DNA, M212, R1).

1 Edward Coles, native Virginian, private secretary to President Madison from 1809 to 1815, later (1822-1826) Governor of Illinois, and after 1832 a resident of Philadelphia. Sent to Russia by Madison on a special mission (see below, note 3), he had remained for somewhat over two months in St. Petersburg awaiting the return of the Emperor from a visit to Poland and Moscow. Elihu B. Washburne, Sketch of Edward Coles (Chicago, 1882), passim.

2 No earlier correspondence between Clay and Lewis has been found.

3 Late in November, 1815, Kosloff, Russian consul-general at Philadelphia, had been arrested on a charge of rape and imprisoned for one night. He subsequently had been indicted but the case had been dismissed for lack of jurisdiction. Andre de Daschkoff, Russian Minister to the United States, had been so hostile on the matter that the Secretary of State had transferred negotiations to St. Petersburg, and on October 31, 1816, Daschkoff had broken off relations with the United States. Meanwhile, in March, 1816, the Russian Emperor had forbidden further appearance at court of Levett Harris, American Chargé at St. Petersburg, pending appropriate explanations. The arrival of Edward Coles with instructions from Secretary of State Monroe had made it possible for Harris to conclude a satisfactory settlement. John C. Hildt, "Early Diplomatic Negotiations of the United States with Russia," Johns Hopkins University, Studies in Historical and Political Science, Series XXIV, nos. 5-6 (May-June, 1906), pp. 92-107.

4 William Rufus de Vane King, United States Congressman from North Carolina, 1811-1816; Secretary of Legation at St. Petersburg, 1816-1818. Upon his return to the United States in 1818 he became a planter in Alabama, subsequently representing that state in the United States Senate, 1819-1844, 1848-1853. He was American Minister to France, 1844-1846, and Vice President of the United States for a few weeks before his death April 18, 1853.
William Pinkney, appointed earlier in the year as envoy extraordinary and minister plenipotentiary to Russia, had been sent to Naples to carry on certain negotiations before proceeding to his post. Having no instructions regarding the Kosloff affair, he had refused to go to St. Petersburg until he received them or until the matter was settled. Meanwhile, he had sent King to join Harris. Pinkney reached St. Petersburg early in January, 1817.

Probably a reference to Harris, who sued Lewis for slander after both men had returned to the United States. Adams, Memoirs, V, 292-95 passim.

Not found.

Power of Attorney from Joshua Claxton

[November 12, 1816]

Know all men by these presents that I Joshua Claxton of Woodford County & state of Kentuckey Guardian for Sally Armstrong David Armstrong and Archibald Armstrong Infant Heirs of Archibald Armstrong Dsd and Husband to Nancy Armstrong his late Wife for Divers good Causes do hereby Constitute and appoint my worthy Friend the Honourable Henry Clay speaker of the House of Representatives for the United States: My true and lawfull—attorney for me and in my name to draw all and Any money that may be Due to the Widow or Children of the said Archibald Armstrong who died a soldier in the late warr who wis [sic] enlisted by Capt Samuel Price and after the Death of said price was attached to Capt Cushions Company where he Died; Hereby Authorising my said attorney for me and in my name to make settlements & give Receits in the same manner that I Could do were I personally present: which settlement and Receits shall be as Obligatory on me as iff done by myself in Testimony whereof I have here unto set my hand & seal this 12 day of November 1816

JOSHUA CLAXTON {Seal}

DS. DNA, RG217. Signed and acknowledged, November 12, 1816, before William B. Long and Joseph Davidson, Justices of the Peace for Woodford County, Kentucky.

Nancy Mosely had married Archibald Armstrong in Fayette County, January 14, 1809. He had enlisted in the regular army December 16, 1812, and died in a hospital at Detroit, December 3, 1813.

Samuel Price, Jr., Captain, First United States Regiment of Light Artillery, had died in Ohio, November 4, 1813. He was a son of Samuel Price, Sr., long a resident of Lexington, who died at Versailles, Kentucky, in 1824.

Probably Daniel Cushing of Ohio, Captain, Second United States Regiment of Artillery during the War of 1812.

Received Bill from Samuel Trotter

Henry Clay Esqr Lexington Nov 14 1816
Pr Ozborne Henley Bot of Saml Trotter
1 qr Keg powder 25lb @ 45 Cents Keg 3/ — $11.75
Recd. payment in full For Saml. Trotter WILL. M. FERGUSON

ADS by Ferguson. DLC-TJC (DNA, M212, R15).

Clay's overseer at "Ashland."
December 6, 1816

To [James Prentiss]

Dr Sir

Wash. 21st. Nov. 1816.

The papers announce, I hope truly, that you have succeeded in the object of your deputation, by getting a branch of the B. of the U.S. located at Lexington. Is this true? I know many of the persons appointed directors of the Bank of the U.S. and would write them on the subject if a favorable decision has not been made; if it has it will be useless to trouble them.

I will thank you for information of what has been done, and what your prospects are.

I hope you did not sell your stock before the late rise.

Respectfully Your's

H. Clay

ALS. MiU-C (which identifies recipient). See above, Clay to Jones, October 6, 1816.

Receipted Bill from John Harrison and Samuel Coolidge

Lexington Novbr. 22d. 1816

Dr Henry Clay to John Harrison & Saml Coolidge

to laying 98107 Brick @ 16/6 $269-77
8 Double arches . . . @ 7/6 10-00
5 single do . . . . . . . 3/9 3-12 1/2
2 cellar do . . . . . . . 6/ 2-00
104 yds paving @ 1/ 17-33
fee for counting work . . . 5-00
to taking out & filling in window 3-00
to 1 arch cellar fire place . . 1-25

cr. by lime & Sand . . 

$311-47 1/2

297 52

Recd payment in full of Jno & Th. P Hart

John Harrison

DS. KyLxT. Coolidge, like Harrison, was a Lexington bricklayer.

To Caesar A. Rodney

My Dear Rodney

Washington 6h. Decr. 1816

I received your two favor's of the 29h. Ulto. and the 4h. inst. I also ought to have acknowledged the receipt of that which you kindly addressed to me in K.; but the busy scenes in which it found me will I hope sufficiently apologize for my apparent neglect. I was greatly obliged by the friendly interest which you were so good as to take in my election. My offence in voting for the Bank of the
U. S; which was urged agt. me at first was overshadowed by my still greater offence in supporting the compensation bill. However my Constituents had the grace to pardon me.

I was very glad to see that your disapprobation of the Bank did not extend so far as to deprive the Country of the benefit of your services in the direction; and I am persuaded that the Board will secure a just claim to the gratitude of the whole union, for the judicious measures which it appears to have adopted to carry into effect the institution. We shall be quite thankful to them, & to yourself in particular, for the Branch which you have fixed in our quarter. Our hopes there will now be that you will put it into activity as early as may be practicable. This I think you ought to do, as well because I believe it will be the interest of the parent institution, as to prevent the possible inference that attention has been exclusively bestowed on the Cities of the Maritime line.

It would have given me great pleasure, on many accounts, to have found you seated in Congress. Great changes in the individuals composing the body have, it is true, taken place since you were in the habit of attending Washington; but still you would have found many friends remaining in it.

A good deal of business is carved out for the present Session, as you will see by the papers, though I should rather think that we shall not do a great deal; perhaps it is not desirable that we should do much—

I know nothing about the intentions of the President elect (I suppose we may venture so to call him) as to his Cabinet. I presume however what is seen in the prints, relative to the individuals who are to form it, is altogether conjectural. I agree entirely with you, in opinion, that the gentleman now abroad, whose name has been intimated for the situation of Secy. of State, is not the person that I would appoint—With respect to the other person alluded to by you, you must excuse me for differing with you as to his pretensions.

I will thank you to give my respects to Milligan and believe me Truly & sincerely Yr friend

H. Clay

C. A. Rodney Esqr.

ALS. DLC-Rodney Family Papers (DNA, M212, R22).

1 Letters not found.
2 Rodney had been among the first directors of the bank elected by the stockholders.
3 On January 27, 1817, the Board of Directors of the Bank of the United States appointed directors and cashier for the branch at Lexington. Lexington Reporter, February 12, 1817.
4 James Monroe.
5 John Quincy Adams.
6 Probably Clay himself.
7 Probably George B. Milligan.

To Christopher Hughes, Jr.

Dr Hughes

Washington 8th. Decr. 1816

When I left K. for this City I hoped to have had the pleasure of
personally presenting to you my good wishes, prior to your departure for Europe; but as I approached this place I saw in the papers, and on my arrival here found by your favor of the 6th. Ulto. written in the Chesapeake, that you had sailed. Shortly after your embarkation, the arrival of Mr. Russell was announced; so that you will have to take upon yourself the duties of Chargé quite as soon as you could have anticipated. Such is the nature of our relations with Sweden and Norway, however, that I presume you will have no alarming difficulty in their judicious management. If it were necessary and I were to venture to offer you any advice it would be to observe the military rule of obeying orders; and in cases of embarrassment, should any such arise, not comprehended within your instructions, to refer to your government.

The papers give an anecdote of Mr. de Kantzow, which if true is not very creditable to his discretion; but recollect that I do not vouch for its accuracy. A circular intimation was given from the Department of State to the Foreign Ministers that their residence at the seat of Govt. would be agreeable to the President. Mr. de Kantzow received his, at a moment when he was dining a party. It is said that he held it up to his guests, read its contents, and criticised its grammar and its diction.

As I understand you mean to pass through Paris and to proceed thence by land to Stockholm, you will go by Ghent. Should you do so I will thank you to make my best respects to our friends there, particularly Madame Grebon & Madame de Meulmeester, and tell them that I cherish, and will always cherish, the most lively recollection of the agreeable time I passed in their society. Ask too after my little Landlady & give her my respects. With respect to your mission I do not think you ought to calculate, with any degree of sanguinity, upon a higher grade being assigned to Stockholm than that of Chargé. The government will, I should apprehend, pursue the course suggested to you by Mr. M., and let me seriously advise you to limit your expenses to your salary. I would not touch my private income. The dispensation of hospitality is agreeable at the moment, and is recollected with pleasure, when not at the sacrifice of one's fortune. If I mistake not you will be apt to err, in supposing more to be expected from you, in that way, than will or ought to be.

I have no news to offer you. Congress is merely preparing business, of which they will do but little. The compensation law will be modified, or most likely repealed; the direct tax will be discontinue; and many other matters will be attempted, but not many of them done.

Mrs. Clay & all my children, except my two sons, are with me. Unfortunately the youngest of them took the whooping cough on
the journey, and we are at this moment despairing of the recovery of the youngest Laura, a name given not without recollecting that of Mrs. Hughes.\textsuperscript{10} We are keeping house.

With best wishes for the health & prosperity of yourself and lady I am Sincerely Yr friend H. CLAY

P.S. Tell me if G. Shaw formerly of N. York, now of the house of Wilson and Shaw\textsuperscript{11} is in London. H C.

ALS. MiU-C. Endorsement by Hughes notes receipt of the letter at Paris.

\textsuperscript{1} Not found. \textsuperscript{2} Jonathan Russell. \textsuperscript{3} John Albert de Kantzou.

\textsuperscript{4} The need for a requirement that ministers to the United States reside at the capital was emphasized by the difficulties occasioned through the absence from Washington of André de Daschkoff during the Kosloff affair.

\textsuperscript{5} Mesdames C. Greban and Jean de Meulemeester, sisters-in-law.

\textsuperscript{6} After living for several months in the house rented by the American Commission, Clay late in October, 1814, had followed the example already set by Jonathan Russell and moved to lodgings of his own, where John Payne Todd was also staying. Their landlady has not been identified.

\textsuperscript{7} James Monroe.

\textsuperscript{8} See below, Speech, February 4, 1817; Clay to Rodney, February 22, 1817, note.

\textsuperscript{9} Theodore and Thomas Hart Clay.

\textsuperscript{10} Laura, three months old, died a few days later. Mrs. Hughes was Laura Sophia, daughter of Samuel Smith.

\textsuperscript{11} Probably Gabriel Shaw, formerly of the firm Corp, Ellis, and Shaw. The later firm has not been identified.

To [George Graham]

Dr Sir Washington 8th. Decr. 1816

I have been applied to to get a small piece of artillery (say a 4 or 6 pounder) deposited at Maysville in Kentucky to be exercised by an Artillery Company there. I should think that the distribution of pieces of Artillery for such purposes, as a measure of general policy, proper securities being taken for their preservation and prompt return when called for by the public, would receive the president's sanction. At all events I shall be very glad if the town of Maysville can be gratified in this respect. Will you inform me if I may make such a communication to the town? Yr's Respectfy H. CLAY

ALS. DNA, RG107, Letters Received, (9), C-510. George, brother of John Graham, was acting Secretary of War.

From George Graham


Sir

Your note of the 8th. Inst. was received this morning. A piece of Artillery of the caliber you mention, can be immediately sent from Pittsburgh to merysville\textsuperscript{1} for the purpose you wish. But it will be necessary for the officer who receives it, to have an authority from the Governor of Kentuckey [sic] to give a receipt for it, on
DECEMBER 14, 1816

account and in part of the quota of Arms, to which the State of Kentucky is entitled under the act for Arming & Equiping the whole body of the militia. If you will be so obliging as to inform me whether this arrangement will be agreeable, I will give the necessary orders to the ordnance Dept. I have the honor to be

GEo. GRAHAM. Acg. S. War


To Josiah Meigs

Dr Sir

11 Decr. 1816.

Will you have the goodness to inform me if the pleasure of the president has been signified as to the period when a Land office will be opened in the Missouri territory? and if not whether you have any date on which you can form an opinion as to the period?

Mr. Meigs Commr. & c & c & c

Yrs.

H. CLAY

ALS. DNA, RG49, Misc. Letters Received, Book C (1808-1820), 320, 323. Endorsed: “Answd. 14 decr. 1816.”

From [Josiah Meigs]

Hon. Mr. Clay, Speaker of the house of Reprs.

Dear Sir,

General Land Office. 14’ Decemr. 1816.1

If it is contemplated to establish another Land Office in the Missouri Territory, that fact has not come to my knowledge.

The Office at St. Louis is not yet in operation, because the surveys of the lands to be sold there, are not yet completed. Instructions have not been given for surveying any lands in that territory, except those intended for sale at St. Louis, & those appropriated for military bounties; therefore I conceive the establishment of another office at present unnecessary in that territory. Most respectfully &c.


1 Dateline from top of letterbook page.

To Thomas Morris

Dr Sir

Washington 14h. Decr. 1816

I recd. your favor of the 11h. inst. which is the first and only intelligence which we have received in relation to the unfortunate accident which occurred to Thomas.1 At any time it would have greatly distressed us, and at this particular moment would have been peculiarly afflicting, but for your assurances that Thomas has entirely recovered. I hope you are not deceived in this respect. Owing to a recent source of painful affliction in our family,2 Mrs.
Clay’s mind is unusually sensible to even the remotest danger, and I pray you to communicate any thing that you can which may tend to tranquillize it. I have written to Thomas himself, and a letter from him would be very satisfactory. I hope the physician will not be deceived by flattering external appearances, when something within may be wrong. With great respect & esteem Yrs,

H Clay

ALS. MH. Addressed to Morris at New York.
1 Neither the letter nor information relating to Thomas Hart Clay’s accident has been found.
2 The death of the baby, Laura.
3 No correspondence between Clay and his son at that time has been found.

Receipted Bill from Samuel Trotter

Onborne [sic] Henley for Lexington Decr. 16th 1816.
Henry Clay Esqr. Bot of Saml. Trotter
1 Keg powder. 25lb @ 45 Cents $11.25
Recd. payment in full For Saml Trotter WILL M FERGUSON

DS. KyLxT.

To William Jones

Dr Sir Washington 17th. Decr. 1816.

Several applications have been made to me to serve as a director of the U. States bank, on the part of the Stockholders, which I at first resisted; but on their repetition, and its being stated that it was not expected that I should give any other than that casual attendance which my being occasionally in Philadelphia would admit of, I observed that I had no objection to the situation, with that understanding. It did not occur to me that I did not own one share in the Institution, to which I avoided subscribing for obvious reasons. I take it for granted that the Corporation has provided, by its bye laws, for the transfer of stock; and upon that supposition I have to request the favor of you to purchase for me five shares—I will remit you the cost as soon as you inform me of it.

I need hardly say to you that I do not wish this letter to be the subject of any conversation.

I avail myself of the occasion to congratulate you upon your recent election to the Presidency of the Bank; and at the same time to thank you for the very friendly support you gave to the location of a branch at Lexington. With great respect I am faithfy Yrs

William Jones Esqr.

H Clay

ALS. PHI. Addressed to Jones as ”President of the B. of the U. S. Philadelphia.”
Mr. Clay (on taking the chair) said that he had hoped to have seen called to the place, for which he had the honor of being selected, a gentleman who, from his name, his exalted station, and his distinguished virtues, would have communicated an additional importance to the present meeting. But, as that gentleman was not present, Mr. C. regretted to learn, from causes beyond his control, he would with great pleasure endeavor to discharge the duties of the chair. He understood the object of the present meeting, to be to consider of the propriety and practicability of colonizing the free blacks of color in the United States, and of forming an Association in relation to that object. That class, of the mixt population of our country, was peculiarly situated. They neither enjoyed the immunities of freemen, nor were they subject to the incapacities of slaves, but partook in some degree of the qualities of both. From their condition, and the unconquerable prejudices resulting from their color, they never could amalgamate with the free whites of this country. It was desirable, therefore, both as it respected them, and the residue of the population of the country, to drain them off. Various schemes of colonization had been thought of, and a part of our own continent, it was supposed by some, might furnish a suitable establishment for them. But, for his part, Mr. C. said, he had a decided preference for some part of the coast of Africa. There ample provision might be made for the colony itself, and it might be rendered instrumental to the introduction, into that extensive quarter of the globe, of the arts, civilization and christianity. There was a peculiar, a moral fitness in restoring them to the land of their fathers. And if, instead of the evils and sufferings which we had been the innocent cause of inflicting upon the inhabitants of Africa, we can transmit to her the blessings of our arts, our civilization and our religion, may we not hope that America will extinguish a great portion of that moral debt which she has contracted to that unfortunate continent? We should derive much encouragement in the prosecution of the object which had assembled us together, by the success which had attended the colony of Sierra Leone. That establishment had commenced about 20 or 25 years ago, under the patronage of private individuals in Great Britain. The basis of the population of the colony consisted of the fugitive slaves from the southern states, during the Revolutionary war, who had been first carried to Nova Scotia, and who, afterwards, about the year 1792, upon their own application, almost in mass, had been transported
to the western coast of Africa. This colony, after struggling with the most unheard of difficulties—difficulties resulting from the ignorance, barbarity and prejudices of the natives; from the climate (which were, however, found to be not at all insurmountable;—from wars, African as well as European; and such as are incidental to all new settlements) had made a gradual and steady progress, until it has acquired a strength and stability which promises to crown the efforts of its founders with complete success. We have their experience before us; and can there be a nobler cause than that which, whilst it proposes to rid our own country of a useless and pernicious, if not dangerous portion of its population, contemplates the spreading of the arts of civilized life, and the possible redemption from ignorance and barbarism of a benighted quarter of the globe!

It was proper and necessary distinctly to state, that he understood it constituted no part of the object of this meeting to touch or agitate, in the slightest degree, a delicate question connected with another portion of the colored population of our country. It was not proposed to deliberate upon, or consider at all, any question of emancipation, or that was connected with the abolition of slavery. It was upon that condition alone, he was sure, that many gentlemen from the south and the west, whom he saw present, had attended, or could be expected to co-operate. It was upon that condition, only, that he had himself attended. He would only further add, that he hoped, in their deliberations, they would be guided by that moderation, politeness and deference for the opinion of each other, which were essential to any useful result. But when he looked around and saw the respectable assemblage, and recollected the humane and benevolent purpose which had produced it, he felt it unnecessary to insist farther on this topic.

Washington National Intelligencer, December 24, 1816. Published also in House Reports, 21 Cong., 1 Sess., no. 348, pp. 37-39; Lexington Kentucky Gazette, January 20, 1817. A preliminary meeting, under Justice Bushrod Washington of the United States Supreme Court as presiding officer, had been held in Washington, D. C., December 16, 1816. Early Lee Fox, The American Colonization Society, 1817-1840 (Johns Hopkins University Studies in Historical and Political Science, Series XXXVII, no. 5: Baltimore, 1919), 46. Clay's speech on that occasion was not recorded. Clay presided at the organizational meeting here reported, held at Davis's Hotel in Washington.

Footnote in source: "We understand Judge Washington to be alluded to, who was prevented by indisposition from attending.—Editors."

From William Thornton

[ca. December 25, 1816]

To the honorable Henry Clay Chairman of the Assembly for promoting the establishment of a free and independt. Nation of Blacks in Africa.—¹
Sir

My public Duties did not permit my personal attendance at the meeting lately held for this praise-worthy object but I have heard with unspeakable satisfaction of the respectability of the meeting & of the unanimity of benevolence with which this Subject was discussed.—It is a Subject that has long impressed my mind as one of the most momentous; for it involves the happiness of millions of our Fellow Beings; and as the Government of America was the first to provide against the extension of slavery it is with inexpressible pleasure that I view among its most respectable Citizens a zealous desire to restore to their Country the Descendants of the Africans who have obtained their freedom among us.—It has been thought by many that they would depart with reluctance for the region of their forefathers—but the feelings of human nature are the same in all.—Let those who prejudge the feelings of the Blacks apply the Case to themselves, and ask if they were carried into Slavery among the Barbary Powers or other savages, and by degrees had gained their freedom, and a desire were expressed by the Barbarians that the emancipated & their descendts. should be restored to their original Country, could there be a hesitation in those to whom such a proposal should be made in embracing the offer, especially if they were to have lands presented to them, and were to be assisted in forming a free Government? It is impossible on this Subject if well considered, to offer a doubt.—But lest any should judge from expressions that may have escaped from contented Individuals, I will mention a Fact in favor of this contemplated Establishment that cannot fail to make some Impression.—

In the winter of 1786-7 I was travelling in Rhode Island & Massachusetts. I found many free Blacks & having been engaged in correspondence with some of the members of the Sierra Leone Society of London, among whom were some of my Friends I was desirous of knowing what number of free Blacks in Masss. & R. I. could be found desirous of joining in that Settlement. I made my wish known to some of the elder Blacks who informed me they would call meetings that they might be informed of the contemplated object of such a Settlement. They assembled in hundreds, in one of the places of worship & in the most orderly and decent manner, heard all I had to say—They were delighted with the prospect, and in a few weeks informed me that two thousand were willing to accompany me. I made this known to some of the Members of the Assembly of Massachs. who expressed a desire of aiding in sending them out, of the Country, and I had no doubt from the ardour with which the proposal of taking them away entirely, was advocated, that the Legislature would have furnished them with Ships, with
provisions, Tools &c, and many of the Members promised that every requisite would cheerfully be granted.—When however I explained to them the intention of taking the Blacks to Sierra Leone—the Members of the Legislature expressed an unwillingness to send them out of the limits of the U S., & wished a Settlement to be made in the most southern part of the back Country between the Whites & Indians.—I informed them that I would never be instrumental in placing those men, who were now comparatively happy & in a state of protection, between the Indians & Savages on their Borders, where they would become a prey to both; besides I was confident the Blacks could have no motive for wishing such a change; for if they should prove capable of defending themselves agst. all their Enemies, & should preserve their political freedom, could they ever hope to be recd. as representatives in our Assemblies? Could they ever be treated with an equality in a Country where many of their Colour were still held in Slavery?—It would be morally impossible, but if possible it would be politically dangerous.—We thus parted, but I had still a hope that the Day would arrive when other views of this Subject would open to the mind a prospect of such unbounded good to that miserable race, that all minor Considerations would vanish.—Happily the Day has arrived, and I hope that the holy zeal with which this Business has commenced may never feel a check; for most fortunately for the Cause of humanity, the Cause of self Intent [sic] has nothing to fear from its advancement.—

I laid before the world in 1804 a Letter containing a plan for emancipating the Blacks. a copy of which I take the liberty of presenting with this. It is however a Subject distinct from the one now under contemplation. This is on the mode of establishing them as a free, distinct, & independent people. Without attempting to combat the various opinions that prevail on this Subject, I think it sufficient to give my own—but I offer my Sentiments upon this great Subject with the utmost deference.

The Almighty in that wisdom that man cannot pretend to scan, has destined Africa to be the Country of the Blacks.—They lived in a state of nature, enjoying the fruits & natural productions of one of the most fertile regions of the Earth—till America was discovered. The rich mines of Silver & Gold found there induced the nations of Europe who possessed themselves of these inexhaustible sources of wealth after sacrificing millions of poor Inds. to import Africans to work their mines & culvitate [sic] their lands.—These People have been subject to cruelties, at which human nature has long shuddered. Their sufferings have made impressions that have roused the activity of many benevolent & highly distinguished Characters. The Slave Trade has been abolished, many humane Persons have liberated their Slaves, and more would follow them if such provision were
made for their future destiny as would be likely to ensure a prospect of felicity. An establishment was made by the English at Sierra Leone, on one of the finest rivers, & in the richest country in Africa—This Settlement flourished till broken up by the French through a mistaken Jealousy—It is revived, & hopes of its advancement entertained.—The liberal policy of those enlightened Characters who commenced that Establishment of free Blacks would doubtless induce them cordially to assist in extending it to the free Blacks of this Country, & of all others. To join those already in some degree established would offer advantages to each; but this is only under the supposition that the Settlement is to be considered as appertaining to not only a free but compleatly independent People: and in no respect whatever to be viewed as a Colony.—If they should be settled as a Colony, they would be restricted by regulations to trade with particular nations, & would be subjected to oppressive Duties.—They might be considered as free but not independent. In an establishment of this kind, where provision should be made for unborn millions, every movement should be correspondent. Let the sovereignty of five hundred miles square be purchased of the natives of Africa, by discreet and competent agents, and let this region be recorded by our Government as a free gift for ever to the people who may settle thereon. († — † see next page) Let it be surveyed in the same manner as our own back Countries, & the fee simple only be disposed of by degrees that the Settlers be kept compact, and be thereby more capable of defending themselves. & their flocks from the incursions of the Savages & from the beasts of the wilderness—a form of republican Governt. would be prepared for them—and they ought for a while to be protected by a due force. Every advantage should be accorded to them, that an orderly & reasonable people could desire.—Public Schools & places of worship should be established. Whatever would tend to their advancement in this world, & preparation for the next—should be solicitously fostered—and if with all our Care such a people should be produced as might reasonably be expected to arise from such preparatory Steps, they would bless the humble Instruments of this great work:—for when the surrounding nations of Africa now wrapt in miserable Ignorance should incline to join their emancipated Brethren they would find them truly emancipated—not from the chains of Slavery alone, but from the thraldom of the mind. They would find them enjoying the lights of Christianity—and able to instruct their fellow men in the precepts of divine wisdom.—Thus would Slavery the dargest stain on Christian Professions be finally rendered subservient to the work of heaven & the poor Africans be in a measure repaid for the long sufferings of their unhappy Children—The wilderness would flourish in arts agriculture, & science—the native Africans would be taught
the principles of Christianity & be happy; then millions unnumbered in singing hallelujahs to our God, would bless the Children of the West!

their Ports would be open to the whole world—

† — † The price of purchase may perhaps be small in comparison to the immensity of the object, & particularly if the Surrounding People be informed that nothing but good is contemplated. But instead of thousands, were it to cost us millions it would be unworthy of the Considern. of a great & magnanimous People, who have not hesitated to sacrifice more than a hundred millions in asserting national Principles in defense of private Rights;—especially when this great Cause is a beneficent retribution for long sustained injuries inflicted on the Innocent; & to blot from the records of Eternity the highest stigma of humanity. After purchasing the Country let it be

ALI draft. DLC-William Thornton Papers.

1 See above, Speech, December 21, 1816. 2 In the Ordinance of 1787.
4 In September, 1794, a French squadron had plundered the settlement, which had recently been named Freetown.
5 No mark indicating where this line should be inserted was found in the text.

From Benjamin W. Crowninshield

Honble. Henry Clay, Speaker of the House of Representatives

Navy Department, Decr. 28th. 1816.

Sir,

I have the honour to enclose a letter for Midshipman Luckett, which after perusal, I beg the favor of you to place in train for transmission to him. I am very respectfully, &c.

B. W. CROWNINSHIELD.


1 John M. Luckett, probably of Jefferson County, Kentucky. His relationship to Dr. John M. Luckett is not known.

Speech Relating to Wartime Property Losses

[December 30, 1816]

Mr. Clay, (Speaker) said it was with great reluctance he rose to address the committee, as well on general grounds of objection to occupying the time of the house, as because he rose in opposition to the report of a committee which deserved great credit for its general conduct, and for the uniform correctness of its decisions. The House were called upon by the bill reported by that committee to repeal the 9th section of the act now in question; to which his
friend from Ken'y had proposed an amendment which had for its object a modification of the administration of the law. Before the house determined to repeal that section of the law, they ought to examine and see whether in fact there was any thing to be reprobated in the principle of it. What was that principle? It was this: that, when the government seizes the property of a private individual, and converts it to the uses of the community, and the property is in consequence thereof destroyed, there exists an obligation on the community to indemnify the particular individual who has suffered—That being the principle, could there be any member of the house who would say it was wrong? The public, said he, seizes my house, converts it into a garrison, and the enemy destroys it: is not the public, on every principle of justice, bound to indemnify me for the loss? Unquestionably; and such was the principle of the 9th section of the law. What were the securities which the section contained against abuses which might arise under it? In the first place, occupation as a military deposite was required; in the second place, the occupation must have been authorised by an officer or agent of the general government acting under it—and the destruction must be traced to that cause before the sufferers can be entitled to compensation. There was, then, in his conception, Mr. C. said, nothing in the principle, nothing in the details of the 9th section, which called for the animadversion of this house. It ought to be retained, because it was founded in justice and policy; whilst the report of the committee of claims went to put every thing afloat, and turn the claimants over to this house for redress.

But a worthy gentleman from Virginia, to whom he always listened with great respect, had said that the section ought to be repealed, because it devolved duties and responsibility from this House on others. What, Mr. C. asked, was the business of legislation? The prescription of rules. It resulted from the nature of all legislatures that a legislature cannot apply the rules it is its duty to prescribe. Did Congress, in enacting the law of last session, cast from their shoulders the responsibility of prescribing the rules which were to guide the decisions of these claims? No, certainly. If they had, then might they with some justice have been charged with shrinking from their duty, and surrounding the Executive with an importance which would prostrate the dignity of this body. Congress prescribed the rules, and directed the appointment of a subordinate officer to apply them.

But, although the rule prescribed in the 9th section were indispensably correct, being founded on justice, it was contended that there had been such abuse under it, that the House ought to guard the Treasury against further decisions under it. With regard to
the conduct of the commissioner, whose decisions had been called into question, Mr. C. said he really did not think that officer had had fair play on this floor—the House having appeared in a sort of trepidation whenever the subject was agitated, without having regard to the principles on which the commissioner had decided, and the facts on which his decisions were founded. Mr. C. expressed his regret that the committee appointed to enquire into the conduct of the commissioner had not reported, as it was due to the House, due to themselves, and to the commissioner, that they should have done. In a mass of decisions by that commissioner, amounting to seven hundred in number, two or three only had been picked out as incorrectly decided. If in seven hundred cases he had decided six hundred and ninety-seven correctly, and only three incorrectly, Mr. C. demanded whether, when we consider the fallible nature of all human transactions, the conduct of the commissioner ought to have been subjected to the severe remarks which had been made on this floor. The decisions of the modern Aristides, the virtuous chancellor Wythe, not exceeded in high character by the great Grecian himself, had not excited less scrutiny. Mr. C. said he had happened to turn his attention to the decisions of the chancellor, and he found that out of about two hundred decisions, in a particular period, twenty or thirty had been taken up to the Appeal Court, and out of that number ten had been reversed. Suppose the conduct of an officer like him had been brought before a legislature, and those ten cases only had been brought into view, how unjustly would his conduct have been viewed! Upon the three cases which had been particularly objected to, he had no hesitation in saying, on the statement of gentlemen themselves, that they had been made incorrectly; that Carroll's and Ringgold's houses did not appear to have been destroyed in consequence of their military occupation. But he would say, that the House ought to have a report on the whole of the cases, and not to pronounce, on the representation before them of two or three cases, that the commissioner had acted so incorrectly as to make it necessary to repeal a material part of the law, and leave the parties to seek relief by petition, session after session, to this house.

With regard to the merits of the cases themselves, embraced within that section, it was impossible for the House to decide. But, said Mr. C. let us select a class of cases: let us recur, for instance, to the class described in the memorial from the sufferers on the Niagara frontier. What was that case? By a sort of tacit consent the war there raged with peculiar force. It had been the policy of the government (and in his judgment properly) to carry the war into Canada, to draw it off rather from the maritime frontier to the provinces of the enemy. What had been the consequences? Peculiarly
unfortunate to the inhabitants of the Niagara frontier: every house became a garrison, every man a soldier. Scarcely a man had escaped without the loss of life or property. If, in the course of a war of this kind, individuals suffer losses, ought they not to be indemnified as far as is consistent with the ability of the country? Mr. C. assumed the position, and he said he feared not how some gentlemen might be startled at it, that whenever nations were at war, it was their duty to indemnify their citizens for all losses sustained on the land; and that, if they fail to do it, it must be because, from the nature and extent of those demands, it was morally impossible the nation should satisfy them. So it was in the case of our revolutionary war: the resources of the nation were then wholly inadequate to compensate individuals for their losses. This was a principle, he said, which we find acted on by all governments. Where they can completely execute it, they do: where they cannot go to the full extent, they alleviate the sufferings of the people as much as possible. Mr. C. here referred to the recent conduct of the Emperor of Russia in this respect. We have all seen, he said, a notification of his visiting the various provinces of his Empire devastated by war, to repair, as far as possible, the losses of the people, and alleviate their sufferings. Was there any aspect in which a sovereign could present himself, more calculated to endear him to the people, to rally them about him, than to see him examining their losses and mitigating their pains? But, if the general principle were correct, as he had laid it down, was not its force increased in the case of a war of voluntary declaration on the part of the nation, whose citizens apply for remuneration of their losses? And did it not advance in strength as we proceed to the case of the Niagara frontier, which suffered, not a partial loss for the good of the whole, but whose whole property fell a sacrifice to the prosecution of the war, which a principle of policy carried to their shores. Look, he said, at what other governments have done in this respect. The British government had determined to repair to their Canadian subjects the injuries which they had suffered. Nay, what had one of our states done, invited by the amount of suffering on her borders? The Legislature of New York had voted 30,000 dollars, for the partial relief of the sufferers on her frontiers. When, then, said Mr. C. we are provoked by the examples of governments across the water, amongst them that of our late enemy, healing the injuries of their people inflicted by the ravages of war; when we come home, and see one of the states of this sovereignty feeling, for the losses of its citizens, voting money for their relief—and when we reflect that the late war was one in which, as the one or other army prevailed, death and destruction followed in its train—when so stimulated, let me ask, if we had failed to make proper provisions in this respect, if we should
not have indeed deserved that hardened character, which, I regret to see, in a neighbouring Legislature,⁹ has been assigned to us.

If the principle of the act of last session was just, and the administration only of it not just, Mr. C. prayed of gentlemen not to carry their efforts beyond the emergency of the case, but leave individuals to obtain that redress which was promised to them by the 9th section of the act of the last session. Was there a gentleman here who could be insensible to the importance of that promise? Would they make distance from the seat of government a reason for refusing redress? Beware, said he, how you increase the difficulties experienced from the present expansion of our territory! Will you say, that to the man within the sound of my voice you will give a treatment different from that which you afford him who is at a distance? These people had collected the evidence of their claims at great expense and trouble; and at the moment when they presented their cases, the House were called on in a panic to repeal the law, without making any other provision, or leaving them any other remedy than what Mr. C. considered a refusal of their claims. They were to be told, indeed, that they might petition Congress. A poor remuneration! His word for it, the parties would go unre­munerated, and without redress. The gentleman from Virginia, (Mr. Sheffey) had properly stated the case of private claims before the House.¹⁰ How often, Mr. C. said, when he had in his official character called on the members for their responses on a question of agreeing to a report of a committee on a private claim, he had received not a solitary aye or no on the question! Case after case, he said, was decided on the report of the committee of claims, without a single individual, except the members of the committee and the member who presented the petition, knowing any thing about it. We want competency, said he, not mental but physical, to decide correctly on such questions. The right to be heard by petition in this House is in fact little more than the right to have your petition rejected. Last session, when the sufferers individually applied to us, the answer given was, that there should be a general principle established, and a special tribunal for the decision of their claims. That was accordingly done; and the government was now pledged, Mr. C. said, to the performance of that principle by all the sacred obligations of honor, justice and duty.

Mr. C. concluded by saying, that if no better amendment should be devised than that proposed by his worthy friend, he should vote for it.

[John Randolph was next on the floor, followed by Thomas Peabody Grosvenor of New York. John C. Calhoun then spoke for the bill and against the amendment and, at the same time, defended
Mr. Clay said he was sorry he had in any degree provoked the
sensibility of the gentleman from S.C.—but was happy to find, from
this occasion, that the house had in him so happy an eulogist. When
he had said that the right of petition was little more than the right
of rejection, he did not mean certainly in the cases of great rights
occasionally brought before this house, but in minor cases they
were incompetent to investigate and decide on claims. And, when
the gentleman had run away with his remarks on this, as he had done
on another point, he should have been glad had he correctly
appreciated them. I state the fact, said Mr. C. let the consequence
be what it may, that on the decision of a claim, in nine cases out of
ten, on the report of the committee of claims, there are nine out of
ten of the members who do not understand the question. And, in
saying this, Mr. C. said, he meant to cast no reflection on the House;
the relation in which he stood to it, and the favor he had received
from the House, his knowledge of the high character and integrity
of the members who composed it, forbade the idea. But he stated,
in what he had applied to this House, a fact inherent in all public
bodies.

The gentleman had not less misunderstood him on this point,
Mr. C. said, than on the general principles with which he set out;
and he should have been unmindful of the respect due to himself,
if he had not considered all the consequences of the position he had
taken, in all the views in which the gentleman's abstract mind had
placed it. The case of *maritime* loss, Mr. C. said, he had excepted
from his position. But he could conceive, that in cases of maritime
loss, where a nation plunges into war without giving notice to its
citizens, and occasions distress, there may be an obligation on the
nation to remunerate the loss, although from want of ability it may
not attempt to do it. There was another modification of the prin-
ciple, also; the national ability to pay, or the effect of such payment
on the general welfare: and, Mr. C. said, he would admit, in cases
where the extent of the injury is very great, where a desolating or
conflagrating war of invasion has laid waste a whole country; the
nation ought not to indemnify its citizens, not because it would not
be just, but because it was impossible, and the sovereign authority
was compelled to look on the case silently. So in the case of cities.
His principle was, Mr. C. said, that where the individuals of a
country have suffered losses in war, of the kind spoken of, it was for
the nation to judge, looking to the state of its finances, whether,
from the state of its circumstances, it can fulfil what, if it be able, be
a solemn obligation.
With regard to the consequences of such a policy, Mr. C. said he differed essentially with the gentleman, when he supposed it would invite an enemy to destroy your property. The nation which is to make this indemnity to its citizens for losses, makes it not at the moment of the loss, but consults its own inclination as to time and manner. But the gentleman had hinted that an enemy would destroy your towns, in order to make the destruction a public loss. Did the gentleman believe that no consideration but individual suffering now and ever will restrain such conduct in a civilized enemy? No; hopeless indeed, said Mr. C. would be the condition of the world, if the security of individual property in war rested on the basis on which the gentleman had placed it. The security of individual property results, first, from the progress of the mind, the civilization of man, and next from the apprehension of bringing dreadful retaliation on the subjects of the assailant. Would not any enemy reason very badly, who would reason as the gentleman had done? When meditating the distinction of the city of New York, that the public might suffer the loss, would not the enemy say, if I do this, I shall have against me the united voice of the whole civilized world? Would he not further say, if I do it, London or Paris, my own cities will suffer in consequence of it? Yes, Mr. C. said, it was a visionary idea. A security against such conduct in an enemy was found in the melioration of the condition of man in relation to the prosecution of war, and in the apprehension of being themselves visited in like manner.

Mr. C. said he did not comprehend distinctly what the gentleman was in favor of; but understood him to intimate, that if the property of an individual was seized and converted to public use, and in consequence thereof destroyed, it ought to be paid for. Such Mr. C. said, was the provision in the existing law, which he was opposed to repealing, &c. believing that a commissioner or any single judge was better able to decide on the evidences of such cases, than this House could be.13

Washington National Intelligencer, January 1, 1817. Published also in Annals of Cong., 14 Cong., 2 Sess., XXX, 582-86, 593-94. Richard Bland Lee had aroused criticism because of his interpretation of parts of the act of April 9, 1816 (see above, Lee to Clay, July 10, 1816, note), particularly of Section 9, which stated "That any person who, in the time aforesaid, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposite, under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage: Provided, it shall appear that such occupation was the cause of its destruction." 3 U.S. Stat., 263.

On December 9 President Madison had informed Congress that he had suspended "proceedings relative to claims under that part of the act . . . until Congress should have an opportunity of defining more precisely, the cases contemplated by them." Eight days later Bartlett Yancey, from the committee considering the President's message, had introduced a bill to amend the act of April 9 by replacing sections 9 through 14 and by referring all claims under the act to "the Additional Accountant
of the War Department.” Yancey had also read a report criticizing three specific decisions made by Lee. Debate, in Committee of the Whole, on the bill had begun on December 27. *Annals of Cong.*, 14 Cong., 2 Sess., XXX, 245, 298-301, 368-72.

1 Richard M. Johnson on December 27 had wanted to substitute for the bill under consideration a proposal that in all cases under the act the decisions of the commissioner should be “revised and sanctioned by the Secretary of the Treasury.” *Ibid.*, 372.

2 Henry St. George Tucker.

3 Word corrected to “indisputably” in *Annals* version.

4 The committee had attacked three decisions made by the commissioner. The first, under section 9 of the act of April 9, had made an award to Daniel Carroll of “Duddington” and others, owners of Tomlinson’s Hotel in Washington, a part of which had been occupied briefly “by a troop of cavalry, and some militia from Virginia” before the British burned it on August 24, 1814. The second, under the same section and also occasioned by burning at the hands of the British, had covered the loss of a ropewalk and house owned by Tench Ringgold and Company. The third, under section 5 of the act, had made a grant to the owners of the schooner *Islet* which, carrying a cargo of United States property, had been sunk in the Patuxent by order of an American officer to prevent her falling into the hands of the enemy. *Annals of Cong.*, 14 Cong., 2 Sess., XXX, 299-301.

5 George Wythe.

6 On December 19, Archibald S. Clarke of New York had presented “a memorial from sundry inhabitants of the Niagara frontier, in New York” praying payment for the destruction of their property by the British in the late war. The matter had been referred to the Committee of the Whole House on the bill to amend the act of April 9. Another memorial, from “sundry inhabitants of the town of Buffalo, on the Niagara frontier,” had been presented by Clarke on December 20, whereupon the earlier memorial had been removed from consideration by Committee of the Whole and both had been referred to a select committee. Clarke on January 23, 1817, had read the committee report and introduced “a bill for the relief of certain sufferers in the late war,” after which no further action appears to have been taken. U. S. H. of Reps., *Journal*, 14 Cong., 2 Sess., 85, 89, 90, 269.

7 A commission had been appointed, “under authority of one of his Majesty’s principal Secretaries of State,” to assemble at York to receive claims for losses suffered by the inhabitants of Upper Canada during the war. Extract from York *Gazette*, in *Washington National Intelligencer*, December 17, 1816.

8 Reference not found. 9 Not identified.

10 Speaking just before Clay took the floor, Daniel Sheffey had cited “the proceedings of the House in the case of any private claim” in order to show that such a body was incapable of adjusting numerous claims.

11 Calhoun had argued at some length against the view, which he said had been expressed by Thomas B. Robertson and Clay, “that the whole amount of property destroyed by an enemy during war should be paid for out of the public funds.”

12 This word corrected to “destruction” in *Annals* version.

13 At the conclusion of Clay’s speech the Committee rose and obtained leave to resume the deliberation subsequently. See below, Remarks, January 6, 1817.

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**Bill from William Bobb**

[ca. December 31, 1816]  
1816  
Henery Clay To William Bobb  
Dr  
To 100 650 brick at $6.50/100 per thousand  
$ 653,921  
To paving brick 9 200  
727:521  

[Endorsement]  
Received this 17 June 1817 the above account in full.  
Wm Bobb

AD by Bobb. DLC-TJC (DNA, M212, R15).

1 ES, in Clay’s hand.
Resolution of Thanks from American Colonization Society

[January 1, 1817]

Resolved unanimously, That the thanks of this meeting be presented to Mr. Clay for the ability and attention with which he has presided as Chairman of the meetings in organizing the Society.

Washington National Intelligencer, January 3, 1817. Published also in House Reports, 21 Cong., 1 Sess., no. 348, p. 46; Lexington Reporter, January 15, 1817. See above, Speech, December 21, 1816. The organization of the parent Society was completed at the meeting of January 1, following adjourned sessions of December 21 and 28, over which Clay had presided.

To William Jones

Washington 2. Jan. 1817

Dr Sir

Inclosed is an order on the Mechanics Bank of N. York, the proceeds of which you will have the goodness to apply to the paymt. for the shares in the B. of the U.S. which I requested you to purchase. I could wish the second instalment also paid on them, and will remit you whatever bal. may be coming from me, upon advice thereof.

In relation to my being placed on the direction of the B. of the U.S. I have only to say that it is a situation for which I have not sought, and that it is one about which I have no solicitude. If put there, any services which I may be able to render will be casual, and perhaps unimportant. Should it therefore be likely that another can be thought of who will be more beneficial to the institution, or if the slightest difficulty occur in regard to me, I pray you to consider yourself fully authorized to withdraw my name. In whatever hands the concerns of the Corporation may be thrown, it will have my best wishes for its prosperity.

With the compliments of the Season, which I pray you to accept, I remain Dr Sr Sincerely Yrs.

H. Clay

Wm. Jones Esqr.

ALS. PHI. See above, Clay to Jones, December 17, 1816.  

1 Not found.

To [William Jones]

My Dr Sir

Washington 3 Jan. 1817.

I have received information from Lexington. that the persons named at the bottom of this letter have been recommended to the Bank of the U.S. as fit to compose the direction of the office at that place. They are all well known to me, most of them intimately; and I can say, with entire confidence, that they are men of the first
JANUARY 4, 1817

respectability, wealth & standing, on whose judicious direction of the affairs of the Office the greatest reliance may be placed. I offer you the compliments of the Season & remain Cordially & faithfly

Yrs. H. CLAY

James Morrison
Jno. W. Hunt.
Jno T Mason Jr.
Jno. H. Morton.
James Johnston.¹
William T. Barry.
Bushrod Boswell

William N. Lane²
William Morton,
John Tilford.
Jno. H. Hanna
J. Prentiss.
S. Trotter.

ALS. PHi-Dreer Collection.
¹ James Johnson.
² Of Winchester, Kentucky; representative of Clark County in the State legislature, 1817-1818.

To Thomas Bodley

Dr Sir Washington 4 Jan. 1817.

I recd. your favor of the 15th. Ulto.¹ inclosing one for Col. Morrison² which I delivered to him. I thank you for the local information which your letter details. I concur with my friends in opinion that the direction of the Branch Bank at Lexington should contain a decided majority of Republicans, but I do not think there ought to be an entire exclusion of the other party. To confine it altogether to one party is to make it, what it ought never to be, a party institution. That was the objection to the old bank of the U. States. If we set the example, and the major part of the stock should get into Federal hands could we then complain if they were to exclude every Republican?

I have done all that I could, and shall continue to exert myself, to get the Branch established, and to give a decided majority to the Republicans. Col. Morrison and Mr. Prentiss³ have gone to Philada. to attend the election of directors on monday next to the U. States Bank. They are both entitled to the thanks of the town for their exertions.

Mr Lee⁴ has arrived with the Electoral votes of Kentucky. There is much speculation here as to who are to constitute the new Cabinet; but nothing certain has transpired. Congress will do but little this Session. There is in fact not a great deal of important business to do.

I recd. your letter recommending Genl Dill⁵ as Judge of Indiana. Parke⁶ is however desirous of the office and I think he ought to be appointed. Nothing is done as yet about our Judge. I know not who will be appointed.⁷ I shall be glad to hear from you often and am

Sincerely Yr. friend H. CLAY

ALS. DLC-HC (DNA, M212, R1). Addressed to Bodley at Lexington.
James Dill, a native of Ireland, had settled in Indiana Territory, where he practiced law. He had been an officer in the War of 1812 and had served in the Territorial legislature and the convention which framed the State constitution.

Benjamin Parke, who received the appointment.

Judge Harry Innes of the United States District Court of Kentucky had died September 20, 1816. On his successor see below, Clay to Prentiss, February 2, 1817.

To [George Graham]  

Dr Sir. H. of R. 6 Jan. 1817  

Capt. Combs¹ who will present you this letter has some business to transact at your office. He is a gentleman of undoubted honor & great respectability & a particular friend of mine. I shall be much obliged by any facility you may render him in the despatch of his business. Respectfy Yrs  

H. CLAY

ALS. DNA, RG107, Letters Received, (10), C·5. ¹ Leslie Combs.

Remarks on Payment for Wartime Property Losses  

[January 6, 1817]  

Mr. CLAY (Speaker) next took the floor.¹ He said the gentleman from Georgia had intimated that there was something he had to say, if he was provoked, respecting management of this business out of the House: As the gentleman had done him the honor to refer to him in another part of his speech, perhaps he meant also to refer to him in this remark.² [Forsyth said that his comment had no allusion to any member of the House.] Mr. C. intimated his satisfaction at this explanation, and went on to reply to Mr. Barbour, whose able and ingenious argument, he said, called for an answer.³ The general principle which, Mr. C. said, he had before laid down, and now meant to sustain, was, that, in regard to property within the jurisdiction of a state, if it fails in its highest obligation, to protect that property, the state is bound to make indemnity to the sufferer, if, from the nature of the government, and without too great a dilapidation of its means, it can do it without any great injury to society. He had no idea of carrying his proposition to the extremes which gentlemen had supposed; for there was no principle which, if traced too far, would not be absurd. There must be certain limitations to every rule. The qualifications to the doctrine he had advanced, which he had before mentioned, and which he now repeated, and illustrated by argument, were, that the losses should have been sustained on land; in a war of voluntary declaration; necessary or unavoidable; and not exceeding in aggregate amount the ability of the country easily to pay. Society, he argued, was a compact between those who compose it, by which they agree that
contributions for the common defence, shall be equal; and there
ought to exist an obligation, by which those losses should be equally
apportioned, to which individuals were for a common object ex­
posed.

Quitting this discussion, not necessarily connected with the ques­
tion before the House, but introduced into it, and therefore proper
to have been examined, Mr. C. adverted to the proposition to repeal
the 9th section of the law of last session, the principle of which, he
maintained, was indisputably correct. It was immaterial to him, he
said, whether the commissioner was retained, or whether the decision
of the claims should be left to the Department of War, &c. But he
was anxious they should not be thrown back on this House, who, he
said, were incompetent, not from their mental composition, but
from their physical character, to decide on a mass of claims. He
complained of misrepresentation of his language on this subject, in
a former debate, as though he had reflected on the character or
dignity of the House. He was glad to find, he said, that the dignity
of the House had got into the hands of his honorable colleague from
Kentucky, (Mr. Hardin) where he hoped it would remain untar­
nished: but did it detract from the dignity of this House, to say that
they were not competent to Executive as well as judicial administra­
tion? If they were, whence the principle now established as an axiom
in all well regulated governments, that there should be a marked
division of duties between different departments? Mr. C. after
shewing from the organization of the House the impracticability of
acting on large classes of cases of private claim, adduced several
instances in which, under our government, Congress, acting on that
presumption, had appointed commissioners for deciding on claims
and adjusting accounts. With regard to the expression, to which
gentlemen had taken so great exception, that the right of petition
was a mere right to have a petition rejected, Mr. C. said it was not
to be taken as universally true, for some few claims were occasionally
allowed; but with regard to numberless claims there was either a
denial, or a protraction equal to a refusal of them. Not that the
House was not disposed to do justice; but, from the constitution of
the body, and from the multiplied duties of a public and higher
nature they had to discharge, it was impossible to give due considera­
tion to all private petitions. This position he illustrated by a refer­
ence to the report of the committee of investigation into Mr. Lee's
decisions, who declined the task because of its laborious character.
If a committee could not even look at the testimony in these cases,
how could a body of a hundred and fifty members have passed on
these claims during this session, as they might have been petitioned
to do had no commissioner been appointed?

Returning to the question on the 9th section, Mr. C. said, if a
house was conflagrated in a city, the spontaneous bounty of individuals was awakened, and the distress relieved or alleviated by voluntary contributions: and, yet, in the case of a war prosecuted with so much advantage, honor and fame to the country, the total loss of property in which did not exceed a million or a million and a half of dollars, we will not afford relief, because, according to certain speculative notions, we are not bound to do it! If the nation were in a state of poverty, the reasoning might have weight: but it was otherwise—there was a surplus in the Treasury. What invidious comparisons, he asked, would not the suffering citizen on the Niagara make between the British gov't. and ours, when he can pass in a canoe the narrow strait that separates us, and find an investigation of the claims for all losses, with an implied promise to indemnify the sufferers? What a parallel will he draw between even his own state, stepping forward and granting him partial relief, and the general government refusing it! I know, said Mr. C. in conclusion of his animated speech, it has been intimated that the sufferers may come individually to Congress for redress; but what chance has the poor man who has lost his all, or without means to pay heavy expenses, to come here session after session, and at last perhaps never succeed in establishing his right? No, sir, said Mr. C. it is not inconsistent with our dignity to refer the decision of these claims to another tribunal than this House: legislate as becomes you, and then indeed you will consult the dignity of the House and the character of the government.


1 Following Richard M. Johnson.

2 John Forsyth, in a speech preceding that of Johnson, had “proceeded to reply to an intimation of Mr. Clay on a former day, as understood by him, that out of 7 or 800 cases decided by the commissioner, three only had been selected as objectionable. This was an erroneous statement certainly, since it was known that those three only had been the subject of examination.” Since the earlier debate, said Forsyth, he had conducted a further examination of forty or fifty cases, of which at least thirty had been decided on “grossly erroneous evidence.” In conclusion he intimated “that he had intended to say something about the management of this business in and out of the House, which he should for the present reserve.” Washington National Intelligencer, January 10, 1817.

3 Philip Pendleton Barbour of Virginia, speaking in support of the bill and against the amendment under consideration, had argued “that the class of cases embraced by the 9th section of the law of last session, was such a one as the Legislature ought to keep to itself, and, in respect thereto, to declare and execute the rule of decision. In regard to the general question as to the extent of the liability of the government to indemnify its citizens for losses by war, he said, that there was one class of cases in which the government was bound to indemnify; another class in which it was not so bound; and a third, of a dubious nature, the character of which varied with varying circumstances.” Ibid., January 7, 1817.

4 Earlier in the deliberations Benjamin Hardin, speaking in support of the report of the Committee on the President’s Message and in opposition to Johnson’s amendment, had concluded “by expressing his regret that the dignity of the House should have been wounded by the Speaker’s imputations on its capacity or disposition to do justice to private claimants.” Ibid.
To William Jones

My Dr Sir  


I think it quite important that in the selection of the directors of the Lexington Branch Bank there should be a majority of decided republicans. If in a town and State where republicanism is so predominant a different choice should be made, it would be attributed to design, and would have a pernicious effect. At the same time I would give a liberal participation to the other party. I have furnished Mr. Dennis A. Smith, at his request, with a comprehensive list of persons from whom a good direction may be selected. On that list I omitted to name W. T. Barry Esqr. late a Senator of the U.S. who ought to have been on it, and John Bradford Esqr.

I should think it unfortunate if the names of Col. Morrison and James Prentiss were not on the direction. This latter gentleman, I have reason to believe, has been much persecuted. I know no commercial man and manufacturer in K. to whom I think the State more indebted than to him. With great respect Yrs.  

H. CLAY

Wm. Jones Esqr.

ALS. PHi.

1 Smith, of Baltimore, was a director of the Bank of the United States. Neither his request nor Clay's reply has been found.

2 James Morrison.

To John W. Hunt

Dr Sir  


I recd. your letter requesting my opinion upon the capacity & qualifications of Abraham S. Barton Esqr. for the place of director of the office at Lexington; and I with great pleasure comply with your request.

I have known Mr. Barton for nearly twenty years and I have known no man of more probity, respectability & correctness of deportment. My acquaintance with him has been intimate, having often had to transact business with him. I do not think there is a more intelligent respectable or successful merchant in Lexington than Mr. Barton. And I should regret that he should be left out of the direction. I believe that the Bank of the U. States can commit its interests to no man in Kentucky more safely than to him.

I ought to add that, in a letter which I addressed to Mr. Jones respecting a recommendation of persons to compose the Lexington Board, I should have certainly mentd. Mr. Barton's name if, in the hurry of business, I had not failed to perceive that his name was left out of that list. With great respect I am Yr's  

H. CLAY

P.S. I wish you to make any use of this letter that may promote the object of it.  

H.C.
Remarks on Army Appropriation Bill

[January 10, 1817]

Mr. Clay rose, not to object to the bill, but to observe, that the great expenditure annually required by the military department, which this year would probably exceed six millions, must have struck every one, and on the necessity there was that the House should be certain that a proper investigation and scrutiny into these expenditures should take place; as he believed there were three committees who might each very properly consider the duty as devolving on them, &c.

[Defensive statements were made by William Lowndes of the Committee of Ways and Means, Richard M. Johnson of the Select Committee on Military Affairs, and Erastus Root (New York) of the Select Committee on the Expenditures in the War Department.]

Mr. Clay still thought the government paid more money and got less military services than any other country in the world, and his object was to know if any proper examination had been made to ascertain whether the extraordinary expenditure of the military department, might not be retrenched, &c.

[John Randolph expressed pleasure at hearing Clay and Johnson "using the almost unparliamentary word economy, and talking about retrenchment, &c."]

Mr. Clay, in reply, said that if he had been alluded to, his opinions had undergone no change, since he had voted on Mr. Randolph's motion at the last session: 1 that he did not yet think the military establishment ought to be destroyed, but that now, as always, he desired to know whether the expenditures were requisite, whether appropriations were necessary and properly applied, and in what way the public money could be economised, &c. 2

Washington National Intelligencer, January 11, 1817. Published also in Annals of Cong., 14 Cong., 2 Sess., XXX, 459-61. The House had gone into Committee of the Whole on a "bill making a partial appropriation ... for the subsistence of the Army during the year 1817."

1 Following Clay's speech of January 29, 1816 (see above), Randolph had offered a resolution "That it is expedient to reduce the Military Establishment of the United States." Annals of Cong., 14 Cong., 1 Sess., XXIX, 803. The resolution was then tabled, and no vote upon it was later recorded.

2 William Lowndes also replied to Randolph, after which the Committee rose.

To [James Prentiss]

Dr Sir

Washn. 11h. Jan. 1817.

I rec'd. your favor, 1 with the list of directors inclosed. I feel not
the slightest regret at not finding my name amongst them. I did not seek & was quite indifferent about the place; and so far from being mortified with its omission, I am gratified by the prospect of regular attendance on the part of the gentlemen selected, and of increased strength to the Republican preponderance.

I believe I wrote you that I had mentioned your name to Mr. Jones. I would also have written to D. A. Smith, but that I do not feel that I have such an acquaintance with him as to justify it. I have however mentioned you to Mr. Eyre, whom I have the pleasure of knowing.

The mails have almost entirely failed from Kentucky for eight or ten days past—I understand it is owing to some new arrangement, having in object greater precision & punctuality—

Be pleased to make my respects to Coln Morrison. Yr's truly

H. CLAY

ALS. MiU-C.  Recipient identified by William L. Clements Library.
1 Not found.
2 William Jones. Clay's letter to Prentiss has not been found.
3 Manuel Eyre, Philadelphia merchant, a director of the Bank of the United States.
4 James Morrison.

To William Jones

Dr Sir Washington 12h. Jan. 1817.

I received your favor of the 6th. inst. Having had no solicitude to be a director of the B. of the U.S. I could not but feel entirely satisfied with the arrangement by which my name has been omitted. I shall indeed be highly gratified if the effect of it should be to secure additional strength to the Republican preponderance. As however we have no director from the West one may be permitted to hope that the Board will be liberal & just in the policy which it shall adopt in relation to that section. I know that upon your friendly dispositions we have a certain reliance.

With respect to the check I transmitted to you, I will thank you to pay the proceeds of it to William Priestman, to whom I have given an order to that effect. If not converted into Philadelphia money, I will thank you to take a receipt from him & forward it to me for the amount according to the current exchange.

If you will have the goodness to transmit me the form of a power to retransfer the five shares which you have been good enough to pass to my name I will execute & send it to you. Cordially & Respectfly Yrs.

H. CLAY

ALS. PHi. Addressed to Jones at Philadelphia. Cf. above, Clay to Jones, January 2, 1817.
1 Not found.
2 Not found.
Speech on the Compensation Bill

[January 14, 1817]

Mr. Clay, (Speaker) next addressed the chair. For one, he confessed he had been greatly gratified at the self-respect which the house had manifested in the course this subject had received. He did think, he said, that, at the commencement of the session, he would not say an improper but an unnecessary degree of zeal had been displayed in taking up this subject; and he had been highly gratified in finding that the house had determined that the subject should take that dispassionate course which belonged to its character.

He did not agree, he said, with gentlemen, several of whom had expressed an opinion on this occasion and on a former, that the dissatisfaction expressed through the country in regard to this law, was to be attributed wholly to faction, to demagogues, or designing men. Some of it perhaps might; but when we find, in all parts of the country, even in those having no intercourse with each other, a general dissatisfaction, we are bound to conceive that the people are really opposed to the measure.

Mr. C. said he agreed perfectly in the sentiment, that instructions given by the people are obligatory on the representatives. This was a principle consecrated by the revolution, inseparable from all free government, and which he therefore hoped never to see departed from in practice under ours. It was indeed, like all other general principles, regulated by certain limitations. An instruction to violate the constitution, for instance, is not binding—why? Because the expression of the will of the people in the constitution is paramount to the expression of their will in the form of instructions, and because the representative is sworn to obey that paramount will. But, on questions of expediency, the will of the people ought to be binding: and, if there was a question, more than any other, in regard to which the popular will should be obeyed, it is that in which the Representatives are called upon to fix their own compensation; in which they are a party on one side, and the people on the other. Every consideration of propriety and delicacy, as well as of principle, required that, where the opinion of the constituent in regard to compensation is decidedly expressed, it is to be received as conclusive and implicitly obeyed. Whilst, then, he had a seat on this floor, Mr. C. said, it was immaterial how he arrived at the will of his constituents, or what were the evidences of it; it was sufficient that he should know it; in all cases of expediency he held the doctrine of an obligation on his part to observe the instructions, express or implied, of his constituents. Cases might possibly arise, in which he should not feel himself bound by instructions to deviate from the
course which he conceived to be correct—where, for example, im-
portant facts existed materially varying the case, of which his con-
stituents had been ignorant. In such a case, he might throw himself
on the liberality and justice of the people, to determine, under the
whole circumstances, whether he had acted correctly or not. What
is the will of the people of his particular district of his constituents,
ought, on this subject, to be the question for every member. The
people, Mr. C. said, whom he had the honor to represent, were—he
hoped he should not be accused of arrogance in saying so—were a
people high-minded, independent jealous of their honor and their
liberty, but at the same time, liberal and just; and so also, he doubted
not, were all the people of the United States. In regard to that
district, he believed that the people would be satisfied with any
liberal compensation to the members of Congress, that should not be
extravagant in its amount. He believed they would be satisfied, if
the compensation should be fixed at ten, eleven or twelve dollars
per day.—At the last session, Mr. C. said, he had stated his preference
for a daily compensation over a fixed salary or gross amount per
session, but that the reasons urged in favor of the latter mode were
so plausible if not convincing, as to be sufficient to warrant the
experiment of that plan which, if found unsatisfactory or inexpedi-
ent, it would be always in the power of Congress to repeal. In
advocating the return from a salary to a daily but increased com-
ensation, at the same time that he conformed to the will of his
constituents, he did not vary the grounds on which he had acted at
the last session.

The idea of the salary mode of compensation being so alarming
in its consequences as had been described, was, Mr. C. said, a very
novel one. All who recollected the debates in the conventions on
the Constitution—in that of Virginia, for instance, would remember
that all parties had treated the clause, respecting the compensation
of members of Congress, as contemplating a salary, using that identi-
cal phrase. Patrick Henry, speaking of a salary, hoped that the
members would not fix their salary at an unreasonable rate. Mr.
Grayson and the late Gov. Tyler took the other side, and said their
fears were that Congress would fix it at so low a rate that only the
wealthy would be able to defray the expense of attending Congress,
the effect of which would be to lead this government to a species
of oligarchy.¹ Notwithstanding, however, that the idea of the power
of Congress, as they deemed expedient, to fix their compensation in
one or the other form having been coeval with the instrument under
which they act, Mr. C. said he preferred a daily compensation,
because it was more simple, more conformable to the usages of the
states, besides being more equal and more just in its operation in
regard to the members at different times. For, although, if we take a series of years, the result, as it respects the public, will be the same under the one mode and under the other, as it regards the members serving in that series the result will be unequal, the member serving in a Congress whose sessions are of long duration receiving no more than him who serves in a Congress whose sessions are of short duration. There was in fact no way to make the compensation perfectly equal, but to make it daily.

It became this House, on the present occasion, Mr. C. said, to deliberate, to act calmly and considerately. He would not, he said, examine the causes of dissatisfaction from Maine to Georgia, from the shores of the Atlantic to the remotest west; whether it had arisen from misconstruction of the act, from want of information as to the considerations which made it expedient, &c. In relation to his own district, he had great pleasure in stating what had been the fact. When I went home, said he, I do not recollect having met with one solitary individual of any description of party who was not opposed to the act, who did not on some ground or other think it an improper and unjust law. But, after it had been discussed, and examined with all its lights, I did not find (as far as I recollect) a solitary individual who did not admit that the augmentation of the compensation of the members was a just and proper measure. The result of all that I heard was a conviction on my mind that the people remain dissatisfied with the form, but that ninety-nine out of an hundred are satisfied that there ought to be an augmentation of the compensation of the members, proportionate to the depreciation of money, or, what is the same thing, to the increase in the price of commodities since 1789. For his part, then, Mr. C. said, he had a disposition to do justice to the members, as well as to the people. If the compensation were reduced so low as that none but opulent men could aspire to seats in this House, the evil predicted by the fathers of the constitution would be realized; and all the middling class of society, that in which the weight of talents is to be found in this country, would be banished from the Legislative councils.

Mr. C. said, that, under such impressions, he should vote for a higher compensation than six dollars per day. He felt indifferent whether it should be now fixed at eight, nine or ten dollars; confident, whichever sum should be agreed to, that not only the people of the district which he represented would approve, but that the whole American people would sanction the measure by their approbation. He differed from an honorable gentleman from New York, with regard to an increase of the mileage. He thought that also ought to be increased; for, he asked, who makes the greatest sacrifice in coming here? The members from the greatest distance certainly.
If, then, the mileage be increased, in the same ratio with the daily pay, the greatest benefit will be bestowed where there is the greatest burden.

Mr. C. concluded by saying, he did not think this a very important question, and he should not therefore longer detain the attention of the committee. He had thought himself bound to assign the reasons for the vote he should give, and should vote with cheerfulness for the sum proposed by the committee, or for a higher.
it has occasioned misconception & misrepresentation; and above all, the unfortunate agitation of the question in Congress.²

We are now on that most disagreeable subject, the Compensation Law. The law will be repealed, I think, and the allowance to members fixed either at 6 or 8 dollars per day (which is uncertain.)³

Nothing is yet certainly known about the new cabinet. It is indeed whispered, that J. Q. A. is to be Secy. of State, whether truly or not I am unable to say. Cordially & respectfy Yrs. H. CLAY

ALS. DLC-Rodney Family Papers (DNA, M212, R22). Addressed to Rodney at Wilmington, Delaware.

1 Not found.

2 Resolutions adopted by the directors of the Bank of the United States on December 18 and 27, 1816, had authorized loans, secured by stock in the bank, to enable stockholders to pay “the specie part of the second instalment” on the shares to which they had subscribed. *American State Papers, Finance,* III, 309, 335-36

John Forsyth on January 6 had offered in the House a resolution, adopted despite John C. Calhoun’s efforts to block it, instructing the Committee on the National Currency to inquire into the above action of the Bank and to consider “the expediency of adopting some regulation by which the payment of the specie portion of the second instalment may be enforced at the time required by the act of incorporation, or within a limited time thereafter.” Reporting for the Committee, Calhoun on January 10 had declared that “it would be inexpedient to adopt any regulation” and asked that the Committee be discharged from further action under the resolution. The report had been printed and tabled.

Again, on January 14, Forsyth had offered resolutions critical of the Bank, but two days before the end of the session, “for the want of time to act on them,” he moved that they be indefinitely postponed. *Annals of Cong.*, 14 Gong., 2 Sess., XXX, 419, 431-36, 454-59, 476, 715, 1053.

3 See above, Speech, January 14, 1817, note.

Injunction from Fayette Circuit Court

[January 24, 1817]
This writ shall enjoin & restrain the Defendants Henry Clay and John H Morton or either of them from selling the whole, or any part of the estate of the Complt. mentioned & described in the Bill filed and in the Deed of trust therein referred to executed by the Complt & the Defts Clay to the Defendant Morton,¹ until the Cause can be heard in Equity upon a Bill for that purpose filed—

By Order of the Honbl Henry P. Brodnax² one of the Circuit Judges for the State of Kentucky

Attest Thos. Bodley C.F.C.C.

AES. Fayette Circuit Court, File 414 (1818). On verso of a subpoena, dated January 24, 1817, by which the Sheriff of Fayette County is “commanded to summon the heirs of Robert Purviance decd. (whose names are unknown) the Heirs of Saml. Purviance decd. Samuel Moale Henry Clay & John H Morton” to appear in Fayette Circuit Court, “on the first day of our next January term, to answer a bill in chancery exhibited against them by Samuel Hopkins.”

A second endorsement bearing the same date and signed by Richard Sharp, deputy for Sheriff Robert Frier, indicates that the subpoena was served on Morton but “the deft Clay not found & the other defts no inhabitants.”

¹ See above, I, 585, and Transfer of Deed, October 7, 1816.

² A native of Virginia who in early life had settled in southern Kentucky, where he practiced law. After retirement from the bench, Judge Brodnax resided for the remainder of his life on his farm near Russellville, Kentucky.
Mr. Clay, of Kentucky, (the Speaker) availed himself of the only opportunity which remained to him, as it was proposed that the committee should now rise and report the bill, to offer to its consideration a few observations. As long as the government abstained from taking any part in the contest now carrying on in the southern part of this continent, it was unquestionably its duty to maintain a strict neutrality. On that point there was, and could be no difference of opinion. It ought not, however to be overlooked, that the two parties stood at this government on unequal ground. One of them had an accredited minister here to watch over its interests, & to remonstrate against any acts of which it might complain. Whilst the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties, imposed upon us the duty of great circumspection and prudence in what we might do. The gentleman from Virginia, (Mr. Randolph) had indeed contended, in reply to the gentleman from Kentucky, (Mr. Sharp) ¹ that the doctrine of neutrality had no application to the case, because one party was not recognized by this government. But, Mr. C. said, whenever a war exists, whether between two independent states, or between parts of a common empire, he knew of but two relations in which other powers could stand towards the belligerents; the one was that of neutrality, and the other that of a belligerent. He hoped the gentleman from Virginia did not mean to contend, what would seem to be a consequence of his opinion, that we were a party to the war, and an ally of Old Spain against her colonies.

Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty? It will be recollected that we have an existing law directed against armaments, such as are described in the bill. That law was passed in 1794.² It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed must be yet fresh in our recollection. The French revolution had excited an universal enthusiasm in the cause of liberty. The flame reached this country, and spread with electric rapidity throughout the continent. There was not a state, county, city, or village, exempted from it. An ardent disposition to enter into the conflict on the side of France, was every where felt. Gen. Washington thought it the interest of this country to remain neutral, and the law of 1794 was enacted to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of
this country during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case (which he understood to be doubtful from some judicial decisions) he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

But the present bill not only went further, but in his judgment contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons to whom they might sell those vessels, should not use them in the contest. The second was, the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it was not denied that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject? We are bound to take care that our own citizens do not violate our neutrality, but we are under no such obligation as it respects the subjects of foreign powers. It is the business of those foreign powers to guard the conduct of their own subjects. If it be true, as he had heard it asserted, that Fell’s Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral power, to provide, after a legal sale had been made of an armed vessel to a foreign subject, against an illegal use of the vessel.

With respect to the other provision, Mr. C. admitted that the Executive ought, perhaps, to be vested with the power of detaining vessels fitted out in our ports with the intent to be employed in the existing war. But he thought the provision went too far, in vesting any collector with such power, under any circumstances which might, in his judgment, amount to a suspicion of such intent. Abuse was too incidental to a power so vested. A vessel in the port of New Orleans, for example, really intended for a lawful voyage, but which unfortunately might incur the suspicion of the collector, was subject to detention until the pleasure of the President be known, unless the owner gave a bond, which he might not have in his power to give, and which Mr C. trusted he had shewn our neutral duties did not enjoin us to demand. Before the pleasure of the President is communicated, although it may be favorable to the owner, the voyage is defeated, and the cargo, from the nature of the commodities of which it consists, and of the climate, perishes!

But, gentlemen have contended that this bill ought to be con-
sidered as intended merely to enforce our own laws—as a municipal regulation having no relation to the war now existing. It was impossible to deceive ourselves, Mr. C. said, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be understood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent country. With respect to the nature of the struggle, Mr. C. had not now, for the first time, to express his opinion and his wishes. Another honorable gentleman from Virginia (Mr. Sheffey) had said the people of South America were incapable, from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing? Was it not to the vices of their government; to the tyranny and oppression, hierarchical & political, under which they groaned? If Spain succeeded in rivetting their chains upon them, would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time never would arrive when the good wishes of the honorable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, Mr. C. said, he wished their independence. It was the first step towards improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recess of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings, on this occasion—I care not; when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren occupying a portion of the same continent, imitating our example and participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation. The honorable gentleman from Maryland (Mr. Smith) tells us that Spain is one of our best customers, that we trade with her colonies, send our flour to Cuba, our tobacco and rice to old Spain, and obtain specie in return. How long, let me ask that honorable gentleman, should we be able to make these mercantile speculations (if they deserve to be taken into the account) after the colonies are subdued?

But, notwithstanding the feelings which he cherished on this subject, Mr. C. admitted that it became us not to exhibit the spectacle of a people at war and a government at peace. We ought to perform our neutral duties, whilst we are neutral, without regard to the unredressed injuries inflicted upon us by old Spain, on the one hand, or to the glorious object of the struggle of the South American patriots on the other. We ought to render strict justice,
and no more. If the bill on the table were limited to that object he would vote for it. But he thought it went further, that it assumed duties which we were not bound to fulfil, and thinking so he could not in its present shape give to it his assent.  

Washington National Intelligencer, January 28, 1817. Published also in Lexington Kentucky Gazette, February 17, 1817; Annals of Cong., 14 Cong., 2 Sess., XXX, 740-43, 745; Mallory, Life and Speeches of the Hon. Henry Clay, I, 342-44; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 100-102. The rebellion of Spain's colonies in the New World had excited sympathy in the United States and had created problems connected with the efforts of the American government to maintain a correctly neutral position. In a special message to both houses of Congress on December 26, 1816, President Madison had stated that existing laws were inadequate "to prevent violations of the obligations of the United States, as a nation at peace towards belligerent parties, and other unlawful acts on the high seas, by armed vessels, equipped within the waters of the United States" and had recommended legislation for detaining such vessels or for obtaining from the owners or commanders of such vessels "adequate security against the abuse of their armaments." The House Committee on Foreign Relations, to which the message had been referred, had reported on January 14 "A BILL to prevent citizens of the United States from selling vessels of war to the citizens or subjects of any foreign power, and more effectually to prevent the arming and equipping vessels of war in the ports of the United States, intended to be used against nations in amity with the United States." Washington National Intelligencer, December 27, 1816; January 15, 1817. During the debate in Committee of the Whole on the bill, Clay had remained silent until a motion was made that the Committee "rise and report the bill as amended."  


1 John Randolph: Solomon P. Sharp.  
2 U. S. Stat., 383 (June 5, 1794).  
3 On motion of Philip P. Barbour the bill was amended January 27 to render the action of the collectors dependent upon evidence of a "probable" intention by ship owners to violate the neutral obligations of the United States, rather than upon the "opinion" of those officers. Thereupon a motion offered by John Forsyth was adopted to eliminate application of the bonding provision subsequent to sale of the vessels. U. S. H. of Reps., Journal, 14 Cong., 2 Sess., 292.  
4 In Baltimore.  
5 Daniel Sheffey.  
6 Samuel Smith.  
7 After intervening speeches by John Randolph and Thomas P. Grosvenor, Clay took the floor again. His remarks at this time were not recorded. Following amendment as indicated above, note 3, and with further alteration by the Senate, the measure was enacted March 3, 1817. 3 U. S. Stat., 370-71. The vote at third reading and passage in the House of Representatives was 83 ayes against 63 noes. Annals of Cong., 14 Cong., 2 Sess., XXX, 770 (January 29, 1817).

From Benjamin W. Crowninshield

Honble. Henry Clay, Speaker of the House of Representatives.

Dear Sir,

Navy Department, Jany. 28th. 1817.

In reply to your note of yesterday,1 permit me to inform you that upon your receiving an order from Midshipman Luckett2 as per form enclosed, the amount of Pay due to him will be paid to you as his representative. I am, very respectfully, &c.

B. W. CROWNINSHIELD.


1 Not found.  
2 John M. Luckett.

Remarks on Navigation Bill

[January 29, 1817]
January 30, 1817

Cited in Washington National Intelligencer, January 30, 1817; Annals of Cong., 14 Cong., 2 Sess., XXX, 770. On December 23, John Forsyth for the Committee of Foreign Relations had presented a bill prohibiting importation of goods in vessels other than those of the United States or of the country which had produced the goods, excepting also the vessels of foreign nations which had no similar discriminatory legislation. In Committee of the Whole on January 29, William Lowndes had proposed to strike out the last exception. Clay "took a leading part in the discussion" which followed; his remarks were not recorded. The proposal was defeated, and the bill was accordingly reported to the House.

The following day, however, the bill was returned to Committee of the Whole, whence on February 1 it was again reported to the House with amendment by Lowndes to add several new sections, including a proposal that the bounties currently offered to the owners of fishing vessels should be limited to those of which at least seven-eighths of the crews were "citizens of the United States, or persons not the subjects of any foreign Province or State." In the House printed copy of Lowndes' amendment Clay had struck out "three fourths" and substituted "seven eighths" as the proportion of American crew members and had also added the concluding phrase in definition of American citizenship. AD. DNA, HR14A-B2. The measure passed the House as stated but was subsequently amended by the Senate and enacted with the required proportion of American crew members lowered to "three-fourths." 3 U. S. Stat. 351 (March 1, 1817).

Remarks on Trade Bill

[January 30, 1817]

Mr. Clay (Speaker) said that the honorable gentleman was certainly mistaken in his interpretation of the treaty. The two great objects of that convention were, it was true, 1st. To place the tonnage of the two countries on a footing of equality in each other's ports; 2dly, to place the cargoes with which the ships were charged, whether in English or American vessels, on the same equality of footing. But an express clause was contained in the treaty, that nothing contained in the second article should be construed to affect the intercourse between us and the W. India islands & the British North American provinces. It followed, from this provision, that if the productions, for example, of the North American or West Indian colonies of Great Britain were carried to Great Britain, it would be lawful for us to interdict those productions from being imported in that circuitous channel into the United States. Otherwise, each party would not be, as provided by the convention, in possession of all its rights in relation to that intercourse.

But, further, the interpretation of the gentleman would lead to a repeal of an important feature of the British navigation act.—One of its principles was, that the productions of a country should be confined, in their importation into her European ports, to the ships of that country; that American vessels, in other words, shall not carry into Great Britain the productions of France—and the very case which the gentleman had stated, would, under the British navigation act, subject a vessel to confiscation in the British ports. If an American vessel carried a single cask of the productions of the West India Islands, the same confiscation would ensue.

Besides that view of the subject, Mr. C. said he had understood
that, subsequent to the passage of the act of Parliament for regulating trade in pursuance to the terms of the convention of commerce with us, the British government had, in some manner, (the Reporter did not distinctly understand how) regulated the terms, as to their cargo, on which American vessels should be admitted into her ports. Mr. C. said he did not know whether the enlarged construction which the gentleman from New-York had given to the treaty, might not be beneficial. But, whether or not, that was not the construction of either of the parties to the treaty, and Great Britain had herself acted on a different principle. Mr. C. said he indeed considered it the duty of Congress, in consequence of one of the provisions of that very treaty, to take up this trade, and regulate it in such manner as the interests of this country appeared to require.


During debate on a bill "to prohibit all Commercial Intercourse with ports or places, into or with which the vessels of the United States are not ordinarily permitted to enter and trade," Daniel Cady of New York had argued that the first section of the measure "was in direct contravention" of the Convention of 1815 with Great Britain, in which he found no provision "which leaves us at liberty to prohibit the entry of British vessels into our ports, or to impose additional duties on the tonnage of British vessels from any port on earth, unless the West India Islands, or British North American possessions. We may tax the cargo, he said, but cannot impose restrictions on their entry. Under the provisions of the convention, if a British ship arrived from Liverpool, with a cargo of sugar and molasses, we cannot prohibit her entry. But, under this bill, if such a vessel has on board a single cask of Lisbon wine, she might be denied the right to enter into our ports. If so, Great Britain would have the same right to deny the right of entry, in her ports in Europe, to any American ship which had on board a single cent's worth of her cargo which did not originate in America." Washington National Intelligencer, February 4, 1817.

1 56 Geo. III, c. 15 (April 11, 1816).
2 Later in this day's debate Clay made some additional remarks, which were not recorded.

From Scott, Trotter and Tilford

Dr Sir

Philadelphia 30th Jany 1817

We recd. your favor of the 26th Inst. inclosing a check on New york. we herewith transmit your account Current.—

We will with pleasure endorse your note in the Bank of Pa. as long as you may have it continued, be assured you are at liberty to command us. we are not acquainted with the present Cashr. but believe he is cleaver enough to be friendly to either you or ourselves, although we keep no account in that Bank—

On the 7 and 10th your note comes round again send it on in time as usual—With Much Esteem yrs &C SCOTT, TROTTER & TILFORD

[Enclosure]

Dr. Henry Clay Esqr. in a/c with Scott, Trotter & Tilford

1814

April 29 To Cash paid J. H Bush 50
**January 31, 1817**

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<tr>
<td>August 22</td>
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<td>1815</td>
<td>Septemb 11</td>
<td>paid Cooperage &amp; Loading Waggon . . .</td>
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<td></td>
<td>12</td>
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<td></td>
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<td>Cash paid carriage to Pittsburg &amp;c</td>
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<td></td>
<td>Novr 2</td>
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<td>Jany. 13</td>
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<td>Augt 31</td>
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<td>Jany. 29</td>
<td>Balance ..............................................</td>
</tr>
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</table>

**ALS. DLC-TJC** (DNA, M212, R12).  

1 Not found.  
2 Elihu Chauncey had succeeded Jonathan Smith upon the latter's appointment as Cashier of the Bank of the United States in November, 1816.  
3 Philadelphia merchant.

**Speech on Trade Bill**

[January 31, 1817]

Mr. Clay (Speaker) said, that in one sentiment expressed by the gentleman from Georgia,¹ he most heartily concurred—that the measure contemplated by the bill, or by the proposed substitute, was the most important, as respected at least our foreign relations, that had come before Congress at this session, or would probably be brought before it for some years—a measure, which, whatever fate attended it, ought to attract the attention of honorable members of this House, and to which, he hoped, before the final question on it, they would give the most mature consideration.
There was no doubt, Mr. C. said, that a great part of the depression under which our navigation now labors, was not peculiar to this nation; but there was as little doubt that we experienced it in a less degree than some other nations, particularly our great rival in commerce and navigation. It was owing principally to the state of peace throughout the world, that we, instead of being the carriers for other nations had become the carriers for our own country only, thus greatly curtailing our navigation: though it was no doubt also, in a material degree, effected, as stated by the President in his message, by the colonial policy of Great Britain, which excludes us from a participation in the trade with her colonies.

Independent of its intrinsic importance, Mr. C. said, this subject presented itself in an imposing attitude, as forming one of the most prominent points of the President's message. The importance of the question by no means depended simply on the value of the trade between this country and the colonies of Great Britain. But, considering the question as it related merely to that trade, when the fact was stated, that it consisted of six millions of dollars imports, and of course a like amount of exports, it must be admitted the question was one of deep import, compared to any which at present presented itself to the attention of Congress. But, as was stated in the President's message, Mr. C. said, it was not solely important on account of the effect of the colonial system on that trade, but the fact was, that the exclusion from a participation in that navigation, essentially affected the trade between this country and the British European possessions, and, by the operation of the system, deprived us, in a great measure, of the benefits of the convention of commerce with Great Britain, which provided for the establishment of a perfect reciprocity of commerce between the United States and the British European possessions. It was not necessary to trouble the committee with the details, he said, but it must be admitted, that where a British vessel could carry two cargoes, whilst the American could carry but one, the advantage must be greatly in their favor. Even if gentlemen were not disposed to do something to obtain for the navigation of this country a participation in the colonial trade, they ought to go so far as to place them on an equal footing as regarded the European trade. Some measure ought to be devised, by which the navigation of Great Britain should be prevented from enjoying peculiar advantages over us, in a trade wherein reciprocity had been solemnly promised by the convention to which he had alluded.

It appeared to him, Mr. C. said, that the gentlemen who had spoken on this question, as well as some who had not spoken, but with whom he had conversed, had mistaken the nature of the
measure now before the committee, and confounded it with the embargo and the whole train of restrictive measures. The present measure, he said, was of a character totally different. The embargo, the non-intercourse and non-importation systems were adopted as substitutes for war, to produce a revocation by Great Britain of her Orders in Council, and by France of her Decrees. These orders and decrees of the belligerents, were intended to act on each other. Of course, if it were true in point of fact, as he contended it was not, that the restrictive measures of this government had failed in producing the desired effect, it was no reason why the measure now proposed, should fail, the cause of the failure of the measures referred to having been, that Great Britain had a greater interest at stake, in the contest with France, to maintain inviolate those Orders in Council, than she had in conciliating the wishes and participating in the commerce of this country. Those measures, if they had have failed, would have failed because the measures of Great Britain were intended to operate on France, and through us upon her. But in regard to the policy of Great Britain, which this bill proposed to counteract, it operated on this country alone, and was connected with no belligerent purpose. It was not a fact, however, Mr. C. said, that the embargo and other restrictive measures did fail. He would not go into that question at this time; but he would assert that they in fact produced the repeal, in the first place, of the Decrees of France, and afterwards of the Orders in Council of Great Britain—an effect produced too late, however, to avert the war previously declared by us against that nation. There was, certainly, no real analogy between the system proposed by this bill, and that restrictive system which the U. States had formerly adopted.

Let us, then, said Mr. C. inquire into the character of the evil proposed to be remedied, and of the remedy that is offered. What is the evil? Great Britain says that the whole commerce between her colonies and the United States shall be carried on in British ships, absolutely excluding American ships from any participation in it. The most natural course of the exchange of commodities between nations, might be thus defined: that each nation should carry its own products to market; that we should carry of our produce what we do not want, but they do, to British ports; and that they should bring what they do not want, but we do, to our ports. With this course, however, Great Britain was not satisfied. The next, and perhaps the most equal and best mode of providing for the free and fair interchange of commodities, was, to open the trade equally and reciprocally to both parties, to let each carry the commodities of both countries, in a fair competition. Great Britain was not, however, disposed to do this. She not only prohibited the carriage of her colonial commodities in our vessels; not only entirely engrossed
the export trade from her colonies, but refused to allow us any participation, by conventional regulation or otherwise, in the trade to the colonies. The effect was, to deprive us of the advantages in the augmentation of our commerce and increase of our seamen, which would result from the carriage of our own produce, to the amount of six millions of dollars annually.

With regard to the importance of encouraging our navigation, he said, he need not resort to argument. The question of the importance of a navy to maintain and defend our rights, which had been some years ago a question of a theoretical nature, was no longer so: it was now a question of practical experience. All felt its importance, and all acknowledged the expediency of cherishing, by all means in our power, that important branch of national defence.

Gentlemen alarmed themselves, Mr. C. said, by the apprehension that the other party would view as inimical any regulations countervailing her colonial policy, and that the issue of this conflict of commercial regulations would be war. Mr. C. said he believed in no such result. If an exclusion of the navigation and shipping of Great Britain from our ports be a measure of a hostile character, said Mr. C. Great Britain has set us the example; for she excludes our navigation and shipping from an extensive range of her ports. Mr. C. considered this rather as a diplomatic than a hostile measure; but, if it were otherwise, she had set the example, which she could not complain if we followed.

But, said he, let us look to the fact. What would be the light in which Great Britain would view any such regulations as are proposed by the bill? The Convention of London contains an express stipulation on the subject; and I will observe to gentlemen, that the clause which exempts the colonial trade from the second article of the Convention was introduced with the express view of retaining in our hands the right to countervail the British regulations in this respect. It was so understood by the framers of that Convention. But, said Mr. C. we have later evidence than that which is furnished by the terms of the Convention. The President, in his Message at the opening of the Session, says, that it is ascertained "that the British government declines all negociation on this subject; with a disavowal, however, of any disposition to view in an unfriendly light whatever countervailing regulations the United States may oppose to the regulations of which they complain." Thus, then, we have evidence both from the nature of the case and from the express declarations of the British government, that it will not, because it cannot, view in an unfriendly light any regulations which this government may find it expedient to adopt, to countervail their policy. Mr. C. said he did not think that the adoption of this policy on the part of Great Britain ought to excite any hostile feeling
towards her. She was not singular in this respect. Every country that has Colonies in the West Indies, and which is not too weak to defend them, endeavored, he said, to appropriate to itself all the advantages of the trade with those Colonies: and it would be found that the relaxation of the rigor of that system by one nation or another, was precisely graduated by the degree of ability to maintain their colonies in peace and defend them in war.—There was nothing in the regulations of Great Britain which could be offensive, or possibly lead to war. They might be complained of as selfish or unfriendly—they certainly were the former. But Great Britain had a perfect right to set the example before us; and the question was, whether the total exclusion of our ships from the colonial ports of Britain, was such a measure as we ought to fold our arms and submit to, without an effort to obtain some part of the trade which she had attempted to appropriate exclusively to herself?

Gentlemen had properly said, that this was a question which ought to be well weighed before decided. Whatever we do, said Mr. C. it ought to be with a determination to adhere firmly to it. For, depend upon it, Great Britain will never lightly relax her policy. This is proved by the history of the failure of all attempts to obtain a relaxation of the policy by negotiation, from the first establishment of the colonies to this day.—Mr. Jay attempted to negotiate on the subject, but failed in his object. Messrs. Monroe and Pinkney tried: they failed, being obliged to be satisfied with the introduction into the rejected treaty of a clause similar to that in the late convention, that each nation should be at liberty to regulate trade with the colonies as it pleased.—I need not say, added Mr. C. that those who negociated the present convention of commerce had the subject anxiously at heart; that they strove all in their power to incorporate in that compact some regulation allowing participation in the colonial trade; they failed however, as others had before them. The failure of a more recent attempt at negociation on the subject was alluded to, he said, in the passage of the President's Message which he had already quoted. The policy of Great Britain, it followed from these facts, was deeply laid in selfish considerations—a policy which she had never relaxed, except in periods of war when it became her interest to do so, from the commencement of her colonies to this time. The measure which we address to her interest, to induce her to relax from the rigor of her colonial policy, should be a measure framed with ample deliberation, which, when we adopt with resolution, we will maintain with fortitude. For, the first conclusion of the British government would undoubtedly be, that the American government would be incapable of maintaining its regulations for any length of time; and that government, in the expectation of a retraction of the measure, would persevere in her policy as long as
she could.—What we do therefore we should do knowingly and should do it well; with an unalterable determination to adhere to it until it has produced the effect it was designed to accomplish. I will go further on this subject, said Mr. C. So deeply rooted in the hearts of the British people is the sentiment that the retention of the colonial policy is essential to their commercial prosperity and maritime greatness, that I contend, if any measure of yours is to produce an effect on the government in regard to it, it must be by enlightening the public sentiment of the British nation in regard to its true interests—for no ministry would find itself capable of relaxing that colonial policy, and hold their seats one month thereafter. In any measure you take, you will have the colonies to back and aid you—they being always anxious for the most enlarged and liberal trade. But you must also carry conviction to the mind of the British people, that they have a greater interest in giving up than in adhering to the colonial policy, before they will surrender it. Convince the people of that, and the Ministry will let you into the trade; but not before.

The question which presents itself, then, is whether we will adopt measures to induce a relaxation so desirable to our interest.

What ought to be done, if any thing is? There were two propositions before the House, and the question now was on substituting high duties for the prohibitory system. Mr. C. said that he preferred the prohibition: and if any gentleman would candidly compare the merits of the two proposed remedies, he would find that the whole value of the remedy by the imposition of duties was derived from its approximation to prohibition. He objected to increased duties for various reasons; first, because, they would operate on ourselves, for that would unquestionably be their first effect; though he admitted we might, by diminishing in a degree the consumption of the colonies, and letting in rivals to their trade, on more advantageous terms, operate on them. As respected our exportation, also, these duties would operate injuriously on us, by diminishing the consumption of our produce in the colonies, without materially distressing them. Mr. C. favored the system of prohibition for other reasons. It met the British regulation by a measure of the same character, operating exactly to the same extent. It neither stopped short nor exceeded the measure of which we complain. He preferred prohibition to duties for other reasons. The value of the latter system must arise wholly from the diminution of the consumption of the colonial commodities here, and of ours there—and might lead to a species of strife of restrictions, &c. which the prohibition system would avoid. It would be preposterous, said Mr. C. for the British government to complain of the system of exclusion. The answer is at hand. You have set the example of imposing restrictions on the
trade: do you set the example of taking it off: as you withdraw, so
will we. This measure can lead to no collision but what is amicable.
The system of duties would not be felt so immediately by the
colonies, or by the people of Great Britain upon whom he had had
the honor of stating we must produce an effect before we can reach
our object. The measure, therefore, which we adopted, must be one
which could not be mistaken in its character; in regard to which it
would be utterly impossible for the present government or its
representatives to mislead the colonies, or deceive the people of
Britain. Such a measure, Mr. C. said, he took prohibition to be;
such a measure he took the proposed substitute not to be. If we laid
duties for instance, the British Ministry might say—"America may
lay what duties she pleases; what right have you to complain?" The
colonies might indeed inquire into the motive of the imposition
of those duties, but, if they did, they could not ascertain it—it might
have been the augmentation of the revenue, as well as the object
which is now sought by it. But when they find a system of pro­
hibition established precisely in retaliation of a similar law of Great
Britain, it will be impossible to deceive them; they could not fail to
see the cause of the evil, for which a remedy would be sought in a
revocation of the measure which provoked the United States to
that course.

But, it had been said, that the effect of a total prohibition of
intercourse would be evaded; that Montreal would be declared to
be a free port, and the commodities destined for the consumption
of the West Indies would be accumulated in depot in that city, and
thence transported to the insular colonies to supply their wants—that
thus the channel of supply only would be changed, without affecting
the amount of the supply, of our products to the British West
Indies. Mr. C. said he did not believe in any such result. He
thought the gentleman from Maryland, yesterday, in the practical
view with which he had favored the committee, had satisfied them
that such could not be the result.—Nature, Mr. C. said, there stepped
in to prevent that diversion of the trade from its ordinary channel,
and by the occlusion of the St. Lawrence, prevented that river from
being the channel of the regular and certain supply required for
the maintenance of the West Indies. The gentleman from Maryland
had shewn that but one or two voyages could be made from a port
in the St. Lawrence, instead of the three or four voyages which might
be made in a year from the United States, and that the supply from
that quarter must therefore be deficient.

Mr. C. begged leave to add another argument, which, if he was not
wholly mistaken in all his views of this subject, would be conclusive.
It was this: that the effect of the proposed prohibition would be to
deprive the colonies of a market for their produce to the amount
of six millions of dollars. It was not sufficient for gentlemen to shew, even had they succeeded in doing so, that the wants of the colonies could be supplied from the St. Lawrence, but it must also be shewn that they could find on and near the St. Lawrence a market for their products in return. This proposition, simply announced, demanded the assent of all. The ability to purchase depends on the ability to sell. If there is a political truth, it was that, he said, which he had stated. If then we cut off a market for six millions of the commodities, with which they had been in the habit of purchasing an equivalent amount of supplies, though we leave the road open, we deprive them of the means of obtaining those supplies. A certain quantity of sugar, &c. might be smuggled on the Lakes; but to what amount? Sufficient for the consumption on the borders of the Lakes alone; for it would be impossible to introduce such articles in that manner for the supply of the sea-board. The expence of transportation would be such, that it would be impossible for the merchant to come into competition with the same commodities, imported from other quarters. The amount which the colonies could sell on the Lakes, would be somewhere about half a million of dollars. The products with which they could supply themselves in that quarter, must be limited to the same amount. And gentlemen must shew that a market can be obtained for six or seven millions in amount, before they can prove that the colonies can procure (if it were possible to procure at all) their supplies from Canada.

Suppose the measure of prohibition be adopted, what would be its effect? In the opinion of Mr. Clay, a mere change in the direction of the trade. St. Domingo would be open to us, St. Thomas, Vera Cruz, and possibly St. Bartholomews, and other islands and ports. But, if not one port should be open, the necessity Great Britain would be under to obtain supplies for her colonies, would dictate the expediency of opening some port at which an interchange of commodities could take place. If this operation took place, all that is proposed to be effected by the bill is accomplished, by the participation of our navigation in the transportation of the articles thus exchanged. Our ships will have obtained an employment, in carrying our products to that entrepot, and bringing return cargoes, of the same amount they would have now, if American instead of British ships wholly engrossed the trade. There might, in the case supposed, be some little increase in the cost of the articles, but so inconsiderable as not to amount to any offset to the great advantages accruing to this country from the employment of its tonnage.

The present moment, Mr. C. considered as particularly propitious to the adoption of this regulation; because, as regarded the great direct trade between the United States and British ports in Europe,
that was regulated and unalterable for near three years. It stood on the footing of convention; and we should not, by any regulation adopted in regard to the colonial trade, put to hazard the advantages in the other, at least until that convention expired.

Regarding this regulation in another view, he anticipated beneficial effects from it. In consequence of the weakness of some of the powers of Europe in their maritime force, they had found it convenient to open ports to us, which were formerly shut, & we could thence draw our supplies, thus effecting a mere change in the channel of supply, with the advantage of the employment of our own navigation, as already stated. South America, besides, would be open to us, and we could there obtain a large portion of the commodities we import from the West Indies, except perhaps the article of rum. Whether that could be obtained there or not he did not know. Sugar might be obtained in quantity from Louisiana, where the product of that article increased every year. Georgia, & a portion of South Carolina, too, had turned their attention to that object: and the effect of this measure would be to encourage the cultivation of that article. With respect to the article of spirits, if its importation were totally cut off, he thought it would be a benefit. He believed, he said, that America was the only country that imported as great a quantity of spirituous liquors; every other country he was acquainted with used more of its own manufacture. If, said Mr. Clay, you exclude entirely, by a permanent regulation, the article of rum, and substitute domestic liquor for that portion of rum consumed here—and I agree with the gentleman from Maryland, though I have not perhaps his experience, that the article of whiskey is better in every point of view than the article of rum—you promote the agricultural interest, and particularly that portion of it from which I and the gentleman come.

Mr. C. assured the committee that, on this occasion, he was influenced by no local views. If the interests of that part of the country which he represented would, as they possibly might in some respects, be prejudiced by this measure, yet, on a great national question, in which the honor and character, as well as best right of the country were concerned, he should most cheerfully surrender its partial interests for the general good. He said the character of the country, for would any gentleman say that it was to be endured, that a most important part of the carrying trade should be taken from us, and that we should tamely submit to it? It was intolerable, he said, ought not to be endured, and would not long.

I think, then, said Mr. C. that the suffering of the navigating interest to which the attention of Congress is attracted, is one which calls loudly on this body to do something to alleviate it.—It is attributable greatly to the colonial system of Great Britain, though
no doubt also greatly to the state of peace, and the consequent resumption of their navigation by the powers of Europe who during war suspended a great portion of it. Taking care of the interests of the nation, and guarding our commerce against the effect of foreign regulations, it becomes us to act on this subject. He should, he said, cheerfully give his assent, therefore, to the bill before the House; and should vote for it, but with reluctance, if the amendment proposed by Mr. Forsyth should succeed. He had intended to have touched some other points, he added, but had already spoken too long; and was warned by that circumstance, as well as by an indisposition under which he labored, to bring his remarks to a conclusion.

[After some intervening remarks by Thomas B. Robertson, Joseph Hopkinson of Pennsylvania stated that Clay had demonstrated that a measure to produce the results sought “must . . . be addressed to the British people” but in his conclusion had not shown that this particular bill would have any effect on them.]

Mr. Clay rose in reply. He admitted, he said, that the gentleman from Pennsylvania had very fairly and correctly noticed the weak point of his argument. Mr. C. said, he had assumed as proven some points which had been maintained by other gentlemen, particularly by the gentleman from Maryland, one of which was, that the supply of the commodities obtained by the colonies from this country, could be obtained no where else. He had presumed, also, that the disposition of the colonies was already favorable to a liberal and free trade. But it might be that the colonies were at present in favor of a free trade, and yet their feelings not so roused, as to produce effect from their remonstrances, as they might be expected to be by the passage of this bill. We know, said Mr. C. that the colonies of all countries are averse from restrictions on commerce, but that they generally acquiesce in them. If pushed to a state of starvation, however, in consequence of this policy, they would not fail of producing by their remonstrances and appeals, an effect on the parent country. Mr. C. said his argument respecting the value of this trade to the colonies, and of course to the parent country, was not applicable simply to the value, but to the nature also of the commodities in which that trade consists. Although the amount of the trade might be inconsiderable in regard to the whole amount of the trade of Great Britain, if it were indispensable, as he thought had been proved, to the colonies, the loss of it might awaken such a feeling, first in the colonies, and, by sympathy, in the mother country, as would induce a relaxation of the rigor of the British system. The gentleman from Pennsylvania, therefore, to rebut his argument, must shew, what Mr. C. believed him unable to do, that the colonies could obtain their necessary supplies elsewhere.
One effect Mr. C. believed would flow from this measure, in a degree at least, that Great Britain would draw, for the supply of her colonies, those products which we have sent and shall send to other colonies. If this was effected, we should have achieved the great object of securing to our navigation the transportation of our own products, &c.

When up before, and speaking of the possibility of Montreal being made a free port, Mr. C. said he had not adverted to the fact, that the region of the Lakes did not now in fact consume any thing worth taking into account that comes from the West Indies. The people of that region made principally their own sugar and spirits. Therefore, if the position was true, that a nation cannot buy where it cannot sell, Montreal could not be a substitute for our ports.

The great question was the *modus operandi* of this bill, to use a favorite expression of a member of another body. Operating on the sympathy as well as the direct interest of the parent country, it would induce her to relax her system. Great Britain would find a greater interest in securing the amount of six millions of trade, necessary to support and cherish her colonies, than she would gain merely on the transportation of the articles of which that trade consists. That was the question on which the British people would be called on to decide; and he believed the effect of this measure would be such as to induce them to decide in favor of admitting us on a footing of reciprocity into the West India trade. If the British government did not take this course, it would have to wink at the formation of entrepots, by which the object proposed by the bill would be substantially accomplished.

On this subject, Mr. C. said he ought to state, that, if the bill were to pass, it would be necessary to introduce a further provision into it: for otherwise the British government might declare Moose Island in the North and Amelia Island in the South to be entrepots, and thus evade our measures. Mr. C. said therefore he would propose a limitation to particular latitudes so as to make the intermediate ports, if established, such ones as should secure us all the advantages we might have a right to expect from them.15


1 The preceding speaker had been Richard Henry Wilde of Georgia.

2 The annual message to Congress, December 3, 1816.

3 The Commercial Convention of 1815.

4 See above, I, 389n, 449, 452n, 482n, 575n, 642-43, 739.

5 See above, I, 276n, 280, 482n. 6 See above, I, 601n, 774n.

7 See above, Commercial Convention, July 3, 1815. 8 John Jay.

9 James Monroe and William Pinkney.

10 On the preceding day John Forsyth had proposed as an amendment to the bill “sundry new sections, embracing a system of discriminating duties, to supersede the clauses of prohibition and exclusion, embraced in the bill.” Washington *National Intelligencer*, February 6, 1817.

11 Samuel Smith. 12 Corrected as “Santa” in *Annals of Cong.*
Bill from Lewis Bancel

[January 31, 1817]

1817 Mr. Clay to Lewis Bancel

Dr-

$ -Ct


23. 33

Doctor's bill 1

20 "

List of advances to No. 33 & 34 ....

60 58

Skates $5—cash & theatre $4 ....

9 "

Carriages at different times ...........

1 50

$ 114. 41

Deduct Balance favr. Mr. Clay

44 56

$ 69. 85

Shoe-maker's bills ..............

14 31

$ 84 16

[Endorsement] 2

New York Jany. 31. 1817 Received from from [sic] Mr. Clay by the Hands of Mr. Morris 3 the above balance of $84 16/100 due to me

LEWIS BANCEL

D. DLC-TJC (DNA, M212, R15).

1 See above, Clay to Morris, December 14, 1816.

2 ES.

3 Thomas Morris.

Remarks on Trade Bill

[February 1, 1817]

Mr. Clay (Speaker) said, if a majority of the committee was opposed to acting on this subject, he thought it would be better not to express that disposition in the form now proposed. A postponement of the subject might produce a different impression. It would be extremely unfortunate, Mr. C. remarked, if we should say at once to Great Britain, by the rejection of this bill, that we mean to acquiesce in her policy in this respect. 1

Washington National Intelligencer, February 13, 1817. Published also in Annals of Cong., 14 Cong., 2 Sess., 888-39. See above, Speech, January 31, 1817. John Forsyth's amendment, after additional debate in Committee of the Whole, was rejected. Immediately John G. Jackson renewed an earlier motion to strike out the first section of the bill, whereupon Clay again took the floor.

1 After several other speakers had been heard, Jackson withdrew his motion. The bill was then reported to the House and tabled.

Receipted Tax Bill, 1816

1816 Henry Clay

To Tax on 44 450 at 62½ cts P 1000

[ca. February 1, 1817]

27.781/2
FEBRUARY 2, 1817
To Levy on 12 tithes at 50 cents
6:00
$33:78½
Recd payment JAMES E. DAVIS DS.

To [James Prentiss]

Dr Sir

Washn. 2d. Feb. 1817.

I recd. your favor of the 30th. Ulto.¹ My house which I supposed would suit the Bank best is rented out until the 15th. June next.² If I sold it I supposed [sic] that the present tenants would surrender their lease. Whether they would be inclined to do so, to enable me to lease it to the Bank I am unable to say, tho' I should be less confident of their disposition in this respect. The lower rooms of that house would suit extremely well for the bank, but it is not so well calculated [sic] to accommodate the residence of a family. I will rent the lower rooms separately for a term of years at $400 per annum and place them in complete repair, except the vaults &c. which the Bank must make at its own expence. Or I would rent the whole of that house for a like term at six hundred and fifty dollars.

If that house cannot be got, or is thought not to answer for the want of accommodation for a family, I will rent the other, which though not quite so well calculated for the business of the Bank, is much more convenient in its accommodations for a family. The lease on this expires on the 15th. April, but I presume I could get immediate possession of it. It is the house occupied by Bradford as an auction store.³ I would undertake to have it put in complete repair, with the exception of vaults &c. and I would lease it to the Bank for a term of years at $700 per annum. If those terms are thought unreasonable (which I can hardly believe) I should willingly submit to the opinion of the Board.

Col. Morrison's house⁴ suits a family perhaps as well as either of mine, if not better; but I do not think it so accommodating as either of mine for the business of the institution.

Trimble has been appointed Judge.⁵ I regret the disappointment of our friend Mason,⁶ but I think the promotion of Trimble will have a good effect at home. Cordially I am D Sir Yrs H. CLAY

¹ Not found. When he wrote, Prentiss must have been still in the east (see above, Clay to Bodley, January 4, 1817).
² Probably the part of the property formerly operated as the Kentucky Hotel which had been leased to McCullough and Foster. See above, I, 788-89; below, Rental Agreement, June 14, 1817.
³ Daniel Bradford. See above, I, 879 and note.

ALS. MiU-C. Recipient identified by William L. Clements Library. On January 27, 1817, Prentiss had been appointed a member of the board of directors of the Lexington Branch, Bank of the United States. Lexington Reporter, February 12, 1817.
To George Graham

Dr Sir

Washn. 3 Feb. 17.

There are two fine Volunteer Companies in Lexington (K) one that which was commanded by the late Capt. Hart, and now by his nephew, Thomas P. Hart, and the other by Capt. John McCalla. They want arms & have asked me to try to procure them. Twelve hundred stand are said to be in New port. Can you not give me an order for seventy five stand in favor of each of those Companies upon condition that the receipt of the Governor is procured for that number on a/c of the quota of Kentucky? If you can you will much oblige Dr Sir Yr's respectfy. 

H. Clay
Geo. Graham Esqr. &c &c &c.

ALS. DNA, RG107, Letters Received, (10), C-28.

From [George Graham]

Hon Henry Clay M. C

Dept. of War 3d Feby. 1817.

Sir

I will thank you to furnish me with the christian name of Mr. Murdock, the gentleman you recommended for an appt. in the Army. I will thank you also to inform me whether he formerly belonged to the army. On examination of the old registers it appears that there was but one Mr. Murdock on them, whose name is George, and registered a 1st. Lt. in the 14th. Regt. of Infantry. 

—I have the honor to &: &: &:


1 On November 15, 1817, George Murdock, from Maryland, was appointed third lieutenant, Corps of Artillery. He later rose in rank to a captaincy in the Infantry.

Speech on Internal Improvements

[February 4, 1817]

Mr. CLAY (Speaker) observed, that it was not his intention to enter into the general discussion of the subject: He wished only to say that he had long thought that there were no two subjects which would engage the attention of the national legislature more worthy of its deliberate consideration, than those of Internal Improvements and Domestic Manufactures. He rose, however, principally to express his thanks to the honorable member from South Carolina (Mr.
Calhoun) for bringing this bill before Congress, and for the able and luminous view which he had submitted to the committee, of the importance and utility of internal improvements, and to oppose the amendment proposed by the gentleman from Louisiana.\(^1\) He conceived the first and only step necessary to be taken, at the present session, was to set apart and make an inviolable pledge of the fund. If we attempt any thing beyond this; if we touch the details; if we go into a specification of the objects on which the fund is to be expended, the inevitable effect will be, that we shall do nothing. Whether it was better to establish a board for the appropriation of the fund, or to distribute it among the several states, and what were the national objects which demand its application, were posterior questions, which ought to be discussed and decided hereafter.

Mr. C. said that, as to the constitutional point which had been made,\(^2\) he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of that point at this time. It was a sufficient answer to say that the power was not now to be exercised. It was proposed merely to designate the fund, and, from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and Congress could at some future day examine into the constitutionality of the question, and if it has the power it would exercise it; if it has not, the constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that Congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several states, and thus avoid the difficulty which had been started \([\text{sic}]\). It might distribute it among those objects of private enterprise which called for national patronage, in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake canal,\(^3\) and other similar institutions. Perhaps that might be the best way to employ the fund; but he repeated that this was not the time to go into that inquiry.

With regard to the general importance of the proposition—the effect of internal improvements in cementing the union—in facilitating internal trade—in augmenting the wealth and the population of the country, Mr. C. would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several states he would ask, he would put it to the candor of every one, if there were not various objects in which many states were interested and which, requiring therefore their joint co-operation, would if not taken up by the general govern-
ment, be neglected, either for the want of resources, or from the
difficulty of regulating their respective contributions. Such was the
case with the improvement of the navigation of the Ohio at the
rapids; the canal from the Hudson to the Lakes; the great turnpike
road, parallel with the coast, from Maine to Louisiana. These and
similar objects were stampt with a national character; and they
required the wisdom and the resources of the nation to accomplish
them. No particular state felt an individual interest sufficient to
execute improvements of such magnitude. They must be patronised,
efficaciously patronised, by the general government, or they never
would be accomplished.

The practical effect of turnpike roads in correcting the evil, if it be
one, of the great expansion of our republic, and in conquering
space itself, as was expressed by the gentleman from South Carolina,
is about to be demonstrated by the great turnpike road from Cumber­
land to Wheeling. That road is partially executed, and will
probably be completed in about three years. In the mean time,
Maryland is extending a line of turnpike roads from Baltimore to
Cumberland, which is also partially finished, and will be completed
in the same period. Three years from the present time, we shall
have a continued line of turnpike roads from Baltimore to Ohio. The
ordinary time requisite to travel from Wheeling to Baltimore,
prior to the erection of these roads, was eight days. When the roads
are completed, the same journey may be performed in three days.
The distance, in effect, between those two points, will be diminished
in the proportion of five-eighths, or, in other words, they will be
brought five days nearer to each other. Similar results will follow
wherever this species of improvement is effected. My friend from
Louisiana says his state wants no roads. Does she want no levees?
But, Mr. C. conceived that no state was more interested in the
making of good roads. The most vulnerable to a foreign enemy of
all the points of our country, Louisiana, is at the same time the most
dependent upon the other parts of the union for the means of her
defence. Is she not, therefore, deeply interested in multiplying the
channels by which those means may be transported to her? If two
great roads, the one following the valley of the Ohio and that of
the Mississippi, and the other the maritime coast, shall terminate at
New Orleans, will not the security of Louisiana be greatly encreased?

Mr. C. owned that he felt anxiously desirous for the success of this
measure. He was anxious, from its intrinsic merits, from his sincere
conviction of its tendency greatly to promote the welfare of our
common country. He was anxious, from other, perhaps more
selfish, considerations. He wished the Fourteenth Congress to have
the merit of laying the foundations of this great work. He wished
this Congress, who, in his opinion, had so many other just grounds
for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude. He even anticipated pleasure from the reflection, distant as it might be, that the traveller, as he comfortably Prosecutes his journey on some road, or glides down on some canal, erected in virtue of this bill, will say, I owe this facility, this convenience, to the providence and sagacity of the 14th Congress. But, Mr. C. said, he must repress his feelings on this subject. He had risen to oppose the amendment. Let us leave details to our successors. We cannot accomplish every thing at once. Like the objects of the bill, our measures must be necessarily progressive. Every thing is hazarded by encumbering the bill with too much detail. Indeed, he doubted whether we had a sufficient stock of local information yet collected, to guide our judgments in designating the various objects of internal improvement which may require the fostering care of the general government. Let us provide the ways and means: Let our successors judiciously apply them. He would vote against the amendment.

Washington National Intelligencer, March 13, 1817. Published also in Annals of Cong., 14 Cong., 2 Sess., XXX, 866-68; Mallory, Life and Speeches of the Hon. Henry Clay, I, 350-52; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 108-10. Reporting for a select committee appointed one week earlier, John C. Calhoun on December 23, 1816, had offered “A Bill to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States share of its dividends.” Debate in Committee of the Whole had begun on February 4 with a speech by Calhoun.

1 Thomas B. Robertson had moved “to apportion the fund among the several states, according to their representation in Congress to be by them applied to such objects of improvement as they might think proper.” Washington National Intelligencer, March 13, 1817.

2 Calhoun had mentioned two constitutional objections against which he defended his bill: first, that Congress did not have the power “to cut a road or canal through a state without its consent”; and second, “that the public monies can only be appropriated to effect the particular powers enumerated in the Constitution.” Ibid., February 22, 1817.

3 Chesapeake and Delaware Canal Company.

4 See above, I, 284-87. The Erie Canal, completed in 1825, was begun in 1817. Federal aid for a coastal road to Louisiana had been recommended by Albert Gallatin in his report on “Roads and Canals” as early as 1808; John C. Calhoun again urged the project as a defense measure in a report of January 7, 1819; and considerable agitation for the road as a southern counterpart of the National Road was generated during the succeeding decade. American State Papers, Misc., I, 739; II, 534-35; Randle Bond Truett, Trade and Travel around the Southern Appalachians before 1830 (Chapel Hill, N.C., 1935), 72-77.

5 See above, Remarks, April 1, 1816, and note.

6 The Compensation Act.

7 The bill, including a modification of Robertson’s amendment, was passed by the House, amended and approved by the Senate, and accepted in its revised form by the House. It was then, however, vetoed by President Madison, and the House failed to override the President’s action. During the effort to override, Clay as Speaker, “differing from every other question before the House, claimed and exercised the right to vote.” Washington National Intelligencer, March 6, 1817. See also U. S. H. of Reps., Journal, 14 Cong., 2 Sess., 539 (March 3, 1817). His action was in violation of House rules, which at that time forbade the Speaker the right to vote, “unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal, and in case of such equal division, the question shall be lost.” Asher C. Hinds, Hinds’ Precedents of the House of Representatives of the United States . . . (Washington, 1907), V, 512.
Remarks on Pay of Brevet Officers

[February 5, 1817]

Mr. Clay likewise supported the bill, because as there were officers enough to perform the military duties referred to, it was unnecessary to assign those duties to brevet officers—that he saw with pleasure the report of the bill by the committee of Ways and Means, as it would effect a salutary reduction of the expences of the government in the military department, and though fully impressed with the services and merits of the officers of the army, yet he hoped to see every practicable reduction, every proper retrenchment of the heavy expences now incurred annually for the military establishment.

[Harrison rose again to oppose the bill, “contending that the pay now received had been well earned by the gallant services rendered by our officers” and attempting “to shew that our officers, the higher ones particularly, were even worse paid and fewer in proportion to the number of men than those of any other civilized country, &c.”]

Mr. Clay spoke warmly in reply; maintaining that the country had in every way evinced its gratitude to the heroes of the army and navy for their great services, and that it was not proper to open the coffers of the treasury to heap further pecuniary rewards on those who had already received so large though merited a share of public rewards, &c.¹

Washington National Intelligencer, February 6, 1817. Published also in Lexington Reporter, March 5, 1817: Annals of Cong., 14 Cong., 2 Sess., XXX, 872. The House in Committee of the Whole had taken up a bill which included a provision “to repeal so much of the act of July, 1812, as authorises additional pay and emoluments to brevet officers. . . .” William Henry Harrison, now a representative from Ohio, had “warmly opposed the bill,” while William Lowndes had supported it.

¹ The bill passed the House February 22 but was indefinitely postponed by the Senate. A measure “regulating the pay and emoluments of brevet officers” was enacted in 1818. 3 U. S. Stat., 427.

From Benjamin W. Crowninshield

Hon. Henry Clay Speaker of the House of Reprs.

Sir, Navy Department, Feby 7th. 1817.

I have the honour to enclose an order for midshipman Luckett,¹ and to request that you will be pleased to cause it to get to his hands. Very respectfully, &c. B. W. CROWNINSHIELD.


From [George Graham]

Hon Henry Clay Speaker House Reprts.

Sir Dept. of War 8th. Feby. 1817.

In answer to your letter of the 3d. Inst. I have the honor to
inform you that the ordnance officer at new Port Kentucky, will be directed to deliver to the order of the Governor of Kentucky, Seventy five stand of arms, the arms to be receipted for as part of the quota due to the state of Kentucky under the act for arming and equipping the whole body of the Militia.—I have the honor &c. &c. &c:

Copy. DNA, RG107, Military Books, vol. 9, p. 244.

From Thomas P. Hart to the Executors of Thomas Hart, Jr.

[ca. February 11, 1817]

[Young Hart gives notice that, having arrived at the age of maturity, he elects under a provision of his father's will to take "the house and lott which he occupied at the time of his death, and the eighteen acres in out lotts appurtenant thereto\(^1\) ... at the price of Twenty five Thousand Dollars." Signature of Thomas P. Hart acknowledged before J. C. Rodes, Clerk of Fayette County, December 29, 1818.]

Fayette County Court, Deed Book S, 40-41.

\(^1\) Property fronting Second Street and extending east from Limestone, which Thomas Hart, Jr., had bought in 1806 at the commissioners' sale of the estate of George Nicholas.

To Peter Hagner

11 Feb. 17.

I have recd. the papers respecting the case of Hugh Scotts heirs,\(^1\) and return the account with my signature to the receipt, as desired.

Yr ob.. Servt.

H. CLAY

ANS. DNA, RG217, First Auditor (War Department), Letters Received. Addressed to Hagner, a native of Philadelphia, who had been a clerk and was now Additional Accountant of the War Department. On March 6, 1817, he was appointed Third Auditor of the Treasury and, during the thirty-odd years he held the last post, became well known for the vigilant and judicious manner in which he handled claims against the United States.

\(^1\) Scott, of Shelby County, Kentucky, had served as a private under Captain Daniel Cushing in the War of 1812. His heirs received $48 per annum, as half-pay pensioners of the United States. Sen. Docs., 15 Cong., 1 Sess., no. 170, p. 207.

Property Assignment, Executors of Thomas Hart, Jr., to Thomas Pindell Hart

[February 11, 1817]

[The executors of Thomas Hart, Jr., assign to Thomas P. Hart a house, lot, and eighteen acres of surrounding land\(^1\) according to terms of the will of Thomas Hart, Jr., for which the assignee is to pay the sum of $25,000. $20,000 plus interest from the date of his
election to assume the property is to be divided among his mother,² brother, and sisters;³ the remaining $5,000 is to be considered his share in his father's estate. Thomas P. Hart covenants that he will fulfill all the conditions annexed to this devise under his father's will. Signed by all the executors; recorded in the office of the Fayette County Clerk on December 29, 1818, with acknowledgment of signatures by Eleanor Hart on November 4, by John W. Hunt and Abraham Barton on December 3, and by John and Thomas P. Hart on the recording date.]

Fayette County Court, Deed Book S, 41-42.
¹ See above, T. P. Hart to Executors, same date, note.
² Eleanor Hart.
³ Eleanor, John, and Louisa Hart.

Agreement, Executors of Thomas Hart, Jr., with Thomas P. Hart

[February 11, 1817]

[The executors of Thomas Hart, Jr., “in Consideration of Thomas P. Hart having relinquished . . . all his interest in the Estate of his father except the house & lot and Eighteen acres of land appurtenant thereunto devised to him”¹ by his father's will, bind themselves to lend to Thomas P. Hart, from time to time, at legal interest, on good security “any money belonging to the Estate which shall come to our hands and which Shall not be necessary in a course of administration and to fulfil the objects of the said will. . . .”]

Copy. Fayette County Court, Deed Book S, 44-45.
¹ Indenture of relinquishment from Thomas P. Hart to Eleanor Hart et al., February 11, 1817, Fayette County Court, Deed Book S, 42-43.

From Peter Irving

Liverpool, 12th Feb. 1817

I inclose a copy of a letter from Mr. Jos. Smith¹ to my brother in law Mr. Van Wart² respecting the cattle purchased for you; and will send you the original together with other letters from him on the subject by the same conveyance that brings the animals.

Mr Smith is a gentleman farmer of great respectability, who is entitled to perfect reliance both for honour of character and as one of the best judges of these animals in the kingdom. He has transacted this purchase without any charge through respect for Mr. Van Wart & has taken particular pains in the selection as he understood that the cattle were for Mr V W’s brother in law.

I had taken great care to ascertain by previous inquiry that the Hereford Breed is the best for both beef & dairy, & I feel perfectly
confident that the four beasts purchased are of the best blood in the country. I have had a letter from Mr. Van Wart since their arrival at Birmingham & he informs me that they are very handsome and will give you great satisfaction.

I expect the animals here about the 20th & they will require about a weeks rest after their journey. I will however take the best advice on the subject of shipping them and will either forward them immediately, or after a short delay for milder weather to Messrs M’Donald & Ridgley Baltimore. After arrival at Baltimore they should rest a few days, “to feel their legs” (as Mr Smith says) & then should travel only about 12 miles a day. I think it probable that I shall have to send a man with them, & I understand that the man who is bringing them here is willing to take the voyage. He is one who understands them perfectly.—

I have a letter from our friend Hughes who is in Paris & in High Feather. I am happy to hear him spoken well of by all who have seen him since he reached this country.

I am dear Sir Sincerely Yours

P IRVING

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay “In Congress Washington” and redirected to Lexington. See above, Irving to Clay, November 1, 1816.

1 Of Henwick, near Worcester, England. The enclosure has not been found, but the original of the letter is reported below, Irving to Clay, March 22, 1817, note.

2 Henry Van Wart, a native of Tarrytown, New York, married in 1804 to Sarah Irving, had gone to England, first as a representative of a firm in which William Irving was a partner, and later to establish a business of his own. By act of Parliament in 1815 he had become a naturalized British subject.

3 Alexander Macdonald and Nicholas Greenberry Ridgely (brother of Dr. Frederick Ridgely).

4 Christopher Hughes, Jr.

Agreement with James Morrison

[February 14, 1817]

It is agreed between Ozborne Henley Agent for Henry Clay and Robert Scott Agent for James Morrison, as follows—viz

Whereas the parties are about erecting between them partition post and rail fences and not knowing precisely the dividing line they mutually agree that should the fence or any part or parts of it, be wholly erected [sic] on the land of either, that the party on whose land the fence may be, is not to take any advantage of that circumstance; but the fence is to be considered as the joint property of each and used as such as long as it may last—

The fences contemplated are to run from the Boonsborough Road between said Clays Ashland tract and a part of the Mansfield tract lately purchased by said Morrison to Wm. Gibson’s line and thence between sd Ashland tract and said Morrissons Carlisle Farm, which is adjoining the said Wm. Gibson—
To [Josiah Meigs] 17h. Feb. 1817.

During the past summer I transmitted to you from Kentucky some papers of Dr. Walter Warfield. to procure a patent—You informed me\(^1\) that it was necessary to return a previous patent that had been granted to him, and to obtain an *inclusive* one—It is accordingly now returned, and I will thank you for the other as soon as convenient—Yrs.

H. CLAY

ALS. DNA, RG49, Misc. Letters Received, “C”.

\(^1\) See above, Clay to Meigs, September 2, 1816.

To Mrs. Maria Price

Washn. 21 Feb. 17.

I have recd. your letter of the 11h. inst.\(^1\) and hasten to inform you that the bill which you state to have been drawn by you in favor of Jos. Woods\(^2\) has not been presented. When it shall be I will endeavor to guard against the counterfeit which you apprehend may be made in the indorsement. Yrs respectfully

H. CLAY

ALS. THI. Addressed to Mrs. Maria Price at Lexington. The widow of Samuel Price, Jr., she was a daughter of Edward West.

\(^1\) Not found.

\(^2\) Probably of the Nashville mercantile firm of Joseph and Robert Woods.

To [Caesar A. Rodney]

Washn. 22 Feb. 1817.

It will be necessary for Col. McLane to get some friend to move the House for leave to withdraw his papers to entitle him to take them from the files.\(^1\) I will endeavor to recollect to have such a motion made for him.

It is no longer doubted here that Mr. Adams\(^2\) is to be Secy. of State. The rumor is that the Secy of the Navy will remain in office; and that Mr. Crawford will continue in the Treasury, if he pleases.\(^3\) With respect to the Department of War, it is said that it will be offered to Govr. Shelby, who I presume will not accept it.\(^4\)

We have narrowly escaped an entire repeal of the Internal taxes,
which I should have considered a most unfortunate measure, at least at this time.\(^5\) Yr's faithfly

H. CLAY

ALS. NeD.

\(^1\) An effort to obtain from Congress an act granting a pension to Allan McLane on the basis of his services in the Revolutionary War had terminated on February 19, 1817, with the concurrence of the House of Representatives in a committee report unfavorable to his petition. *Annals of Cong.*, 14 Cong., 2 Sess., XXX, 476, 996.

\(^2\) John Quincy Adams.

\(^3\) President Monroe retained Benjamin W. Crowninshield as Secretary of the Navy and William H. Crawford as Secretary of the Treasury.

\(^4\) Isaac Shelby was appointed Secretary of War but declined to serve on account of age.

\(^5\) Parliamentary maneuvering and spirited debate during several days had followed the passage, on February 14, of a resolution introduced by Lewis Williams of North Carolina stating that the internal duties should be repealed and instructing the Committee of Ways and Means to report a bill for that purpose. On February 21 House leaders had finally been able to bring an end to the matter with adoption of a motion to postpone further discussion until March 2 (a Sunday). *Annals of Cong.*, 14 Cong., 2 Sess., XXX, 954-55, 963-1003, 1013-17, 1020.

**Statement Concerning the Kentucky Gazette**

[February 22, 1817]

I hereby Certify that the newspaper edited in Lexington (Kentucky) under the name of the "Kentucky Gazette" by Thomas Smith, has been, for several years past, edited by Fielding Bradford.\(^1\) Witness my hand this 22d. Feb. 1817.  

H. CLAY

ADS. DNA, RG59, Misc. Letters. Endorsed: "I also certify the above facts, stated by the Honl. H Clay—James Morrison."

\(^1\) In February, 1816, Thomas Smith, who had once been editor of the Lexington *Kentucky Gazette*, had become associated with William Worsley in publishing the Lexington *Reporter*. Meanwhile, Fielding Bradford, Jr., son of John Bradford, published and edited the *Gazette* from 1814 to June 2, 1817.

**From [Joseph Nourse]**

Sir  
Treasury Department Registers Office 22 Febry 1817.  
I have the honour to acknowledge the receipt of your note of yesterday, enclosing two letters from Mr Buford;\(^1\) To my reply to the one addressed to me, permit me to refer you herewith enclosed\(^2\)—I am &c  

J N  

The Honorable Henry Clay.

Copy. DNA, RG53, no. 158-T. Nourse was for many years Register of the Treasury of the United States.

\(^1\) Clay's note and the letters from Abraham Buford have not been found.

\(^2\) Relating to a transfer to the Bank of the United States of government stock certificates which had been credited in Buford's name on the books of the Treasury Department. Copy. *Ibid.*

**To Josiah Meigs**

Sir  
Washn. 23 Feb. 1817.  
I recd. your note of the 18h. inst.\(^1\) respecting the patent which Dr.
Warfield desires to obtain. The papers upon which he expected the patent to issue were transmitted by me to you from Kentucky; and I received your reply, but the papers were not returned with it. So that I think you must be mistaken in this respect & I hope that upon a renewal of the search for them that they will be found on [sic] the files of your office. I am respectfy Yrs. H. Clay

Josiah Meigs Esqr.

ALS. DNA, RG49, Misc. Letters Received, "C". Endorsed: "Patent issd. to Walter Warfield & Deld. Mr. Clay, 26 Feby 1817."

1 Not found.

To James Monroe

Dr Sir Washington Feb. [ca. 27] 1817.

In the arrangements made by Congress in regard to the Mississippi Territory, it becomes necessary to appoint a Governor for the Eastern portion, erected into a new Territory.¹ For that office I beg leave to recommend Col. Anthony Butler, formerly of South Carolina, now a resident of Kentucky. No man is more distinguished than Col Butler by his zeal and uniform devotion to the Republican Cause, in both the States of which he has been an inhabitant. To an excellent understanding he unites a dignified and conciliatory deportment and very considerable address. He ardently supported the Government during the late War, and shared in its military service, in which if he did not acquire more renown it was the result of circumstances beyond his control. From an intimate acquaintance with Col. Butler I feel authorized to give the assurance that he will acquit himself in the station to which he aspires to the entire satisfaction of the Government, if he should be honored with the appointment.² I have the honor to be with great respect your obedient Servant H. Clay

The Honble Mr. Monroe Secy. of State

ALS. DNA, RG59, Applications and Recommendations for Office.

¹ An act admitting the western part of the Mississippi Territory (Mississippi) to the Union had been passed by Congress February 27 and was signed by President Madison March 1. A Senate bill establishing a territorial government for the remainder of the area (Alabama) was approved by the House on March 3 and signed by the President on the same day. Annals of Cong., 14 Cong., 2 Sess., XXX, 184, 1054, 1066; 3 U. S. Stat., 348-49, 371-73.

² Dr. William W. Bibb, not Butler, received the appointment.

Remarks on Land Reservation for French Immigrants

[February 27, 1817]

Cited in Washington National Intelligencer, February 28, 1817. The House in Committee of the Whole was considering a Senate bill providing that certain lands be set apart for sale to a group of French immigrants associated for the purpose of establishing a settlement in the United States. Clay and several other speakers sup-
ported the bill, against some opposition. "In favor of the bill, were urged the general principles of hospitality, the advantages of the particular culture proposed to be introduced, and, further, the advantages which would accrue to the United States from the introduction of so much industry and such improvement into the midst of its public lands, by which the value of the land would be greatly enhanced, &c." Ibid. An act designating four townships in the Mississippi Territory, lands acquired from the Creek Indians, to be sold to the immigrants was approved on March 3. 3 U. S. Stat., 374.

From Cornelius Comegys

Sir, Philadelphia February 28. 1817

I am just honored with your polite favor of the 25th.¹ for which I thank you—if you wrote me from Kentucky on your return from Washington last year I never recd it—The affair of the Bradfords² stands pretty much as I had anticipated—if the Land in question is not too remote from you I beg you will give it your attention, or employ some Lawyer in its vicinity, or other Person as you may prefer, to manage the business, as you justly observe, "unless some person should undertake to look into its situation, it would be sacrificed for a trifle"—and as this may be the only Chance of ever getting any thing further from them I had rather incur a little expence to try the issue, and whatever you may have the goodness to do in the premisses will meet my perfect approbation, and whatever may be expended, over & above the $300, should nothing ever be recd from the Land, I will reimburse, unless indeed you may think it a hazardous pursuit—One of those Gentlemen wrote me from Huntsville, M T, that he was an officer in the Army and whether it is probable one, or both, may be traced I know not—Very respectfully & truly Your Obt. Servant CORNS. COMEGYS

¹ Not found.
² See above, Comegys to Clay, April 20, 1816.

Bill from John Harrison

[ca. March 1, 1817]

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Verdens¹ acct .</td>
<td></td>
</tr>
<tr>
<td>hauling 3 load Dirt Mrs Keisers²</td>
<td></td>
</tr>
<tr>
<td>do 4 load lime to building</td>
<td>1–00</td>
</tr>
<tr>
<td>do 4 cords for scaffold ropes</td>
<td>1-50</td>
</tr>
<tr>
<td>to hauling I load Dirt do water</td>
<td>50</td>
</tr>
<tr>
<td>to laying 2 hearths @ $1.25</td>
<td>2.50</td>
</tr>
<tr>
<td>to work filling up door &amp; window</td>
<td>6–00</td>
</tr>
<tr>
<td>to laying one cellar window</td>
<td></td>
</tr>
<tr>
<td>to building two cellar ways at old house³</td>
<td>10–00</td>
</tr>
</tbody>
</table>

¹ Not found.
² See above, Comegys to Clay, April 20, 1816.
To James Barbour

Sir

H. of R. 3 March 1817.

An accidental suspension of the business of the H. for a single moment allows me the opportunity of acknowledging the receipt of your note of this morning.

I will not pretend to repeat all the conversation which passed between us this morning, in relation to the ceremony of tomorrow. I meant, however, distinctly to convey the idea, that the Senate had not, as a body, any right to regulate the Hall of the House of Representatives, or to arrange the furniture thereof, or to introduce other furniture into it, without the concurrence of the House of Representatives. At the same time I assured you that the House, I was persuaded, would be well pleased if the Senate should, on tomorrow, find it convenient to attend in the Representatives Hall, during the performance of the contemplated ceremony, and that the furniture of the Hall, such as it is, was very much at their service. I have the honor to be Respectfully Yrs.

H. Clay

The Honble James Barbour &c &c &c.

ALS. NN. Barbour, formerly Governor of Virginia, was United States Senator from that State. He later served as Secretary of War and Minister to Great Britain.

1 In Senate debate on February 28, 1837, Clay recalls that a committee of the Senate had applied to him as Speaker at the time of President Monroe’s inauguration, asking that the House chamber might be used for the ceremonies and that the “fine red chairs of the Senate” might be brought in for the occasion. “The consequence was,” he notes in relating the reaction to his reply, “that Mr. Monroe, instead of taking the oath within doors, took it outside, in the open air, in front of the Capitol.” Register of Debates, 24 Cong., 2 Sess., 992.

Resolution of Thanks from the House of Representatives

[March 3, 1817]

Resolved unanimously, That the thanks of this House be presented to the honourable Henry Clay, for the ability and impartiality with which he has presided over its deliberations, and the correctness with which he has performed the arduous and important duties of the chair.
Speech on Adjourning the House of Representatives

Gentlemen, Before I perform the last duty of the presiding officer of the House, I will avail myself of the occasion to make my respectful acknowledgments for the flattering expression of favourable opinion which has been recently made, and which was rendered more interesting by the quarter from which it proceeded. Next to the approbation of one's own conscience, and one's country, that of the immediate representatives of the people must ever be most acceptable. But I feel, that in the instance of that just bestowed on me, I am more indebted to the kindness than to the justice of the House. For I am quite sensible, that in the course of my administration of the duties of the chair, called upon, as I frequently was, promptly to decide complicated and embarrassing questions, as they suddenly arose, I must have committed many errors. And if I have been able, in any degree, to satisfy the just expectations of the House, it is owing to that liberal support which has been, on all sides, generously accorded me.

In legislation there are three periods of extraordinary difficulty, and requiring great fortitude. The first is that which immediately precedes a war, and in which preparation is made for the event. The second, that which accompanies the war; and the third that which immediately follows the war. During the two first, however, there were animating circumstances always existing, which invigorated the legislative function. During the last, the stimulus is gone, and being replaced by relaxation, the legislator needs more fortitude. He has to survey the whole fabric of the State; to accommodate it to the new circumstances in which it is placed; to provide a revenue for redeeming the debt of the war; to retrench, and, by the reduction of the establishments, to dismiss from the service of the country many of those who have nobly contributed to sustain its glory.

It has been your lot, gentleman, to be cast in the last of the three periods mentioned. And I take great pleasure, regardless of the motives which may be ascribed to me, in testifying to the patience, the diligence, and the zeal which you have manifested in the public service. I am greatly deceived if, as the result of your labours, at no distant day, there will not be acknowledged to have been laid by you, the deepest foundations of the national prosperity. That you may long continue to live to witness and to participate in that prosperity; and that you may experience, on your return to your respective homes, every blessing of which our nature is susceptible, is the
ardent wish of one, who, wherever he may be, will never cease to cherish of all of you, the most agreeable and affectionate recollections.

It remains for me only to announce, that this House stands adjourned sine die.


To [James Madison]

Dr Sir Confidential 3 Mar. 17.

Knowing that we cannot differ on the question of the object of the Internal Improvement bill, however we may on the Constitutional point, will you excuse me for respectfully suggesting whether you could not leave the bill to your successor?1 If it receive his approbation, within the ten days, I am inclined to think the law is valid. The notification to the two houses of the passage of any bill, by the Presidents approbation, is I am induced to believe a formula not essential to the validity of the Law. These suggestions, hastily made, proceed from considerations connected at once with a regard to your personal character & the public good. I pray you to do justice to the motives which dictate their suggestion & to excuse the liberty I have presumed to take. Respectfully & Sincerely Your's

H. CLAY

ALS. KyU-Samuel M. Wilson Collection.

1 See above, Speech, February 4, 1817, note.

From James Monroe

Sir Washington March 4. 1817.

I had the honor to receive your letter of yesterday,1 last night, advising me that the chamber of the House of Reps., would be put by the officers of the house, in a condition to receive me to day, for the purpose of taking the oath prescribed by the constitution for the President of the U States. I have hastend to transmit the communication to the chairman of the Committee of the Senate, & I beg you to accept my acknowledgment for your polite attention. I have the honor to be with the greatest respect your very obt servt

JAS MONROE

ALS. DLC-HC (DNA, M212, R1). Published in Colton (ed.), Private Correspondence of Henry Clay, 53. See above, Clay to Barbour, March 3, 1817, note.

1 Not found.

To James Monroe

Sir Washington 5h. March 1817.

William S. Smith Esqr., the grandson of the late President Adams,
and the brother in Law of Mr. John Quincey Adams,¹ is desirous of being appointed one of the Auditors recently authorized by Congress. Mr. Smith was the Secy. of the mission to St. Petersburg, and whilst I was in Europe I had an opportunity of frequently seeing him both at Ghent and Paris. I have great pleasure in recommending him for the office in question; and in saying, that I have found him a man of honor integrity & capability. Should he be favored with the appointment I entertain not a doubt that he will discharge its duties with fidelity & ability. I have the honor to be with great respect Your obedient Servant

The President

H.. CLAY

ALS. DNA, RG59, Applications and Recommendations for Office (MRI).
¹ William Steuben Smith was the son of Adams' brother-in-law, William Stephen Smith, who had died in 1816.

To William Jones

Dr Sir Washn. 7h. March 1817.

The hurry which attends the close of a Session has prevented me from earlier acknowledging the receipt of your favor of the 26h. Ulto.,¹ inclosing Priestman's receipt for the amt. of the check I forwarded to you;² and from offering you my thanks for the kind expressions contained in your letter respecting myself. With respect to my serving in the direction I feel now, as I have done always, in relation to that subject—willing to render, with cheerfulness, such casual & contingent service as may be in my power, but not so desirous of the appointment as to wish that any particular effort should be made to confer it on me. You will see then that you and those who have thought of me are at liberty to act as you may think proper—

I congratulate you sincerely upon the restoration of a sound currency—a measure for which we are so much indebted to the wisdom with which your Bank has been administered.³ Yr's Cordially & Sincerely

H. CLAY

P.S. If I should be put on the direction I will take the shares standing in my name; otherwise I will transfer them as you may direct

H.C.

ALS. PHi. Addressed to Jones at Philadelphia.
¹ Not found. ² See above, Clay to Jones, January 12, 1817. ³ See below, Clay to Crawford, May 3, 1817, note.

From Robert Walsh, Jr.

My dear Sir Baltimore March 11h. 1817

When I had the pleasure of seeing Mrs. Clay in Washington, I
mentioned to her, that I would make particular enquiries concerning the merits of the school, in which you have placed your daughter.\footnote{1} I have, accordingly, had some conversation with persons to whom it's discipline and system of instruction are well-known, and the information which I have thus obtained is altogether satisfactory. I visited the school itself this morning, \\& found your daughter, who was seated with Mrs. Vail, in good health, and seemingly content with her new situation. The discourse of the Lady of the House, and what I observed about me during my visit, served to confirm the favourable impressions which I had received from common report. Mrs. Walsh has engaged your daughter to pass the Sunday with her, in order that she may make her acquainted with some young ladies of about her own age, my nieces, whose society when enjoyed thus abroad may relieve the monotony of the boarding-school life, and reconcile her more fully to her separation from her parents.

I cannot omit to avail myself of the present occasion to thank you sincerely, for your kind offers of service at our last interview. The friendly dispositions in my favor which prompted these offers I greatly value, without taking into view the immediate advantage of which they might be productive. At the same time I am duly sensible of the importance they have in this respect, \\& of the probable [sic] efficacy of your aid for the purposes which would seem natural in my situation:— Until very recently, I have never thought seriously of advancement in political life, \\& I have never held myself qualified to urge, with success, pretensions of the sort. I have, it is true, for some time past, wished to be in political action, \\& have thought that I could render myself useful to the Federal Government. While Mr. Madison\footnote{2} remained in office, I could expect no encouragement on this score, \\& therefore resigned myself to a speculative life. Now that we have another Dispenser of Functions,\footnote{3}—for whose character and views I have always felt \\& expressed the highest respect, \\& who has honoured me with his esteem,—my aspirations have taken a decided character, \\& I can no longer hesitate to make them known. If for any active career, it is for the political, that I am fitted; \\& I still believe, that I could be serviceable to Administration,—more, perhaps, abroad than at home, owing to the particular nature of my studies, \\& my knowledge of foreign languages. I would not, for many reasons, aim at any of the higher stations; at Departments or Embassies, but should prefer employments of less responsibility \\& éclat,—such as would enable me to turn my acquirements to account for the benefit of Government, \\& would furnish the means necessary for a merely comfortable household. For my zeal in the promotion of the national interests \\& of the interests of those who distinguished me by their confidence \\& favour, I am sure that I
could answer. I have no party-recollections nor lingering antipathies which could warp my judgment, or preclude the proper earnestness of feeling and effort.

But I beg pardon for talking in this strain, when, in fact, I have, as yet, no determinate object, or at least none such as I could easily explain, in the space now left me by the regard due to your patience. Mr. Correa\(^4\) may, probably, converse with you on this subject, and solicit for me the interposition of that influence upon which we both lay the utmost stress, but which we would not have ventured to invoke, had it not been so engagingly and liberally proffered.

Finally, I must request you to believe that the suggestions of esteem & respect which I have always made, were perfectly disinterested, as are the assurances which I now tender of the consideration & sincerity with which I am, Dear Sir, Your friend & obt. Servt.

The Hon: H. Clay

Robert Walsh Jr.

ALS. DLC-HC (DNA, M212, R1). Walsh, wealthy journalist, author, and traveller, had read law and become a Federalist under the guidance of Robert Goodloe Harper. For a time he had been secretary to William Pinkney in London. Returning to the United States, he edited the *American Register* (1809-1810), the *American Review of History and Politics* (1811-1812), and a second *American Register* (1817). He was later professor at the University of Pennsylvania, trustee of the same institution, one of the founders of the *National Gazette and Literary Register*, founder and editor of the *American Quarterly Review*, and American consul-general at Paris.

\(^1\) Probably Susan Hart Clay. Mrs. Vail's school (possibly conducted by the widow of Aaron Vail, who had died in 1815) was located on King Tammany Street, Baltimore.

\(^2\) James Madison.

\(^3\) James Monroe.

\(^4\) José Francisco Corrêa da Serra, Portuguese scholar and statesman, friend of Jefferson, Madison, and Monroe, and Minister to the United States.

**Answer in Case of Hopkins vs. Purviance**

[ca. March 13, 1817]

[Clay acting as trustee of the estate of Samuel and Robert Purviance, denies knowledge of any arrangement by which Samuel Hopkins was authorized to act as attorney for Henry Purviance in selling and surveying land or in collecting and paying over monies, specifically of any assurances which Henry Purviance “is alleged to have given to him that deeds should be executed to the purchasers &c.” Clay admits to have heard that Hopkins had become bound for execution of the titles to the purchasers, but he does not recollect to have heard anything particularly of five tracts said to have been sold to Jarrell and Thomas Willingham, Martin Friley, David Stevens, and Felty Hay. Clay will not admit that Hopkins has a claim to compensation for services.

[Clay says that previous to the commissioners’ sale of the Purviance holdings in the Henderson grant, Hopkins had informed him that “there were many persons, some of whom were poor and ignorant,”}
who had bought tracts from Purviance without knowledge that the land was mortgaged and who had continued to make payments upon the land, "remaining ignorant of the fact of the mortgage." Clay "thought their case a hard one." Therefore, without any agreement or contract that those to whom such sales had been made would be permitted to purchase the lands at the agreed price or to receive credit for the payments made, and without instruction from Moale, or from the Chancellor of Maryland, "to prevent those total sacrifices [sic] which are some times made of lands sold at public auction:" Clay did prescribe to himself "a rule," of which he informed Hopkins and "also other persons purchasers from Henry Purviance, who were present at the sale, that he this deft, in any cases in which he might bid for tracts which had been previously sold by H. Purivance to persons, ignorant of the fact of the mortgage as aforesaid, would not push up the property to a price beyond a sum equal to what remained due from such persons on account of their said purchases." Clay further asserts that at the sale no one among the purchasers "came under any contract or obligation to him, to bid for the said property as much as remained due from them to the said H. Purviance . . . ." He agrees to give title to the above-mentioned five claimants, "whenever such satisfactory evidence (by which the substance & not the form of proof is intended) is afforded . . . .”

[Clay also denies that in receiving Hopkins' two bills on Baltimore in payment for his lands he agreed "to abstain from demanding the damages on the bills, in the event of their protest." "This deft knows not what mental reservations the Complt may have made, upon the Contingency of the protest, but he will not do him the injustice to believe, that, at the moment of accepting the bills, he contemplated dishonoring them, and contemplated also escaping from the legal consequences of his undertaking:" Clay admits that in the execution of the second deed of trust, between Hopkins and John H. Morton, nothing was said of damages on the protested bills, "but this deft considered them as constituting a part of the demand upon the Complt, who never upon any occasion whatever made a contrary intimation to this deft—"

[With respect to various credits claimed by Hopkins, Clay denies all but one for a bill on Smith, Dorsey & Company,¹ for $1182.57, which he "is not yet satisfied that he has received . . . but he is disposed to admit that credit for the present from the time the bill was actually paid, reserving to himself the right of contesting it by a supplemental answer, if he shall not have his doubts removed.”]²

ADS. Fayette Circuit Court, File 414 (1818). The statement, totaling ten manuscript pages, was certified under Clay's oath before James H. Blake, Mayor of Washington City, on the above date and filed of record in Fayette Circuit Court on April 24, 1817. See above, 1, 494n, 547-48, 584-85, 675-76, 827-28: Transfer of Deed, October 7, 1816; Injunction, January 24, 1817; and below, Property Deed, May 18, 1817.
 Probably of New Orleans.

2 By decree filed in Fayette Circuit Court, August 14, 1818, Hopkins was denied all the credits which he claimed except the sum of $1350.40, the damages upon the protested bills of exchange, and the sum of $1182.27, credited as the bill of exchange on Smith, Dorsey & Company, dated September 22, 1813 (document not found). Cross appeals to the Kentucky Court of Appeals in the Spring Term of 1821 affirmed the ruling of the Circuit Court, with costs to be paid by the respective parties, 10 Ky. Reports (3 A. K. Marshall) 485-89.

From [Josiah Meigs]

Hon: Henry Clay Washington City G. L. O. 17th. March 1817.1

Sir

I have the honor to transmit herewith a Copy of a letter (relative to the Marquis La Fayette's claim) 2 addressed by this Office on the 20 Augt 1816 to the Hon: Mr Crawford,3 Secretary of the War Depart. I am &C.


1 Date-line from top of letterbook page.

2 See below, Clay to Lafayette, March 29, 1817.

3 William H. Crawford.

Bond from Thomas P. Hart to Executors of Thomas Hart, Jr.

[March 19, 1817]

[Thomas P. Hart is bound to the executors of Thomas Hart, Jr., for the sum of $40,000, the condition of which obligation is that he is to pay the sum of $20,000, at such time and in such manner as provided in his father's will, plus annual interest charges at the legal rate on the $20,000 or any unpaid residue. Certification of Thomas P. Hart's acknowledgment of the bond attested by J. C. Rodes, December 29, 1818.]

Fayette County Court, Deed Book S, 39-40. See above, Property Assignment, February 11, 1817.

Mortgage Deed from Thomas P. Hart to Executors of Thomas Hart, Jr.

[March 19, 1817]

[Whereas Thomas P. Hart has elected to take the mansion house, lot, and eighteen acres appurtenant, agreeing to pay his mother, brother, and sisters the sum of $20,000 plus interest charges; whereas by an agreement of February 11, 1817, he has agreed to release the balance of the estate to the other devisees; and whereas the executors of Thomas Hart, Jr., have agreed to lend Thomas P. Hart at legal interest any money that shall come to hand belonging to the estate]
and not necessary to its administration—Now in consideration of these premises and for one dollar, paid and acknowledged, young Hart conveys to the aforesaid executors the house, lot, eighteen acres, and appurtenances, on condition that this deed shall become void when he pays the other legatees the before-mentioned sum of $20,000 plus interest according to the terms of his father's will and when he repays to the executors any sums advanced under their articles of agreement plus annual interest charges. Signatures of Thomas P. Hart and all the executors—that of Clay acknowledged on June 24, 1817; that of Eleanor Hart, on November 4, 1818; those of Hunt and Barton, on December 3, 1818; that of John Hart, on December 28; and those of Thomas P. and Mary Ann Hart, on December 29, 1818—all before J. C. Rodes, Clerk of Fayette County. Relinquishment of dower by Mary Ann Hart, wife of Thomas P. Hart, December 29, 1818.]

Fayette County Court, Deed Book S, 45-47. See above, T. P. Hart to Executors, Property Assignment, and Agreement, all February 11, 1817.

To Joseph Lakanal

Sir; Washington, March 20, 1817

I was not able to reply during the session of the house of representatives which recently adjourned to the letter that you did me the honor of writing.1 You have no doubt been instructed of the success of the request that was made in favor of the French immigrants who desire to establish a colony on the Tombeckbee.2 In the choice of the individual that shall be commissioned to select the land which the colony is authorized to purchase, great care should be had that it be a person of sound judgment who knows the region well or is in a position to know it well before determining the site.

I am leaving in a few days from this city for Kentucky where I hope to arrive in April. I shall be much flattered to have the pleasure of being with you and learning the progress of your great work. Many accounts have been written on this country in the form of history, of travels, and by foreigners. But a good one still remains to be produced: the accomplishment of this task, I hope, is reserved for you.

I am with great respect, Sir, your obedient servant. CLAY

John Charles Dawson, Lakanal the Regicide: A Biographical and Historical Study of the Career of Joseph Lakanal (University, Alabama, 1948), 107. Translated by Dawson from the French into which the letter had been translated by "Marcus" (Toussaint Nigoul) in Lakanal (Paris, 1879).

1 Not found. 2 The Tombigbee River. See above, Remarks, February 27, 1817.
From Peter Irving

Henry Clay Esq
Liverpool March 22d 1817
My Dear Sir

I have the pleasure to inform you that the two Bulls & two Heifers are on board the Mohawk, expected to sail tomorrow for Baltimore, consigned to the care of Messrs McDonald & Ridgeley [sic]. You will receive a copy of my former letter on this subject, and also the original letter from Mr Jos Smith the gentleman who selected them, together with an account of the cost & expenses. The reimbursement may be either made by a remittance to me here, or by a settlement with my house of P & E Irving & Co in New York, at your own convenience.

I send you the Sporting magazine of last November, addressed to you by post at Lexington, as it contains an account of a remarkable sale of Hereford cattle of the same blood with those now sent to you. Independent of my friendship for yourself, which would have commanded my best exertions, I have felt it my duty to assist to the utmost of my power your endeavour to introduce the most valuable breed of cattle into our country. I have therefore taken pains to secure the most valuable blood & breed in this kingdom. Mr Jos Smith who selected those sent you is one of the best judges in the country & took great pains in procuring them, without any interest in the transaction, through friendship for my brother in law Mr Henry Van Wart. I am well informed that they could not have been obtained for three times the price, (if at all) had they not been intended for exportation: as the breeders are very jealous of competition & therefore sell only for slaughter.

You will receive by the same conveyance with the cattle a particular description of them, with their marks &c. The Mohawk is an excellent vessel, the animals will be advantageously disposed of in her, and a careful person who goes passenger in the vessel with [sic] have the charge of them. I trust therefore that they will arrive in safety, & if they do, I feel satisfied that you will have introduced into the interior of our country a breed of the finest & most valuable cattle in the world.

I am with sincere regard Your friend &c
P IRVING

P S. I extract the passage alluded to, for the magazine may perhaps not reach you. The prices are pounds sterling.  

ALS. DLC-TJC (DNA, M212, R10). See above, Irving to Clay, February 12, 1817.

1 See below, Account, April 16, 1817. In the letter from Smith to Henry Van Wart, January 23, 1817, one of the bulls is identified as a two-year old, bought from John Walker of Westington (parish of Chipping-Campdon, Gloucestershire) for the price of 30 guineas; the other, as a ten-months old bull, bought from a Mr. West of Banbury (Oxfordshire) for 20 guineas. One of the heifers was a two-year old, blooded half from the stock of Benjamin Tompkins of Wellington Court, Herefordshire, and half from
the stock of W. Walker, Sr., of Burton (Worcestershire), the father of John Walker. She was bought from the younger Walker at 25 guineas; the other heifer, a yearling Hereford (her line not further identified), was purchased at 25 guineas. ALS. DLC-TJC (DNA, M212, R10).

2 Extract from *Sporting Magazine*, November, 1816, p. 77, reporting a sale of Hereford cattle from the line owned by Benjamin Tompkins.

**Receipt to [Peter Hagner]**

[March 27, 1817]

Recd. March 27. 1817 Wt. No 98. for Ninety Dollars 96/100 of the within a/c[^1^] Dls 90 96/100

H. CLAY Atto.

DS. DNA, RG217.


**From [Peter Hagner]**

28 March 1817

Sir

I have the honor to return the papers of John Stone left by you for examination & to inform you that on reference to the Rolls of Waggons employed under the direction of Wlm[^1^] McKnight Waggon master the following remarks are found annexed to to [sic] the name of J Stone. Two horses stolen by the Indians on the night of the 16 Novr. 12 Miles Above Fort Defiance Waggon left 4 miles from Fort Jennings Note Jno Stones Waggon which was left in the Wilderness has been brought in by the Owner. no forage Allowed The certificate of T. Bodley states he was ordered by Col Morrison[^2^] not to pay for the forage. And as no reason is assigned some explanation must be obtained from Col Morrison before any part of the claim can be admitted at this Office.


**To Lafayette**

Washington 29h. March 1817

I owe you many apologies for not having written to you before now. The truth is, that I received your letter by Mr. Lakanal last summer in Kentucky, six hundred miles from here, and that, being anxious to acquire some additional information respecting your lands in Louisiana, I deferred writing until the meeting of Congress, in the hope of acquiring it during the Session. But owing to the remoteness of N. Orleans from me, I have not even yet possessed myself of all the facts which I wished to know respecting your location adjoining to that City, in order to form an opinion
upon the validity of your claim. What ought to be done, respecting that claim is to bring it to a speedy decision that you might have the benefit of it, if it be your's; and if not that your warrant might be laid on other good land in Louisiana. This view of the subject I communicated to Mr. Madison,\(^1\) immediately after my return from Europe, who entirely concurred in it, and who I believe wrote to Mr. Duplantier to quicken his exertions. What he has done to promote this object I have not learnt.

It appears that some difficulty has arisen respecting one of your tracts sold to Sir John Coghill &c. which, as far as I can understand it, is as follows. Before your warrant was laid upon that tract there existed some pretensions to it on the part of Dr. Cooley, or his wife's mother. These pretensions were brought before a tribunal erected by Congress to decide upon Land titles, originating prior to our acquisition of Louisiana, and that tribunal decided against them. Subsequently to the decision, your warrant was laid upon the land & a patent obtained for it in your name. After the emanation of the patent Dr. Cooley renewed his claim before another tribunal charged with completing the business left unfinished by the first, and brought forward some new proofs in support of his title. This second tribunal has recommended Congress to confirm the Doctor's title. Now as he cannot obtain the property without an act of Congress, I think you may rest assured that Congress never will confirm his title, without making you full indemnity.\(^2\)

I will continue, with great pleasure, to afford any aid in my power in relation to your lands. But your interests will be best attended to by some competent agent on the spot. The Honble James Brown, late a Senator of the U. States in Congress, from Louisiana, who will deliver you this letter, is able to give you the best advice respecting your lands, and the selection of an agent. Indeed if Mr. Brown would undertake the care of your interests I know no one to whom they could be more safely confided. Mr. Brown and Lady, the sister of Mrs. Clay, propose remaining about a year in Europe, and a considerable portion of that time in France. He feels the desire, so common with our Countrymen, to have the honor of your acquaintance. And I beg leave to present him & his lady to you, as friends that I value very highly.

Mr. Lakanal has settled himself, for the present, on the river Ohio, opposite to the Swiss Colony of Vevay.\(^3\) I have not had the pleasure of seeing him, though I have corresponded with him. Congress, during its last Session, made a grant of about 90,000 acres of land to the French emigrants, situated on the Tombigbee.\(^4\) Mr. Lakanal is one for whom this grant was intended, and he informs me that he intends to go to that river, and enjoy its fine soil & climate, which is supposed to resemble that of the south of France.
I have been equally unfortunate in not having been able yet to meet with the other gentlemen that you furnished with letters to me. I hope however to have the pleasure of seeing them at no distant day. And I pray you to continue to introduce to me any of your friends or acquaintances, whom misfortunes or inclination shall bring to America.

We feel of course the liveliest interest in all that concerns the welfare of France. A profound calm seems to reign there. Is it the result of real repose or the precursor of a storm?

England appears to be about to reap some of the fruits of her restless & ambitious interference in the Continental affairs. The distress of her people, and the fiscal embarrassments of her Government, events which might have been anticipated, after exertions so disproportionate to her natural power, seem to leave her no alternatives but new foreign wars, or domestic convulsion. There is one course indeed left to her, which she will not take, that might preserve her from that terrible dilemma, and that is to reduce her establishments, attend to her own concerns, and leave others to take care of theirs.

You will have seen, with a high degree of satisfaction, that our happy Country marches steadily on to that greatness for which it is destined. Some distress, though greatly mitigated, has indeed been felt, in consequence of the distress of Europe. But our population is in rapid progress, and the arts & comforts of life keep pace with it. During the last Session of Congress we admitted another new State into the Union, and in the course of about two years more we shall probably, by the erection of another new State, complete the number of 21. The revenue of the General government is in the most flourishing condition, and during the present year we shall be able to extinguish nearly one fifth part of the whole of the National debt. If we are not drawn into War, in the course of 11 years more the whole of that debt will be discharged.

Mr. Brown is however so well informed on all that relates to this Country that I will not detain you longer but refer to him.

I offer you the sincerest wishes for your health & prosperity. With the most cordial regard I am Yrs.

H. Clay
Genl. La Fayette.

ALS. NNPM. See above, Lafayette to Clay, December 26, 1815.

1 James Madison.

2 In 1806 Dr. Ebenezer Cooley, of Pointe Coupée, had purchased several tracts of land from the widow of Joseph Bourget (Bourget), who after working the property for some years had abandoned it in 1779 and died in 1788 without returning to the claim. On the basis of surveyor's and register's certificates that the entry was not rightfully claimed by any other person, patents covering the tracts had been issued to Lafayette in 1813. On March 23, 1816, however, a government commission set up to consider claims to land in the eastern district of Louisiana had awarded the property to Cooley; and, despite Clay's assurances to Lafayette, the commissioners' report was confirmed by act of Congress on May 11, 1820. 3 U. S. Stat., 573. Subsequently, in
MARCH 30, 1817

1825, Seymour, as purchaser of Lafayette's interest, won a favorable judgment in the courts; and Cooley appealed to Congress for compensation. In 1830 the House Committee on Public Lands, finding that the land commissioners had erred in their ruling, rejected Cooley's petition and no further action was taken. *House Reports*, 22 Cong., 1 Sess., no. 146.

Indiana, where a colony of Swiss wine growers had settled on lands purchased under terms of an act of Congress in 1802. 6 *U. S. Stat.*, 47-48 (May 1, 1802).

Following widespread business failure, riots had broken out in Manchester, Birmingham, Glasgow, and other manufacturing towns of the British Isles during the winter of 1816-1817. A mob in London had broken the windows of the Prince Regent's carriage as he left Parliament following his address at the opening of the session on January 28. Secret committees of both the Commons and the Lords identified the movement as a revolution. *Washington National Intelligencer*, April 7, 8, 10, 26, 28, 1817; *The Gentleman's Magazine*, LXXXVII (June, 1817), 354-57.

To Mrs. [Bernard] McMahon


I left with you in September 1815, to be taken care of for me, an Irish ivy and a Camelia, which I will thank you to have carefully packed up and sent to Kentucky for me. I will also thank you to have put up for me 1½ a dozen pear trees, and the same number of cherry trees of your choicest kinds. The pear trees may be, if you have them, the St. Germains and the Bonne Chretiennes.

These plants &c. if you will have them well put up, will be forwarded to Pittsburg for me by Mess Scott, Trotter & Tilford of your City, to the care of Allen & Grant of Pittsburg—

I will pay you the expence, whenever you inform me of it.

I will thank you, immediately on the receipt of this letter, to address a line to me at Pittsburg, which will find me there on my way to Lexington, informing me if you have sent or can send these trees &c—Yr. obt. Servt.

H. CLAY

ALS. NeD. Addressed: "Mrs. McMahon at her Seed & Nursery Store Philadelphia." Postmarked: "WASHN. CITY MAR 31." Mrs. McMahon was the widow of a Philadelphia horticulturist and nurseryman who had died in 1816.

To Richard Rush


Mr. William Croghan, the son of Col. Croghan1 of Kentucky, and the brother of him who was so distinguished during the late War,2 is desirous of being appointed Secretary of Legation to the first foreign embassy. I have not the pleasure of a personal acquaintance with Mr. Croghan, but all the accounts I have received of him concur in the most favorable representations of him. He has had a regular Collegiate course of education, studied for several years under Judge Cooper3 of Pennsylvania, who has spoken of him to me in the most flattering terms, and finally he has read law for some time at Litchfield.4
I have no doubt, therefore, that he will acquit himself creditably, if he should be appointed. With great respect I am Sir Yr. obt. Servt.

H. CLAY

Richard Rush Esq. &c &c &c.

ALS. DNA, RG59, Applications and Recommendations for Office (MR1). President Monroe had continued Rush as Attorney-General and appointed him acting Secretary of State pending the return of John Quincy Adams from abroad.

1 William Croghan.
2 Colonel George Croghan, who had received a Congressional medal for his defence of Fort Stephenson, on the Lower Sandusky.
3 Thomas Cooper.
4 Famous law school, established at Litchfield, Connecticut, in 1784.

Agreement with Jane McNair

[April 3, 1817]

It is agreed between Mrs McNair & Ozborne Henley Agent for H. Clay as follows (vis) ——

Whereas the parties are about erecting between them a partition fence of post & rails, and not knowing precisely the dividing line we agree that should the fence or any part or parts of it be wholly erected on the land of either, that the party on whose land the fence may be, is not to take any advantage of that circumstance, but the fence is to be considered the joint property of each and used as such as long as said fence may last ——

The fence contemplated is to run from the pond on the tates creek road, between Mrs MeNair [sic] land & H. Clays. ashland tract of land ——

In a straight line to Cornelius Coils corner adjoining said Ashland —given under our hands and seals this 3rd April 1817

Test

JANE McNAIR {Seal}

D D McNAIR

OZBORNE HENLEY {Seal}

agt for H. Clay.

ADS by Henley, signed also by Jane, widow of John McNair. DLC-TJC (DNA, M212, Rl5).

1 Probably the McNairs' son, David.

Account with Peter Irving and Company

Liverpool 16th. April 1817

The Honble. Henry Clay To Peter Irving & Co Dr.

For Cost & Expences on 2 Bulls & 2 Heifers Shipped on board the Mohawk, D. Gray Master for Baltimore Consigned to Messrs. MacDonald & Ridgley there, on his Acct.

1817

February 10 To paid for Beasts as p Jos. Smith's Letters

2 Year Old Bull . . . . . . . . . . . . . . . . . . 31 10 "
2 " Heifer in Calf 26 5 "
Yearling Bull .......... 21 "
do Heifer .......... 26 5 "
First Cost .......... £105 "

To J. Smiths Expenses at
Bromsyard1 .......... " 16 6
Turnpikes 2/. Lodgings &c for Man 3/- ....... " 5 "
Man, King,2 for travelling Expenses .......... 1 "
Paid Joseph Smith .......... 107 1 6

To Cash paid King p H
Van Wart for Travelling Expenses to Liverpool .... 4 " 111 1 6

To Cash paid King Balance for Wages & Travelling Expenses for Cattle .... 3 3 6
paid W Counsel8 for Keep of Cattle to this date .... 1 15 11

March To " Nourishing draught for young Heifer ............ " 2 4
" 191/4 lbs Barley Flour for Cattle ............... " 3 6
" a Measure Oats 7/- Bran 2/9 .................... " 9 9
" Dressing young Bulls's Foot, Salve &c ............ " 2 2
" Shoes for Cattle 7/6 Nails 2/6 ................. " 10 "
" Keep of Cattle 4 Weeks to 21st. Inst. .............. 6 5 10
" Man taking Care of ditto 1 8 " 14 1 "

To Cash paid for a Barrel Apples a present made Jos: Smith Esqr. for purchasing Cattle 3 1 6
Carriage of the Same to Worcester ............... " 13 2 3 14 8

28 To provender for Cattle on their Voyage as p Statement at foot of this A/c ............ 18 12 9
9 Water puncheons @ 16/- p ................. 7 4 "
Water for do 1/- p .......... 9 " 7 13 "

To Sea Stores for Man en-
gaged to take Care of the
Cattle on the Voyage ............. 3 6 11

March 19[sic] To Cash paid Entry & Duty
on Cattle &c .................. 1 9 1
do " do & do
on Provender ............. 5 6
Bills Lading ...... 3 6 1 18 1
Carried Over £160 7 11
Amount brot. forward .......... £160 7 11

March 19 To Insurance on 4 Head of Cattle £
150, valued at that Sum p Mohawk
Liverpool to Baltimore Warranted
free from Claim for Mortality arising
from natural Causes—at 30/- p cent &
policy 12/- ........................ 2 17 "
Boatage to and from Ship respecting
Cattle Allowance Shipping &c &c ... 9 4
To Postages incurred on this Account . . . 10 2
Cash 21st. March 1817 £164 4 5

Add Interest on ditto from the above date 21st. March 1817 till the
remittance for the Same is due here, in Cash
E.E.
Shipping Cattle, & attending to them on board Ship . . . . 1 4 "

Our proportion for 4 Head is ¼th say £ 18:12: 9.

Copy. DLC-TJC (DNA, M212, R15). 1 In Herefordshire, England.

Receipt from Cornelius Holman

[April 17, 1817]

Received of H Clay by the hands of Patsey Blackbourn1 one Hundred Dollars it being the amount of my claim against the United States for the Loss of a Mair on Shelbys Expedition in the fall 18132 given under my hand this 17th. of April 1817

Test

PORTER CLAY

DS, in Porter Clay’s hand. DLC-TJC (DNA, M212, R15). Holman, a resident of Woodford County, had served as a private in the Kentucky Mounted Volunteer Militia commanded by Colonel George Trotter. He moved to Indiana in 1826.

To Josiah Meigs and Nicholas Van Zandt

Dr Sir

Lexington 18h. Apl. 1817

When I was at Washington I applied at your office for some patents for land in the Military Dt. in Ohio, the only obstacle to obtaining which was the want of proof of the heirs of Mr. Pugh Price.1 This proof is now inclosed, and I will thank you to have the patents forwarded to Mr. Bird Price or to Yr. obt. Servt.

H. CLAY

ALS. DNA, RG49, Misc. Letters Received, “C”. Addressed to Meigs and Van Zandt at Washington. 1 Father of Bird Price.

Account with John and Thomas P. Hart

Mr Henry Clay With Jno. & Thos. P. Hart Dr

1816 Lexington April 18h 1817

Octr. 26 To 1 Trunk Lock 25/100 ½ Doz. Screws

12¼/100

28 Amt. order to Ozborne Henly ............ 60 "

" do do Robt Watson1 ..... 32 "

" Cash pd. W.C Bell for W. Carr2 ........ 120 "

1 Not identified.

2 Apparently a drover.
<table>
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<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov 4</td>
<td>Bills Payable our note to J.C. &amp; M D Richardson at 60 c pr bill nails</td>
<td>86.77</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd for Hauling nails</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd fee bills to B. Worland</td>
<td>181/4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd Sam Long for Shingles</td>
<td>46.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amt pd. Will Pollock</td>
<td>181/2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd for Shingles</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd for Powder</td>
<td>11.75</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd for 4 lb Hammered Nails</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd Bird Smith for Bill Glass</td>
<td>31.50</td>
<td></td>
</tr>
<tr>
<td>Dec. 3</td>
<td>2 pair Butt Hinges 371/2/lb 2 Doz Screws</td>
<td>25</td>
<td></td>
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<tr>
<td></td>
<td>2 Door Locks $3— 1 Doz Brass Nails 61/4/lb</td>
<td>6 61/4</td>
<td></td>
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<td>Cash pd Note in the Lex Br. Bank</td>
<td>2000</td>
<td></td>
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<td></td>
<td>Cash pd contributions to Library</td>
<td>2</td>
<td></td>
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<tr>
<td></td>
<td>Abner LeGrand for throw for Books</td>
<td>5</td>
<td></td>
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<tr>
<td></td>
<td>Cash pd fee bills</td>
<td>5.91</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash pd Mrs Price</td>
<td>11.50</td>
<td></td>
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<tr>
<td></td>
<td>Cash pd for Powder</td>
<td>11.25</td>
<td></td>
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<tr>
<td></td>
<td>Lewis Hogan. Amt his act.</td>
<td>60</td>
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<tr>
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<td>Cash pd Call &amp; Dist on note in Ky. Insurance Company Call $140. Dist 13 $44 153 44</td>
<td></td>
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1817

Jany 4 Cash pd for cedar posts for wood cellar | 28.21 |
| | Cash pd Dist. & Stamp on note in Br: Bank | 4.57 |
| | Cash pd Keg Powder | 6.2 |
| | Cash pd Henley | 100 |
| | Cash pd Bill Plank | 107.45 |

$3093.40 1/2

1817

Jany: 11 To 1 Doz Screws | 25 |
| | Cash pd Bill Scantling | 14.35 |
| | Cash pd Keg Powder | 9.5 |
| | Cash pd do do | 5 62 1/2 |

$3093.40 1/2
<table>
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<th>Date</th>
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<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
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<td>APRIL 18, 1817</td>
<td>1 pair Butt Hinges $371/2/100</td>
<td>1</td>
<td>$121/2</td>
<td>$50</td>
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<tr>
<td></td>
<td>1 Doz Screws .........................................</td>
<td>121/2</td>
<td>$2</td>
<td>$2371/2</td>
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<tr>
<td></td>
<td>1 Knob Lock $2 121/2/100</td>
<td></td>
<td>$2</td>
<td>$2871/2</td>
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<td>Escutcheon Tacks .......................................</td>
<td>25/100</td>
<td></td>
<td>$318%</td>
</tr>
<tr>
<td>25</td>
<td>5 pr Butt Hinges 50/100</td>
<td>51/2</td>
<td>$121/2/100</td>
<td>$318%</td>
</tr>
<tr>
<td></td>
<td>2 Locks 3 75/100 1 Lock ................................</td>
<td>10</td>
<td>$3</td>
<td>$1050</td>
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<tr>
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<td>Escutcheon Tacks .......................................</td>
<td>25/100</td>
<td></td>
<td>$318%</td>
</tr>
<tr>
<td></td>
<td>1 do ................................................................</td>
<td>3</td>
<td>$1290</td>
<td>$1290</td>
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<tr>
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<td>Cash pd Harvey [sic] for Large Window Glass ..........</td>
<td></td>
<td></td>
<td>$8</td>
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<td>Cash pd. Stamp &amp; Dist on Note Br. B. .................</td>
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<td></td>
<td>4.57</td>
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<td>27</td>
<td>4 pr Butt Hinges .........................................</td>
<td>4</td>
<td>$25/100</td>
<td>$1050</td>
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<td>121/2/100</td>
<td>$12</td>
<td>$150</td>
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<td>6 do ................................................................</td>
<td>121/2/100</td>
<td>$75</td>
<td>$225</td>
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<td>Cash pd note in Ky Insurance Company ..................</td>
<td></td>
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<td>$300</td>
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<td>Cash pd for Stamp ........................................</td>
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<tr>
<td>Febry 1</td>
<td>Cash pd Bill Plank .......................................</td>
<td></td>
<td></td>
<td>$1050</td>
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<tr>
<td></td>
<td>Cash pd Fry's Bond for hire negro Boy ...............</td>
<td></td>
<td></td>
<td>$100</td>
</tr>
<tr>
<td>14</td>
<td>1 pr Butt Hinges $371/2/100 1 Doz Screws ............</td>
<td>121/2/100</td>
<td>$50</td>
<td>$50</td>
</tr>
<tr>
<td></td>
<td>Cash pd for nails ........................................</td>
<td></td>
<td></td>
<td>$25</td>
</tr>
<tr>
<td>19</td>
<td>Cash pd for Sprigs ................................ ......</td>
<td></td>
<td></td>
<td>$1621/2</td>
</tr>
<tr>
<td>20</td>
<td>Cash pd for Scantling by Longs order ..................</td>
<td></td>
<td></td>
<td>$17</td>
</tr>
<tr>
<td>24</td>
<td>Cash pd. for Bolts ......................................</td>
<td></td>
<td></td>
<td>$2</td>
</tr>
<tr>
<td></td>
<td>Cash pd Harvey for large Window Glass ...............</td>
<td></td>
<td></td>
<td>$4</td>
</tr>
<tr>
<td>27</td>
<td>Mrs. Susan Price for this amt. cargd [sic] to her 21st Octr. 1816 erroneously</td>
<td></td>
<td></td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>Cash pd for Stamp ........................................</td>
<td></td>
<td></td>
<td>$75</td>
</tr>
<tr>
<td></td>
<td>Cash pd Well Digger's act ................................</td>
<td></td>
<td></td>
<td>$1620</td>
</tr>
<tr>
<td></td>
<td>Cash pd Eads for mending Tools .........................</td>
<td></td>
<td></td>
<td>$16</td>
</tr>
<tr>
<td>28</td>
<td>Cash pd. Call on note in Ky In Co ....................</td>
<td></td>
<td></td>
<td>$150</td>
</tr>
<tr>
<td></td>
<td>Cash pd Dist on note $1110 60 d/s ....................</td>
<td></td>
<td></td>
<td>$1184</td>
</tr>
<tr>
<td></td>
<td>Amt brot: over ..........................................</td>
<td></td>
<td></td>
<td>$6651</td>
</tr>
</tbody>
</table>

March 1 To Jno. Harrison for amt. his bill rend
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
</table>
| 22 Nov. 1816 as pr. Recpt.
<p>|            | do ................................................................... |          | $29751/2 |
|            | Cash pd Dist on note $1110 60 d/s ....................|          |            | $1184   |
| 4           | 6 pr Butt Hinges 25/100 6 Doz. Screws .................. | 121/2/100|           | $225    |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Cash pd M Bs &amp; Sutton's bill</td>
<td>175</td>
</tr>
<tr>
<td>15</td>
<td>Mrs Susan Hart for cash pd her on act of the Estate of Tho. Hart Sr., as pr.</td>
<td>400</td>
</tr>
<tr>
<td></td>
<td>Recpt filed</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Amt pd Baxter by Sam Long's order</td>
<td>1637 1/2</td>
</tr>
<tr>
<td></td>
<td>Cash pr S Long's order</td>
<td>212 1/2</td>
</tr>
<tr>
<td>27</td>
<td>Cash pd for Stamp</td>
<td>50</td>
</tr>
<tr>
<td>Apr.</td>
<td>Levin L Shreve &amp; Co. pd Jno v Bradford's expences to Mt Sterling to deliver H Daniel an affidavit concerning your suit against D. Trimble</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Greenbury Spires for Amt his act</td>
<td>126 59 3/4</td>
</tr>
<tr>
<td></td>
<td>William Bobb do</td>
<td>284 97 3/4</td>
</tr>
<tr>
<td>17</td>
<td>Sam Long do</td>
<td>648 01 1/2</td>
</tr>
<tr>
<td></td>
<td>Ben Atkinson do</td>
<td>137 07 3/4</td>
</tr>
<tr>
<td></td>
<td>Nat Barbee do</td>
<td>198 02 1/2</td>
</tr>
<tr>
<td></td>
<td>Ozborne Henley do</td>
<td>87 83 1/2</td>
</tr>
<tr>
<td>19</td>
<td>Robt Beatie do</td>
<td>132 30</td>
</tr>
<tr>
<td></td>
<td>Totals</td>
<td>9052 14 1/2</td>
</tr>
<tr>
<td>1816</td>
<td>Cr.</td>
<td></td>
</tr>
<tr>
<td>Octr</td>
<td>By Charges for the rent of the store 2 Quarters beginning on the 2nd Day of April last at 350 dol pr an</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>Cash red the bal due at Ky Insurance Co.</td>
<td>1059 12</td>
</tr>
<tr>
<td>Nov</td>
<td>Cash do do Br. Bank</td>
<td>166 34</td>
</tr>
<tr>
<td></td>
<td>Cash do do do Ky. Ins. Tho: D Owings</td>
<td>300</td>
</tr>
<tr>
<td>21</td>
<td>Cash red of W. P. Roper collected by him of the Sheriff of Greenup County</td>
<td>305</td>
</tr>
<tr>
<td>Dec</td>
<td>Cash red for Dft drawn at 105 d/s date paybl Phia</td>
<td>1300</td>
</tr>
<tr>
<td></td>
<td>Cash red Jno D Dillon's note</td>
<td>200</td>
</tr>
<tr>
<td>14</td>
<td>27 1/2 yds Linsey 62 1/2/100</td>
<td>17 18 3/4</td>
</tr>
<tr>
<td>Jany</td>
<td>Cash red. of Porter Clay</td>
<td>100</td>
</tr>
<tr>
<td>25</td>
<td>Cash red. amt Sam Ayres note</td>
<td>530</td>
</tr>
<tr>
<td>28</td>
<td>Cash red. of Geo Morton</td>
<td>1000</td>
</tr>
<tr>
<td></td>
<td>Cash red. for dft drawn 75 d/s date</td>
<td>1500</td>
</tr>
<tr>
<td></td>
<td>Amt. Car over $6652.64 3/4 $9052 14 1/2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dr</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amt. brot over $6652 64 3/4 $9052 14 1/2</td>
<td></td>
</tr>
</tbody>
</table>
Feby 24 By Cash rec'd of Mr Miller 1 Qr Rent for House 125 "$

March 15 By Mrs A G Hart, for this sum posted erroneously 30h Oct 1816 C B 31 p. 1 40 "$

April 2 By Charges for the rent of Store for 2 quarters 175 "$

7 By M'dse for this amt sold out of the first Invoice of good [sic] red. of him 74.81\(\frac{1}{4}\) "$ For do sold out of the first 138 "$

14 By Will W Worsely [sic] rec'd from him in part of his two notes to H. C. transferred 3740. $10.945:46 $9052\(\frac{14}{12}\) 9.052:14\(\frac{1}{12}\)

April 19th 1817 Bal Due H. C. $1.893.31\(\frac{1}{12}\)

D. DLC-TJC (DNA, M212, R15). See above, Account, October 25, 1816.
1 Not identified. A Robert Watson had paid taxes in Ohio and Mason counties of Kentucky in 1800.
2 Walter Carr, father of Charles, had been a Virginia militiaman during the Revolutionary War, an early sheriff of Fayette County, Kentucky, a member of the Kentucky General Assembly, and a delegate to the first two Kentucky constitutional conventions. In September, 1817, his daughter, Huldah, was married to William C. Bell, Lexington merchant.
3 Probably James Kelly.
4 Susannah Hart.
5 Anna Gist Hart. See below, credit-entry of March 15, 1817, this account.
6 Probably the Kentucky Mutual Assurance Society.
7 John C. and Marquis D. Richardson, Lexington merchants.
8 Barnaby Worland, Constable of Fayette County.
9 Bird Smith, a native of Woodford County and veteran of the War of 1812, was for a time in partnership with Robert S. Todd in a Lexington grocery business.
10 See above, Memorandum, ca. October 25, 1816.
11 Lexington Public Library.
12 Susannah Price.
13 See above, Memorandum, ca. October 25, 1816.
14 See above, Memorandum, ca. October 25, 1816.
15 Cloth.
16 Joseph H. Hervey, Lexington merchant.
17 John Fry, Lexington cordwainer.
18 John Eads.
19 Morrison, Boswells and Sutton.
20 John Baxter, wheelwright and turner, Upper Street, Lexington.
21 By an agreement dated April 1, 1817, John and Thomas P. Hart had entered a partnership with Shreve under the firm name, Leven L. Shreve and Company, to which was consigned the merchandise brought by John Hart from Philadelphia the preceding year. Though established to last for four years, the firm was dissolved January 20, 1818. See agreement and dissolution of partnership in Hart Papers, KyU-Samuel M. Wilson Collection.
22 Henry Daniel of Montgomery County, Kentucky, who had read law with Clay before obtaining his license in 1809. He served several times in the State legislature from the counties of Montgomery (1812, 1819, 1826) and Fayette (1836) and had been an officer in the War of 1812.
23 David Trimble. See below, Agreement, March 9, 1818.
24 Greenberry Spiers.
25 Robert Beatty.
26 Received.
27 William P. Roper, Fleming County, Kentucky, member of the State House of Representatives, 1805, 1811, and State Senate, 1820-1824.
28 See above, Memorandum, ca. October 25, 1816.
29 George W. Morton.
30 William Miller. 
31 Probably "cashbook."
32 See above, Agreement with the Harts, October 25, 1816.
33 Cf. below, Hart to Clay, October 9, 1817.
Receipt from Henry Webster

[April 19, 1817]

Recd. 19h. Apl. 1817 of H. Clay Twenty four dollars collected by him at Washington from the General Govt. for me

Teste his

JACOB X WEBSTER

HENRY X WEBSTER

mark mark

DS, in Clay's hand. Signatures also in Clay's hand. DLC-TJC (DNA, M212, R15). Both Henry and Jacob Webster lived in Fayette County.

Rental Agreement with William T. Banton

[April 22, 1817]

An agreement entered into this 22d. day of April 1817 Between Henry Clay, of the one part, and William T. Banton of the other part.

The said Clay hereby covenants and agrees to lease to the said Banton the Stables, attached to the property known by the name of the Kentucky Hotel, in the town of Lexington, for the term of five years, commencing on the first day of June—1817. The fence which is now up, separating the Stables from the residue of the said property, is to continue to divide the possessions of the said Banton from the other part of the said property, with which he is to have no concern, except that he is to have the use of the pump for the supply of the Stables with Water. This privilege of obtaining water the said Clay reserves to himself the right of putting an end to, by sinking a well (if he chooses to do so) in the Stable lot.

The said stables are to be put in complete repair, under the direction & superintendance of the said Banton, the expence of which is to be deducted from the first rent accruing from the said Banton, as herein after stipulated for; provided that the total amount of the said expence shall not exceed the sum of Two hundred and fifty dollars, and provided also that the assent of the said Clay shall be necessary to the kind of repairs. After the said Stables are thus repaired, the said Clay is to be at no further expence, during the said lease, for repairs, unless new roofs to the stables become necessary, in which case he is to incur the expence thereof. And at the end of the term aforesaid the said Banton covenants to surrender possession of the said Stables to the said Clay, and in as good order as they shall be in after they are repaired as aforesaid, inevitable accidents excepted.

In consideration of the use of the property aforesaid the said Banton covenants & agrees to pay to the said Clay the annual rent
of four hundred dollars, during each of the five years aforesaid, to be paid in quarterly payments of one hundred dollars each.

The said Clay reserves to himself the right to distrain for the said rent, as it becomes due, if default should be made in the payment there of; and he also reserves to himself the right of re-entry, to re-possess himself of the said Stables, in the event of such failure to pay the rent.

It is also understood & agreed between the parties that the said Banton is to give up the said property, upon six months notice, if during the continuance of this lease, the said Clay should sell the same and stipulate with the purchaser to give him possession there of.

In witness whereof of the parties afd. hereunto set their hands & seals the day & year first mentioned.

Signed Sealed & Delivered In presence of

ROBT. SCOTT  
JAS. M MORRISON¹  
WM T BANTON {L.S.}  
[Endorsements]²

We have this day settled the account of repairs stipulated for in the preceding lease & find them amounting to three hundred and eighteen dollars and twenty seven Cents as per account rendered 1 Aug. 1818.

H CLAY  
WM T BANTON

Recd. 7h. Octr 1818 of W. T. Banton one hundred and twenty nine dollars and 73 Cents being the bal. of the rent due up to 1st. Septr. 1818 after deducting certain accounts of the said Banton.

H. CLAY

Recd. of H. Clay this 7h. Oct. 1818 in full of all accounts I had against him up to that time, being allowed a deduction therefor in rent—

WM T BANTON

ADS, signed also by Banton. DLC-TJC (DNA, M212, R15).

¹ Nephew of James Morrison.
² The first, AES, signed also by Banton; the second, AES; the third, ES, in Clay's hand.

Toasts and Response at Public Dinner for Joshua Barney

[April 23, 1817]

By Capt. January.¹ Henry Clay, our favorite representative in Congress—His able and successful exertions for the rights of the people are not confined to the United States, but extend to our Brethren of South America.

Mr. Clay rose and thanked the company for their politeness and friendly sentiments towards him; observing that he had no peculiar claim to so marked a compliment. In adverting to the cause of the
patriots of Mexico and South America, he indulged in a strain of eloquence for a few moments which produced a responsive burst of patriotic feeling from every individual present.

By Mr. Clay. When we have another war may we have "a long pull and a strong pull and a pull altogether."

Lexington Reporter, April 30, 1817. Published also in Washington National Intelligencer, May 14, 1817. Commodore Barney, accompanied by his wife and her sister, had arrived in Kentucky late in 1816 to visit his landholdings. He had already been honored by public dinners in several other Kentucky communities and, in December, by an official welcome from the legislature. As a result of this visit Barney decided to move to Kentucky, but he died at Pittsburgh while on the way out with his family in 1818. Ralph D. Paine, Joshua Barney: A Forgotten Hero of Blue Water (New York, c1924), 243, 405-409; Washington National Intelligencer, December 13, 31, 1816.

The Lexington dinner in his honor was held at the Indian Queen Tavern, Main Cross and Short streets, recently opened by Benjamin Lanphear, a New Englander who advertised that he was "Formerly keeper of the Boston Coffee House." Lexington Kentucky Gazette, January 6, 1817.

1 James B. January.

Receipted Order from Lewis Castleman

Mr Clay

Sir be so good and pay to Mjr Tandy. 1 The money you was so good to collect for me from Government what ever the amt may be for my Waggon and teem 2 and This shall be yrs 3

LEWIS CASTLEMAN

[Endorsement] 3

Recd. the above in full.

LEWIS CASTLEMAN

ADS. DLC-TJC (DNA, M212, R15). 1 Gabriel Tandy. 2 Probably a claim resulting from loss in the War of 1812. 3 AES.

To Samuel Hopkins

To Samuel Hopkins Esqr.


Take notice that on the third day of the next Circuit Court of Fayette County, holden in June next, I shall move the said Court to dissolve the injunction 1 which you have obtained therein against me and others.

Yrs. 2

H. CLAY

Fayette Circuit Court, File 414 (1818). Endorsement on verso indicates that a copy of this notice was delivered to Hopkins on May 4, 1817.

1 See above, January 24, 1817; Answer, ca. March 13, 1817, note.

To Martin D. Hardin

Dr Sir

Lexington 26h Apt. 1817.

Mr. Wickliffe delivered to me your obliging favors. 1 I had intended to visit Frankfort next week, but the adjournment of the Court taking away a principal motive, I shall defer the execution of my intention until the meeting of the Federal Court. I would,
with great pleasure, meet you as suggested in one of your letters, but, as you have mentioned Sunday as your only leisure day, I apprehend it is too late for me now to designate the place and communicate it to you in time.

I beg you to be persuaded that I am very sensible of the kindness which dictated both of your letters; and that I am very far from considering you as having taken any unwarranted liberty. I hope to have the pleasure of seeing you, early in the week after next, and will then confer with you concerning each of them.

I did not advance the money which you authorized me to advance to Dr. Morrison.\(^2\) It was far short of what he professed to want, and I had reason to believe that it would be squandered away. His situation, when I left Washington, was such as to make it desirable that his friends should know it & go to his relief. He had become somewhat deranged. Dr. May\(^3\) promised to give him medical aid.

Genl. M. D. Hardin. 
Yr's Sincerely 
H. Clay

ALS. ICHi.

\(^1\) Robert Wickliffe had carried two letters which have not been found.
\(^2\) Possibly Dr. Gavin Morrison, a native of Pennsylvania and a pioneer settler of Cynthiana, Kentucky.
\(^3\) Probably Dr. Frederick May, prominent physician of Washington, D.C.

From Macdonald and Ridgely

Dear Sir: 
Baltimore May 1st. 1817.

By the Ship Mohawk which arrived here a day or two since, 2 Bulls & 2 Cows are consigned to us by P Irving & Co. of Liverpool for you—we expect to have these cattle landed to day & put to pasture where they will remain untill we hear from you respecting them—several have arrived in the same Ship for Mr. Sanders\(^1\) of your place to the care of Mr Hollins\(^2\) two persons came out in the Ship to whose care the cattle were intrusted on board, for which they received their passages & 21/ Stg a head for the cattle d’l’d safe\(^3\)—one or both these men would be glad to be employed to drive the cattle to your country—

The freight of your cattle & bill of Ladg amounts to £100.16 Stg—

You will immediately on recet of this write us & say whether we shall in conjunction with Mr Hollins employ the men or one of them as may be deemed most proper to take them out & what other instructions you may think proper to give respecting them Your obt. Servts

Macdonald & Ridgely

ALS. DLC-TJC (DNA, M212, R10). Addressed to Clay at Lexington.

\(^1\) Lewis Sanders, who had purchased in England through another importing firm two pairs each of the Teeswater, the longhorn, and the Holderness breeds of cattle. Otis K. Rice, "Importations of Cattle into Kentucky, 1785-1860," Kentucky Historical Society, Register, XLIX (1951), 38-39.
To [William H. Crawford]

My Dr Sir Lex. 3d. May 1817.

I have this moment received your obliging letter of the 24th. Ulto.,¹ accompanied by the seed, which you had the goodness to send me, and of which I will cause an experiment to be made. I have never seen the seed of the St Foin² & therefore cannot determine if your apprehension of its being of that species is well founded.

I thank you for the communication of intelligence made in your letter, as well as for the seed. It would seem, from the measures adopted by the Briti[sh Min]istry, that they either contemplate the entire extinction of the remaining British freedom, or that they sincerely believe in the danger of a convulsion.³

I concur with you in the eligibility of keeping U. States stock below par, if practicable, until the last instalment be paid up of the subscription to the B. of the U.States.

Our Spring in K. is very promising: The prospects of Agriculture [sic] are very good; an immense quantity of Caterpillar is the only subject of regret.

The Banks here have resumed specie payments—The delay proceeded from their fears that the Banks of the Eastward would not commence when they announced their intention of beginning.⁴ The branch of the U.S. has also gone into operation. Yr's respectfl'y & Sincerely

H. CLAY

ALS. KyHi. Recipient identified in W. McKinstry to J. E. Bruce, May 4, 1886, ibid.

¹ Not found. ² A perennial herb used as a forage plant. ³ See above, Clay to Lafayette, March 29, 1817, note. On March 4 the Prince Regent had approved a bill suspending the right of habeas corpus; some 250 of the rioters were then arrested, and one Cashman was executed. Washington National Intelligencer, April 24, 28, May 6, 1817; The Gentleman's Magazine, LXXXVII (March, April, 1817), 270-71, 356-58.

⁴ By an agreement between the Bank of the United States and representatives of the banks of the major eastern cities, specie payment had been nominally resumed as of February 20, the date set for such resumption in collection of public debts (see above, Remarks, April 17, 1816, note). Ralph C. N. Catterall, The Second Bank of the United States (Chicago, 1903), 24-25.
Elliott to Samuel Campbell, September 14, 1816, recorded in Woodford County Court, May 5, 1817. Campbell was a resident of Woodford County.

To Peter Hagner

Sir

Mr. William Ellis has called on me and informed me that he had prepared his account with the Vouchers in support of it to transmit to me, early in March last, for adjustment at your office; but that understanding I was about to return to Kentucky he had not forwarded his packet to me, apprehending that it would not find me in the City. He now assures me that he will place all his papers in my hands before I proceed to Washington, which I contemplate doing in all [sic] next month, to be submitted to your examination. He would transmit them by the mail, as suggested by you, but that he prefers their being forwarded by me.

I am Sir very respectfully Yrs. H. CLAY

Peter Hagner Esqr. &c &c &c

ALS. DNA, RG217, First Auditor (War Department), Letters Received.

1 Of Fayette County, a captain in the Kentucky Militia during the War of 1812.

To Jesse Lynch Holman

Dr Sir

I have to acknowledge your obliging favor of the 1st. inst. I had previously received the $120 which you directed to be paid to me, and which I pray you to consider as entirely extinguishing the obligation to which it was intended to refer. With respect to the lapse of time I assure you that it has not, in the slightest degree, affected my favorable sentiments & feelings towards you. I should indeed sincerely regret, if you had been put to the smallest inconvenience by the advance of the money, at this time, and should have preferred, if I believed that to have been the case, waiting still longer.

You very greatly overrate any services I may have rendered to you, and attribute to me what is the result of your own exertions. I have seen, with the highest pleasure, your prosperous advancement in life; and your welfare & fame will always continue to have the solicitude of Dr Sir Yr faithful friend

H. CLAY

Jesse L. Holman Esqr.

ALS. Owned by Holman Hamilton, Lexington, Kentucky. Jesse L. Holman, born in Danville, Kentucky, in 1784, a brother of Cornelius Holman, had read law in Clay's office and practiced briefly in Port William (now Carrollton), Kentucky, before moving to Indiana Territory. One of the founders of the town of Aurora, he served in succession as prosecuting attorney for Dearborn County, member of the territorial legislature, circuit judge, and, from 1816 to 1830, member of the supreme bench of the State of Indiana. After a period as superintendent of schools of Dearborn County, he was appointed to a federal judgeship in 1834.

1 Not found.
Receipt from Richard Hunter

14h. May 1817

Recd. of H. Clay Thirty dollars for the Season of five mares to Josephus last year, belonging to Mess. Thomas, & Amorey.¹

R. HUNTER

DS, in Clay’s hand. DLC-TJC (DNA, M212, R15). Hunter resided in the southern district of Fayette County.

¹ The horse and his owners have not been identified.

From Andrew McKnight

Dr. Sir

Versailles May 14th 1817

My son Virgil McKnight¹ will call on you; be so good as to let him have the money you collected for Mr. John Stone & myself at the City of Washington; taking care first to retain so much there of as will be Sufficient to compensate you for your trouble—Very Respectfully yrs yr mo. Obt. Hle. Servt. A. McKnight

H. Clay Esqr.

[Endorsement on verso]²

Recd. 16h. May 1817 of H. Clay four hundred and seventeen dollars and 29 Cents in consequence of the within letter—³

$417:29.

V. McKnight

ALS. DLC-TJC (DNA, M212, R10). McKnight, a native of Virginia, was a Woodford County, Kentucky, farmer.

¹ Born on his father’s farm in 1798, young McKnight attained success as a merchant and in 1838 became president of the Bank of Kentucky.

² ES, in Clay’s hand.

³ A notation by Clay indicates that $175.00 of this sum was collected for Stone, the remainder for “Andrew McKnight guardian of McCracken’s heirs.” Captain Virgil McCracken of Woodford County had been killed at the Battle of the River Raisin. His wife, who had remarried in January, 1816, and a child were recipients of a pension of $240 per annum. Sen. Docs., 15 Cong., 1 Sess., no. 170, p. 302.

Property Deed from Commissioners, United States Circuit Court

[May 18, 1817]

[Whereas Charles Wilkins and Charles Humphreys, two of the commissioners appointed by decertal order of the Circuit Court of the United States for Kentucky District in a suit between Samuel Moale, trustee of the estate of Samuel and Robert Purviance, against the heirs of Henry Purviance and Thomas January, were directed to sell and convey certain property specified in the papers of the suit, of which the below described tracts were a part; whereas in pursuance of the aforesaid order the commissioners in October, 1811, and again on October 2, 1813, sold the property as directed;
and whereas at the first sale Henry Clay in behalf of Moale as trustee purchased 2223 acres, part of lot no. 60 in the Henderson and Company grant, which was struck off to Clay for $2000; also 1781⁴/₅ acres, part of lot no. 27, bought for $300; and at the second sale Clay also became the purchaser of 92¾ acres, part of Willis Green's 4000-acre survey lying on the waters of Mill and Eagle creeks in Harrison County, bought for $70; also the residue of Green's survey which was not sold by the commissioners to other persons at this sale, supposed to contain 2237 acres, bought for $500; the residue of 34,934 acres lying in the grant to Henderson and Company, being all the estate and right of Samuel and Robert Purviance in this grant after deducting what was sold by the commissioners at the first sale above-mentioned, which residue is supposed to amount to 20,000 acres—Now this indenture conveys title to the aforesaid properties. Signed by Wilkins and Humphreys; witnessed by James Haggin, Thomas Bodley, James Cowan, J. Cabell Breckinridge, John Pope, and Abner Field, Jr. Recorded by Willis A. Lee, Clerk of the General Court, on the testament of Pope, July 9, 1817, and of Breckinridge, May 15, 1823.]

Franklin County, General Court, Deed Book I, 360-61. See above, I, 494n.
1 Lexington attorney.

Rental Agreement with John Deverin

[May 19, 1817]

An agreement between H. Clay of the one part and John Deverin—of the other part.

The said Clay hereby leases to the said Deverin for the term of four years, commencing on the 24th inst. the small house fronting the public square, being part and parcel of the establishment formerly called the Kentucky Hotel, and extending back of the said small house to and including of the smoak house, with the kitchen.

In consideration whereof the said Deverin covenants and agrees to pay to the said Clay during each and every year of the term aforesaid the sum of three hundred dollars, to be paid in quarterly payments of seventy five dollars each.

He also covenants with the said Clay not to sell by retail spirituous liquors to be drank in the said house.

The said Clay reserves the right to sell the said demised premises at any time during the lease aforesaid and to deliver possession thereof to the purchaser, upon giving six months previous notice to the said .

The said Deverin covenants to commit no waste on the premises & to surrender the same to the said Clay, in the event of the afore-
said sale, or at the end of the aforesaid term, in as good order as he receives the premises, natural decay excepted.

The said Deverin is not to transfer this lease, or the possession of the premises to any person whatever without the said Clays assent.

The said Clay hereby reserves the right to distrain, from time to time, for the rent as it becomes due & payable or to re-enter into the premisses, in default of the payment of the rent, if he chooses to re-occupy the same.

It is understood that the use of the pump is reserved to W. T. Banton,¹ and the said Clays other tenants.

In testimony whereof the parties afd. have hereunto set their hands & seals this 19h. day of May 1817.

Sealed & Delivered
In presence of
C. Mentelle²

[Endorsement]³

The above parties agree to continue the foregoing lease for one year from the 24h. May 1821 to the 24h. May 1822 on the same terms as therein mentioned, except that the said Deverin is to pay Two hundred dollars in equal quarterly payments.

Witness their seals this 22 Decr. 1820.

H. Clay {l.s.}
H. Clay {l.s.}

ADS, signed also by Deverin. KyLxT. Deverin established a confectioner's shop in the building.

¹ See above, Rental Agreement, April 22, 1817.
² Charlotte Mentelle.
³ AES.

Account with John and Thomas P. Hart

Henry Clay     In act. with John & Tho. P. Hart.     [ca. May 19, 1817] 1817

Apl 25. To Cash pd. pr. Long's⁴ request for 374 feet ash plank ....... 3 $ 11.22
       "   To Do., our check ................... . 1300.—
       26. To Do. paid Downing & Grant² for painting 4 frontispieces at the hotel,³ pr Rect. ....... 20.—
       29. To Do. paid Pollock,⁴ making with what has been heretofore Charged 13$ " .181/2
May 19. To John Hart, this sum due by the Estate of T. Hart Senr., to the Estate of N. G. S. Hart .. 93.16
       "   To Cash, our check ................... . 471.14

Cr.
May 21, 1817

May 2. By Balance due you by J. Hart, on his private a/c, for hay got of John Watkins, some time ago ........................................ 3.14

1896.45V2

E.E.

D. DLC-TJC (DNA, M212, R15).

1 Samuel Long.
2 A Lexington firm of “Painters and Grocers, Short Street,” composed of Francis Downing (brother of Samuel and Dr. Richard W. Downing) and Thomas Grant.
3 The Kentucky Hotel.
4 William Pollock.

To [James Monroe]

Sir

Lexington 21st. May 1817.

Mr. Crockett¹ the present encumbent of the office of Marshall of this District being, it is expected, about to resign, I have great pleasure in recommending John T. Mason Esqr.² as his successor. The high character, good standing and undoubted qualifications of this gentleman are so well known to you, that I think it only necessary to add that I am persuaded his appointment will give general satisfaction. I shall be particularly gratified if he should be so fortunate as to meet with your approbation. I have the honor to be with the greatest respect Your obedient Servant H. CLAY

The President

ALS. DNA, RG59, Applications and Recommendations for Office (MR1).

¹ Joseph Crockett, formerly Fayette County magistrate and representative in the State legislature, had served as United States Marshal for the District of Kentucky since 1801.
² John T. Mason, Jr., who received the appointment.

Bill from Francis Walker

[ca. May 21, 1817]

Mr. Henery Clay To Francis Walker — Dr.

1817

May 21st. to 6 plinths for Otell¹ doors at 15/ each . . . . $ 20"00
to paneling do . . . . . . . . . . . . . . . . . . 00"37½
" setting same . . . . . . . . . . . . . . . . . . 2"00
" taking down & resetting Jams & mantle in upper room 1"75

$ 24"12½

[Endorsement on verso]²

Recd. paymt. of H. Clay 14 June 1817.

F. WALKER

AD. DLC-TJC (DNA, M212, R15). Walker was a Lexington stone-cutter.
¹ Kentucky Hotel.
² ES, in Clay’s hand.
Bill from John Harrison

May 21st. 1817

Henrey Clay Dr to John Harrison

$ Cents

to paveing 153 yds. @ 2/S per yd 51 00
to 1 grate in front ................................. 1 50
to walling up Seller door Jams 1 00
to walling up Seller door Jams and Repareing walls in Small house in front ................................. 3 00
to patching in the rear of Same 1 00
to walling up too grates in back 1 50
to walling up 1 Cheak in back Seller door ................................. 1 50
to reparing fireplace back and laying harth in bilard room 1 50
to laying 2 harths in old house @ $1 each ................................. 2 00
to repareing side wall in old house ................................. 1 00
the Stone worke and diging foundation for the Same in front and back of bilding 18 00
to reparein window in kitchin 2 00
to reparing window in third Story of the hotell ................................. 5 00
to reparein back & laying harthe in the Same room 1 50
to reparing back & laying harth in front room in third Story ................................. 1 50
to repareing 2 backs and laying 2 harths in Second Story 3 00
to Cutting out & mooving dare and repareing walls in the Second Story 7 00

Carryed over

$103

Bill Continued

$ Cent

103 00

to rum for diseing too fire places and laying to harths in the first Story of hotell ................................. 16 00
to Cutting out and filling up partiton dore in Same 5 00
to filling up fire place in front room 1 00
to pavein 67 yds. at new house on market Street @ 1/S per yd. ................................. 11 16 3/4

to laying 4 harths in new house 4 00
to halling 30 loads of dirt to the hotell and new house for for [sic] paveing @ 25 Cents per load 7 50
to 8 bushels of Sand @ 1/ per bus 1 33 1/3
to one labourer 15 days @ 4/6 per day 11 25
to Stoping holes in Chimney in old house 1 50

$161 75

[Endorsement] 1

Subsequent account

24 "

185 " 75

AD. KyLxT. 1

1 AE by Harrison. See below, Bill, June 17, 1817.
Rental Agreement with Augustus Waldemarde Mentelle

[June, 1817]

An agreement entered into this day of June 1817 between H. Clay & W. Mentelle.

The said Clay hereby leases to the said Mentelle, for the term of one year, commencing on the 9th. day of November next, when the lease to Francis Drake expires, the two rooms in the town of Lexington, between the house occupied by Boswell & Co. and the store of Shrieve & Co.,¹ at present in the said Mentelle’s possession.

In consideration whereof the said Mentelle, covenants and agrees to pay to the said Clay Two hundred and eighty dollars, to be paid quarterly.

The said Mentelle further covenants to surrender the premises at the end of the said year in good tenantable order, inevitable accidents excepted.

The said Clay reserves the right of distress, and also the right to re-enter and occupy the premises if default be made in the payment of the rent.

Witness the hands & seals of the parties. H. Clay {L.S.}

W. Mentelle {L.S.}

ADS, signed also by Mentelle. DLC·TJC (DNA, M212, R15).

¹ Thomas E. Boswell and Company; Leven L. Shreve and Company.

Property Deed to Jesse Daniel

[June 2, 1817]

[Indenture between Henry Clay, executor of Thomas Hart, and James Brown, by John Brown his attorney in fact, of the first part, and Jesse Daniel, of the other part, by which for the sum of $800, heretofore paid, Clay and Brown convey a tract in Montgomery County, 330 acres, according to a survey made by Enoch Smith of part of Edward Payne’s survey on the north fork of Lulbegrud. Title is warranted by Clay against claims by or through Edward Payne, deceased,¹ Thomas Hart,² deceased, Lawrence Thompson, James Brown, or Clay, but against no other person whatsoever.]

Montgomery County Court, Deed Book 8, pp. 318-19. See above, Agreement, ca. October 31, 1815.

¹ Edward Payne had died in 1806. ² Recorded erroneously as “Payne.”

Toast and Reply at Public Dinner

[June 4, 1817]

“Henry Clay; he now possesses, may he long enjoy, the respect of Europe, the honors of his country, and the affections of the west.”
Mr. Clay rose amidst the applause of the company, and begged leave to offer to them his thanks for the kindness and hospitality with which they have had the goodness to receive him in Vincennes—a distinguished honor as unexpected as, they would allow him to say, with unfeigned sincerity, it was unmerited. He placed a higher value upon it from the recollection that it was bestowed by one of the first towns established on the western waters, and one with whose name patriotism and devotedness to the country were always associated. He was happy to see near him yet preserved in the enjoyment of health a venerable citizen of the place (pointing to colonel Vigo) who during the revolutionary war, in which you, Mr President, bore a gallant part, when this post was wrested from the hands of the enemy, gave, as he did on all other occasions, signal proofs of his attachment and devotedness to the American cause.

He had also for himself and his colleagues, to return his thanks for the flattering manner in which their names had been mentioned in relation to the negotiation at Ghent. The history of that negotiation is short. Great Britain having, in conjunction with her allies, overthrown the power of Bonaparte, was free from any European enemy. At liberty to apply the immense force which she had accumulated, to the prosecution of the American war, she sent her commissioners to Ghent, vainly expecting to dictate the conditions of peace. The terms which she proposed were rejected, and after much useless consumption of time, others in the outset substantially tendered by the American commissioners were ultimately agreed to, which compromised the honor of neither party. The rejection of her extravagant propositions was a duty so obvious that it was impossible for one, partaking in the smallest degree of American feelings, to pause in the discharge of it. No skill was requisite in the management of such a negotiation. And if its final result were so widely different from what was indicated in its earlier stages, that result must be attributed to the knowledge which the enemy had acquired of the determined spirit of the people of this country and to the conviction which had been forced upon him, that they were not prepared tamely to assent to the violation of the integrity of their territory, nor to the surrender of one single national right. Since he had been gratified with a view of the delightful country traversed by the Wabash, he had been more than ever satisfied with a rejection of one of the conditions proposed by the British commissioners, which was to subject to barbarism, and to put out of the pale of civilization and cultivation, one of the finest portions of the habitable globe—a country to which nature has been profuse in her choicest bounties, and in which she has left nothing for the industry of man, but immediately to strike the plough into the richest of soils, and to scatter the seeds and gather the fruits of agriculture. If here you
have occasionally to drain, and place under salutary restraints, the superabundant waters of the land, you are more than compensated by the entire relief from the labors of the axe which your beautiful prairies afford.

With respect to the undeserved compliment paid him in the toast just drank, he felt himself utterly unable to find language to express his grateful feelings. He would not therefore attempt it, but with the permission of the president would content himself with offering a sentiment with which the growth and welfare of Vincennes were intimately allied. He proposed “Prosperity to the country of the Wabash.”


1 Francis (Joseph Maria Francesco) Vigo, a native of Italy who had come to America as a soldier in the Spanish Army and become a successful Indian trader at St. Louis. His help to George Rogers Clark had been highly important to the success of the expedition into the Illinois country in 1778. After this area was acquired by the United States, Vigo had settled at Vincennes, where he died in 1836.

Receipt from Francis Walker

[June 14, 1817]

Attached to Bill from Walker, ca. May 21, 1817.

Receipt from Samuel Long

14 June 1817.

Recd. of H. Clay seventy eight dollars and fifty Cents being the amt. of the within, and of advances made by me for nine thousand & upwards of shingles and a load of plank.

SAML LONG

ES, in Clay's hand. DLC-TJC (DNA, M212, R15). On verso of a bill, from Thomas E. Boswell and Company to Long, for three door locks at $2.50 each (total, $7.50), purchased June 2 and 3.

Rental Agreement with McCullough and Foster

[June 14, 1817]

An agreement entered into this 14 June 1817 Between H. Clay of the one part and McCullough & Foster of the other part.

The said Clay hereby rents to the said McCullough & Foster for the term of four years, commencing on the 7th. instant, the two rooms, in the house which they are at present in the possession of, occupied by them as a Tailors Shop & Store, the one front & the other back, and also the Cellar under the said two rooms.

And the said McCullough & Foster covenant and agree to and
with the said Clay to surrender the demised premises, in good tenantable order, glazed &c. at the end of the said term, inevitable accidents excepted.

It is understood that they are not to have the use of the passage, without the consent of the tenants in the upper part of the house.

The said McCullough & Foster covenant with the said Clay to pay him at the rate of Two hundred and fifty dollars per annum, during each and every year of the said lease, to be paid quarterly.

The said Clay reserves the right of distress, and the right to re-enter and take possession of the premises, if default be made in the payment of the rent or any part thereof.

The said Clay also reserves the right of selling the house and determining the lease, if the purchaser should require it; but in that case he is to give the said McCullough & Foster six months notice, previous to their being obliged to surrender the possession. Witness our hands & seals.

H Clay {l.s.}

McCullough & Foster {sig}

ADS, signed also by McCullough and Foster. KyLxT. Cf. above, I, 788-89.

To Thomas Tinsley

Dr Sir Lexington 16 June 1817.

Your favor of the 30h. Apl. came to this place during my absence on an excursion to the Wabash, from which I returned only a day or two ago.

Mr. Wickliffe, whom I have seen on the subject of your injunction, informs me that your antagonist is dead; that of course the injunction abates; that his representatives will not revive it; and that he (Mr. W.) expects to receive the whole of your money during the ensuing fall. It is not, therefore, necessary that I should render you any professional services, which otherwise I should have, with pleasure, afforded. Your confidence in Mr. Wickliffe is well placed.

I thank you for your kind enquiries respecting myself and my family. We have had nine children, lost two, and the remaining seven were alive when I lately heard from my family at Washington, where I hope to join them in the course of a few weeks.

Should I visit Richmond, it will give me great pleasure to call & see you, and renew an acquaintance with yourself and Mrs. Tinsley, the recollection of which is always accompanied with agreeable impressions.

Your's faithfully H. Clay

ALS. NN-A. W. Anthony Collection. Addressed to Tinsley "near Richmond Virginia." Tinsley, who had been a member of the Virginia House of Burgesses from Hanover County and a friend of Henry Watkins, had been instrumental in 1792 in obtaining for Henry Clay a clerkship in the office of Peter Tinsley, Clerk of the High Court of Chancery of Virginia. Thomas and Peter Tinsley were brothers.

1 Robert Wickliffe. The case has not been found.
2 See above, I, 871n. Henrietta, born June 25, 1800, had died in infancy. Since the death of Laura (see above, Clay to Morris, December 14, 1816), the youngest surviving child was Eliza, born July 5, 1813.

Rental Agreement with John D. Clifford, Isaac Thom, and James W. Palmer

[June 16, 1817]

An agreement entered into this 16th day of June 1817 between H. Clay of the one part, and John D. Clifford, Isaac Thom & James W. Palmer of the other part.

The said Clay hereby covenants to lease to the said Clifford, Thom & Palmer—for the term of four years, commencing on the first day of this month, the upper part of the house, situated in the town of Lexington between the house occupied by McCullough and Foster and Smith & Worsley, on the one side, and the small house adjoining Tibbatts on the other side, including the passage on the lower story, and also including the small house in the back yard, formerly used as a Billiard house.

The said Clifford, Thom & Palmer—covenant and agree to surrender the demised premises, at the end of the term, in good tenantable order, including glazing, and to commit or suffer no waste during the continuance of the lease, inevitable accidents excepted.

The said Clifford, Thom & Palmer further covenant to pay to the said Clay Three hundred dollars per annum, during each and every year of the lease, to be paid quarterly.

The said Clay reserves the right of distress, and also the right to re-enter and possess himself of the premises, if default be made in the payment of the rent or any part thereof.

Witness the hands & seals of the parties in duplicate.

H. Clay {L.S.}
Jno D Clifford {L.S.}
Isaac Thom {L.S.}
Jas. W. Palmer. {L.S.}

ADS, signed also by Clifford, Thom, and Palmer. KyLxT. See below, Agreement, July 7, 1817. Clifford was a merchant on Upper Street; Thom, a native of New Hampshire, operated a wax and tallow chandlery on the corner of Upper and Third streets; and Palmer was a bookseller on Main Street. Palmer later became editor, in succession, of the Lexington Observer and the Louisville Price Current.

1 See above, I, 788-89: Rental Agreement, June 14, 1817. No rental agreement of Worsley and Smith with Clay has been found. 2 Thomas Tibbatts.

Bill from Nathaniel Barbee

Henry Clay To Nathl Barbee Dr
To Plastering 6 rooms & 2 Passages new house¹

June 16th 1817
$315.00
To lathing & Plastering 13 yds in Garret 35 cts yd. 4.55
To lathing & Plastering Sellor 2 coats 68 yds at 40 cts 27.20
To 51 yds Plastering walls Passage Sellor 1 cot at 17 cts— 8.67
To Repareing corner howse笃 upstairs at . . . . . . . . 11.00
To Plastering ceiling at Hotell³ 76 yds at 3/- 38.00
To 1 fier Place in same room ........................... 1.50
To Patching wall of Ditto Papered room 5 00
To Paching & whiteing back room same story 5 00
To 1 fier Place in same room at . . . . . . . . . 1.50
To Plastering & whiteing front room in Third s ry 8 00
To 1 fier Place in same room at . . . 1.50
To Patching & whiteing back room in ditto $4 4.00
To 1 fier Place in same at ......................... 1.50
To small room & Passage in same story 3.00
To Patching & whiteing stare way ............ 3.00
To Patching & whiteing lower Passage ....... 4.00
To Patching & whiteing 2 rooms biliard howse 6.00
To 2 fier Places in same howse at 9/ ........... 3.00
To Reparing small howse 5 rooms & 2 Passages and 4 fier Places in same howse 13.00

$ 464.42

Brought over ....................... 464.42
To Paching & whiteing lower back in hotell . . . 5.00
To 1 fir Place in same room room [sic] 1.50
To Paching & whiteing front room below 2 coats 5.50
To 200 yds Plastering sellors at Betsy Kiser’s⁴ 40 cts 80.00
To 2 days work cleaning out new house 1.50

$ 557.92

540— 198

$ 342.

[Endorsement]⁵
Recd. the above account in full this 18th. June 1817.

NATHL BARBEE

1 See above, Bill from Harrison, May 21, 1817.
2 See above, I, 795.
3 Kentucky Hotel.
4 Elizabeth Keiser.
5 ES, in Clay’s hand.

Bill from John Harrison

Lexington, K, 17th June 1817

Henry Clay Esq  To John Harrison . . . . . . . . . . Dr.
To Topping chimney ................................ $ 4.00
" filling Door. &c. . . . . . 3.00
" Rum for dising 2 fire places 5$ Each 10.00
" 1 Hearth ........................................ 1 00
JUNE 18, 1817

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>cleaning cellars at new. House¹</td>
<td>3.00</td>
</tr>
<tr>
<td>do. do. at Hotel²</td>
<td>2.00</td>
</tr>
<tr>
<td>paving round the pump</td>
<td>1.00</td>
</tr>
<tr>
<td></td>
<td><strong>$24.00</strong></td>
</tr>
</tbody>
</table>

AD. KyLxT. ¹ See above, Bill from Harrison, May 21, 1817. ² Kentucky Hotel.

Receipt from William Bobb

[June 17, 1817]

Receipt from Nathaniel Barbee

[June 18, 1817]

From Joseph H. Bush

Philada. 18th June. 1817.

Dear Sir

It is with unfeigned regret I inform you, that it will be entirely out of my power to fulfill the promise which I made you last fall, of discharging the amount which I am indebted to you; owing to a mis-understanding with Mr. Smith,¹ the executor of my Grandfather's estate; who, previous to my coming on here, gave me every reason to believe, that on my arrival I would have received that portion of the estate which would have fallen to my brother had he have lived,² but since I have been here, I have been informed by him that I cannot receive it until the time, at which my brother would have arrived at the age of twenty-one which will be some months to come.—I have received my pittance some time ago, but I had to make use of it, absolutely (I may say) to keep myself out of Jail, and I am now so harrassed for the want of a few pounds, that I can scarcely get on with my work, and will have to remain here longer than I expected, until I can meet with some friend to advance me as much as will get me out of the mire—I am ashamed to ask you again, you put confidence in me and I have deceived you, but indeed I could not avoid it—I hope sir that until I shall have explained to you the whole course of my conduct from the first moment I arrived here down to the present time, that you will "nothing extenuate nor set down aught in malice"³ but look upon it in a kind of neutral light, until I shall again have the pleasure of seeing you—

I am now engaged in painting some large pictures to exhibit in the western Country which, I am induced to believe will pay very
well, one is an origional [sic] Venus from a passage in Moores works, for which I have been very highly complimented by Mr. Sully, as well as the rest of the artists who have seen it—I dare flatter myself now sir, that the period is not far distant, when I shall equal the expectations, which you at first had the liberality to form of me. with great respect I remain very Sincerely yours

Henry Clay Eqr. [sic]  

JOSEPH. H BUSH

ALS. DLC-TJC (DNA, M212, R10). 1 Edward Smith. 2 Not identified. 3 Shakespeare, Othello, V.ii.338.

Receipt from Leslie Combs

[June 20, 1817]

Attached to Promissory Note, I, 396.

Receipt to William C. Dunn

[June 23, 1817]

Attached to Lease, November 30, 1815.

Receipt from William C. Dunn

[June 23, 1817]

Recd. of H. Clay 23 June 1817 in full for three hundred and twenty six pannels of post & railing fencing done by me for said Clay on his line next to the Mansfield tract—Recd. also the further sum of Thirty two dollars on account of other post & railing which I am to do for him

Test

WM. C. DUNN

OZBORNE HENLEY

DS, in Clay's hand. DLC-TJC (DNA, M212, R15).

Bill from Benjamin Atkinson


Mr. H. Clay To Benjn. Atkinson Dr.
To Painting two rooms & Entry in the Hotell’ pr Bargain. .. $ 60.00

" Hanging 27 pieces of wall paper at 50c 13 50

" Painting Store room (Blue) ....................... 18.00

" do Back room of Store .......................... 6.50

" do Billiard room ................................. 4.50

" do House adjoining the Hotell 2 rooms & Entry window frames & doors ....................... 15.00
July 1, 1817
Cutting & Glazing 45 light Circular Sash at $1$ 1/3 $0.75$
" do 26 Lights 8 by 10 " $10$ 2/3 $2.70$
" Glazing 98 Lights in Old Sash " $8$ 1/3 $8.16$
" Painting new house$^2$ (pr Bargain) 140.00

total $272.11$

Supra Cr.
By Amount of Order Hand. by you in favor of Thomas
Grant ........................................ 70.00
Balance due this day ................................ $202.11$

[Endorsement on verso]$^3$
Recd. 26 June 1817 the amt. of the within a/c. of Two hundred & seventy two dollars & 11 Cents in full.  

Benjn. Atkinson

D. DLC-TJC (DNA, M212, R15).

Receipt for Town Tax on Estate of Thomas Hart, Sr.

[June 26, 1817]
Alexander Campbell, collector for the town of Lexington, acknowledges receipt from the heirs of Thomas Hart, Sr., "by the hand of Mr Henry Clay," of the sum of $15.121/2 for the current year's town tax.

ADS. DLC-TJC (DNA, M212, R15).

Receipt for Direct Tax on Estate of Thomas Hart, Sr.

[July 1, 1817]
Harrison Daniel acknowledges, for John H. Morton, receipt of $17.55 "for the Direct Tax of 1816 upon the property of The Estate of Thos Hart in the county of Fayette. . . ."

DS (printed form). DLC-TJC (DNA, M212, R15).

Receipt for Direct Tax

[July 1, 1817]
RECEIVED this 1st. day of July 1817 from H. Clay the sum of One hundred & thirty seven Dollars 57 Cents, for the Direct Tax of 1816 upon the property of H. Clay in the county of Fayette in the second Collection District of Kentucky.

Harrison Daniel
for John H Morton

$137.57 Collector for the 2nd Collection District of Kentucky.

DS (printed form). DLC-TJC (DNA, M212, R15).
Rental Agreement with Abner LeGrand

An Agreement between H. Clay & Abner LeGrand. [July 7, 1817]
The said Clay hereby leases to the said LeGrand, for the term of four years, commencing on the fifteenth ultimo, the two rooms front and back, in the town of Lexington, being part of the establishment called the Kentucky Hotel, and the same two rooms above which, the said Clay has leased certain rooms to John D. Clifford and others for an Atheneum;—and he also leases to him the cellars under the said two rooms.—

In consideration whereof, the said LeGrand covenants and agrees, to pay to the said Clay, the sum of Two Hundred and Fifty Dollars, per annum, for each and every year of the lease aforesaid, to be paid quarterly.—

The said LeGrand further covenants with the said Clay, upon the termination of this lease, to surrender the demised premises in good tenantable order, the same having been just glaized, painted, and finished up for a store.—

He further covenants, to permit or commit no abuse on the premises.—

The said Clay reserves the right of distress; and also the right to re-enter and re-occupy the premises, if default be made in the payment of the rent as it becomes due.—

Witness the hands and seals of the parties this 7th July, 1817.—

H Clay {L.s.}
A. Le Grand. {L.s.}

DS. KyLxT. 1 See above, Rental Agreement, June 16, 1817.

Bill from Tilford, Trotter and Company

Lexington 7th. July 1817
Henry Clay Esqre. To Tilford Trotter & Co Dr.
1817 March 26 To Cash. paid for hauling a box of Pear trees from Limestone 1 $5:121/2

[Endorsement]2
Rcd payment in full WM. L Richards 3 for Tilford & Co July 9th. 1816 [sic]

D. DLC-TJC (DNA, M212, R15). See above, I, 56n.
1 Cf. above, Clay to Mrs. Bernard McMahon, March 30, 1817. 2 AES.
3 Possibly the person of that name who became a doctor, practiced in Georgetown, Kentucky, and died of cholera in 1833.

Rental Agreement with Bernard Gaines

An agreement Entered into this 8th. day of July 1817
Between Henry Clay and Bernard Gaines
The Said Clay heareby leases to Said Gaines the New house which he has Just had finished in the Town of Lexington including the uper apartments above the store of Shrieve & Co and the store of MenteP until the first day of October 1819 Commcing the 20th day of July 1817

In consideration of which said Gaines Covenants & agrees to Pay to said Clay at the rate of four hundred and fifty Dollars pr Annun during the Continuance of the lease aforesaid to be paid Quarterly

He further Covenants with said Clay to surrender The Premisses in good Tenantable order Glased &c upon the Termination of this lease inevitable Accidents excepted

He also Covenants to Commit nor Permit no waste or abuse on the Premises—

The said Clay reserves the right of distress and also the right to reenter & take possession of the Premisses if default be made in the Payment of the rent as it becomes due Witness the hands and seals of the Parties the day and year first written

H. CLAY {seal}

B. GAINES {seal}

DS. Fayette Circuit Court, File 823. Gaines established a boarding house in the property here rented.

1 See above, Bill from Harrison, May 21, 1817; Rental Agreement, June, 1817.

Statement from William T. Banton

A bill of work done to Hotell Stables¹ [July 8, 1817]
Timber from Mr Nettles² to amount of $63„ 5
from Benjamine Grymes³ ................. $79„16
Higher of John Downing⁴ ................. 60„00
Higher of Mr Waldens carpenter Leven⁵ 20„00
Higher of negroe man Billy⁶ ............... 15„00
Board of Downing one month ............. 12„00
the two Negroes board .................... 8„00
John Harrison bill for repair of brickwerk 11„00
Halling of brick bats for back stable 8„00
Nails for repairs ......................... 3„00
[.]²⁷

289„21

John Downings bill for gutter &c⁸ .......

29:

$318:21

[Endorsement on verso]¹⁰

Memo. of amt. of Repairs made by Mr Banton on the Hotel Stable rendered 8h. July 1817—Mr. Banton is to endeavor to get Grimes's bill reduced—he charging four dollars instead of 3½ for scantling—

D. DLC-TJC (DNA, M212, R15). ¹ See above, Rental Agreement, April 22, 1817. ² Thomas Nettles, a resident of the southern district of Fayette County. ³ Grimes.
Receipt from Tilford, Trotter and Company

[July 9, 1817]

Attached to Bill, July 7, 1817.

Property Deed to David Dodge

[July 10, 1817]

[Clay and Lucretia, his wife, for the sum of $2500, "Current money of Kentucky," paid and acknowledged, convey to David Dodge of Clark County property bounded as follows: "Beginning on Mill Street at the intersection of Church Alley. thence with Mill Street Sixty six feet to a Stake. thence at Right angles one half the Distance from Mill to Market Street. to a Stake, thence at Right angles to Church Alley. and with Church Alley to the begining. (it being the house and Lot formerly owned by William Daly¹ and which was Sold by Henry Clay to Stephens & Winslow² and by them to Mathew Elder. and by him to William T Barry, and by him to John D Young, and by him to Daniel Bradford, and by Said Bradford to David Dodge as appears by their Respective orders³ Directed to Said Clays) . . . ."]

DS, Lucretia Clay's signature also written by Clay. Owned by Henry H. Harned, Frankfort, Kentucky. Endorsements on verso indicate that this indenture was acknowledged before J. C. Rodes, Clerk of the Fayette County Court, and recorded on July 11, 1817 (Fayette County Court, Deed Book O, 165-66).

¹ Dailey. ² No agreement relating to this sale has been found. ³ Not found.

Property Deed to Bushrod Boswell

[July 10, 1817]

[In consideration of the sum of $1500, paid and acknowledged, Henry Clay conveys to Bushrod Boswell a lot in Lexington, bounded "Beginning at the intersection of main cross street, and second street, running with main cross street and on the south east side thereof sixty six feet, thence southeastwardly and at right angles one hundred and thirty four poles to an alley of ten feet, thence binding with the alley southwestwardly to second street, thence to the beginning." Signature by Clay acknowledged before J. C. Rodes, Clerk of Fayette County Court, and recorded September 28, 1819.]

Fayette County Court, Deed Book T, 36-37.
# Account with James Kelly

**[ca. July 10, 1817]**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Quantity/Weight</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1816</strong></td>
<td>Henery Clay Esqre. To James Kelly Dr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>October 30th</td>
<td>To 2 Arch bars wt. 22 lb @ 1/6</td>
<td></td>
<td>$ 5.50</td>
</tr>
<tr>
<td>Novr. 2</td>
<td>To 2 Hooks for Cellar door hinges 4/6</td>
<td></td>
<td>$ 0.75</td>
</tr>
<tr>
<td></td>
<td>&quot; 1 Arch barr wt. 10 lb @ 1/6</td>
<td></td>
<td>$ 2.50</td>
</tr>
<tr>
<td>5</td>
<td>&quot; 2 rings in bridle bit 1/6</td>
<td></td>
<td>$ 0.25</td>
</tr>
<tr>
<td>19</td>
<td>&quot; 4 pr. window Hinges @ 10/6</td>
<td></td>
<td>$ 7.00</td>
</tr>
<tr>
<td>Decr. 7th</td>
<td>&quot; welding a Cart tire &amp; putting ditto on wheel 9 New tire nails 9/9</td>
<td></td>
<td>$ 1.62 1/2</td>
</tr>
<tr>
<td></td>
<td>Repairing a Gate Hinge &amp; 4 large Ribbits 2 3</td>
<td></td>
<td>$ 3.71 1/2</td>
</tr>
<tr>
<td>10</td>
<td>&quot; 6 Hold fast Staples @ 2/3</td>
<td></td>
<td>$ 2.25</td>
</tr>
<tr>
<td>20</td>
<td>&quot; 1 New Lock Chain &amp; rod for waggon body</td>
<td></td>
<td>$ 4.00</td>
</tr>
<tr>
<td></td>
<td>&quot; 2 Hold fast Hasps for waggon body @ 7/6</td>
<td></td>
<td>$ 2.50</td>
</tr>
<tr>
<td>21st.</td>
<td>&quot; 8 New Shoes 21/</td>
<td></td>
<td>$ 3.50</td>
</tr>
<tr>
<td>22nd.</td>
<td>&quot; 4 New Shoes 10/6</td>
<td></td>
<td>$ 1.75</td>
</tr>
<tr>
<td><strong>1817</strong></td>
<td>Janr. 2 To 1 pr. Cellar door Hinges 15/</td>
<td></td>
<td>$ 2.50</td>
</tr>
<tr>
<td>13</td>
<td>&quot; 4 pr. new Shoes @ 5/3</td>
<td></td>
<td>$ 3.50</td>
</tr>
<tr>
<td>27</td>
<td>&quot; 1 pr. New Shoes 5/3</td>
<td></td>
<td>$ 8.71 1/2</td>
</tr>
<tr>
<td></td>
<td>&quot; welding 2 Hound bands 3/</td>
<td></td>
<td>$ 0.50</td>
</tr>
<tr>
<td></td>
<td>&quot; new piece for Hold fast of waggon bed</td>
<td></td>
<td>$ 0.50</td>
</tr>
<tr>
<td>28</td>
<td>&quot; 2 Braces for Stairs &amp; 14 Ribbit head nails</td>
<td></td>
<td>$ 1.50</td>
</tr>
<tr>
<td>Febry 8</td>
<td>&quot; 2 teeth in rake 1/6</td>
<td></td>
<td>$ 0.25</td>
</tr>
<tr>
<td>11</td>
<td>&quot; 4 Bracs for Stairs @ 2/3</td>
<td></td>
<td>$ 1.50</td>
</tr>
<tr>
<td>24</td>
<td>&quot; 1 Screw bolt for Banister of Stairs 3/</td>
<td></td>
<td>$ 0.50</td>
</tr>
<tr>
<td>26</td>
<td>&quot; 4 pr. Cellar door hinges wt. 31 lb @ 2/6</td>
<td></td>
<td>$12.96</td>
</tr>
<tr>
<td></td>
<td>&quot; 8 Large Straps wt. 12 3/4 lb @ 2/3</td>
<td></td>
<td>$ 4.75</td>
</tr>
<tr>
<td>March 1</td>
<td>To 16 Screw bolts &amp; nuts on each end for front pieces of doors @ 3/</td>
<td></td>
<td>$ 8.00</td>
</tr>
<tr>
<td>15</td>
<td>To 2 pruning Chisssles @ 3/</td>
<td></td>
<td>$ 1.00</td>
</tr>
<tr>
<td><strong>Amount carried over</strong></td>
<td><strong>$ .71.081 1/2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1817</strong></td>
<td>Henery Clay Esqre. To James Kelly Dr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>March 25</td>
<td>&quot; 4 pr. window Hinges @ 9/</td>
<td></td>
<td>$ 6.00</td>
</tr>
<tr>
<td>27</td>
<td>&quot; 1 Notch Clevis 9/</td>
<td></td>
<td>$ 1.50</td>
</tr>
<tr>
<td>Apl 2nd.</td>
<td>&quot; 1 Trowel for Garden 4/6</td>
<td></td>
<td>$ 0.75</td>
</tr>
<tr>
<td>3</td>
<td>&quot; 1 Large Spring Latch for Gate 6/</td>
<td></td>
<td>$ 1.00</td>
</tr>
<tr>
<td>14</td>
<td>&quot; 2 rake teeth in rake 1/6. 2 Hoes pr. O. Hanley 15/</td>
<td></td>
<td>$ 2.75</td>
</tr>
</tbody>
</table>
19  " 1 pr. Large trace chains pr. O. Hanley .       4.00
28  " 3 Screw bolts for Stair Banisters @ 2/3      1.12½
   " 1 Garden rake 9/ —making an arch
   barr your Iron 4/6                              2.25
   " 1 Arch barr wt. 17 lb @ 20/100 my Iron        3.40
May 17  " 4 Hooks for cellar door hinges @ 2/3 .    1.50
   " 24 ribbits @ 3/- per Dozen 6/  1 window
   hinge 6/ .....................................  2.00
   " 2 New Hoes @ 6/9. 2 Removes &
   putting on Hub band 3/ .........................  3.25
June 2   " 2 Removes 2/3 .............................  00.37½
   " 2 Hasps & 4 Staples for cellar doors
   @ 6/ ..........................................  2.00

$102.98½

1816     Contra — Cr.
Octr. 25  By 1 Grate Return'd that was made for a
         Sink at your Farm 7/6 ..................  1.25

$101.73½

July 10th To 4 pr. New Shoes 21/- 1 Arch barr 6/- .  4.50

$106.23½

[Endorsement]²
Recd. 11 July 1817 the above account in full— JAMES KELLY

D. DLC-TJC (DNA, M212, R15). ¹ Ozborne Henley. ² ES, in Clay's hand.

From James Morrison

Dear Sir

Lexington July 15th. 1817

Last winter I lodged in the Office of R. B. Lee Esqr., an account &
power of attorney in my favor, from Mrs Jane Lewis¹ for some
property lost on the North Western frontier (believe a Horse) about
$120.—I was informed by the Clerk of Mr. Lee that there were some
hundred Claims lodged in the office previously; all of which would
be examined before that of Mrs. Lewis—I called previous to leaving
the City in February, & was informed that the Claim had not been
acted on—

Mrs. Lewis is the Sister of our friend Mr. Archibald Logan of
Jessamin—she is needy—will you have the Goodness to call at Mr.
Lees office and if the account is pass'd You are hereby authorised to
receive the amount, and transmit it to me as early as Convenient.
Should Mr. Lee require a receipt from me as attorney, I will forward
it to him without delay—

I am sure you will pardon the Trouble I am imposing—You are
to good a friend to the fair sex not to help the widows occasionally
I am Dear Sir your friend very sincerely
The Honl. H. Clay

ALS. DLC-TJC (DNA, M212, R12).

1 Widow of Jesse Lewis of Fayette County.

Memorandum of Leases

Memo of Leases left with Mr. Hart. [ca. July 15, 1817]

No. 1. McCullough & Foster first quarter's rent due after
I leave here ........................ due 7th. Septr. 1817
$62.50

No. 2 Worsley & Smith do. do. do ........................ 62.50
No. 3 Clifford & adt 1 do. do due 1st Septr. 75
No. 4 Deverin 4 do. do. 24 August ........................ 75
No. 5 Miss Keizer 4 do. do. 1 October ........................ 62.50
No. 6 Shrieve & Smith (Boswell now) 5 do. 1 October
(half year) 237.50
No. 7. A Legrand do. do. 1 quarter due 15 Septr. 62.50
No. 8 B Gaines. do. do. do. 20 Oct. ...................... 112.50
No. 9. F. Drake do 1 quarter due 9th. August ............ 70
  do 2 & last quarter due 9th Nov 70
No. 10 Judge Miller 6 last & only quarter due 28th. Oct 125
No. 11. Mr. Mentelle 7 first quarter due from him 9 Feb.
1818 70

Bill from Nathaniel Barbee

Lexington July 15th 1817

Mr Henry Clay To N. Barbee Dr
To Plastering round circular doore $ 4.00
To lathing & Plastering Kitchen & Dary 231 Yds one
  coate smothed and white washed at 27 cts 62.37
To white washing back house 3.00
$ 69.37½ [sic]

May the 30th 1818.1
[Endorsement on verso]2
Recd payment of the within 20 June 1818 NATHL BARBEE

AD. DLC-TJC (DNA, M212, R15).

1 Bill apparently presented on this date.
2 ES, in Clay’s hand.
Draft Drawn by Robert Wickliffe

Lexington K  July 18th 1817

Forty days after sight please to pay to Elias B Caldwell Esqr or order Six hundred dollars & charge

To account of— The Honble H Clay  Washington City

[Endorsement on verso]

Recd Payment   E. B. CALDWELL.

ADS. DLC-TJC (DNA, M212, R15). An endorsement by Clay indicates that the draft was paid September 11 “by a check on the Cashr. of Off of D. & Dt. favor of Cashr. of the B. of Washington.”

Bill from Samuel Long

1817    Mr Henry Clay Dr To Saml Long—  July 25 [1817]

25 feet of Scantling @ 27/  $ 1.121/2

1 paper of Shigs @ ................. 0.621/2

Cash paid for hawling 75—Cash for Screws—121/2  0.871/2

30 feet of plank @ 18/ ................. 0.90

Cash paid for Hawling ................. 0.50

20 Feet of Cedar for frames 30/ ........ 1.00

7 Feet of Scantling for Lintral........ 0.31

Cash paid for Hawling ................. 0.25

95 feet of Scantling Got of Criggle

Cash paid for Hawling Same ............ 0.50

12 feet of Scantling @ 4 Cents ........ 0.48

Cash paid Connell\(^2\) for Joists for Rafrs .... 7.00

Cash paid for Hawling Same ............ 0.50

Cash paid Trotter\(^3\) for Locks ........ 13.88

Cash paid for Hawling 25 ................ 0.25

6 Cedar posts @ 3/ ...................... 3.00

Hawling ................ 0.25

134 feet of Scantling for fence 21/ ..... 4.69

Cash paid Danil Ross for Extra work on Brick House to Asist Harison\(^4\) .... 6.00

Paid Baxter\(^5\) for Turning Banastesars 5.25

Cash paid for The Above $ 50.881/2

[Endorsement]

Recd. 22d. June 1818 the above fifty dollars & eighty eight Cents in full

SAML. LONG

D. DLC-TJC (DNA, M212, R15).

\(^1\) Probably Francis Krickel (Krickle), Lexington innkeeper.

\(^2\) In an accompanying document, dated July 13, 1817, W. Connell (probably Walter Connell of Lexington) acknowledges receipt of seven dollars from Long in payment for 173 feet “of oak Scantling . . . for Mr Clay.” DS. DLC-TJC (DNA, M212, R15).
To William Jones

Dr Sir Washington 2d. Aug. 1817.

You will have seen and understood from Mess. Ormsby and Bullitt the object of their visit to Philadelphia, which is to invite and solicit the establishment, at Louisville in Kentucky, of an office of Discount and Deposit of the B. of the U. States. I should think it would be the policy of the Board to diffuse the benefits and advantages of the institution, as much as can be safely done, with a just view to the interest of the stockholder. If I am correct in supposing that it will act upon the principle I have suggested, I presume there will be some addition made to the number of branches which have heretofore been established. In that case, Louisville is strongly recommended to the favorable consideration of the Board by its commerce, by its admirable position, and by its rising importance. At the Rapids of the Ohio, it is well situated to concentrate & to connect the commerce which passes, on the one hand, through the Atlantic Cities, and, on the other, through New Orleans. On a late visit which I made to the place, I was astonished at the alteration which a few years had made, in its rapid growth, and in the activity which I witnessed. I have no hesitation in believing that a moderate Capital, located at Louisville, will find an employment very profitable & advantageous to the parent institution.

I am Dr Sir with great respect Yr. obt. Servt. H. Clay

William Jones Esqr.

ALS. PHI.

1 Judge Stephen Ormsby and Thomas Bullitt, the latter a prominent merchant, had been sent to Philadelphia by a group of Louisville citizens. Their mission was successful, and before the year was out Ormsby became the first president and Bullitt a director of the Louisville branch of the Bank of the United States.

From DeWitt Clinton

Sir Albany 2 August 1817

Mr Wm. Marrat has lately arrived here highly recommended by Dr Hutton, Dr O. Gregory and other celebrated scientific characters of G. B. as a profound mathematician and a gentleman of excellent character. He has written some highly approved works on mathematical science and would undoubtedly make an useful professor in one of our Universities. I have taken the liberty of mentioning this gentleman to you, under an impression that he may be of great service in any of the Western Colleges, if a vacancy exist in a Pro-
fessorship of this description. With us there is none. I am Sir Very respectfully Your most Obdt Sert.

Honble Mr Clay

ALS. PPPPrHi. Addressed to Lexington, redirected to Washington, and endorsed: "... Datd 2 Aug 1817 red 18th Octo Do." Clinton, nephew of George Clinton, had served in the New York State Assembly, 1797-1802, and as United States Senator, briefly, before becoming Mayor of New York City, 1803-1815. An unsuccessful candidate for the presidency in 1812, he was elected four times as Governor of New York, 1817, 1820, 1824-1825. The Erie Canal, to which he devoted much of his time and energy, was completed during his last term in the latter office.

1 English mathematician and topographer, author of numerous publications on mathematics, mechanics, tides, lunar tables, etc. He taught mathematics in New York, 1817-1820, and after 1821 in Liverpool, England.

2 Charles Hutton and Olinthus Gilbert Gregory, prominent English mathematicians.

Account with William Bobb

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 15</td>
<td>To amount of Brick in Smoke house and for other uses</td>
<td>$76.50</td>
</tr>
<tr>
<td>17</td>
<td>To 2000 paveing brick @ $9 per M</td>
<td>18.00</td>
</tr>
<tr>
<td>18</td>
<td>To 1000 Ditto</td>
<td>9.00</td>
</tr>
<tr>
<td>19</td>
<td>To 1000 Ditto</td>
<td>9.00</td>
</tr>
<tr>
<td>21</td>
<td>To 500 Ditto</td>
<td>4.50</td>
</tr>
<tr>
<td>22</td>
<td>To 1000 Ditto</td>
<td>9.00</td>
</tr>
<tr>
<td>24</td>
<td>To 900 Ditto</td>
<td>8.10</td>
</tr>
<tr>
<td>Augst 5</td>
<td>To 1000 Ditto</td>
<td>9.00</td>
</tr>
<tr>
<td>6</td>
<td>To 1500 Ditto</td>
<td>13.50</td>
</tr>
<tr>
<td>11</td>
<td>To 1000 Ditto</td>
<td>9.00</td>
</tr>
<tr>
<td>12</td>
<td>To 2500 Ditto</td>
<td>22.50</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$188.10</td>
</tr>
</tbody>
</table>

[Endorsement]1
Recd. of H. Clay, by the hands of John & Tho P. Hart, forty three dollars, 75¼ Cts, which, with ninety seven dollars, 46 Cents paid to me on the 23 Octr. 1817, & forty six dollars, 88¾, on 5 June 1818, is in full of the within bill.
Lex. Feb. 10, 1819.

WILL BOBB

D. DLC-TJC (DNA, M212, R15).

1 ES, in Clay's hand.

From James Smith, Jr.

Esteemed Friend Philada Aug 18’ 1817
I have received your acceptable favour of 13',1 with a Check on U S. Bank for 500 Dollars. the money for which I have got & am very much obliged—My Son John2 desires to say that he hopes every exertion will be made to get the ballances due as soon as possible,
AUGUST 18, 1817

and as we both are very anxious to have all old Accts. settled—It seems that Mr Sharp³ instead of remitting the money collected by him to me, paid it to Mr Porter Clay & that this amount has never been remitted—this you will please to forward as soon as you see Mr Porter Clay who has no doubt received it—I am very respectfully Yr Friend  

JAS SMITH JR

ALS. DLC-TJC (DNA, M212, R12). Addressed to Clay at Washington, “To be forwarded to Lexington if Mr Clay is not there.”

1 Not found.

2 John J. Smith.

3 Solomon P. Sharp.

From Macdonald and Ridgely

Dear Sir:

Baltimore August 18th—1817.

Your letter of 14th.¹ we received. Mr Hollins is perfectly willing to keep the Cattle² untill the weather is such as you may judge prudent to send for them—one of the Bulls hoofs has come off & another appears likely to come off also—he is in other respects very will [sic] & will as Mr H thinks be well able to perform the short travelling to Davis's³—your Calf has grown very much but none of these Cattle thrive like our natives⁴—Mr H thinks it may be owing to the climate—

We have inquired about the Burr Stones for Messrs. Harts,⁵ but there are none at present made of the sizes required Mr McConkey,⁶ to whom the Miller has written has lookd [sic] at a pair of 5 feet & another @ 5 feet 6 Inches of excellent quality & such as will answer the description (except as to size) which is 5 feet 4 Inches) we can procure them on the credit you mention, & they can be made by the last of next month—you will inform us whether we shall take one of the sizes already made or have a new pair bespoke

We shall take none without the approbation of Mr McConkey who has been in the habit of chusing for several millers here & who is represented to be a compleat Judge—we shall speak to Mr. Finley,⁷ but we cannot think he can be much acquainted with them—We are surprised to hear the miller disapproved of the last pair of Stones, as they were made according to his directions & he chose the Burr's out of which to make them—The stones could not probably be sent off without an advance which we will make as light as can be

We would advise your sending for the cattle, as we know of no body at present who would undertake it, in whom we have confidence

Your obt Sevts MACDONALD & RIDGELY

ALS. DLC-TJC (DNA, M212, R12).

¹ Not found.

² See above, Macdonald and Ridgely to Clay, May 1, 1817.

³ Probably John Davis, who owned “Rossburg” (“Ross Borough”), tavern and farm, now the site of the University of Maryland.

⁴ One of the bulls died en route to Kentucky from overfeeding on red clover.
To Jonathan Russell


I was delayed the pleasure of receiving your favor of the 5th. inst. by the interruption in the mail produced by the late deluge; and I postponed several days acknowledging the receipt of it, in the hope of seeing Dr. MacMahon. He has however not yet called on me, nor have I been able to ascertain whether he is in the City or not. Interested for him by the favorable opinion entertained of him by your son, I will continue to endeavor to find him out, and will, with great pleasure, pay the amount of your bill, in his behalf, whenever it is presented.

The pomp and ostentatious parade with which the President has been received in New England has an object too obvious, I should think, to deceive any one. Disappointed in getting power by disloyalty and gasconade, the Leaders are now anxious to bury the past, and what they could not gain by force, to obtain by sycophancy. If indeed they are real converts to the true faith, and their conversion is attributable to the tour of Mr. Monroe, he merits the honors of a political Saint.

I could not believe that you had authorized, by the manner of celebrating your nuptials, the comments of the Editors of newspapers, on that occasion; and entertaining this opinion I endeavored to mitigate, if I could not altogether repress, the severity of a print in my neighbourhood. As it respects you my efforts were not altogether unsuccessful. But, in undertaking to render you justice, the Editors, without my authority, published an article in relation to what they supposed occurred at Ghent, respecting the Navigation of the Mississippi, which, as its origin will be falsely ascribed to me, may involve me with Mr. Adams. As the paragraph refered to contains very nearly the truth, I shall not think it worth while to undeceive him.

The rumor here is that Mr. Rush is to go England. I think it correct, although I have not had an opportunity, since my arrival, of ascertaining the fact, from any person who probably is in possession of it. Mr. Crawford left the City about the period of my reaching it, without my seeing him, and there is no other actual though there are two acting Secretaries present.

The City is quite barren of news. The Presidents return is not looked for before the middle of next month, and if he persevere in his intention of visiting Detroit, I should think it ought not to be
expected before the first of October. If therefore your sailing does not take place before you receive instructions, your voyage will not begin before the middle of that month. For I imagine that Mr. Rush is not instructed how to instruct you.

Thinking of Hughes\textsuperscript{11} has brought this pun in my way. Wishing to write to him I will thank you to let me know when you do sail. I need not say that it will give me great pleasure, at all times, to hear from you. For that I am Truly & sincerely Yrs. H. Clay

Jonathan Russell Esq.

ALS. RPB-Russell Papers. \textsuperscript{1} Not found.
\textsuperscript{2} A torrential rainstorm, with high winds in some districts, had swept along the coast from Georgia to Maine between August 8 and 11. Numerous communities described it as "the most awful and desolating occurrence" ever known. Swelling streams flooded and swept away many bridges. On Saturday, August 9, communication between the western part of Washington and the Capitol had been interrupted. Mails from the north had been halted for several days, those from the south for a full week. Washington \textit{National Intelligencer}, August 11-13, 19, 20, 26, 1817.
\textsuperscript{3} Not identified. \textsuperscript{4} George Russell.
\textsuperscript{5} On May 31, James Monroe had left Washington on a tour of the northern states, which in about three and one-half months took him through New England, westward to Detroit, and back to Washington. He was greeted enthusiastically by the populace along the route.
\textsuperscript{6} Russell's second marriage, April 2, 1817, was to Lydia, daughter of Barney Smith, Boston merchant. Russell had been subjected to newspaper criticism because announcements of the forthcoming wedding had appeared in a Boston newspaper, a large crowd had been present at the event, and published accounts of the ceremony, describing the clothing of the principals, had smacked of aristocratic pomp. An article from the New York \textit{Daily Advertiser} poking fun at the affair had been reprinted with caustic amplification in the Lexington \textit{Reporter}, April 30, 1817.
\textsuperscript{7} John Quincy Adams.
\textsuperscript{8} An article in the Lexington \textit{Reporter}, June 11, 1817, concluded as follows: "We acknowledge with much pleasure, that there are but few men in America, to whom the western country owes more gratitude than to Mr. Russell. We have it from the best authority, that on every question in the negotiations at Ghent, in which the interests of the western country were involved, he was true to our cause, and gave a decided support to the views of Mr. Clay. We have long understood, though not from the same authority, that on the important question, of bartering the navigation of the Mississippi to the British, for the privilege of fishing in their waters, Clay and Russell at first formed the minority—ADAMS, GALLATIN, and BAYARD were for acceding to the proposition of the British commissioners; but Clay and Russell obstinately persevered, and being at last joined by BAYARD, the proposition was rejected. This was certainly a very important point in the negotiation—Let us not then omit to render justice unto those to whom it is due."
\textsuperscript{9} Richard Rush was appointed United States Minister to Great Britain October 31, 1817.
\textsuperscript{10} William H. Crawford. \textsuperscript{11} Christopher Hughes, Jr.

To John Hart

Dr. John Washn. 19h. Aug. 1817.

I have deferred answering your favor\textsuperscript{1} of the \textsuperscript{2} waiting to hear from Balto. As I did not go there, according to my expectations when I parted with you I wrote to Macdonald & Ridgely, and have received from them the inclosed answer, respecting the Stones. You will perceive from that that there are none made of exactly the size you want, although there are some very near it. Not knowing
but that the greatest degree of precision may be necessary in the dimensions I shall wait your orders before I direct any pair to be forwarded. This delay will not occasion I hope serious inconvenience, as the Ohio I should suppose will be low. I shall expect immediately to hear from you.

Crops appear to be universally good of all kinds. I cannot therefore help thinking that wheat will be low, and that any speculations in that article, at the present prices, will be hazardous.

Mr. Jno. Harrison I think cannot suffer much by waiting until my return for the settlement of the little account which he has with me for Brick work done near Shrieve & Co. especially as I have authorized them to pay him in merchandise a limited amount. You can say to him therefore that the account must remain to be settled until my return.

You will settle with the man who laid my Curb Stones upon the terms, and no other, mentioned in my Memorandum.

With respect to your and Tho. P. Harts note if I can certainly receive the amount by March it will answer. And in the mean time you can use the amount, expected from the Sales of bagging, with that condition.

When I go to Balto. which I expect to do shortly I will make enquiry about the paper for packing flour—

My family remains well, except Miss Hall who is a little indisposed.

My respects to your mama Mrs. Price &c. Yrs

H. CLAY


1 Not found.  2 See above, Macdonald and Ridgely to Clay, August 18, 1817.
3 See above, Bill from Harrison, May 21, 1817.
4 Leven L. Shreve and Company.  5 Not found.
6 See above, Agreement, October 25, 1816.  7 Sarah Hall.
8 Susannah Hart and Susannah Price.

Bill from John Wilson

Lexington Augt 26 1817

Mr H. Clay to John Wilson Dr
to halling 18 lodds off his pavement at one shilling per load $18 00
I do Certfy that Mr Wilson did do the above Work

D HARDISTY¹

[Endorsement]³

Recd. payment from 8h. Oct. 1818  ELIZABETH KESER [sic]
[Endorsement on verso]⁴

Lexington Sept 3th 1817 Recevd the Within  JOHN WILSON

ADS by Hardisty, signed also by Pilcher. DLC-TJC (DNA, M212, R15). Wilson was a resident of Fayette County.
SEPTEMBER 3, 1817

1 David Hardisty of Lexington.
2 A Fayette County constable, resident on Main Street, Lexington.
3 ES, in Clay's hand. This endorsement by Elizabeth Keiser appears to have no connection with the remainder of the document.
4 ES, in Hardisty's hand.

From Samuel Moale

Dr Sir Balto Augst 26th. 1817.

I received your Letter of the 23d of Augst. Inst— you will please to deposit the Sum mentioned in your Letter in the Branch Bank of the United States at Washington to the credit of Myself and John Purviance Esqr and send a certificate of Deposit to me at Balto. and I will lodge the amount for you in the Chancery office and send you a receipt [sic] of the Register of the Court with the Chancellors confirmation of the payment.

This is the mode you adopted at the time you made payment before only instead of a Deposit, you sent a Check to Mr Purviance & myself—It is quite immaterial which mode is adopted—If you prefer sending a Check on the Branch Bank of U. S. in Balto signed or endorsed by the Cashier of the Branch at Washington it will do just as well—I am very Respectfully your &c SAML. MOALE

To Henry Clay Esqr.

ALS. DLC-TJC (DNA, M212, R12). 1 Not found. 2 See above, I, 868.

From [George Boyd]

Hon. Henry Clay Washington

Sir Dept: of War, Pension office 30th. August 1817.

I have the honor to enclose to your care a certificate of half pay pension for the heirs of Hugh Scott1 a deceased Soldier, & to remain, with great respect, Sir,

1 See above, Clay to Hagner, February 11, 1817, note.

From Samuel Moale

Henry Clay Esqr Balto Sepr. 3d. 1817.

Sir

I recd. your Letter of the 28h. of Augst. last directed to John Purviance and myself inclosing a Check dated the 28h. of Augst. 1817 drawn by the Cashier of the office of discount & Deposit at Washington on the office of Discount & Deposit at Balto for Four thousand five hundred Dollars in your favour and by you endorsed1
to be placed to your Credit in the Chancery Court of Maryland as Trustee for the Sale of the Lands of Messrs S & R. Purviance in Kentucky—respectfully yours

SAML MOALE

ALS. DLC-TJC (DNA, M212, R12).

1 Neither letter nor check has been found.

To Robert Walsh, Jr.

My Dr Sir


Having seen the second volume of the Register at Mr. D. Brents, I was about to enquire at the Book stores for it, when a copy was left at my house, I did not know how, until I received your obliging favor of the 29th. Ulto. Altho' it found me engaged in an interesting course of reading I did not hesitate to interrupt the progress of my studies, to peruse your introductory discourse.

I was much gratified in perceiving that you had undertaken the vindication of the captors of André from the most indiscreet and unfounded attack of Col. Talmadge. Rarely if ever, whilst presiding in the H. of R., was I so much shocked as when he made it. It was so unnecessary, so unjust, and, I thought, was so much the result of a wish, on the part of the accuser, to announce his participation in the concerns of which he spoke. I really felt so transported with indignation, on the occasion, that I found myself, at one time, involuntarily rising from the Speaker's chair, in defense of those injured men. I then wished that Congress would guard against the unfavorable inference, which the future historian might possibly draw, from a rejection of their petition, by allowing them the solicited augmentation of their pensions; and I still regret that it was not done.

I do not agree with all that you have said respecting the famous Compensation act. The form was always objectionable with me, and I still think the per diem mode preferable. In England formerly the members of the H. of Commons received wages. (that was the technical term applied to the allowance to the members.) which were paid by the boroughs &c that elected them. When the Country had increased in wealth, and parliament had obtained greater political importance, opulent men offered to serve, without pay, and thus the receipt of wages was gradually discontinued & finally abolished. In that Country, of small territorial extent, where the Aristocratic feature of the Govt. & the consequent entails which exist on Estates, will always keep up large fortunes, there never can be any considerable inconvenience in attending Parliament. But, you know, to attend that body is in fact, with the mass of the members, to be present only three or four times every Session, when the great questions come up. Generally throughout the Session there
are not more than from 50 to 100 members in attendance. But even in England formerly so great, occasionally, was the reluctance to submit to the inconvenience of attending Parliament, that instances have occurred of compulsory attendance.

Every thing is otherwise here. We have happily no aristocracy, and no device for keeping estates in the possession of the same family for any length of time. The powerful operation of our statutes of distribution scatters the accumulated wealth of industry or of avarice. Fortunes are small, in the general, and will always continue so, whilst our present institutions exist. Our territory is of immense extent. The consequence is that he who happens to be a member of Congress from a great distance, has to make vast & often ruinous sacrifices. Our government is yet in its infancy, and the novelty of the situation, the great excitement of the times, and other causes may have prevented us heretofore from experiencing much difficulty in getting competent members to serve. Young however as we are, & short as has been my service in the public councils, I have seen some of the most valuable members quitting the body, from their inability to sustain the weight of those sacrifices. And in process of time I apprehend this mischief will be more & more felt. Even now there are few, if any instances, of members dedicating their lives to the duties of Legislation. Members stay a year or two, curiosity is satisfied, the novelty wears off; expensive habits are brought or are acquired; their affairs at home are neglected; their fortunes are wasting away, and they are compelled to retire. There are no sacrifices too great for one to make, when necessary, for his Country.

You say that the competition would be too much, if the compensation were high. Every demagogue would aspire to the honor—Our form of government, however, supposes a competence on the part of the electors to discriminate & to choose. And depend upon it that, in the general, in any such common scrambling as you suppose, talents & virtue will prevail. To suppose that they would not is to arraign our system. But if there be danger arising from too much competition, the result of high pay, is there not on the other hand, equal or greater danger from insufficient competition, the result of inadequate pay? I confess that I would much rather see every man in the Congressional district, aspiring to the honor of representing it, than to see such an arrangement of the pay that only one or two persons could face the expence & sacrifices incident to a seat.

Do you not press the subject of Bonaparte too far? Fallen & captive, has he not some claim upon the magnanimity not only of his conquerors, but, during his imprisonment, upon cotemporary authors also? England has shewn him none. All posterity will, I think, condemn her surrender of him to the allies, and her concurrence in his exile to St. Helena. Chatham, or Fox, or even Pitt
would have permitted him, as he desired, to remain in England. Is it not to be apprehended that any animadversions upon him, at the present time, will indirectly conduce to sanction the principles of legitimacy and the conduct of the allies?

I ought to apologize for the unintended length of my letter—I do not often turn over the first side of the paper, and can only say that my having offended, in this instance, has proceeded from the respect and consideration in which you are held by Yr’s faithfully & cordially

H. Clay

R. Walsh Jr. Esqr.

ALS. DLC-HC (DNA, M212, R1). 1 The American Register.

2 Daniel Brent, acting Chief Clerk of the United States Department of State. Shortly afterward he was appointed to this post, which he held for many years.

3 Not found.

4 The House of Representatives on January 13, 1817, had heard a committee report unfavorable to the petition of John Paulding, one of the three persons who during the Revolutionary War had captured Major John André, British Adjutant General, and thereby exposed the treason of General Benedict Arnold. Congress had voted to each of André’s captors a pension, which Paulding now wished augmented. The debate during consideration of the report had been enlivened when Representative Benjamin Tallmadge of Connecticut, a Revolutionary War officer in whose custody André had been placed, had expressed an opinion, based on testimony of his former prisoner, that the three Americans were bent on plunder when they captured the Major and that they would have freed him had he been able to give them an adequate bribe. Other speakers had vigorously defended the character of André’s captors, but the committee report had been adopted. Annals of Cong., 14 Cong., 2 Sess., XXV, 473-75. In his introductory article to volume II of the American Register (pp. xvii-xviii) Walsh had defended the three men.

5 In his “Introduction” (Ibid., pp. xxvii-xxx), the editor had presented in some detail his criticisms of the Compensation Act and the manner in which it had been repealed.

6 Discussing two recent works that placed Napoleon “in a totally false light,” Walsh had written: “Fortunately for the truth and morality of history, the career of Bonaparte has been so comprehensive in its notoriety and influence, and his real nature has so constantly betrayed itself in the most striking emergencies, that all his own efforts or those of his panegyrists, whether deluded or designing, to justify him and his plans at the tribunal of posterity, must prove fruitless, with any common industry on the part of contemporary annalists.” Ibid., ix-xi.

To John Hart

Dr. John Washington 11h. Septr. 1817.

I have received to day your favor of the 2d. inst. and I have written a letter 1 which will go by the next mail to Mess. Macdonald & Ridgely requesting them to purchase for you & ship the mill stones to Winter & McCall, 2 and added that I would guarantee the payment for them at the end of the six months &c. I was lately at Balto. and saw Ridgely, and I entertain no doubt from the disposition which they manifested to serve you that your order will be well attended to.

From all quarters of Europe and throughout the U. States, as far as information has been received, it appears to be one of the most abundant years ever known. In England & France they speak in terms, almost extravagant of the fruitfulness of the season. American
flour has fallen in Liverpool more than thirty shillings sterling in the barrel, and every where on our Sea board have wheat & flour fallen. I think you are right in supposing that wheat with you will be down to 50 Cents, and if you can make contracts for flour, predicated on the price of 62½ Cents per bushel for wheat, I should think them judicious. I am strongly of opinion that it is your interest to sell whenever you can on the spot, without the trouble and risk of exportation. The prices at New Orleans are quoted so low, and the quantity on hand is represented to be so great in that City, that I am almost afraid to enquire as to the success of your adventure this summer—I hope that it has been all sold—

In regard to the Yarns belonging to the Estate of your brother I am at a loss what to advise. I see no prospect whatever at present of the rise of hemp. As long as the trade with Russia remains open it appears to me that it will not rise, and you know the preference which is given to yarns made of Russia hemp. Judging then by the means which I am possessed of to form an opinion I should think that even eight Cents P lb. had better be taken for those yarns delivered in Lexington, than to keep them longer, with any such prospects as now exist of an augmentation.

My suit with Trimble comes on in the next month. And I must request that you will not neglect attending yourself & getting Tandy also. If Mr. Daniel has not sent you subpoenas I will thank you to write to him immediately for one for Tandy & yourself—

My family continues to enjoy good health, and I believe I shall not take them out of the City, if it should continue to be as healthy as it is at present—Lucretia's situation renders travelling particularly inconvenient.

Will you inform me in your next if the pavement has been finished between the house occupied by Capt. Gaines & Miss Keizer?

My respects to your mother's family—

I believe I informed you that Mr. Brown arrived at Havre on the 2d. June after a short passage—Yr's faithfully H. CLAY
P. S. The suit mentd. by Mr. Haggin had been agreed to be compromised between Payne & me.

ALS. DLC-TJC (DNA, M212, R10). Addressed to Hart at Lexington.

1 Neither letter has been found.
2 New Orleans commission merchants.
3 Probably Thomas Hart, Jr.
4 David Trimble.
5 Gabriel Tandy.
6 Henry Daniel.
7 At some time in 1817 (exact date not given) James E. Davis billed Clay for forty-two cents for “Executing subpoena on Tandy & Barr to go to Montgomery as Witnesses in the case of Clay & Trimble.” ADS. DLC-TJC (DNA, M212, R15). Barr was either Robert R. or Thomas T. Barr. See below, Agreement, March 9, 1818.
8 James Brown Clay was born November 9, 1817.
9 Bernard Gaines: Elizabeth Keiser.
10 James Brown.
11 James Haggin. Suit not found.
12 Probably Daniel McCarty Payne, Lexington lawyer.
Hon Henry Clay Present Sir 11 Sept 1817
An examination has been made for the purpose of ascertaining the military service & death of Braxton Blake & Jno Byars¹ said to have been soldiers of 17 Inf. of U S Army Braxton Blake cannot be found on any rolls of the 17 Inf. in the War Department or this Office Jno Byars is found in Capt Hightowers² rolls to have enlisted on the 2d of June 1812 for 18 mo there is no evidence of his death. his heirs are not entitled to Land but if he left a widow & his death can be established she will be entitled to 5 years pension payable by the P M Gl I return the memorandum you left at this Office.

¹ Blake not found; Byars possibly of Washington, Mason County, Kentucky.
² Richard Hightower of Jessamine County, commissioned March 12, 1812, in Colonel Samuel Wells' Regiment, 17th U.S. Infantry.

To Lewis Sanders

[Washington, September 13, 1817]
A Mr. Davis,¹ residing in this place, who owns a tavern and large farm on the road from here to Baltimore, about nine miles from this city, offered to me to have your bull taken care of at his farm, free of expense, until next spring, unless he should be otherwise before disposed of. As Mr. Hollins² expressed a wish to have him and my cow taken away, I went to Baltimore last week on that and other business. I was assured that no prospect existed of selling the bull there; and I therefore concluded, under all circumstances, that it was best to remove him to Mr. Davis'. That position, if you determined to take him to Kentucky, was quite as good as Mr. Hollins', indeed rather better, and if he should not be sold before the meeting of Congress I thought it possible that there might be some member of that body disposed to buy him, and in that case Mr. Davis' would be a convenient place for him to be seen. Some gentlemen in that neighborhood had, moreover, told me that they would probably buy him, if they liked him when they saw him.
I accordingly had him taken from Mr. Hollins' and brought to Mr. Davis'. One or two of his hoofs had come off, but others had grown out in their place, and the circumstance has not injured his appearance or affected his traveling. You have been put to no other expense than that of a man to drive him to Davis' and the charges on the road. He has grown a good deal, but is not very fat. Mr. Hollins thinks he does not fatten kindly. I think he will make a very large animal. Mr. Davis says that his own cows have gone to a bull before the arrival of yours, and he assures me that he shall not
be allowed to go to the cows of any other person. He is however inclined to be mischievous.

The prospect of selling him is not so good as I could wish. Whatever I can do to effect a sale of him shall be done. Will you inform me what breed he is of, as that inquiry has been several times made of me?

When at Baltimore I went to see the cattle given to Mr. Patterson by Mr. Coke, and brought over from England this spring. They are blood red without a particle of white about them, except the tip ends of their tails, most beautifully formed, somewhat of the symmetry of deer, smooth thin, soft skins, but very small; indeed not so large as our native breed. Their excellence is said to consist in the docility and nimbleness of the oxen of that breed, and the richness of the milk, of which, however, they do not give much.

Any directions you may give respecting your bull shall be attended to as far as in my power.

Excerpt. The Breeder's Gazette, LXVI (December 24, 1914), 1139.
1 John Davis. 2 John Hollins. 3 Thomas William Coke of Holkham, a member of Parliament for Norfolk (later Earl of Leicester) and a highly successful farmer, had sent to William Patterson and Richard Caton of Baltimore six young cows and one bull of the Devonshire breed.

From M. and Mme. C. Gréban

Monsieur.

Gand le 15 7bre 1817.

j’ose me flatter que vous conservez quelque intérêt à vos bons et sincères amis de Gand dont le temps ni les distances ne peuvent altérer les sentiments pour vous.

je ne sais à quelle époque la présente pourra vous être reuni par mon ancien ami le lieutenant général Rigaut que l’une aveugle tyrannie force à abandonner l’Europe. il est accompagné de son fils jeune encore, mais déjà distingué par d’honorables blessures et d’une aimable demoiselle qui, tous deux, sacrifient tout à la piété filiale. vous etes digne, monsieur, d’apprécier les sentiments d’honneur, de délicatesse et de vertu qui distinguent cette respectable famille. accablée par L’adversité, elle a besoin de protection et de conseils sur une terre étrangère, je la recommande à ces pensées généreuses et élevées qui vous caractérisent, monsieur et je prends la liberté de vous demander de faire pour lui rendre service tout ce que j’oserai, moi même, réclamer de votre amitié, si quelque circonstance me conduisait dans votre heureuse patrie.

Si le Général rigaut était né au milieu d’une république comme celle des états unis, il auroit joui de tous les avantages qu’il a eu pour but, dans la carrière militaire qu’il a parcourue [sic] avec distinction pour moi, monsieur, mes efforts n’ont pu réparer les
torts que m'a faits l'ingrate fortune, je continue de Lutter, avec courage, contre L'adversité.

j'espère que vous êtes aussi heureuse, vous et votre famille que vous en êtes digne, veuillez recevoir les voeux que je fais pour vous et l'expression de ma reconnaissance ainsi que de mon inviolable attachement. j'ai l'honneur d'être, monsieur, votre très humble et dévoué Serviteur

C Gréban

je ne peux pas laisser partir cette lettre, monsieur et ami, sans me joindre à mon mari pour me rappeler à votre souvenir je vous recommande bien particulièrement le général rigaud et sa famille. Son aimable demoiselle est mon amie elle était digne d'un meilleur sort.

toujours heureuse dans mon intérieur, la fortune continue, aussi de me maltraiter moi et ma petite famille. ma fille ainée esther pour laquelle vous aviez tans [sic] de bontés acheve son éducation à Paris Ma Soeur Madame Demeulemeester vous eut aussi mille Choses affectueuses je me réunis à elle j espere que vous nous donniez de vos nouvelles j'ai l'honneur d'être Votre affectionnée & très humble

Gréban née Vanaken

ALS. DLC-HC (DNA, M212, R1).

1 Baron Antoine Rigau (or Rigaud), an army officer under Napoleon and Louis XVIII, under sentence of death for rejoining the Emperor during the Hundred Days, had fled to the United States shortly before this letter was written. He became a leader in an unsuccessful scheme to establish a settlement of Napoleonic émigrés in Texas and died in New Orleans in 1820.

2 Madame Jean de Meulemeester.

From Robert Wickliffe

Lexington Sepr. 20th 1817

Nothing since you left this has occured worth the postage of a letter except our election. The result of which you can but be pleased with. I think it will have a good effect.1 Although I have serious doubts upon the Consti tual [sic] question & fearing the republicans were wry you know my regret at the agitation Of the question, Sincerely do I wish that the republicans may not only be always—successfull but always right, I believe it has forever lain the Demon of discord.2 here the Federalist [sic] are compleatly silenced, & convinced that they are despised by the people As they Depise [sic] the people, Mr Pope handed in his resignation & the office was handed to Genl Hardin3 who after some deliberation rejected it & Pope has resumed it. He has entered a practitioner of law In Shelby from which I infer he will not again return to Lex­ington4 and I learn that J McKinley Esqr. will migrate down the water He says to the Alabama &c. So that I think we may anticipate a long respite from annoyance from that quarter.5 Your friends here
have their usual health & such I think is the General aspect of our neighbourhood & town. Crops of every kind are good & niver have The people of the State had fairer prospects Than now Land on the rise &c. I am just preparing an ejectment for one of McDermid's heirs for the Lott oposite the episcopal church & a writ of right against you, for the one seventh part of your Hotel, this I do believing That your interest is not involved & with a determination that you shall not loose, from the information I have, I have no doubt of success In both suits The Lott is the property of Milly McDermid in part by conveyance & descent & has never been conveyed by her, but probably sold by a former Husband, this not Certainly known—She conveyed the 5 acres on which the Hotel stands with others of the heirs to Hugh McDermid but was under age She sues all between Market Street & the street by Morrisons up to the street that passes by my house to the foot of T Harts lott So that you have in company Doctor McCalla. Tibbatts Morrison John D. Clifford—&c. &c. My own family are will [sic] present My respects to Mrs Clay & believe me To be with great regard your friend Sincerely ROBERT WICKLIFE

ALS. DLC-HC (DNA, M212, R1).
1 The election of August, 1817, in which Kentuckians had chosen their State House of Representatives and one-fourth of their Senate, had ended a bitter campaign based on the constitutional question of a lieutenant-governor's right to succeed to the office of governor in case of the death of the latter official. George Madison, elected Governor by the Republicans in 1816, had died in October of that year. The Lieutenant-Governor, Gabriel Slaughter, had assumed the duties of the office but immediately aroused opposition among Republican ranks by appointing the unpopular John Pope as Secretary of State. Uttering charges of Federalism, partisan leaders argued that Slaughter was not constitutionally entitled to his position and that a new election should be held to fill the office. Candidates for the legislature in 1817 had taken their stand on one side or the other of this question, and the voters had responded in favor of Slaughter's opponents.
2 When the question came before the legislature in December, a bill providing for a new gubernatorial election was approved by the House but defeated by a vote of eighteen to fourteen in the Senate.
3 Martin D. Hardin.
4 Actually Pope remained a resident of Frankfort, even after resigning the office of Secretary of State in 1819.
5 John McKinley, Frankfort lawyer, moved to Huntsville, Alabama, in 1818. He became United States Senator (1826-1831, 1837), Congressman (1833-1835), and, in 1837, an Associate Justice of the United States Supreme Court.
6 Kentucky Hotel.
7 Milly, an heir of Francis McDermid, had been married in 1792 to Gabriel Phillips, who had died in 1795. The following year she had become the wife of Edmond Phillips. The suit was brought in the name of "Edmond Phillips and Milley Phillips his wife." The Phillips claim was subsequently transferred to Wickliffe and the suit continued for many years.
8 James Morrison.
9 Thomas Hart, Sr.
10 Andrew McCalla; Thomas Tibbatts.

To [James Monroe]

Sir

An association of a number of persons, residing in various parts
of the Union, has been formed at the City of Washington, under
the denomination of "The American Society for colonizing the free
people of color of the U. States." The object of this institution,
indicated by its name, is to promote the colonizing of the free
people of color in the U. States, with their own consent, in Africa
or wherever else the wisdom of the General Government may
recommend. The utility of a separation of the persons in question,
from the residue of the population of the U. States, as it respects the
interest and the happiness of both parties, must be quite obvious.
Occupying an intermediate space between the white and the slave
population of the Country, they can never here enjoy all the
advantages, social and political, of freemen. If the Constitution
and the laws were even to proclaim them entitled to these advantages,
such is the force of habit and of prejudice, that the Constitution
and the laws would, in this respect, be altogether inoperative. The
moral effects of the degradation, to which in this Country they are
thus doomed, are every where but too well known. Removed to a
foreign Country peopled by a similar race they might become real,
instead of being merely nominal, freemen. And if that Foreign
Country should happen to be that of their Ancestors, they might
moreover possibly be, in the hands of providence, instrumental in
communicating civilization and christianity where those blessings
are now unknown.

We might, on the other hand, safely rely on the vigor of the
principle of population, and the motives to emigration from Europe
which our Country presents to supply, in place of the persons so
withdrawn, (the numerical loss of whom could be the only injury
possibly experienced) an equal number more homogeneous with
the mass of the population. The general improvement in the morals
of the Country, incident to their separation, no one will question.

Entertaining these views and sentiments, the Society, in looking
around for an eligible Country wherein to establish the proposed
Colony, has hitherto directed its attention principally to the Western
Coast of Africa; and it contemplates shortly to depute to Europe
and to Africa one or more agents to acquire all the information, as
to climate, soil, healthfulness of situation, and disposition, both of
the natives, and of the European powers, which may be useful in
leading the judgment to a just and correct decision on that
important point.

We have, Sir, been appointed by the Society a Committee to lay
this exposition of its object and intentions before you, and, if it
should be so fortunate as to obtain your approbation of them, to
solicit, as we do most respectfully, your patronage, and any aid in
their accomplishment, which you may find it proper and convenient
to render. The Society supposes that the agents, which it purposes
sending abroad, may be particularly benefited by the countenance
and assistance of the Ministers of the U States, near such of the
powers of Europe, as may be supposed likely to feel an interest in
the subject. 2

We beg leave to transmit, for your examination, a Copy of the
Constitution of the Society; and to add that auxiliary Societies in
different parts of the U. States have been formed.

We have the honor to be, with great respect, Your obedient
Servants

H. CLAY

JAMES LAURIE 3

Committee

JNO PETER 4

The President of the U. States.

ALS, signed also by Laurie and Peter. NN. An ALS draft is found in DLC-HC
(DNA, M212, R1). No answer to this letter has been found.

1 See above, Speech, December 21, 1816.

2 In October the Board of Managers of the Colonization Society appointed a
committee to meet with Monroe, who throughout his presidency “actively
cooperated with the Society.” Fox, American Colonization Society, 52, 55.

3 Presbyterian minister in Washington, D. C., a member of the Board of Managers
of the American Colonization Society.

4 Mayor of Georgetown, D.C., a prominent Presbyterian layman, and also one of the
Board of Managers of the Colonization Society.

From [George Boyd]

Hon Henry Clay now at Washington
Sir

I have the honor to acknowledge the receipt of papers in relation
to increase of pension in the case of Thomas McBarney 1—& to inform
you that the Same will be laid before Congress at their
approaching Session.—


1 An “invalid pensioner” from Kentucky, who was paid $57.60 per annum, as
3, 1819, his pension was raised to $96 a year, effective retroactively to September 12,
1817. 3 U. S. Stat., 527.

From [John Stuart Skinner]

[ca. September 30, 1817]

Sir—The affairs of the South American continent assume every
day a more serious and interesting aspect. 1 The most cold hearted
observer begins to perceive that we have something depending on
the issue of that conflict—we ought not, we cannot be indifferent
to the result. I have committed to paper some thoughts on the
subject, and dedicate them to you; because I think the subject
worthy the contemplation of your vigorous and comprehensive mind;
because I believe the manly generosity of your feelings in all cases
where liberty is the question, has already induced you to meditate
upon it with that heart felt anxiety which it ought universally to inspire;² and that it would even lead you to run some risk and to make some sacrifices for the emancipation of millions of fellow-beings, pressed to the earth by military, commercial and religious tyranny. In short, I think it may be made apparent even to those prudent politicians who would have us “live and move, and have our being” only for ourselves, that as a matter of sheer interest, the affairs of South America deserve to command the attention and to attract the solicitude of the soundest heads and the best hearts of this nation.³

Washington National Intelligencer, September 30, 1817, reprinted from Richmond Enquirer. Published also in Lexington Kentucky Gazette, October 11, 1817. Headed: “to HENRY CLAY”; signed: “Lautaro.” On Skinner’s authorship of the “Lautaro” letters see Arthur P. Whitaker, The United States and the Independence of Latin America, 1800-1830 (Baltimore, 1941), 162n. Trained as a lawyer, Skinner was postmaster of Baltimore, 1816-1837; later (1841-1845) third assistant Postmaster-General. He established and edited the American Farmer (1819-1830), the American Turf Register and Sporting Magazine (1819-1835), and The Plough, the Loom, and the Anvil (1848-1851). He also operated an experimental farm near Baltimore in cooperation with the Maryland Agricultural Society and was active in development of a Western Shore Branch of that Society.

¹ See above, Speech, January 24, 1817. On July 9, 1816, the United Provinces of Rio de la Plata had formally declared their independence.
² On Clay’s early interest in the “convulsions of the new world,” see above, I, 624; II, 135, 155-56.
³ Following this introduction the writer presents a series of seven “Letters,” reprinted in Washington National Intelligencer, September 30, October 2, 4, 7, 11, 16, 18, 1817, in which he urges recognition of the Spanish American provinces by the United States. He argues that “our aid,” “taking part in the establishment of their liberties,” should be concentrated through its extension to individual countries, beginning with Chile or Peru, rather than by offering recognition to all at once—that neither England nor the Continental Powers would interfere in such an action—and that the friendship and trade advantages which the United States would gain from such ties with independent countries to the south would be “incalculably great.”

Receipt from Seth Briggs

[October 3, 1817]

Attached to Promissory Note, July 26, 1816.

To Caesar A. Rodney

My Dear Rodney

Washington 5th. Oct. 1817

I received your obliging favor of the .¹ I had previously heard of your domestic misfortune, and most sincerely sympathized with you in your distressing loss.² No calamity is more afflicting than that of a parent who finds himself deprived of a favorite son, in the vigor of youth, on whom he had been accustomed to bestow his affections & concentrate his hopes. Time and reflection upon the irreversible decrees of providence can alone, on such trying occasions, bring us consolation and relief.
OcTOBER 9, 1817

I saw with much pleasure that you had accepted of a foreign employment, which, whilst it would not take you long from us, afforded the evidence of a friendly relation between you and the Administration, and at least some recognition of your former services.\(^3\) I understood a week or two ago that the President had, however, postponed for the present the mission to which I refer. But as the Congress\(^4\) has just returned & is completely equipt for Sea I am told the President has been written to for the purpose of ascertaining if he will not employ her on the service in question. Should he determine to do so, you will go out much more comfortably and respectfully.

Mr. Rush\(^5\) is certainly to go to England. His promotion has been rapid without example in our Country. I should doubt whether the public feeling will go along with it.

Should you go on the contemplated voyage I shall feel particularly obliged by the correspondence which you promise. Wherever you may be rest assured that the most lively interest is taken in your welfare & prosperity by Yr friend H. Clay

ALS. DLC-Rodney Family Papers (DNA, M212, R22).

1 Not found.
2 John, aged nineteen, eldest surviving son of Caesar A. Rodney, had died of “a malignant fever” in New York City on August 14, 1817.
3 As early as June, 1817, Rodney and John Graham had been appointed by President Monroe as commissioners to ascertain the political condition of the South American states revolting from Spain. Their assignment to this mission, jointly with Thedorick Bland, Judge of the Baltimore County Court, and with Henry Marie Brackenridge as secretary, was rumored in November but not officially announced until early December, when the commissioners finally embarked. Washington National Intelligencer, November 12, December 5, 1817; John Q. Adams to William Lowndes, March 2, 1818, in Annals of Cong., 15 Cong., 1 Sess., XXXII, 1464 (March 24, 1818).
4 United States frigate, commissioned in 1799, which under Captain Charles Morris had just returned to Norfolk after a tour to Port au Prince, Cape Henry, and the Spanish mainland. Niles' Weekly Register, XIII (October 4, 1817), 96.
5 Richard Rush.

Receipt from Susannah Price

Lexington, Octo. 9, 1817.

Received from Henry Clay, the surviving Executor of Tho. Hart, six hundred and Eighty one dollars, 25 Cents, on account of my interest in the Estate of the said Tho. Hart. 

SUSAN PRICE

DS. DLC-TJC (DNA, M212, R15).
From John Hart

Dear Sir,

Lexington, Octo. 9, 1817.

I send you, hereto annexed, a copy of your account with John Hart, & Tho. P. from 29 July last, to the present day.¹

I rec'd. last night, from the post office, a notice directed to you by John T. Pendleton, Notary Public,² stating that Tho. D. Owings's note for $9000, endorsed by you, was protested for non payment, on the 30 ulto. Finding nothing said, relative to this affair, in your instructions to me, I presume you have given the necessary directions to some other persons. Should it, however, have escaped your recollection, and you wish any thing to be done concerning it, I will, with pleasure, attend to it for you.

I rec'd. from Mr. Daniel,³ yesterday, the subpoena I wrote to him for, which was returned, by to day's mail, with the service of it acknowledged on the back. We are now in hourly expectation of our new boilers, which it is most important to us should be set up in the furnace, with the least possible loss of time. I could not, therefore, without a great sacrifice, go to Mt. Sterling, as I promised you I would do, to attend the trial; But I certainly should have gone, at any sacrifice, could I have believed that my testimony was essential to your cause. This I was satisfied it was not, from a conversation I had with Maj. Tandy,⁴ who has gone up this morning, in which I discovered he could prove every thing I knew.

Over. Yours, JN. Hart.

Of the fine holland you put into the store, not a single yard has yet been sold, owing to the high price set upon it. as it is already a little soiled, & will be more so, I think you had better have it sent home, & keep it for your family's use, or direct us to sell it for what it is worth—

[Enclosure]⁵

Dr. Henry Clay Esq.

1817 1

In act. with John & Tho. P. Hart.

July 29. To Balance this day due us, as per act. forwarded to Washington City, . . . . . . . . $147.20.

31. To Cash, paid Sam. Long's bill for repairing the roof of the hotel,⁶ where it was struck by lightening, . . . . . . . . . . . . . . . . . . . 5 "

Augt. 22. To ditto, paid Bibb,⁷ per rect. for timber for pipes, . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 29.42

Sep. 10. To ditto, paid Leaving Young,⁸ per Henly's⁹ order, for shoes, . . . . . . . . . . . . . . . . . . . . . . . . 6. "

" 23. To ditto, paid for a stamp, to renew your note of $6000, at the Off. D. & D. B. U. S, 3.50
OCTOBER 9, 1817

1817

Cr.

Augt. 29. By Cash, recd. from Dabney Carr, & by him from F. Drake, on act. of his rent, $ 70."

Sep. 16. By ditto, recd. from Judge Miller, for 1 Mo. & 10 days rent of Ashland, . . . . . 55.50

17. By ditto, recd. from Rob. Henrys the amo. of Abbotts note to John Hart & co.; (the first concern under that name,) which was put into his hands to collect, . . . . . 32."

24. By ditto, recd. from the Off. D & D. B. U. S. the amo. of a draft, belonging to the Estate of T. Hart; forwarded by them to New York, & collected for you, . . . . . . 1250."

29. By ditto, recd. from Dabney Carr, . . . . . . 100."

Octo. 9. By Balance, this day due us, . . . . . . 123.85

$1631.35.
To Christopher Hughes, Jr.


Since my return from K. the last of July I have desired to write to you, but no good opportunity has occurred (Mr. Russell\(^1\) having sailed earlier than I expected) until your brother,\(^2\) now here, mentioned to me one, by which he promises to send this letter.

I was anxious to communicate to you my impressions in relation to the return of Mr. Russell, which I presume you did not expect, and which, so far as the event was connected with you, has given your friends much concern.\(^3\) Upon his arrival in Sweden two courses of conduct might present themselves to a person in your situation. One is to fall out with the Governmt. and with him, to come home in a pet, and to abuse both. The other is to acquiesce, with a good grace, in what is unalterable, to treat both him and the Government with undiminished respect and politeness, and to patiently wait a more favorable turn of events. I hope you will avoid the former & pursue the latter course. I believe several circumstances concurred to produce Mr. Russells return, which neither he nor the Government exactly foresaw; and that the duration of his residence at Stockholm is neither contemplated by him nor the President as long. You may then by adopting the latter course of conduct yet realize the expectations which you entertained upon going out; whereas by pursuing the first you dash your prospects forever. Your serving in a situation of lower grade than was intended you may even, by your cheerful compliance with the views of Govt., strengthen your claim to future promotion. If indeed you find that Mr. Russell prolongs his residence more than he calculated upon and that the expence of your family can be illly borne by you, you might then withdraw from the situation, with the consent of Government, and taking care that your return shall
OCTOBER 14, 1817

not be attributable to chagrin. You see with what frankness I write you. I do so more from the interest I feel in your welfare than from any apprehension of your adopting that line of conduct which I have supposed to be marked by indiscretion.

I recd. your favor from Ghent, and read with the greatest interest the details you gave me respecting our acquaintances there. I should like once more to see those good people, but this wish will probably never be gratified. There was one person that you did not mention, of whose situation I should have liked to have heard —I mean the Landlady at whose house Todd & I had rooms—

Your friends in Balto. will keep you so well informed of all that should interest you in America that I need not trouble you in this respect. The news of Washington is that Mr. Rush is to go to England—Who will be his Successor, or who will have the charge of the War Dept. remains unknown. Our revenue continues more prosperous than was expected, so much so that the Internal taxes will probably all be repealed at the next Session.

My family has continued in Washington since last November—We intend returning to K. in the Spring. With sincere regard I am Cordially & faithfully Yr's

H. CLAY

P.S. Give my respects to Mr. Russell & say to him that I fear he did not get my letter before he sailed, in reply to one I recd. from him —I will write him shortly.

H.C.

ALS. MiU-C. 1 Jonathan Russell.
2 George Augustus Hughes of Baltimore.
3 See above, Hughes to Clay, September 13, 1816. 4 Not found.
5 See above, Clay to Hughes, December 8, 1816, note.
6 For Richard Rush's successor as Attorney-General, see below, Clay to John and Thomas P. Hart, November 14, 1817. Clay himself had been offered and had refused the post of Secretary of War, as well as that of Minister to England. On December 6, 1817, John C. Calhoun became Secretary of War.
7 See above, Clay to Russell, August 18, 1817.

To [Joseph Gales, Jr.]

Dr Sir Richmond 1 14 Octr. 1817

I find since I left the City that a servant boy of mine has taken it into his head to leave Mrs Clay, which he has done for no other reason than because we have spoiled him by good treatment. I wish him advertized as below, but as I do not recollect his clothes I must ask the favor of you to call on Mrs. Clay and get a description of them, and add it, and any additional circumstances with which she may furnish you to the advertisement. Yrs.

H. CLAY

Ran away from the subscriber in this City on the 12th. inst. a bright mulatto boy about 17 years of age, well grown, and supposed to be about five feet ten. His hair is straight & long. He stoops a
little, and when spoken to has a downcast look. He took with him the following clothes:

Ten dollars will be paid if he is taken within this District, and Twenty if without, so that I get him again. It is apprehended that he has gone on board some vessel.

H. CLAY

1 See below, Clay to John Hart, October 28, 1817.

Advertisement for Runaway Slave

FIFTY DOLLARS REWARD.  

Oct 17-[1817] Ran away on Saturday night last, a light mulatto boy named ISAAC,1 about 17 or 18 years of age, 5 feet 9 or 10 inches high, or thereabouts; wore a great deal of straight and long hair on his head, dark eyes, and turns pale when slightly alarmed. Had on a dark brown coat, and a fur hat. Took with him several linen shirts with ruffles, and a large dark brown great coat, with belt and straps: other cloathing not known.

It is probable that he has gone on board one of the Potomac wood boats, or has made his way to Baltimore or Alexandria, with a view to go to sea.

The above reward will be given to any person who shall secure the above named slave in any gaol without the limits of the District of Columbia, so that I get him again, and twenty-five dollars if taken and secured within the District.

H. CLAY.

Washington National Intelligencer, November 6, 1817. Cf. above, Clay to Joseph Gales, Jr., October 14, 1817.
1 See above, I, 708, 712n.

To Charles James Lanman

WASHINGTON CITY, 28th October, 1817.

Sir,—I have received the letter which you addressed to me on the 16th instant, requesting information relative to the prospects which a young man of good education would have of being employed in Kentucky as a tutor in a private family, or in the profession of law.

During my residence in Kentucky I successively employed two young gentlemen as tutors in my family (one from New England and the other from New Jersey),1 to each of whom I gave $300 per annum and boarded him in my family. I think it probable that on similar terms, with proper recommendations, you could obtain immediate employment in Kentucky. Our system of education not
being so good as that which prevails with you, gentlemen who have large families and can afford the expense are frequently desirous of engaging private tutors.

Success in the profession of the law depends upon so many circumstances that it is almost impossible to pronounce \textit{a priori} what degree of it will attend the exertions of any particular candidate. One may, however, safely assert with respect to the pursuit of it in Kentucky, that even a moderate share of talents, accompanied by probity, industry, patience, and economy, will be—and in a period much shorter than in older countries—rewarded with a competency and respectability. With the qualifications suggested, I do not think it material in what part of the State a location is made. There is room anywhere, though there may be some difference as to the period in which one would realize his hopes in the several places that might present themselves. Should you determine upon the pursuit of that profession in Kentucky, or, indeed, in any part of the Western States, my advice would be that you should go out, reconnoitre, and determine for yourself. Terms of admission to the bar, with us, are upon the most easy and liberal footing. No previous residence is required, and the license to practise what the law prescribes is usually granted after very slight examinations of the applicant.

Partnerships in the profession are extremely rare with us, and perhaps desirable to neither party. The business of the counsellor and attorney is not separated as it is in New York and some other parts.

I have not considered myself a practitioner for several years.

I shall be happy, sir, if this letter may, in any manner, be useful to you, and it will give me great pleasure to communicate to you any further information, or to render you any aid in the prosecution of your object, in my power. I am your obedient servant,

CHARLES JAMES LANMAN, Esq., Norwich, Conn. H. CLAY

Charles Lanman, \textit{Haphazard Personalities: Chiefly of Noted Americans} (Boston, 1886), 121-22. Charles J. Lanman, born in Norwich, Connecticut, in 1795, had been graduated from Yale in 1814 and recently had been admitted to the bar. Instead of moving to Kentucky, as here contemplated, he settled in Michigan Territory, where he practised law and held numerous offices before returning to his native state in 1835.

\textsuperscript{1} Amos Kendall had been followed by a “Mr. Kilpatrick” as tutor in the Clay household. Amos Kendall, \textit{Autobiography}, edited by his son-in-law, William Stickney (New York, 1949), p. 142.

To John Hart


An excursion which I made to Richmond for two weeks, and from which I am just returned, prevented me from earlier acknowledging the receipt of your two favors of the 9th. and 13th. inst.\textsuperscript{1}

I expected Trimble\textsuperscript{2} would continue my suit in Montgomery. He
talks about the facility of a compromise to every body but me. As it was continued I am glad you did not go.

Before I went to Richmond, I was informed by Macdonald & Ridgely that the Mill stones which you had requested to be purchased, notwithstanding the variation in their dimensions from the standard you wished, had been previously sold; and that they had consequently ordered a pair to be made of the exact dimensions you wanted. I have received to day the inclosted [sic] letter from them. Considering that the saving of expence, if the stones are sent by New Orleans, according to their estimate, will be very trifling and much less than you expected, I have directed them to send the stones by the route of Pittsburg, provided they can send them off in ten days; for if sent later than that I am apprehensive they would not descend the river before it closes.

I perceive by the account which you have rendered that a balance was still against me. I presume however that Mr. Carr must have, from collections made by him, 'ere this thrown the balance on the other side.

With respect to my house which you occupied, if by a removal, you will be able to improve your business, I shall be far from regretting the event. In renting it out, as you intimate you will do, for the residue of your year, I take it for granted that you will guard against any abuse of the property on the part of the sub-tenant. Capt. Gaines suggested to me a wish to rent it, but as I perceive he has purchased out Majr. McCalla I suppose he will not want it.

Will you do me the favor to ask Henley to take up the Carpeting at Ashland & have it carefully put away? Whoever succeeds Judge Miller (if there be any successor) is not to have the use of that article. Your sister who is at my elbow requests that Mrs. Price will have the goodness to cause the Carpeting to be put away in the store room; and also to see that the mirrors are covered.

With respect to the Linen in the Store, we wish it sold for what you may think it fairly worth,—without making any sacrifice—Rather than do that it may be taken out—As our family may not want it for a year or two it would be better to sell it for what it is really worth, if that can be done—

Lucretia & the children have enjoyed very good health, with the exception of Henry who was ill a few days with an intermittent, which has however now quite left him. We expect in a few days an addition to our family.

Give our Love to all the family. Yr's faithfly

H. CLAY

ALS. DLC-TJC (DNA, M212, R10). Addressed to Hart at Lexington; endorsed: "... Answd. Nov. 30. ..." Answer not found.

1 The second letter not found. 2 David Trimble. 3 Not found. 4 Dabney Carr.
Account with Samuel Long

1817  Mr. Henry Clay Dr To Saml Long—  [ca. October 31, 1817]

<table>
<thead>
<tr>
<th>July 25</th>
<th>708 Feet of board fence [sic] plained @ 4 C $ 28.32—</th>
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<tbody>
<tr>
<td>2 Doors @ 6/</td>
<td>...</td>
</tr>
<tr>
<td>23 Posts Holes Dug @ 20 Cnts</td>
<td></td>
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<tr>
<td>422 Common board fence @ 21/2</td>
<td>...</td>
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<tr>
<td>28 feet of Cornish at 1/6</td>
<td>...</td>
</tr>
<tr>
<td>2 batten Doors Complete @ 10/6</td>
<td>...</td>
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<tr>
<td>210 Sheathing and Shingling @ 12/</td>
<td>...</td>
</tr>
<tr>
<td>28 of barge board @ 6 1/4 cents</td>
<td>...</td>
</tr>
<tr>
<td>2 finishing windows 15/</td>
<td>...</td>
</tr>
<tr>
<td>120 of Ruff floor at 12/</td>
<td>...</td>
</tr>
<tr>
<td>104 of Single Archatre @ 8 1/4</td>
<td>...</td>
</tr>
<tr>
<td>450 Framing at 6/</td>
<td>...</td>
</tr>
<tr>
<td>2 Sills in Doors @ 3/</td>
<td>...</td>
</tr>
<tr>
<td>37 of Jamb Casing at 8 1/4</td>
<td>...</td>
</tr>
<tr>
<td>2 Lentrals @ 25 Cents</td>
<td>...</td>
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<tr>
<td>11 Feet of Molding 4 Cents</td>
<td>...</td>
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<tr>
<td>1 Set of Steps in Smoke house</td>
<td>...</td>
</tr>
<tr>
<td>1 Door fit and hung</td>
<td>...</td>
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<tr>
<td>1 Large Lintrall penice</td>
<td>...</td>
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<tr>
<td>Peicing out floor</td>
<td>...</td>
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<tr>
<td>48 of Archatre @ 8 1/4 Cents</td>
<td>...</td>
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<tr>
<td>22 of Readed Jambs 25 Cents</td>
<td>...</td>
</tr>
<tr>
<td>28 Feet of Double woud Doors 25 Cents</td>
<td>...</td>
</tr>
<tr>
<td>6 Rails @ 9d</td>
<td>...</td>
</tr>
<tr>
<td>8 buts @ 9d</td>
<td>...</td>
</tr>
<tr>
<td>12 Lights of Sash @ 9d</td>
<td>...</td>
</tr>
<tr>
<td>6 Locks put on old house @ 3 1/2</td>
<td>...</td>
</tr>
</tbody>
</table>

$126.20

To Amount Brought Over $126.20

1 Door fit and hung ... 0.50
3 Barts [sic] on hotell windowins ... 1.50
1 Days work @ Hotell by Birton ... 2.00
Finishing Stairs of Megowans and bulls ... ... 0.75
1 Days work of Spencer alsop ... 2.00

Octbr 31 To Repairing Sill on Door for west ... 1.50
12 Square & 25 feet of Shingling Third Story @ 15/ 30.37½

$ 164.82½

To work Done for Osbon Hanly

9 Days work @ 9/ 13.50
100 Feet of plank 13/6 2.25
30 of Ash plank 18/ 0.90
2 Ib of Nails @ 1/6 0.50
500 Shigs 62½ 0.62½
50 Shingles 0.25
Hawling 0.62½

$ 183.47½

by Cash Recvd of Hanly 10.00

$ 173.47½

[Endorsement]³⁷

Cr. By Cash pd. by Jno. Hart $ 408
do. by H. Clay ... 30

70:—

103:47½

D. DLC-TJC (DNA, M212, R15).
1 Kentucky Hotel.
2 John Burton, Lexington house-joiner.
3 David Megowan: John Bull.
4 Spencer Allsop, Lexington house-joiner.
5 William West.
6 Osborne Henley. The work was probably done at “Ashland.” ⁷ AE, by Clay.
8 See above, debit entry of October 4, in Hart to Clay, October 9, 1817.

From William S. Waller

[November 1, 1817]

Bank of Kentucky, Frankfort, Letter Book, September 18, 1816—October 31, 1818 (Book D), p. 165, contains a notation that Clay and John Mason, Jr., were sent letters “of same tenor & date” as the following, dated November 1, 1817, and addressed to “Geo: Howard Esqr.”: “You are endorser on a note of Thomas D. Owings dated 29th. August 1817. negotiable and payable at the Bank of Kentucky, sixty days after date. Yesterday the last day of grace expired, and the said note not having been paid, was protested Yrs. Will S. Waller cashr.”

To John and Thomas P. Hart


I recd. your letter of the 27th. Oct.¹ and relying on the assurances which it contains I enclose an authority to Mr. Morton² to indorse my name for you to any amount not exceeding seven thousand dollars.

The price of wheat and flour has recently taken a little rise in the markets of the Eastern Cities. This is probably in consequence of late intelligence from England that the crop in some parts of that Country has not, upon securing it, proved as good as was expected.
Still, according to the information which I have received, I think that they have a fair average Crop in England. In the States of New York and Pennsylvania the crop is said to be very good. It is not so good in those of Virginia and Maryland, but even in these latter States it is far from being a very deficient Crop—

I do not think that any considerable demand ought to be counted upon in Europe for American flour—I am told that the Western flour is not considered so good as that manufactured in the Eastern States. At all events I should think that your success with your Mill materially depended upon the excellence of the manufactured article.

I went yesterday to see an experiment with a pump for raising Water to be subsequently used in any kind of Machinery. With a steam engine of six horse power from 1700 to 2000 gallons of water are raised twenty six feet every minute. The power of this water is said to be equivalent to that of 16 horses. Thus with a six horse power you create 16 horse power. And the same water after being once raised, and thrown upon a wheel, may be received in a reservoir & again taken up by the pump—so that there should be no other loss than that which is occasioned by evaporation. The pump acts without a piston, and the steam is applied through a cylinder directly to the Water to be raised. A vacuum is produced in the cylinder, the water rushes up, and then by an other application of the steam power, the water is forced in the direction which is intended to be given it—

The man who is making this experiment, and who claims to be the inventor of the pump, is from Kentucky, and his name is Bailey3—If it should succeed, (and it looks promising) it will have considerable effect on Steam mills. I am Yr's faithfully

H. Clay

ALS. DLC-TJC (DNA, M212, R12). Addressed to the Harts; endorsed: "... Answd. [November] 30 ..." Answer not found.
1 Not found. 2 Probably John H. Morton. Enclosure not found.
3 William Bailey of Nelson County, Kentucky, had been issued a patent dated February 4, 1817, for raising water by steam. House Docs., 15 Cong., 1 Sess., no. 48, p. 6.

To John and Thomas P. Hart


Since I inclosed you the power of Atto. to Mr. Morton authorizing him to indorse notes given by you,1 it has occurred to me that the limitation as to the amount, which he is authorized to indorse in my name, might occasion some embarrassment in your application at the Banks. I have therefore concluded now to inclose you a power of Atto to him,2 without any such limitation, still expecting that you will not exceed the sum which you have intimated to me you may want.
I should think, from what is to be seen in the newspapers, concerning the rise of British manufactures, that goods will rise in this Country; and that therefore, in your anxiety to sell yours, you should not submit to any considerable sacrifice.

I should like to be informed who has taken my house that you formerly occupied at the corner, and on what terms?

Is the County Court doing any thing with the ground on which the old market house stood?

William Wirt Esqr. is appointed Atto. General.

Yrs. H. CLAY

ALS. DLC-TJC (DNA, M212, R1). Addressed to the Harts; endorsed that the letter was received on November 26 and answered on November 30. The answer has not been found.

1 See above, Clay to John and Thomas P. Hart, November 7, 1817. 2 Not found. 3 See above, Clay to Hart, October 28, 1817; below, Clay to Hart, March 19, 1818. 4 In 1814 a new market house had been built on Water Street, but the old structure in the public square (above, I, 203, note) was not removed until 1817. 5 Born in Maryland, Wirt had practised law in Virginia, where he had been several times elected to the House of Delegates. He had aided in the prosecution of Aaron Burr in 1807, and as United States Attorney-General he participated in such cases as McCullough vs. Maryland and Dartmouth College vs. Woodward. In 1832 he was the Anti-Masonic candidate for President of the United States. He also published several volumes of essays and a biography of Patrick Henry.

To John Hart

Dr Sir

Isaac has run away, and I have as yet not been able to recover him, or to discover any traces of him. I wish to inform Mr. Pryor, of whom I got him, of the fact, but do not recollect his christian name. Will you do me the favor to aid me with it, and, after reading the inclosed letter, put it on the superscription, and drop the letter in the post office? Yrs

H. CLAY

P.S. If you should not receive of Humphrey Marshall Esq. the amt. of his bond time enough to pay my note to the K. Insurance Co. & should have to draw upon me be pleased to draw at the lon[ge]st sight you can, without selling the draft at a discount. H. C.

ALS. DLC-TJC (DNA, M212, R10). Addressed to Hart at Lexington; endorsed that the letter was received on November 26 and answered on November 30. Answer not found.

1 Thornton Pryor. 2 Not found. 3 Bond not found.

To John Hart

Dr Sir

I rec'd your letter of the 7th. inst informing me of the draft which you have made on me for $500 at 60 days, which I shall accept when presented. I had certainly expected when I left home that my accruing rents would have more than met any current demands in
K. upon me for money. And in this expectation I could not have been disappointed, if they had been collected. Besides other rents, Shrieve & Smith owed me for the house occupied by the Boswells\(^2\) $225 & some odd dollars, which became due in last month, and of which I have seen no mention made in your account. I must request you to urge Mr. Carr\(^3\) to collect and pay over to you, without delay, my rents as they become due. If Mr. H. Marshall does not pay his note,\(^4\) the proceeds of which I intended to be applied to my note to the K. Insurance Co., so that it becomes necessary for you to draw upon me, I wish you to apply whatever you can get from Mr. Carr to the paymt. of that note, so as to make the draft as small as possible on me. Here, sufficient is the day for the evil there of, I have enough to do to meet the expences of my family.

Lucretia & our young son\(^5\) continue very well. Yrs. H. Clay

ALS. DLC-TJC (DNA, M212, R10). Addressed to Hart at Lexington; endorsed that the letter was received on November 26 and answered on November 30.

\(^1\) Not found.

\(^2\) Shreve and Smith: Thomas E. Boswell and Company. See Rental Agreement, October 1, 1816.

\(^3\) Dabney Carr.

\(^4\) Not found.

\(^5\) James Brown Clay.

Receipt from Daniel Ross

November the 21 1817
Received Six dollars for extry work done at Mister Clays building

DANIEL ROSS

ADS. DLC-TJC (DNA, M212, R15). Ross, a young man, was the son of William Ross, a Fayette County weaver (not the owner of the shoe store), who had died in 1810.

From George Graham

Honble. Henry Clay, City of Washington:
Dear Sir, Department of War, November 24th. 1817.

Agreeably to your request, I return you general Tupper’s letter.\(^1\) Soon after the commencement of the war, a regulation was adopted confining the allowance of double rations to officers commanding military districts. For the period charged by general Tupper, it appears that general Harrison\(^2\) was the commanding officer of the military district in which general Tupper served, and drew the double rations. It appears also from the statement of the paymaster general, that general Hopkins,\(^3\) whose command was as independent and distinct as general Tupper’s could have been, was not allowed double rations. The claim, therefore, of general Tupper cannot be allowed without opening the door for the revision of the accounts of a great number of militia officers who were similarly situated.

With great respect and esteem, &c Geo: Graham.
To [John Q. Adams]

Sir

Henry H. B. Hays Esqr., a native of Maryland, & at present an inhabitant of the Allabama Territory, is an applicant for the office of Judge, rendered vacant by the resignation of Mr. Archer. From the respectable recommendation I have recd. of him I feel myself authorized to say to the President, that Mr Hays is well qualified for the appointment, and that he would give satisfaction to the people in that quarter;--and to add my wishes to those of his friends that he may be appointed. I have the honor to be Sir Yrs. respectfy

The Honble Secy. of State

H. CLAY

ALS. DNA, RG59, Applications and Recommendations for Office.

Remarks on Assuming Speakership

[December 1, 1817]

If we consider, gentlemen, the free and illustrious origin of this assembly; the extent and magnitude of the interests committed to its charge; and the brilliant prospects of the rising confederacy, whose destiny may be materially affected by the legislation of Congress, the House of Representatives justly ranks amongst the most eminent deliberative bodies that have existed. To be appointed to preside at its deliberations, is an exalted honor of which I entertain the highest sense. And I pray you to accept, for the flattering manner in which you have conferred it, my profound acknowledgments.

If I bring into the Chair, gentlemen, the advantage of some experience of its duties, far from inspiring me with undue confidence, that experience serves only to fill me with distrust of my own capacity. I have been taught by it how arduous those duties are, and how unavailing would be any efforts of mine to discharge them, without the liberal support and cheering countenance of the House. I shall anxiously seek, gentlemen, to merit that support and countenance, by an undeviating aim at impartiality, and at the preservation of that decorum, without the observance of which the public business must be illy transacted, and the dignity and the character of the House seriously impaired.
**Account with John and Thomas P. Hart**

[December 3, 1817]

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 9</td>
<td>To Balance in our favor, as per act. this day enclosed to you, at Washington City</td>
<td>$123.85</td>
</tr>
<tr>
<td>Novr. 5</td>
<td>To ditto, paid John Foy, as per rect., filed with your papers</td>
<td>315.37½</td>
</tr>
<tr>
<td>Novr. 7</td>
<td>To ditto, paid Mrs. S. Hart, as per rect., filed with your papers</td>
<td>50.½</td>
</tr>
<tr>
<td>Novr. 15</td>
<td>To ditto, paid for a stamp, for our dft on you, of this date</td>
<td>25.</td>
</tr>
<tr>
<td>Novr. 15</td>
<td>To ditto, paid Sam. Vanpelt, as per rect. filed with your papers</td>
<td>59.87</td>
</tr>
<tr>
<td>Novr. 20</td>
<td>To ditto, paid Dan. Mc.Payne, as per rect. filed with your papers</td>
<td>20.½</td>
</tr>
<tr>
<td>Novr. 25</td>
<td>To ditto, paid for a stamp, to renew your note at the off. D &amp; D B US, for $6000</td>
<td>3.50</td>
</tr>
<tr>
<td>Novr. 26</td>
<td>To ditto, paid discount on the said note</td>
<td>64.½</td>
</tr>
<tr>
<td>Novr. 29</td>
<td>To ditto, paid James Kelly, per order on J. Hart</td>
<td>56.½</td>
</tr>
<tr>
<td>Decr. 1</td>
<td>To ditto, paid Mrs. S. Hart, as per rect., filed with your papers</td>
<td>120.½</td>
</tr>
</tbody>
</table>

**Balance due us, this 3rd. decr. 1817, E. E. John & Tho. P. Hart.** $837.84½

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1 See above, Account, October 9, 1817.
The Rising Statesman

Motion and Speech on Neutrality toward Spanish America

[December 3, 1817]

The first resolution having been read for consideration, Mr. Clay (the Speaker) moved to amend the same by adding to the end thereof the following words:

"And that the said committee be instructed to enquire whether any, and, if any, what provisions of law are necessary to ensure, to the American colonies of Spain, a just observance of the duties incident to the neutral relation in which the United States stand, in the existing war between them and Spain."

Mr. Clay said, that his presenting, at so early a period of the session, this subject to the consideration of the House, was in consequence of certain proceedings which he had seen represented in the public prints as having taken place before certain of our Courts of Justice. Two or three cases bearing on this subject had come to his knowledge, which he wished to state to the House. The first had occurred at Philadelphia, before the circuit court of the United States held in that city. The circumstances of the case, for which however he did not pretend to vouch, having received them through the channel already indicated, were these: if they were incorrectly stated, he was happy that a gentleman had taken his seat this morning from that city, who would be able to correct him: that nine or ten British disbanded officers had formed in Europe the resolution to unite themselves with the Spanish patriots in the contest existing between them and Spain; that to carry into effect this intention, they had sailed from Europe, and in their transit to South America had touched at the port of Philadelphia; that, during their residence in Philadelphia, wearing perhaps the arms and habiliments of military men, making no disguise of their intention to participate in the struggle, they took passage in a vessel bound to some port in South America; that, a knowledge of this fact having come to the ears of the public authorities, or, perhaps at the instigation of some agent of the Spanish government, a prosecution was commenced against these officers, who, from their inability to procure bail, were confined in prison. If, said Mr. C. the circum-
stances attending this transaction be correctly stated, it becomes an imperious duty in the house to institute the enquiry contemplated by the amendment which I have proposed. That this was an extraordinary case was demonstrated by the fact of the general sensation which it had excited on the subject, in the place where it had occurred. Filled as that respectable and populous city is with men differing widely on political topics and entertaining various views of political affairs, but one sentiment, Mr. C. said, prevailed on this subject, which was favorable to the persons thus arraigned. With regard to the conduct of the court on this occasion, he would say nothing: The respect which, whilst he had a seat on this floor, he should always shew to every department of the government; the respect he entertained for the honorable Judge who had presided, forbade him from pronouncing the decision of that court to have been unwarranted by law.—But he felt himself perfectly sustained in saying, that if the proceeding was warranted by the existing law, it was the imperious duty of congress to alter the law in this respect. For, what, he asked, was the neutral obligation which one nation owed to another engaged in war? The essence of it is this: that the belligerent means of the neutral shall not be employed in the war in favor of either of the parties. That is the whole of the obligation of a third party in a war between two others: it certainly does not require of one nation to restrain the belligerent means of other nations. If those nations choose to permit their means to be employed in behalf of either party, it is their business to look to it, and not ours. Let the conduct of the persons prosecuted be regarded in its most unfavorable light; let it be considered as the passage of troops through our country, and there was nothing in our neutral obligations forbidding it. The passage of troops through a neutral country according to his impressions, was a question depending on the particular interest, quiet or repose of the country traversed, and might be granted or refused, at its discretion, without in any degree affecting the obligations of the neutral to either of the parties engaged in the controversy. But surely, Mr. C. said, this was not a case of the passage of troops: the persons apprehended not being in sufficient number, not organized, or equipped in such a manner as, under any construction, to constitute a military corps. On this case he would detain the House no longer, he said; for he was satisfied they could not but agree with him, if the law justified the proceeding that had taken place, that law ought to be immediately amended. Other cases had occurred in which it appeared to him it became the Congress to interpose its authority. Persons sailing under the flag of the provinces had been arraigned in our courts, and tried for piracy; in one case, after having been arraigned,
tried, and acquitted of piracy, the same individuals, on the instigation of a Spanish officer or agent, had been again arraigned for the same offence. The gentleman from Massachusetts would correct him if he was wrong; for the case had occurred in the town of Boston. We admit the flag of these colonies into our ports, said Mr. C.; we profess to be neutral; but, if our laws pronounce, that, the moment the property and persons under that flag enter our ports, they shall be seized, the one claimed by the Spanish minister or consul as the property of Spain, and the other prosecuted as pirates, that law ought to be altered if we mean to perform our neutral professions. I have brought the subject before this House thus promptly, said Mr. C. because I trust that in this House the cause will find justice; that, however treated elsewhere, on this floor will be found a guardian interest attending to our performance of the just obligations of neutrality. Hitherto, he said, whatever might have been our intentions, our acts have all been on the other side. From the proclamation of 1815, issued to terminate an expedition supposed to be organizing in Louisiana, an expedition existing only in the mind of the Chevalier de Onis, down to the late act—whether the measure was a proper one or not he did not say; his confidence in the Executive led him to suppose it was adopted on sufficient grounds—down to the order for suppressing, as it was called, the establishments at Amelia Island and Galveztown—all the acts of the government had been on one side; they all bore against the Colonies, against the cause in which the patriots of South America were arduously engaged. It became us, he said, to look to the other side, honestly intending neutrality, as he believed we did. Let us recollect the condition of the patriots; no minister here to spur on our government, as was said in an interesting and it appeared to him a very candid work recently published in this country, respecting the progress of the South American revolution—no Minister here to be rewarded by noble honors in consequence of the influence he is supposed to possess with the American government. No; their unfortunate case, Mr. C. said, was what ours had been in the years 1778 and 1779—their Ministers, like our Franklins and Jays at that day, were skulking about Europe, imploping inexorable legitimacy one kind look—some aid to terminate a war afflicting to humanity. Nay, their situation was worse than ours: for we had one great and magnificent ally to recognize us, but no nation had stepped forward to acknowledge any of these provinces. Such disparity between the parties, Mr. C. said, demanded a just attention to the interests of the party which was unrepresented; and if the facts which he had mentioned, and others which had come to his knowledge, were correct, they loudly demanded the interposition of Congress. He trusted the House would give the subject their
attention, and shew that here, in this place, the obligations of neutrality would be strictly regarded in respect to Spanish America. 8

Washington National Intelligencer, December 4, 1817. Published also in Lexington Reporter, December 24, 1817; Annals of Cong., 15 Cong., 1 Sess., XXXI, 401-404; Mallory, Life and Speeches of the Hon. Henry Clay, 1, 353-55: Colton, Life, Correspondence, and Speeches of Henry Clay, V, 111-14. In Committee of the Whole on the state of the Union, John W. Taylor of New York had offered a series of resolutions, of which the following was the first, relating to the President's annual message: “Resolved. That so much of the Message of the President of the United States, as relates to the subject of Foreign Affairs, and to our commercial intercourse with British Colonial Ports, be referred to a select committee.”

1 In November, 1817, eight British soldiers, headed by a Colonel John Needman, had been indicted in the United States District Court at Philadelphia under Judge Richard Peters, on charges of violating the United States neutrality law of 1794. Later in December they were freed when the grand jury returned a bill of “ignoramus.”

2 After Clay had finished speaking, John Sergeant, Representative from Pennsylvania, rose to say that “The statement made by the Speaker was substantially correct. . . .”

3 In October, 1817, John Palmer and Thomas Wilson, late of Boston, and Barney Calloghan, late of Newburyport, three crewmen of the South American privateer Congreso, under Captain Almeida (Almeyda) had been indicted on the charge of piracy in the United States Circuit Court at Boston, Massachusetts, under Joseph Story, Associate Justice of the United States Supreme Court, and John Davis, District Judge. Acquitted on November 4, the mariners were tried “on another indictment for piracy” three days later, while the same court was still in session. Washington National Intelligencer, November 12, 1817; U. S. vs. Palmer et al., 16 U.S. (3 Wheaton) 610-44 (1818). Earlier in the year Captain Almeida had been indicted and acquitted of a similar charge in the United States Circuit Court at Baltimore. Washington National Intelligencer, May 12, 1817. Earlier still he had been arrested on the same grounds under a warrant returnable to the Baltimore County Court, then released when Judge Theodorick Bland, in a notable decision, had ruled that the court lacked jurisdiction in a federal action. Niles' Weekly Register, XII (April 19, 1817), 114-21.

4 Dated September 1, 1815, the proclamation had forbidden citizens of the United States to participate in preparations “for a military expedition or enterprise against the dominions of Spain,” reported to be organizing in the United States, “especially within the State of Louisiana,” and called upon local and federal authorities to search out and prosecute “all persons engaged or concerned in such enterprises; . . . seizing and detaining, subject to the disposition of the law, all arms, military stores, vessels, or other means provided or providing for the same; and, in general, . . . preventing the carrying on such expedition or enterprise, by all the lawful means within their power.”

5 In his annual message to Congress, December 2, 1817, President Monroe had announced the issuance of orders to suppress the establishments at Amelia Island and Galveston, which “claiming to act under the authority of some of the colonies” of Spain, had served as bases for piratical and smuggling activity. American State Papers, Finance, II 13. Amelia Island had been occupied on June 30, 1817, by the forces of General Gregor McGregor, reportedly under authorization from the revolutionary governments of South America and Mexico, as a base for attack on the Spanish in East Florida. McGregor had withdrawn, to be succeeded shortly thereafter by General Luis Aury and his troops, acting in the name of Mexican revolutionaries, who had terminated formal ties with the Galveston entrepot the previous April. United States army and navy units took possession of Amelia Island with Aury's surrender on December 23, 1817. Ibid., 132-44 passim; Washington National Intelligencer, July 15, September 26, October 4, 1817.

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7 Reference not found. Clay may have been alluding to the comment: “Spanish America had no allies to support her in the present struggle. . . .” [Fajardo Palacio], Outline of the Revolution in Spanish America; or an Account of the Origin, Progress, and Termination of the War Carried on between Spain and Spanish America. . . . (New York, 1817), p. 214.

8 Clay's amendment was adopted without opposition.
To Thomas Bodley

Dr. Genl.

I recd. your obliging favor of the 9h. Ulto. I am under great obligations to my friends for turning their attention towards me as a Candidate for the office of Governor, in the event of a New election being determined on. The sacrifices I have made in the public service; the attentions due to the education & welfare of a rising family; and the strong desire I felt to spend more of my time in Kentucky than, for some years past, I had been able to do induced me seriously to think that I would retire from the public service. It seemed to me that the happy & tranquil state of our common country was such as to allow me to execute that wish, without the possibility of being reproached, by my own conscience or by others, with abandoning my post in an hour of danger. Accordingly, during the canvass which preceded my late election to the H. of Representatives, I intimated, on several occasions, that it was perhaps the last time that I should offer for that situation. These feelings were strengthened by subsequent reflection. Whether the affairs of the Southern portion of our Continent, and the part which I may feel it my duty to take in relation to them, may not oblige me to defer executing that purpose until at least the termination of the period for which I am elected, is a point that a few weeks will probably enable me to decide.

It would not be entirely incompatible with my views in quitting the service of the General Government to accept the station which my friends have kindly thought of me for. But I doubt extremely whether I could be elected to it. And if there were to be a doubtful & great struggle on the occasion, even if other circumstances favored my becoming a Candidate, that alone would be decisive against it. There is a local partiality for me which I apprehend is confined to the region of Lexington, or at farthest to the North side of the K. river.

As, however, it is not necessary for me positively to decide before the question of a New election is settled by the Legislature, I would prefer, at present, being considered as having the subject under advisement. In the mean time I may be able to ascertain whether I shall be at liberty, in regard to the transactions of the South, to resign my seat in the House of R. You & the rest of my friends will also be able, in the interim, to ascertain, by conversation with the members of the Legislature & others, the probability of my election, in the event of my becoming a Candidate. I should think that it would be imprudent for my friends, in the region of Lexington, to press me too much upon the public attention.

I have sent you a Copy of the President’s message which contains
a great deal of the most interesting matter—The prosperity of our Country seems to be unexampled.

I shall expect to see you here, which will afford me real pleasure

-Yr’s faithfully

H. CLAY

ALS. KyHi. Addressed: “Genl. Thomas Bodley Lexington (K).”

1 Not found. 2 See above, Wickliffe to Clay, September 20, 1817, note.

3 MS. torn.

From Macdonald and Ridgely

Henry Clay Esqr. Baltimore Decem’ 5th. 1817. Dear Sir:

We have been waiting in expectation of finding a waggon large enough to take the pair of Stones to Pittsburg—but not succeeding—we have followed your directions, in that case, & have shipped them on board the Brig Alabama Robt. M Hamilton for Orleans (which vessel will sail in a day or two) to care of Messrs. Winter & McCall we have directed them to send them on immediately to Messrs. Harts2 of Lexington we got the freight at 30 Dolls. Your obt. Servts

MACDONALD & RIDGELY.

Our note for the Stones is dated Octr. 27th. & will fall due April 27th next for $402.00
drayage & Laborers in getting them on board 6.—

$408.—

ALS. DLC-TJC (DNA, M212, R12).

1 See above, Macdonald and Ridgely to Clay, August 18, 1817; Clay to Hart, September 11, 1817.

2 John and Thomas P. Hart.

To William Thornton

Dr Sir Washington 6h. Decr. 1817.

In reply to your favor of the 3d. inst.1 I have to say, that, during the last summer, I purchased, on the Wabash, about 2000 Acres of land from the Govt. at its fixed price of two dollars per acre—The district of Country in which I bought it is rapidly peopling & settling.2 Considering the progress of population and improvement, and judging from the rise of lands in the States of Kentucky & Ohio, I do believe that, in a few years, this land will be worth 15 or 20 dollars per acre. This augmentation, which of course, is matter of opinion, founded however upon the experience of those States and upon observation elsewhere & reflection, is mainly to be attributed to the growth of our population, and the cultivation of the neighbouring lands. I had the advantage of information, it is true, in my selection which every one would not possess himself of, without much more time & research than I employed.—Good land however
I have no doubt remains to be purchased & will remain for years to come, in consequence of the Government bringing lands, from time to time, into the market—

I understand the Wabash, which I think the finest branch of the Ohio, has been exceedingly healthy this fall & summer—Still I should think that, until the Country is more cultivated, occasional instances of Ague & fever & intermittents will occur in the months of August & September. Your friend Birbeck is settled not far from that river—Yr’s faithfully

H. CLAY

P.S. I have a cordial dislike to appearing in the News papers & of course do not expect to be put there, in this instance. H.C.


2 Cf. above, Toast and Reply, June 4, 1817; Clay to Thomas Tinsley, June 16, 1817.

3 Morris Birkbeck, English traveler and author, had led a party of emigrants to the United States in 1817 and taken up a large area of land in Edwards County, Illinois. He became leader of the anti-slavery forces in Illinois and was president of the first agricultural society of that state.

To William Jones


My Dr Sir

The practice which, for some years, has been pursued in the payment to the members of the H. of R. of the compensation and mileage to which they may be entitled by law, is for the Speaker to draw upon the Secy. of the Treasury, from time to time, for sums as they are wanted for the current expenditure. Warrants are accordingly issued by that officer, and with these the Speaker is chargeable, and he settles the accounts of the members, and at the end of the Session adjusts his account with the Treasury by exhibiting the vouchers for his disbursements. The Speaker, for a number of years past, has made his deposits with the Bank of Washington, and checked upon it from time to time as the members apply for their allowance. The Bank of Washington is situated within 3 or 4 hundred yards of the Capitol, as you know, and its officers are quite familiar with the details of the business. The officers of the House have daily, and some times eight or ten times a day, to pass & repass from the House to the Bank for the purpose of receiving & paying over the monies called for by the members. Mistakes some times unavoidably occur in the numerous sums which they have to receive & pay, and which require them to repeat their visits. The membes [sic] are often in a hurry & pressing for their money.

Under these circumstances the proximity of the Bank to the Capitol is a point of material consideration, affecting essentially the convenience of all parties. The Cashier of the office of Dt. & Deposit here, like a zealous & faithful officer, has insisted very strenuously, I understand, upon what he terms the right of deposit
DECEMBER 10, 1817

of this money of the Speaker. That office is, as you know, situated about one mile & a quarter from the Capitol, and the business being transacted there would subject the members & the officers of the house to much personal inconvenience. Altho'. I cannot admit that there is any right in the case, (the money being red. by the Speaker & charged to his private account, and therefore subject entirely to his control, so much so that he is not bound to use the agency of any Bank) still I would transact the business with the Office of Dt. if it were equally conveniently situated. For I think, as a general rule, that all public monies, and monies in their nature public, ought to be deposited with the Bank of the U.S. & its Offices.

I have thought this frank communication due to our friendly relations, and to the Bank of the U.S. whose continued prosperity I take a deep interest in. I will add, that I have no interest whatever in the B. of Washington & stand under no sort of obligation to it. I am My Dr Sir with great esteem Faithfully Yrs. H. CLAY

P.S. The Secty. of the Treasury concurs with me in the above view of the subject, which indeed I promised him to communicate to you & of which you may make any use. H.C.

ALS. PHi-Etting Collection. ¹ Richard Smith. ² William H. Crawford.

To [John Q. Adams]

10 Decr. 1817

Mr. Clay’s Compliments to the Secy of State & he will thank him to have the Seal of State annexed to a Certificate that Mr. Weightman,¹ who subscribes the affidavit annexed to the inclosed, is a Justice of the peace.

AN. DNA, RG59, Misc. Letters. ¹ Probably R. C. Weightman.

Remarks on Taxing of Auction Sales

[December 10, 1817]

Mr. Clay (the Speaker) also opposed the amendment; at the same time that he did not materially differ from the gentlemen from New-York, in their views of the evils arising from the circumstances they had referred to. But, he argued, and proceeded to shew that some of those evils did not proceed from sales at auction, but from defects in our revenue laws, or in the administration of those laws—to which subject he earnestly invited the attention of the committee of Ways and Means, as greatly to be deprecated. The system of sales at auction Mr. C. did not consider an evil of such magnitude as represented; but, fairly conducted, as a benefit to the community,
as affording goods to interior merchants, &c. at a less cost of commission, profit, &c. than it brought from the shelves of the wholesale dealer. Mr. C. dwelt on the importance of protecting our manufactures by correcting abuses of the revenue system. He believed the fair dealer had much cause to complain; and was happy in saying that he believed the frauds in the revenue to which he had referred were not attributable to the American merchant, but to the host of dealers cast on our shores by the present state of Europe, and invited here by the prospect of advantageous markets. The remedy was not to be found, he concluded by saying, in a duty of one per cent. on sales at auction: you must go deeper: it was in the entries at the custom house, &c. that the evil must be sought and corrected.\(^1\)

Washington \textit{National Intelligencer}, December 11, 1817. Published also in \textit{Annals of Cong.}, 15 Cong., 1 Sess., XXXI, 427-28. During discussion in Committee of the Whole on a bill to abolish internal duties, James Tallmadge, Jr., of New York had proposed an amendment "to except the duties on sales at auction from the general repeal proposed." Tallmadge believed that this particular tax was desirable because it imposed a burden, though small, on foreign products and encouraged American manufactures. Several persons had expressed their opinions before Clay joined the discussion.

\(^1\) The amendment was defeated.

\section*{To [William Jones]}

\textit{My Dr Sir} Washington 12th. Decr. 1817.

I have this moment recvd. your two favors of the 9th. inst.\(^1\) I am glad that you have seen, in its proper light, the measure of the deposit with the B. of Washington.\(^2\)

I have transmitted by this mail funds to Messrs. Scott & Trotter & Tilford to purchase five shares to replace to Mr. Eyre\(^3\) those which he had the goodness to have put in my name. I am afraid however that my letter may not reach them in time to have the operation performed by the 15th. inst. as I have requested of them. If that should be the case you will be pleased to say what I ought to do to put Mr. Eyre in as good condition as if the transfer were completed by that time.

My views in relation to the direction of the Bank of the U.S. are the same as when I formerly had the pleasure of corresponding with you on the subject;\(^4\) and the use of my name is submitted entirely to your discretion. Should I be appointed I will cheerfully render any service in my power to an Institution whose prosperity I consider indissolubly connected with that of the Country. Yr's Cordially & faithfully

H. Clay

P.S. I have written to S.T.&T. because I did not like to trouble you with the purchase &c. of the shares.

The authority to receive the dividends accrued is enclosed.\(^5\)
To William Jones

My Dr Sir

H. of R. 15h. Decr. 1817

I recd. your obliging favor, communicate a willingness on the part of the Bank of the U.S., to establish an office on Capitol Hill for the accommodation of Congress. In expressing this disposition the Bank has certainly given a new proof of its desire to promote the public convenience. I apprehend however that the expences incident to such an establishment would be hardly indemnified to the Bank by any advantage connected with the deposit; and that we could not therefore reasonably ask them to be incurred. That however is a matter for your consideration, and I can only say that if you choose to open such an office on Capitol Hill the deposit, of which I have the control, shall be immediately transferred to it. With great respect I am Dr Sir faithfly Yrs.

H. CLAY

Remarks on Commutation of Soldiers’ Pay

[December 15, 1817]

Mr. Clay (the Speaker) supported the measure with much zeal, and by arguments favorable to the soldier, and adverse to the speculator. He did not, however, entirely approve of the details of the bill; to which he moved amendments, going to exclude any but original grantees from the benefit of the provision, and reducing the commutation to one hundred dollars for every 160 acres, and two hundred dollars for every 320. These amendments, however, he waved for the present, to give place to a motion to strike out the first section of the bill, in order to try the principle of the bill.

[Opponents then spoke, criticizing details of the proposal.]

To all which Mr. Clay briefly replied, that objections to the present details of the bill were no arguments at all, because the bill was open to amendment, and all that was necessary could be made, the House having once decided the principle. The principle of commutation, he shewed, was so far from new, that Congress had already adopted it in regard to the heirs of deceased soldiers, allowing them the option of a limited pension in lieu of bounty land.
up consideration of a bill, introduced a week earlier by Richard M. Johnson, to permit "soldiers of the late & present army . . . to commute their land-patents or claims for money, at the rate of one dollar and forty cents per acre, to be paid in four annual instalments. . . ." Clay rose in reply to John Holmes of Massachusetts, who, fearing that the measure, if adopted, would benefit the speculator and not the soldier, had moved to strike out the first section of the bill.


Remarks on Commutation of Soldiers’ Pay

[December 16, 1817]

Mr. Clay (Speaker) rose to read to the House a new bill,1 by way of amendment to that now under consideration, which he should propose, if the House decided to reject the motion now pending. The proposed amendment consisted of several sections, providing distinctly for the three classes of those who had obtained patents, those who had obtained warrants, and those who had as yet applied for neither; provisions calculated equally to guard the Treasury, Mr. Clay conceived, and to protect the interest of the soldier; and so worded as to exclude from the benefit of the act all but original grantees, holding in their own possession the evidence of their right to the commutation. Mr. C. explained the operation which he anticipated to the various provisions of the bill. With regard to the doubts which had been expressed of the legislative power, Mr. C. said he had not the remotest doubt, and could not conceive of a doubt on the subject. Neither had he the smallest doubt that any contract made with any soldier for his right to bounty land, prior to the emanation of his patent, was totally void. The speculation which was anticipated in the quality of the land, by which the best would be retained by the soldier or bought by the speculator, and the worst be returned by the process of commutation to the government, was guarded against in the amendment he had read. Mr. C. said, he believed, indeed, that the government could not make a better speculation than in the re-purchase of the public domains which, he was compelled to admit, with the gentleman from Maryland (Mr. Smith)2 had been rather wastefully bestowed—in a manner justified however by the circumstances of the times, when men were wanting, and we had no money, but had land in plenty to offer them. The amount of money the measure might draw from the Treasury would be most economically applied by such an appropriation of it as he advocated.

[Several other speakers, among them Henry R. Storrs and Oliver C. Comstock, both of New York, joined the debate.]

Mr. Clay vindicated the amendment which he had suggested from misconceptions which had prevailed in the course of the debate on it. In reply to the objection made by Mr. Storrs to the power of barring
the soldiers' rights, in certain cases, Mr. C. denied its force, and shewed that such a power had been repeatedly exercised by the government in carrying into effect its general power to levy taxes, &c. As to the necessity the soldier would be under of procuring his commutation by an attorney, Mr. C. said he did presume there was no gentleman who had the honor of a seat on this floor who would hesitate to receive and remit, to any soldier, his commutation without expense to him. To those who entertained such squeamish fears of the government engaging in speculation, Mr. C. said, he could use no argument. If they could calmly view the spectacle of the sale of 160 acres of land for ten dollars, and could be alarmed at the idea of speculation on the part of Congress, no argument would move them. The idea of commutation, Mr. C. said, was not new: it runs through our statute book: it began with the soldier of the revolution, and has been applied to the heirs and representatives of the same class of men to whom it was now proposed further to extend it. Hundreds of cases might be found in which the government had offered a present less for a greater contingent value: and nothing like the reproach of speculation was justly chargeable on this measure. Here was a vast public domain, cast away by the government from the necessity of the times: and what was now proposed to him who was about to be rifled of their share of it by speculators? To take, in lieu of the sum he is to get from the speculator, a sum vastly larger. Mr. C. quoted a letter he had just seen from an officer in one of our forts expressing his hopes that this bill would pass, and stating some of the impositions practised on the soldier within his knowledge. He could not enter, he said, into the feelings of gentlemen who could look down into the garrisons of the country, and see these shameless speculations, and not make an effort to redeem the land from this vile reproach. Nor could he agree with gentlemen who had constitutional scruples on this subject. This was so fashionable now-a-days—the constitution had become so much a nose of wax in the hands of politicians, that no argument from it excited surprize. The land of the country and the money of the country were perfectly within the power of Congress; and he was not aware of any clause in the constitution forbidding them to exchange the one for the other, &c. He admitted that justice, so denomiating strict law, did not require this measure at the hands of Congress: but it was a mixed measure of gratitude, of justice, and of policy—a consultation of the interest of the soldier, and a prevention of most odious speculation. Decided how it might be, if rejected, he should avail himself of the consolation of the gentleman from New York, (Mr. Comstock) that whatever might be the fate of the bill, its introduction might have had the effect, by reaching the ear of some solitary individual, of enabling him to get
something nearer the value of his land-right than he would otherwise have gotten.

But, he said, the strong box! the defenders of the Treasury were alarmed at the vast outgoings this bill might cause. Mr. C. said their alarm was needless. The government might not have, perhaps, to pay 20,000 dollars in a year for commutation money for the effect and the great value of the measure, would be, to fix the market price at a sum higher than the commutation; which, however, the soldier would have the option to take if he could not get more. With regard to the settlement of the country, which it was feared would be defeated by this measure, Mr. C. said that he came from a part of the country which was anxious to see the forests felled, and the savannahs redeemed to cultivation; and, if he believed in the supposed effect of the measure, he should be of a different opinion. But there was nothing in that argument; for the soldier who intended to settle his land would yet do it, the commutation bill notwithstanding. This bill would not prevent the settlement of an acre, &c. &c. 4

Washington National Intelligencer, December 18, 1817. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 469, 473-75. See above, Remarks, December 15, 1817. Clay was the second to speak after the House had again resolved itself into Committee of the Whole on this matter. The question for immediate consideration was still John Holmes' motion to strike out the first section of the bill. 1 See below, Remarks, December 17, 1817. 2 Samuel Smith.

3 At this point the reporter notes that he was unable to follow Clay "through all his argument." 4 The Committee rose after John Sergeant had moved "a recommittal of the bill, with instructions to report a provision for substituting a pension for life in lieu of the proposed sum of money to be given by way of commutation." This proposal was defeated, and the Committee was given leave to sit again.

Power of Attorney from Byrd Prewitt

[December 16, 1817]

[Byrd Prewitt, administrator of the estate of his son, Edmond Prewitt of Jessamine County, late a soldier in the 17th Regiment, United States Army, authorizes Clay to demand and receive "from the paymaster or other such officer that may be appointed or authorised [sic] to pay the Claims or demands of the united States Soldiers areas [sic] of pay due for their services...." Witnessed by John Downing, a justice of the peace from Jessamine County.]

DS. DNA, RG217. Probably enclosed in Byrd Prewitt to Clay, December 18, 1817. Prewitt was a resident of Jessamine County, Kentucky.

Remarks on Commutation of Soldiers' Pay

[December 17, 1817]

Mr. Clay (Speaker) again rose, partly in reply to the opponents
of the bill, and partly on its details. In ninety-nine cases in a hundred, he said, the patentees who intended to sell their land had probably already done so. There was another difference between the patentee and those who were yet to receive their land—the former knows the value of his land, while the others do not; one will take advantage of the commutation, the others will not. Thus would arise a difference in the provision which should be made. In discussing the details of the bill, Mr. C. said, he had no doubt it was in the power of the government to compel the purchasers to give in notice of their titles, or make any other regulation of property for its registration or security. He denied that the government would be, in this case, a voluntary purchaser, in the sense suggested; it was a re-purchase of estate, and a case in which the subsequent purchaser would hold without notice from the previous purchaser. Mr. C. read the act granting the bounty, to shew that it was impossible for the soldier to alienate his right to the land before obtaining a patent; and said, he should be glad to find some of the speculators, some of the knowing ones, taken in, who had endeavored to deprive the soldier of his hard-earned property. By fixing a value on this land, Mr. C. said, it would immediately rise in market; and, if the commutation was settled at one hundred dollars, he did not believe they would have to pay fifty thousand dollars annually; and so fully was he convinced of the expediency of this measure, he declared his belief, that if government had to borrow the money at six per cent. to make the purchase, it would still be a great gainer, besides the consideration of alleviating the soldier. Mr. C. remarked, in reference to the just censures which had been denounced against speculation, that he did not attach speculation, in its odious sense, to many of the purchasers—there were many purchases fairly made. It was to those who dogged the soldier to the grogshops, and who misrepresented to him the value of his land, that he attached the epithet in its execrable sense—it was against such that he would extend the arm of the government. Mr. C. said, this property had been parted with at a moment of great pressure & public need; and it was incumbent on the government, now that it was able to do so, to take it back; when, at the same time, by so doing, you render a service to yourself and to the party from whom it was received.

Mr. C. then, for the reasons already stated in the proceedings of this day, offered a substitute for the bill, which he had prepared. . . .

Washington National Intelligencer, December 20, 1817. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 485-86. The House in Committee of the Whole again took up the motion to strike out the first section of the bill. Clay was the last to speak on this day.

1 To permit introduction of Clay's substitute bill (AD; DNA, RG233, HR 15A-B1), John Holmes had withdrawn his motion (see above, Remarks, December 15, 1817,
To [William Lytle]

Dr Sir

Washington 18h. Decr. 1817.

I understand you have compromised the Louisville Controversy, but not knowing certainly the fact I shall be glad to hear from you respecting it.

A Suit has been brought, since I left Kentucky, I understand against me for one seventh part of the Hotel property. I do not know certainly the ground on which it is brought but I believe it is for the part of one of McDermids heirs, who it is alleged never legally sold her interest.

I have never yet been able to obtain a title for the Stable lot & am kept out of a large sum of money in consequence.

Will you say what I am to do in these matters?

Yr’s respectfly

H. Clay


1 See above, Clay to Lytle, January 8, 1816.
2 See above, 1, 348-49, 561, 578; Wickliffe to Clay, September 20, 1817.

Motion on Commutation of Soldiers’ Pay

[December 18, 1817]

Mr. Clay then moved to fill the blank with the sum, originally proposed by him, of one hundred dollars, though he confessed he should have preferred one dollar per acre. He was under the impression, however, that the bill had a better chance to pass in this shape than with a higher sum, and it would yet produce much good.

Washington National Intelligencer, December 19, 1817. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 488. Again in Committee of the Whole on the bill for commutation of soldiers' pay, the House had agreed to the substitute offered by Clay on the preceding day. Various motions to set the amount of commutation at sums ranging from $120 to $320 had subsequently been made and rejected.

1 Clay's motion was first rejected, then, on a recount, adopted.

From Byrd Prewitt

Sir

December 18th. 1817—

I am under the necessity of troubling you to do a little buisiness for me that is to draw what Ever is due my Son Edmond Prewitt he Enlisted under Capt. Richard Hightowr about the 16th of april 1812 he first inlisted for five years but he was not of Lawfull age when he inlisted and I Reduc’d his time of Servis to Eighteen
months he Serv'd under Capt. Hightowr in the 17th Ridgement until the Battle at the River Rasin on the 18th after which he was Sent to the Rappids on an ascort Capt. hightowr was taken prisoner on the 22d¹ my Son after that fell into the 19th Ridgement and was under the Command of Capt. Bradford² he was taken Sick Crossing the Lake with Gen. Harrison and govner Shelby³ was Carried to Detroyet and died about the time they Returnd from Cannada he went out as a Corpriel and perhaps Continued as Such Sir if you Get any thing you Can Sattisfy your Self for your trouble and Send the ballance to your Hble, Servt,

BYRD PREWITT

1 At Frenchtown.
2 William Bradford.
3 William Henry Harrison; Isaac Shelby.

Remarks on Commutation of Soldiers' Pay

[December 19, 1817]

Cited in Washington National Intelligencer, December 20, 1817. These remarks, as well as those of other debaters, were not recorded. After further discussion in which Clay seems not to have participated, the commutation bill was rejected by the House on January 23, 1818. Ibid., January 24, 1818.

Bill of Sale from Thomas Ragland and Thomas W. Cobb

District of Columbia Washington City [December 19, 1817]

Know all men by these presents that We Thomas Ragland of Halifax Va. & Thomas W Cobb of Oglethorpe G-a, for & in Consideration of the sum of four hundred & fifty dollars from the Honbl. Henry Clay received, Have granted, sold & delivered & by these presents do grant, sell & deliver unto the said Henry Clay his heirs & assigns, a certain negro wench named Darkey, to have & to hold the said negro wench unto the said Henry Clay his heirs & assigns—which said negro wench Darkey we warrant to be a slave for life, & to be sound & healthy, & we also will warrant & defend the title of her against the right, title, claim or demand of all & every person or persons whatsoever.

In witness whereof we have hereto set our hands & seals this 19h Dec. 1817

THOMAS RAGLAND {seal}
THO. W. COBB {seal}

DS. DLC-TJC (DNA, M212, R15). Cobb was a member of the United States House of Representatives from 1817 to 1821 and from 1823 to 1824, when he resigned to become a member of the Senate. Resigning the latter post in 1828, he was appointed a judge of the Superior Court of Georgia and held that position until his death in 1830. Ragland has not been further identified.
To Dr. Frederick Ridgely

Dr. Sir

Washn. 21 Decr. 1817.

The same day that I recd. your favor of the Greenberry arrived here.1 I regretted that, all my children being at home & the house rather small which we occupy, I could not offer him, as I had intended, a place in my family. He has however been with us several times. We carried him the night before the last to the French Minister’s2 where, there being a great Ball, he had an opportunity of seeing the dignitaries &c &c. Yesterday he dined in company with the K. delegation at my house. I think him much improved. He talks of a plan by which he can unite with much study some practice of the profession. Such a plan, well executed, would be attended with the best effect—He proposes remaining here only a few days, and returning when the Supreme Court is in Session.

In regard to his location, if he goes to any of the new territories, Alabama would be unquestionably the best; because it commences with most wealth, and without wealth there cannot be litigation. The passions may furnish it for a while, but they burn out at last. Should he determine to go there, I will supply him with letters to Dr. Bibb3 and others.

The Presidents message authorizes the inference that there is no prospect at least of immediately acquiring Florida.4 Such I believe to be the fact. We shall however know more certainly in a few days when the state of the negotiation with Spain, called for by the Senate, shall be submitted to the public. The other field for investing Capital near Huntsville, mentd. by you is open, and in February & March it is intended to bring additional quantities of land into the market in that quarter. Yr’s faithfly H. CLAY

Dr. Ridgely.

P.S. Your letters to Greenberry would probably reach him sooner by being put under cover to me

ALS. MB. Addressed to Ridgely at Lexington.

1 Letter not found. Greenberry, eldest son of Dr. Frederick Ridgely, eventually became an Episcopal minister.
2 Jean-Guillaume Hyde de Neuville. 3 William W. Bibb.
4 In his annual message of December 2, President Monroe had reported no progress in negotiations with Spain regarding settlement of boundaries and spoliations on American commerce. He had also referred to an expedition against East Florida “by persons claiming to act under the authority of some of the colonies,” pointing out that this province “has been a subject of negotiation with the government of Spain, as an indemnity for losses by spoliation, or in exchange for territory of equal value westward of the Mississippi. . . .” Washington National Intelligencer, December 3, 1817.

To James Monroe

Sir

Washington 26h. Decr. 1817.

Understanding that the office of Marshall of the District of
Columbia will probably be shortly vacated, I take the liberty, in that event, to recommend Tench Ringgold Esqr. to fill the vacancy.\textsuperscript{1} Mr. Ringgold's qualifications & fitness for the appointment are so well known that it is not necessary for me to say any thing on that head. I will content myself, therefore, with uniting my wishes to those of his friends, that he may receive the appointment mentioned. I have the honor to be with great respect Your obedient Servant

James Monroe Esqr. President of the U. States.  

\textit{H. Clay}

ALS. DNA, RG59, Applications and Recommendations for Office (MR1).

\textsuperscript{1} Ringgold apparently held an interim appointment until November, when he was formally nominated and confirmed. Washington \textit{National Intelligencer}, July 10, 1818; U. S. Senate, \textit{Journal of the Executive Proceedings} (hereafter cited as: U. S. Sen., \textit{Executive Journal}), III, 142, 150.

\textbf{To William Jones}

Dr Sir  

Washington 26h. Decr. 1817.

I have the pleasure to introduce to your acquaintance the bearer hereof The Honble Mr. Crittenden of the Senate of the U.S. from Kentucky.\textsuperscript{1} Among other objects which carry him to Philadelphia one is to ascertain if the Bank of the U.S. will be disposed to establish an additional branch in the South Western part of that State, at Russellville. It has been thought, by respectable persons residing in that flourishing town, that as Tennessee will not be disposed to have a branch located at Nashville or else where within its jurisdiction,\textsuperscript{2} one placed at Russellville will possess all the advantages of a location at Nashville—On this subject you may place entire confidence in the statements of Mr. Crittenden, to whom you will oblige me by shewing any attentions & civilities in your power.

William Jones, Esq.  

Yr's Cordially & faithfly  

H. Clay

ALS. NHi.

\textsuperscript{1} On December 10, 1816, John J. Crittenden had been elected to the Senate for the term beginning March 4.

\textsuperscript{2} The State of Tennessee had enacted legislation on November 22, 1817, imposing a tax of $50,000 upon any bank located in its boundaries without a state charter. Catterall, \textit{Second Bank of the United States}, 64.

\textbf{Bill from Jesse Calloway}

Henry Clay  

[ca. December 31, 1817]

1817  

To Jesse Calliway

For diging well at ashland (vis)

\texttt{\textit{\textbackslash "do}} 12 ft 5\nicefrac{1}{2}" Inches @ $1 $12.46

\texttt{\textit{\textbackslash "to rock}} ................. 12.46

\texttt{\textit{\textbackslash "waling 12 ft 5\nicefrac{1}{2}} @ $1 133.75

\texttt{\textit{\textbackslash "blowing in rock 26 ft 9 Inches @ 5\$}} ................. 2.00

\texttt{\textit{\textbackslash "diging 2 ft @ old spring}}
THE RISING STATESMAN

"rope & Iron hook for drawing dirt

2"00

$162"67

[Endorsement]

Recd payment in full of Jno. & Tho P Hart

OZBORNE HENLEY.

his

JESSEE X CALLIWAY mark

D. DLC-TJC (DNA, M212, R15). Calloway, formerly a taxpayer in Scott County, Kentucky, had removed to Lexington.

1 ES.

Motions and Speech at Meeting of American Colonization Society

[January 1, 1818]

On motion of Mr. CLAY, a letter of Thos. Jefferson, late President of the United States, was read, which he understood was in the hands of some one present, and would show that the importance of such an institution had been long since duly appreciated, and had received the approbation of that illustrious individual.

[Jefferson's letter to John Lynch,1 written at Monticello, January 21, 1811, was read to the assemblage. Charles Fenton Mercer, Congressman from Virginia (1817-1839), long active in the Society and in the fight against the African slave trade, spoke briefly before Clay took the floor to offer a second motion:]

Resolved, unanimously, That the thanks of the Society be presented to the Board of Managers, for the able and satisfactory manner in which they have discharged the duties assigned to them by the Society; and that they be requested to furnish a copy of the first report of their proceedings for publication.

Mr. CLAY rose to submit a motion which he had hoped some other gentleman would have offered. It was a vote of thanks to the Board of Managers. He would not be restrained from proposing it by the official relation in which he stood to the Board, because, although he was ex officio a member, he had really participated very little in its valuable labors, and therefore could not be justly reproached with proposing thanks to himself.

Whilst he was up he would detain the society for a few moments. It was proper again and again to repeat, that it was far from the intention of the Society to affect, in any manner, the tenure by which a certain species of property is held. He was himself a slaveholder; and he considered that kind of property as inviolable as any other in the country. He would resist as soon, and with as much firmness, encroachments upon it as he would encroachments upon any other property which he held. Nor was he disposed even to go
as far as the gentleman who had just spoken, (Mr. Mercer) in saying that he would emancipate his slaves, if the means were provided of sending them from the country. It was also proper to repeat, that it was equally remote from the intention of the society that any sort of coercion should be employed in regard to the free people of color who were the objects of its proceedings. Whatever was proposed to be done was to be entirely voluntary on their part.

It has been said that the plan of the Society is impracticable and Utopian. Why? How have the descendents of Africa been brought to the shores of America? By the most nefarious traffic that ever disgraced the annals of man. It has been, it is true, the work of ages. May we not, by a gradual and persevering exertion, restore to Africa that portion of her race, among us, that shall be liberated? He would not, he could not believe that man, in the pursuit of the vilest cupidity, in the prosecution of purposes of the most cruel injustice, which had constantly marked the African slave trade, could accomplish more than might be attained in a cause which was recommended by so many high, honorable, and animating considerations. Such was the cause in which this Society is engaged. The Christian, of whom unwearied constancy is the characteristic; the philanthropist; the statesman who looks only to the safety and the happiness of his own country; in short, all good men will find motives for engaging their co-operation or their wishes in behalf of the society. Its object is not impracticable. Scarcely anything—nothing is beyond the power of those who, in the pursuit of a just purpose, approved by good men, and sanctioned by Providence, boldly and resolutely determine to command success.

But the persons, the amelioration of whose condition is the object of the Society, will not, it is said, accept the proffered favor. Mr. C. believed, at first, that, from want of information, very few of them would—not perhaps one in a hundred, in the interior. He was inclined to believe, however, that a number amply sufficient for the commencement of a colonial establishment would go. These would be drawn principally from the cities, which would act as a sort of depot from the country for the colony. Let five in a hundred only, of that portion of our population, be induced to migrate, and a number abundantly sufficient to begin with will be obtained. The first difficulties obviated, and all will be obviated. Let the colony be once firmly established and in prosperity, and all the obstacles will disappear. Why should they not go? Look at the earliest history of man; follow him through all his subsequent progress, and you find him continually migrating. What is the motive of this unceasing change of abode? To better his condition. What brought our fathers voluntarily to these shores, then savage and forbidding, not less
savage and forbidding perhaps than those of Africa itself? To render themselves more happy. This word happiness, Mr. C. said, comprised many items. It comprehended what were hardly less important than subsistence, political and social considerations. These the men of color never can enjoy here, but are what he would find in the contemplated colony. And can there be any thing, to a reflecting freeman, (and some among the class of persons to whom he alluded were doubtless capable of reflection) more humiliating, more dark and cheerless, than to see himself, and to trace in imagination his posterity, through all succeeding time, degraded and debased, aliens to the society of which they are members, and cut off from all its higher blessings?

Further; several of the slave-holding states already had, and perhaps all of them would, prohibit entirely emancipation, without some such outlet was created. A sense of their own safety required the painful prohibition. Experience proved that persons turned loose who were neither freemen nor slaves, constituted a great moral evil threatening to contaminate all parts of society. Let the colony once be successfully planted, and legislative bodies, who have been grieved at the necessity of passing those prohibitory laws, which at a distance might appear to stain our codes, will hasten to remove the impediments to the exercise of benevolence & humanity. They will annex the condition that the emancipated shall leave the country; and he has placed a false estimate upon liberty who believes that there are many who would refuse the boon, when coupled even with such a condition.

But, Mr. C. said, he would not longer digress from the object of his motion. He was persuaded he should meet the unanimous concurrence of the society in the proposition that its thanks be tendered to the Board of Managers for the able and satisfactory manner in which they had executed their duties.

Washington National Intelligencer, January 16, 1818. The second annual meeting of the American Colonization Society, held in the Chamber of the United States House of Representatives, had opened with an address by Justice Bushrod Washington, which was followed by the report of the Board of Managers. Clay then offered his first motion.


To John Hart

Dr. John. Washn. 4 Jan. 1818.

Mr. Barbee,¹ the plaisterer, I think has my note for a sum of money due about Xmas last, which I will thank you to pay when you receive funds. Atchison² the painter has also an account for $25 or 26. for painting done on the house occupied by Capt. Gaines,³ which I could wish paid by you or Capt. Gaines, if he says it is right.
January 6, 1818

My family is tolerably well. The young child has not very good health. Yrs.

H. Clay

ALS. DLC-TJC (DNA, M212, R10). Addressed to Hart at Lexington.
1 Nathaniel Barbee. 2 Probably Benjamin Atkinson. 3 Bernard Gaines. 4 James Brown Clay.

Remarks on Committee Appointments

[January 6, 1818]

Mr. Clay, (Speaker) said he felt himself called upon to make a single observation on a part of his colleague's remarks. He was quite sure, he said, it was not the intention of his colleague to suggest any thing like impropriety in the conduct of the presiding officer of the House in regard to the selection of the committee to whom this subject had been referred. But he rose to say that two principles only had guided the officer, whose arduous and sometimes painful duty it was to select committees, in appointing the committee in question; the one was, to select a majority of the committee from the new members, who, being fresh from the people, might be supposed best to understand their views; the other, to distribute the committee, as much as possible, through the various parts of the continent. The question of their professions he did not inquire into, nor till this moment did he know it, and, he assured the chair, he had not a knowledge of the views of a single member as to the compensation, except as to one member, (from Connecticut) who had expressed his views respecting it by a vote which he gave at the last session, &c. Regarding the subject of this bill, Mr. C. said he trusted he should not be found to occupy a single moment of the time of the House in discussing it. Every member had certainly by this time made up his mind on this subject, and he did not suppose that any argument here could have any effect on its decision. At the same time, he said, he should be sorry to see his worthy colleague, or any other member, restrained in the slightest degree from the exercise of the indubitable right he possesses, to offer his sentiments to the House.

Washington National Intelligencer, January 7, 1818. Published also in Lexington Kentucky Reporter, January 28, 1818: Annals of Cong., 15 Cong., 1 Sess., XXXI, 573-74. On motion of John Holmes, December 17, 1817, a committee had been established to draw up a bill providing for payment of members of the Senate and House of Representatives. On January 5, 1818, Holmes, for this committee, had reported a bill fixing compensation of members of both houses at the rate of nine dollars per day and nine dollars for every twenty miles traveled to and from Congress.

In Committee of the Whole, January 6, Joseph Desha, supporting an amendment to substitute six for nine dollars as the daily compensation, had commented: "When I understood who were the gentlemen that composed the committee, I anticipated the recommendation of high pay, because they are professional gentlemen, and, I presume, accustomed to receiving high fees. My anticipations are realized." Annals of Cong., 15 Cong., 1 Sess., XXXI, 568-69. The committee had been composed of five lawyers (Holmes; Timothy Pitkin; Richard Clough Anderson, Jr., of Kentucky; Henry
R. Storrs; and Thomas Newton, Jr., of Virginia) and two medical doctors (Samuel Moore, of Pennsylvania, and Joel Abbott, of Georgia).

1 Only Newton and Pitkin had been members of Congress before this session.

2 Pitkin.

3 The bill was enacted with provision for an eight-dollar per diem salary and a travel allowance of eight dollars "for every twenty miles of estimated distance by the most usual road from . . . place of residence to the seat of Congress, at the commence­ment and end of every such session and meeting. . . ." 3 U. S. Stat., 404 (January 22, 1818).

Remarks on Issuance of a Warrant for Contempt of Congress

[January 7, 1818]

The Speaker observed, that, in the practice of the house, happily, instances were extremely rare, where such a warrant became neces­sary; no such case had occurred within his observation. But, there could be no doubt, when an offence was committed against the privileges or dignity of the House, it was perfectly in its power to issue a warrant to apprehend the party offending.

[Representative Arthur Livermore, of New Hampshire, then asked "whether the facts on which the warrant was to be issued, should not first be substantiated by oath. The statement came, he knew, from a most respectable source; but was not an oath necessary to justify such a warrant?"

The Speaker said, Certainly not.1

Washington National Intelligencer, January 8, 1818. Published also in Lexington Kentucky Reporter, January 28, 1818; Annals of Cong., 15 Cong., 1 Sess., XXXI, 583. Representative Lewis Williams, of the Committee of Claims, had laid before the House a letter in which Colonel John Anderson, a resident of Michigan Territory, who was in Washington to expedite certain claims against the United States resulting from the late war, had offered him $500 “as part pay, for extra trouble I give you.” After the letter and a written statement by Williams had been read, John Forsyth had moved that the Speaker issue a warrant directing the Sergeant-at-Arms to take Anderson in custody. Clay’s statement was made in answer to Nathaniel Terry of Connecticut, who questioned “whether, according to our forms of proceedings, and to our constitutional provisions, a general warrant, as proposed, could be issued? Was it not opposed, in its nature, to the principles of civil liberty?”

1 At this point Forsyth’s motion was adopted unanimously.

Address to John Anderson

[January 8, 1818]

John Anderson—you are no doubt aware that you are brought before this House in consequence of having written and delivered to a gentleman, who is a member and chairman of a committee of this House, a letter, of the contents of which you are apprized. Before I proceed to propound to you any interrogatories on this subject, I will apprize you that, if you have any request to make of the House; if you wish for counsel, for reasonable time, for witnesses—for any of those privileges belonging to persons in similar situations,
the House is disposed to grant it. If you do not wish for time, for
counsel, or for witnesses, the Speaker will proceed to put to you
such interrogatories as may seem proper.

[Anderson replied that “he desired the assistance of counsel; he
desired time until to-morrow, and the opportunity of summoning
witnesses to testify to the character he had sustained through life.”
He was then removed from the bar while the House, after discussing
the matter, decided to comply with his requests and to furnish him
with a copy of the letter and the statement by Lewis Williams
accompanying it. The prisoner was then remanded to the bar and
Clay addressed him again.]

John Anderson: I am directed to inform you that, pursuant to
your request, you are at liberty to engage such counsel as you may
think fit; that the Clerk of the house will furnish you with such
subpoenas for witnesses as you may think proper, and that you will
also be furnished with a copy of the letter on which the proceedings
are founded, and of the statement of an honorable member of this
house which accompanied it. I am further directed to inform you
that to-morrow at one o’clock is the time assigned for further
proceedings in this case.

Washington National Intelligencer, January 9, 1818. Published also in Lexington
Kentucky Reporter, January 28, 1818: Annals of Cong., 15 Cong., 1 Sess., XXXI, 608-
609. Earlier in the day Clay had informed the House that the Sergeant-at-Arms held
Anderson in custody, whereupon the House after some debate had adopted a
resolution setting up a Committee of Privileges to report a method of proceeding in
the case. This committee subsequently had recommended that Anderson be brought
to the bar of the House, where he should be “interrogated by the Speaker, on written
interrogatories . . .” After the committee report had been adopted, Henry St. George
Tucker had offered a resolution authorizing the Speaker “to inform the accused that
he might ask counsel, &c.” Tucker’s proposal “was superseded by an intimation from
the Speaker, that he should consider it a duty, if no objection was made, to give the
accused information on this head.”

1 In a letter dated January 9, addressed by Anderson to Clay as Speaker, the accused
renounced the privilege of employing counsel, “lest it might be supposed that I was
inclined to shelter myself by legal exceptions.” Washington National Intelligencer,
January 12, 1818.

To Josiah Meigs

12 Jan. 18.

Mr. Clay’s Compliments to Mr. Meigs; and he begs to remind
him of the patents of Mr. Hinde1 so long promised to be forwarded,
& respecting which Mr. Clay has again heard from Mr. Hinde.2

of the Land Office.” Endorsed: “. . . rec’d 13 Jay. 1818.”

1 Thomas S. Hinde, a native of Virginia, who as a young man had lived in Frankfort,
Kentucky, before moving to Ohio about 1806. During several sessions of the Ohio
legislature he had been Clerk of the House of Representatives, and from 1813 to 1816
he had been engaged in land business at Chillicothe. At about the date of this letter
he was acquiring land in Illinois, where he settled soon afterward.

2 No letter found.
From Jonathan Russell

My dear Sir

Stockholn [sic] 12th Jany 1818

Your letter of the 18th Augt I found here on my arrival. It had reached Boston after my departure & was transmitted hither by my friends—

Letters received of a later date from Philadelphia mention the payment of your draft in a/c [sic] of Doctr. MacMahon—I had the satisfaction to infer from this circumstance that your inquiries after him had finally been successful—I hope he may, by his good conduct, prove himself worthy of the service rendered him—In any event I shall feel always thankful for your prompt compliance with my request in his behalf.

We reached this Capital, without accident on the 20th ulto You can easily conceive that a journey in this hypoborian region at the winter solstice could not have been very delightful—

Hughes¹ received me in quite a friendly manner although I could perceive that my return had mortified & disappointed him—I stated very frankly the circumstances which had governed me in the proceeding & ventured to say that it had your approbation He appeared to be satisfied with our motives—but He could not refrain from bestowing some reproaches elsewhere—For his sake & my own I shall manage his feelings with all possible delicacy & do what I can to protect his interests—I would cheerfully resign to him this legation tomorrow if I did not beleive [sic] that the sacrifice I should make in doing so would be more injurious to me than advantageous to him—I cannot however remain here long & I hope he will endeavour to bear his brief sufferings without complaint when he discovers that I am not on a bed of roses—He has certainly yet much to hope—

I found the government here somewhat sore from the unceremonious manner in which the treaty had been mutilated by the Senate but attaching no importance to the rejected articles themselves—I mean the third & fourth articles²—Count d'Engestrom, the Minister of foreign affairs, indeed told me, that as he always considered those articles more in favour of the U. S than of Sweden he should rather have the treaty without them than with them. I still think this estimate of their relative utility correct. With regard to the manner of the rejection I had not much difficulty in removing the ill humour, by explaining the constitutional power of the senate & stating the instances in which which [sic] this power had been heretofore exercised in modifying or rejecting stipulations entered into by Ministers having full powers with some of the most puissant nations of Europe. With respect to the sixth article they ask a substitute for the rule of evidence it contained—I am sure I cannot devise one that I think would be approved at home & I shall there—
fore endeavour to leave the treaty as you left the convention with Great Britain without one—

I have not yet learned of any appointment to the war department\(^2\) and my friend Crowninshield appears to hang to his office by a rotten thread\(^4\)—Pinckney & Sumpter have asked recall and our minister at Madrid,\(^5\) an animal sui generis, threatens, I understand to demand his—As there is but one Rush\(^6\) in an age some of these offices I am afraid must be filled by inferior men—But perhaps remonstrances against a certain appointment last winter may have the odd effect to defeat the appointment of him who made them\(^7\)—Take care of me as well as you can—I fear I have no other friend at Washington—

I am looking with much solicitude for the proceedings of Congress this winter—I have sometimes imagined there would be an opposition of a new character for a preposterous attempt to unite parties\(^8\) may have the effect to divide our own—

With regard to my wedding I was as I have already told you grossly misrepresented and shamefully abused\(^9\)—I was delighted to believe that your friendly hand was visible in the vindication which appeared in your neighbourhood—I remarked however the error to which you allude & which was seized on & exaggerated by the Boston Centinel [sic], the paper whose impertinence originated all the abuse against me to say that the offer of the fisheries was actually made by the British ministers for the navigation of the Mississippi & rejected by me, as making a majority against it—This vile perversion of the statement in the Kentucky paper erroneous as that statement was, I thought best to pass over in silent contempt lest its correction might have produced more evil than good—

I pray you to write me fully & frequently and rely on me in every event as your most faithful & Cordial friend

J R

Marcus Morton\(^{10}\) a representative now at Congress from Massachusetts is a fine man & my friend—I wish you would make him yours—He may on occasion be serviceable to us both—being active & ardent in what he undertakes—

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1 Christopher Hughes, Jr.
2 A treaty of commerce between the United States and the Kingdom of Sweden and Norway, signed at Stockholm September 4, 1816, had been approved by the United States Senate only after dropping Articles 3, 4, and 6. Article 3 would have given American vessels equal privileges with Swedish and Norwegian vessels in the importation of products of the Indies into territories of the Kingdom of Sweden and Norway—except for an addition of ten per cent on duties, imposts, and charges. With the same exception Article 4 would have given Swedish or Norwegian vessels equal privileges with American vessels in the importation into the United States of products of “countries surrounding the Baltic Sea or bordering thereon.” Article 6, designed “to prevent all dispute and uncertainty in respect to what may be considered the growth, produce, or manufacture of the contracting parties respectively,” provided “that whatever the chief or intendant of the customs shall have designated and
specified as such in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway. The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated to obtain for them admission into the ports of the United States accordingly.” Miller (ed.), Treaties, II, 601-16.

3 See above, Clay to Christopher Hughes, Jr., October 9, 1817.
4 Benjamin W. Crowninshield resigned as Secretary of the Navy on October 1, 1818.
5 William Pinkney in the next month left Russia; Thomas Sumter, Jr., of South Carolina, Minister to the Court of Portugal (in Brazil), remained at his post until 1821; George W. Erving, Minister to Spain, resigned in 1819.
6 Richard Rush.
7 The last seven words inserted in place of “my own,” crossed out. Russell refers to his own opposition to the appointment of John Quincy Adams.
8 A reference to President Monroe’s tour through New England. See above, Clay to Russell, August 18, 1817.
9 See above, Clay to Russell, August 18, 1817.
10 Lawyer; Representative in the United States Congress, 1817-1821; judge of the Supreme Court of Massachusetts, 1825-1840; Governor of that State, 1840, 1841, 1843, and 1844; and collector of customs for the port of Boston, 1845-1849.

Remarks on Interrogation in Anderson Case

[January 15, 1818]

The Speaker said, he had to suggest to the House, that, really, he had himself no information on this subject previous to the examination of the witness, which he had not anticipated would lead to the development of circumstances which he (Mr. S.) did not suspect. But the question he had put was presented to him by a member for that purpose. The witness answering the question, with a qualification as to his personal knowledge, he (the Speaker) had thought it necessary, and yet thought it necessary, to pursue the enquiry—not that rumor would be a fit ground to act on, but as it would develop the source whence accurate information could be obtained.1

Washington National Intelligencer, January 19, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 781. During the investigation in the case of John Anderson (see above, Remarks, January 7, 1818), Clay had interrogated several witnesses. One of them, Colonel Joseph Watson, an agent for the settlement of claims, had replied that he had no personal knowledge of payments being made to government officials but that he had “heard such things intimated.” On the verge of mentioning names, he had been interrupted by objections to the propriety of such a proceeding. Clay’s statement followed.

1 After further discussion, but without further questioning of the witness, the House adjourned for the day.

From [Peter Hagner]

Hon Henry Clay
House of reps Sir
I have the honor to inform you that it appears from examination
that Edmund [sic] Prewitt (whose claim was left by you at this Office on the 3 inst) enlisted 19 may 1812 for 18 months he was present and paid to include 21 may 1813 Subsequent to which time nothing Can be found respecting him, it is therefore necessary that evidence of his death should be furnished before the claim can be adjusted.


Reprimand to John Anderson

[January 16, 1818]

John Anderson: You have been brought before this House upon a charge of having committed a breach of its privileges in attempting to bribe one of its Members, filling a high and responsible situation. The House has patiently heard you in your defence, and, in proportion to the pleasure which it has derived from the concurrent testimonies in support of your character and good conduct heretofore, is its deep regret that you have deliberately attempted to commit a crime so entirely incompatible with the high standing you have heretofore maintained. You have the less apology for the attempt which you made, because you had yourself experienced the justice of this House but a few days before, by the passage of two bills in your favor, founded on petitions presented to the House. Your attempt to corrupt the fountain of legislation, to undermine the integrity of a branch of the National Legislature, is a crime of so deep a dye that even you must acknowledge and be sensible of it. And if, John Anderson, you could have been successful in such an attempt; if it were possible that Representatives of the people could have been found, so lost to their duty as to accept your offer, you must yourself see the dreadful consequence of such a deplorable state of things: In your turn you might fall a victim: for your rights, your liberty, and your property, might in the end equally suffer with those of others. The House has seen with pleasure, that, at a very early period after making your base offer, you disclaimed, with symptoms of apparent repentance and contrition, any intention to corrupt the integrity of a member; and, in directing me to pronounce your discharge, the House indulges the hope that, on your return home, you will be more fully convinced of the magnitude of your offence, and by the future tenor of your life endeavor to obliterate, as far as it may be possible, the stain your conduct on this occasion has impressed on the high and honorable character you appear to have previously sustained. You are discharged from the custody of the Sergeant at Arms.\(^1\)

Washington National Intelligencer, January 17, 1818. Published also in Lexington
After further questioning of Anderson and several witnesses, and after further discussion among members of the House, the following resolution was adopted: "Resolved, That John Anderson had been guilty of a contempt and a violation of the privileges of the House, and that he be brought to the Bar of the House this day, and be there reprimanded by the Speaker for the outrage he has committed, and then discharged from the custody of the Sergeant at Arms." Anderson was then brought to the bar of the House, where Clay addressed him.  

Anderson was discharged from custody, and the House adjourned.

Power of Attorney from William Peters  

[January 19, 1818]  

Peters, of Woodford County, Kentucky, authorizes Clay to collect from the United States Government "all such sums of money as the said government is indebted to me for Property lost and destroyed in the late war..." DS. DNA, RG217, First Auditor, Misc. Treasury Acct. no. 37006.  

To [Benjamin W. Crowninshield]  

19h. Jan. 1818.  

Mr. Clay's Compliments to Mr. Secretary of the Navy & he will be obliged for information if the claim, mentd. in the inclosed letter, is not provided for and authorized by existing laws.  
P.S. Be pleased to return the letter with the ansr.

AN. DNA, RG45, Misc. Letters Received, 1818, vol. 1, p. 68. See below, Crowninshield to Clay, January 20, 1818.  

1 Not found.

From Benjamin W. Crowninshield  

Honble. Henry Clay Speaker H of Representatives  

Sir,  

Navy Department Jany. 20, 1818  

In reply to your note, dated yesterday, I have the honor to inform you, that the Prize Agent Samuel Hambleton Esq. now in Georgetown D. C. was, on the 14th: instant, directed to pay Lt: James Coburn, the same prize money as if he had been actually on board when the victory was achieved over the British Squadron on Lake Erie; and information to this effect was on the same day communicated to the Honble. Joseph Desha, who made the Department acquainted with the claim of Lieut. Coburn.  

I have the honor to be &c........................................B. W. C.  

1 Of Maryland, a purser in the United States Navy.  
2 James W. Coburn, son of Judge John Coburn. Born in Lexington in 1789, James resided during most of his life in Mason County, Kentucky, where he practiced medicine at Washington, Germantown, and Maysville. He was a member of the Kentucky House of Representatives, 1814, 1816, and 1818, and held the appointment of Postmaster at Maysville during the administration of William Henry Harrison.
From James Gambier

My dear Sir

Iver Grove 1 20 Januy 1818

I had much satisfaction in receiving your letter of the 6th. Novr. by the hand of Mr Burgess, from whom and from Mr. Mills 2 I had the pleasure of hearing of your health and welfare. I return you many thanks for the kind and obliging terms in which you are so good as to express yourself towards me and can with great truth assure you it would afford me much gratification [sic] if the course of events should approximate us so that I could have the pleasure of your society and avail myself of any opportunity that might offer by which I could evince my regard and esteem personally for you. I hope Messrs. Burgess and Mills received every necessary assistance and kindness from the several persons, Mr. Wilberforce 3 and others, to whom they were introduced, towards the object of their benevolent undertaking. I regret their short visit to this country deprived me of the pleasure of performing any kind offices of hospitality and respect that their own characters give them claim to and which would have been gratifying to me to show to any person in whose interest you take a part.

If Mr. Adams 4 should be near you when this comes to your hand I will beg of you to communicate my best regards to him.

With every cordial wish for your health and prosperity I remain

My dear Sir in great respect Your faithfull and most humble

Servant. GAMBIER.


1 Buckingham County, England.
2 Letter not found. In November, 1817, Ebenezer Burgess and the Reverend Samuel John Mills had been sent by the American Colonization Society to Africa, by way of England, where they had conferred with antislavery leaders. They had then sailed for the West Coast of Africa for the purpose of selecting a site for a colony of American Negro freedmen.
3 William Wilberforce, British philanthropist and leader of the antislavery movement.
4 John Q. Adams.

To John Hart

Washington 21st. Jan 1818

I will thank you to advance to Mr. Henley 1 out of my rents $150.75 and out of the same fund, as they come in from time to time, a sum not exceeding $300 more. He wishes the money to be employed in the purchase of Cattle, and I am willing that it shd. be so applied, if my rents will admit of the advance being made—

We have heard from Mr. & Mrs. Brown 2 as late as the last of Octr. They were in Paris very well & intended to pass the winter there—
My family is tolerably well—Yr’s faithfy

P.S. Tell Thomas Hart\(^8\) that I have sent to Boston for the papers he wishes.

ALS. DLC-HC (DNA, M212, R1). Addressed to Hart at Lexington. An endorsement indicates that the letter was received on January 31 and answered. Answer not found.

1 Ozborne Henley. 2 James Brown. 3 Thomas Pindell Hart.

Receipt to [Peter Hagner]

[January 23, 1818]

Received Jany. 23d. 1818, Warrt. no. 1575 for seventy three Dollars, & Eighty seven cents in full of the within A/c—$73.87

H. CLAY Atto &c

DS. DNA, RG217. An accompanying document indicates that the warrant was for settlement of the claim of the administrator of Edmond Prewitt. See above, Power of Attorney, December 16, 1817.

From [George Boyd]


Sir, War Dept. Pension Office January 23d. 1818.

I have the honor to acknowledge the receipt of your note of this day, inclosing papers in relation to Elizabeth Radford,\(^1\) and Sarah Trueman,\(^2\) applicant [sic] for half pay pension—and to inform you that the same have been referred to the Pay Master General’s Office,—they being the widows of militia men—and consequently not entitled to the half pay for five years in lieu of land.\(^3\)


1 Probably the widow of Robert Radford of Shelby County, a corporal killed at the Battle of River Raisin, whose widow was listed as a half-pay pensioner at the rate of $60 a year. Sen. Docs., 15 Cong., 1 Sess., no. 170, p. 305.

2 The widow of Andrew Trueman of Shelby County, Kentucky, a private killed in the War of 1812. Mrs. Trueman was listed as a half-pay pensioner, at the rate of $48.00 per annum. Ibid., p. 307.

3 Pension legislation authorized half pay to the widow or children of deceased militiamen or commissioned officers in the regular army for five years at the rate to which the soldier was entitled at time of death; children of non-commissioned officers or enlisted men in the regular army received a land bounty for which five years' half pay was offered as an alternative. 3 U. S. Stat., 286 (April 16, 1816).

Speech on Bill Concerning Fugitive Slaves

[January 28, 1818]

Mr. Clay (Speaker) then engaged in the debate, being called up by the peculiar interest which the state of which he is a representative, has in the passage of the bill. The nature of slave property, its evils, and the rights of its possessors, were illustrated with great
force, and the necessity for the passage of an act of this sort sustained by many arguments, in a speech of considerable length.

Washington National Intelligencer, January 29, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 928. The speech is not more fully reported. The House in Committee of the Whole was engaged in debate on a bill "to amend an act, entitled an act respecting fugitives from justice, and persons escaping from the service of their masters." Passed by the House, the bill was returned from the Senate with amendments and was eventually tabled. Washington National Intelligencer, January 27, 1818.

To Harrison Gray Otis

29 Jan. 18.

Mr. Clay presents his respectful Compliments to Mr. Otis, the receipt of whose note, respecting the Committee appointed upon the claim of Massachusetts, he has to acknowledge. Mr. Otis rightly supposes that, in the instance of the official duty referred to, Mr. Clay is not sensible of having done any thing which could entitle him to the polite expression of the sentiments contained in Mr. Otis's note.

Whatever may be the result of that claim, Mr. Clay certainly entertains the wish that, in common with every other subject brought before the H. of R. it should be fairly, dispassionately & without prejudice submitted to the consideration of the body.

AN. MHi. Otis, Boston lawyer, Federalist, leader of the Hartford Convention in 1814, was now United States Senator from Massachusetts.

1 Not found.

2 Two days earlier, on motion of Jonathan Mason of Massachusetts, a claim of that state relating to "expenditures to their militia for their services during the late war" had been referred to a select committee of seven members, including four New Englanders (Mason, Ezekiel Whitman, and Benjamin Orr, all of Massachusetts, and James Brown Mason of Rhode Island).

3 See below, Remarks and Motion, December 18, 1818.

To John Q. Adams

2 Feb. 18.

Mr. Clay asks the favor of Mr. Adams's Company at dinner on Friday next the 6h. inst. at 1/2 after 4 O Clock. An ansr. is requested.


1 No answer found.

To William Jones

Sir


I perceive by the public prints that the Stockholders of the Bank of the U. States, at their last annual meeting, have designated me
as one of the Directors of that institution for the current year. Although the fact of my appointment has not been officially communicated to me, I cannot doubt it, especially since you have adverted to it in the last letter which you did me the favor to write to me.¹

Considering that it is extremely doubtful whether I should be able to render any personal attendance on the Board; but more particularly that unanticipated questions, interesting to the Bank, may come before the National Legislature, of which I am a member, on which, whatever might be my own consciousness, I might be supposed not to have the requisite impartiality, if I stood in the relation to the Bank of one of its directors, I beg leave to notify, through you, my determination not to accept of this appointment.

I should do injustice to my own feelings if, in making this communication, I did not, at the same time, express my acknowledgments to the Corporation for the unsolicited [sic] honor which it has done me in giving this flattering proof of its confidence; and repeat the assurances of my continued wishes for its prosperity. With great respect, I am Sir Yr. obt. Servt.

H. CLAY

William Jones Esqr. President of the B. of the U.S.

ALS. PHI-Etting Collection. Enclosed in Clay to Jones, same date, below.

¹ Not found.

To William Jones

My Dr Sir


Inclosed I transmit a letter which I have addressed to you containing my decision not to accept of the office of director of the B. of the U.S. with the appointment of which I have been recently honored.¹ My principal motive for it is the second one stated in my letter, that of subjects being brought before the H. of R. relating to the interests of the Bank. You will perceive by the papers that Mr. Forsythe² has again brought up the question of the right of the Corporation to take in security transfers of certain stock &c. Now altho' I do not feel that, in the discussions and deliberations to which these & other topics may lead, I should act in the smallest degree under any bias, I do not choose to be placed in a situation in which I may even be suspected of having such bias. Should my opinion, on any of these subjects, be favorable to the institution, it is obvious that I can urge it with more effect when I am totally unconnected with the institution. I hope this reason alone will be deemed by you and my other friends as sufficiently satisfactory, and will exonerate me from the imputation of any versatility.

Altho' I thus decline any official connexion with the Bank I shall
continue to feel a lively interest in its prosperity. And I will with
great pleasure, from time to time, offer it any advice & afford it any
aid, in my private character, that I can, and any too in my public
station that may appear to me proper.

I had intended to have communicated to you some observations
respecting the proposed office at Nashville. But a disposition has
been so generally manifested to assail the institution, by taxing its
offices, that I concur in the opinion that it may as well be at once
met. Taxation to prevent or expel an office contemplated or
established I have not the smallest doubt is unconstitutional. It
follows of course that if the General Government had the right to
charter the Bank (of which alone it is the judge) the States cannot
have a right to destroy the efficacy of the charter—It may be another
question (on which I do not now offer any opinion) how far they
have the power to lay a tax bona fide for the purpose of revenue
and which shall be only equal to the tax imposed on similar monied
institutions within their jurisdictions respectively.

The Bank should not conceal from itself the fact that there is a
deep and wide spread hostility existing towards it. Various causes
have contributed to produce it, but the principal one doubtless
arises from the interest of Stockholders in Local institutions, who
apprehend a diminution of their accustomed dividends. I believe
this hostility, if met with prudence and firmness on the part of your
board, will be temporary. I am Faithfully & Cordially Yrs.
William Jones Esqr.

H. Clay
ALS. PHi-Etting Collection.

1 See above, same date.
2 John Forsyth, who on the preceding day had moved adoption of a resolution
instructing the Committee of Ways and Means “to inquire whether the Bank of the
United States is authorized, by its charter, to receive as pledge or security for loans
made to individuals or corporations, a transfer of public debt made to the bank, or
to any officer thereof, and if, in their opinion, such transfers are not authorized by the
act of incorporation, to report to the House some effectual mode of preventing them
from being hereafter made.” The House on February 4 agreed to the motion.
3 See above, Clay to Jones, December 26, 1817.
4 Cf. Chief Justice John Marshall’s opinion in McCulloch vs. Maryland, below, Clay
to Hardin, February 21, 1819, note.

To [Samuel Elliot, Jr.]

Dr Sir

A note of mine is due at your Bank to day which another is bound
to take up. Lest that should not be done I transmit the inclosed
check which you will be pleased to pass to my credit and if my note
shall not be taken up at the last hour, do it with the funds now
furnished. Yr’s Respectfly

H. Clay

ALS. ICHi. Recipient not positively identified.

1 The Bank of Washington.
2 Not found.
To Isaac Shelby

Dr Sir Washington 8th. Feb. 1818.

Prior to the receipt of your favor¹ I had made the acquaintance of Capt. Reid,² to whom I shewed all the civility in my power. I regret that the Naval committee has supposed that the Government cannot reward the gallantry displayed by him & his Crew, in the defense of the General Armstrong, by a pecuniary grant, upon any principle that can be safely assumed.³ I concur with you entirely as to the merits of that defense.

It would have given me great pleasure to have contributed towards promoting the wishes of Capt. O. Fallon;⁴ but I had previously committed myself to another.

We are urging upon the General Government to extinguish the Indian title to the land South of the Cumberland lying in Kentucky.⁵ In making out a case to shew that this ought to be done, at the expense of the General Government, it is material to [s]hew, that all the lands lying South of the Kentucky [Riv]er were purchased from the Indians by Richard Henderson & Co. Can you inform me when they made their p[ur]chases? From what tribes? What were the limits of those purchases? Where are the treaties which they entered into with the Indians?⁶ Do you know what resolutions or acts were adopted by the States of Virginia and North Carolina respectively relative to those purchases?⁷ I mean acts other than those granting them the two tracts of land at the mouth of Green river and in Powells valley, of which I have Copies. I should be extremely glad to possess Copies of the treaty or treaties that were made on the occasion. And you would oblige me by furnishing such a statement of the whole transaction as your memory will enable you to furnish.

I want to shew that, altho' North Carolina & Virginia would not allow Henderson & Co. to hold the Country, those States considered the Indian title extinguished; that they paid Henderson & Co. a valuable consideration for their services in so extinguishing it; and that under that extinction, and no other, the Country south of the Kentucky river has been settled. By a treaty made in 1786 by the General Government the Indian title has been again put on the Country South of Cumberland.⁸ It results from this view of the subject, if it be correct, that the General Government is bound to remove the encumbrance, at its own proper charge, which it created. You will oblige me, and perhaps promote the interest of our State, by as full a st[a]tement & as complete information as you are enabled, at this distant day, to communicate.

Mrs. Clay unites with me in best respects to your Lady. And I am cordially & faithfully Yr. friend

H. Clay
February 9, 1818

P.S. Mr. & Mrs. Brown⁹ are passing their winter very pleasantly in Paris

H.C.

ALS. WHI-Draper MSS., 2CC42. Addressed: "Isaac. Shelby Esq. near Danville (K)."
The italics in this document may not have been inserted by Clay.
¹ Not found.
² Captain Samuel C. Reid, a native of Connecticut, had commanded the privateer, General Armstrong, which, when lying in the port of Fayal in the Azores on the night of September 26, 1814, had been attacked by a squadron of three British warships. Despite a protest from the Portuguese governor of the islands, the British had intensified the attack at daybreak, and Captain Reid had ordered his vessel scuttled. In his petition to Congress Reid maintained that he had lost two men killed and seven wounded, while the British had suffered at least 250 killed and wounded. Moreover, the battle had delayed the British squadron, which was on its way to the West Indies to join the force preparing to attack New Orleans. American State Papers, Naval Affairs, I, 493-94.
³ On March 4 a bill authorizing an appropriation to be divided among the officers and crew of the General Armstrong was sent to Committee of the Whole, where it apparently died.
⁴ John O'Fallon, nephew of George Rogers Clark. Born in Louisville, Kentucky, O'Fallon had been wounded as a militiaman in the Battle of Tippecanoe, then served through the War of 1812 in the regular army under General William Henry Harrison. Resigning his commission on July 31, 1818, he settled in St. Louis, Missouri, where he became prominent as a merchant, banker, and philanthropist.
⁵ On motion of Thomas M. Nelson of Virginia, December 18, 1817, a committee had been appointed "to inquire into the expediency of providing by law for extinguishing the Indian title to certain lands south of Green river, in the State of Kentucky, which were set apart by the State of Virginia for satisfying the claims of certain Revolutionary officers to military bounty lands, or of making such other provision, in relation thereto, as justice may recommend." Annals of Cong., 15 Cong., 1 Sess., XXXI, 487.
⁶ The treaty of Sycamore Shoals, by which the Transylvania Company purchased from the Cherokees the territory between the Kentucky and Cumberland rivers, had been negotiated in March, 1775. William S. Lester, The Transylvania Colony (Spencer, Indiana, 1935), 31-38.
⁷ By the creation of Kentucky County in 1776 Virginia had asserted her jurisdiction over the Transylvania Colony as well as other settlements in Kentucky. Two years later the Virginia legislature had voided the purchase by Richard Henderson and Company (the Transylvania Company) of lands in Kentucky and as compensation had granted the company 200,000 acres on the Ohio and Green Rivers. Ibid., 231-33.
⁸ North Carolina also had refused to recognize the legality of the Henderson purchase but in 1783 had granted to the group 200,000 acres in Powell's valley. Ibid., 269-74.
⁹ By the terms of a treaty between the United States and the Chickasaw Indians, January 10, 1786, the northern boundary of lands allotted to the Chickasaw nation had been established on a line beginning on the ridge dividing the waters of the Cumberland and Tennessee rivers at a point northeast of the mouth of Duck River, thence running west along the ridge to the Ohio. 7 U. S. Stat., 24-26.

From [Peter Hagner]

Hon Henry Clay 9 Feby 1818
Sir
I have the honor to inform you In reply to your letter of this date¹ that the Accounts of Wm Ellis have been adjusted on which the amount claimed by him has been admitted to his credit leaving a balance due the U S of $139.16 which by letter of this date I have requested him to deposit to the credit of the Treasurer of the U S in the branch Bank of the U S at Lexington.

¹ Not found.
The Rising Statesman

To [Peter Hagner]

Dr Sir

9th. Feb. [1818]

I believe the pension of Mrs. Elliott, to which the inclosed document relates, is payable at your office, & that there is some authority there to receive it. Will you be good enough to inform me if I am right in this impression, & whether the inclosed document be sufficient to enable her to draw the arrearage? Yrs. H. Clay

ALS. DNA, RG217. An endorsement indicates that this letter was answered February 11, 1818. Answer not found.

1 A petition by Mrs. Prudence Elliott, dated September 5, 1816.

To [Peter Hagner]

Dr Sir

13 [i.e., 12] Feb. 1818

In the case of Mrs. Elliott I will thank you to have the pension made payable at the office of Discount & Deposit in Lexington.

I have transmitted the papers for the signature of Dr. Smith. Yrs. H. Clay

ALS. DNA, RG217. An endorsement indicates that this letter was received on February 12 and answered February 13. Answer not found.

1 Prudence Elliott.
2 Possibly Dr. Samuel C. Smith. See below, Clay to Homans, October 8, 1818.

To -----

Dr Sir


I have Twenty four hundred dollars at Nashville in Tennessee for which I wish to draw. Can you take a draft for it. and give me the amount here in your own paper, in Kentucky paper or in a proportionate deduction from my note under discount at your office? Yrs respectfy H. Clay

ALS. PPPrHi. Recipient probably either Richard Smith or Samuel Elliot, Jr.

Power of Attorney from Joel Henry

[February 19, 1818]

Captain Henry empowers Clay to collect compensation due “for a Waggon & team lost by me in the service of the United States. . . .” DS. DNA, RG217, First Auditor, Misc. Treasury Acct. no. 37006.

To Martin D. Hardin

Dr Sir


The delays in the mail with which we have been more than
ordinarily afflicted this winter (five are now due from K) prevented my receiving as early as I otherwise should your obliging favor of the 27th. Ulto. For the details of valuable local information which it contains I offer you my sincere thanks. Our last date from Frankfort (the first inst.) has created a strong desire to hear from there, the repeated disappointment of which has been extremely painful. I was inexpressibly surprized and mortified by the event connected with our Treasury.

You will have seen that much has been attempted and but little yet done in Congress. The important subjects of Internal improvements, the Colonial trade, Spanish affairs, the Neutrality bill, the Judiciary and the Bankrupt bill &c &c remain to be decided. The latter subject occupied last week, with very little prospect of its final success, altho’ a proposition to strike out the first section was rejected by a small majority. I think on the question of Internal improvements there will be a majority (whether of two thirds or not I cannot say) holding an opinion in opposition to that of the President. It is indeed rumored that he has subjected his opinion to some favorable modification, so far at least as concerns Roads.

In the private circles there is a good deal of dissatisfaction expressed in relation to the President. His Eastern tour, the measure respecting Amelia island—his opinion relative to Internal improvements—a recent message concerning the furniture of the president’s house, and the appointment of an agent to take care of it, and an increased attention to etiquette, are themes dwelt upon in terms indicative of much discontent. To what it may lead it is impossible to conjecture. I think the President may yet prevent any serious opposition founded upon the past, by prudence & judiciousness for the future.

I am greatly obliged by the frank and friendly sentiments which you have so kindly expressed concerning myself in relation to the office of Chief Magistrate of K. I have been frequently written to on this subject and what I have said has been this: That I had contemplated retirement from the General Government, not however with the remotest intention of soliciting or even desiring any office in either Government; but that it would not be inconsistent with the views, which lead me to adopt that intention to serve in the office in question, if such a desire should be entertained generally by my friends: That however I might become so committed on a particular question, (that of Spanish America) during the present Session, as not to leave me at liberty to quit my post here. Such are still my feelings & sentiments. You will perceive from them that I cannot decide at present whether I will or will not agree to my name being brought forward as a Candidate. Whatever ultimately may be my decision, I shall certainly always cherish a fond recollection
of the partiality and kindness with which I have been thought of & looked to, on this occasion.

I have seen the Secy. of the Treasury respecting the case of Mr. Wilkins. He says he does not feel himself authorized to interfere in the regular application of the law to the case, by the tribunals before which it is depending. I shall speak to Mr. Jones concerning it. With great esteem I am Faithfy & cordially Yrs H. CLAY

ALS. ICHi.

M. D. Hardin Esq

Not found.

On January 28 John P. Thomas, Treasurer of the State of Kentucky since 1807 and just reelected to that post on January 23, had resigned following revelation by the State Auditor that public money had been loaned to private individuals. The Treasury was reportedly deficient $26,608.86, for $8,800 of which Thomas could give no accounting. As an accompaniment to this scandal, Governor Gabriel Slaughter and John Pope, the Secretary of State, were censured by the legislature for failure to take fully executed bond and security for Thomas and to administer to him the oath of office at his elections in 1817 and 1818. Ky. H. of Reps., Journal, 1817-1818, 286, 288, 328-32, et passim.

See below, Motions and Remarks, February 24, 1818, note.

See below, Speech, March 15, 1818, n.29.

See above, Clay to Russell, August 18, 1817.

See above, Motion and Speech, December 3, 1817, n.6.

On February 10, 1818, President Monroe had addressed a letter to Congress asking an increase of appropriation for furnishing the Executive Mansion, which, after destruction during the British raid upon Washington, had been rebuilt and reopened upon his accession to office. Citing the "durable nature" and great value of many of the furnishings, particularly the "plate," he had suggested the advisability of appointing a public agent "charged with it during the occasional absences of the President," with "authority to transfer it from one President to another, and likewise to make reports of occasional deficiencies, as the basis on which further provision should be made." Washington National Intelligencer, February 11, 1818.

Charles Wilkins, against whom the United States had brought suit in the District Court of Kentucky to settle accounts relative to his contract of 1801 for supplying the army at Chickasaw Bluffs and in the area between Nashville and Natchez. The United States Supreme Court in February, 1821, delivered an opinion, certified to the court of original jurisdiction, establishing certain rules for the settlement of specific points in the controversy. 19 U. S. (6 Wheaton) 135-46: Minutes of the Supreme Court of the United States, vol. C (February 3, 1817-March 24, 1824), 151, 163-64 (DNA, M215, R1).

Walter Jones, who with Benjamin Hardin, argued the case for the defendant before the Supreme Court.

Motions and Remarks on Bankruptcy Bill

Mr. Clay rose and observed that he had on Friday last voted against striking out the first section of the bill, and if he now supposed that by one or two week's discussion the House could agree on a bill useful to the country, he should be willing to proceed, and devote that time to the measure. But, after the experience of Friday last, Mr. C. confessed that he feared all the labor which could be bestowed on the bill would be thrown away, particularly since the decisions which had just taken place on the modifications proposed by Mr. Spencer. This opinion he offered as an apology for the motion he rose to make, which was, to reconsider the vote on striking out the first section, that the sense of
the committee might be ascertained on the principle of the bill, after it had decided to retain the feature just moved to be expunged. 

[Clay's motion was agreed to, 69 to 58.]

Mr. Clay, for the reasons before stated, renewed the motion to strike out the first section of the bill.

[The motion was defeated on a first count by a margin of 66 to 63, on a second, by 71 to 68. Lewis Williams, believing that the bill ultimately would be defeated, then moved that the Committee of the Whole rise, with the expectation that the House might refuse to allow further sittings and thereby settle the matter. Charles Fenton Mercer expressed disapproval of the course followed by those who sought to destroy the bill and hoped that friends of the measure might be allowed to proceed in maturing it.]

Mr. Clay remarked that his object in the course which he had taken was the economy of the time of the house. It was true that all the indications disclosed of the sense of the house were in favor of the bill, but if any course could be adopted to save materially the time of the house, it was fair to try it on this measure; because, if it were taken up regularly, and the whole sixty-four sections discussed, which would consume one or two weeks, it was very probable that the bill would be lost by the variance of opinion on some of its important details. Mr. C. enumerated some of the provisions on which probably an invincible difference of opinion would exist; and particularised the feature which requires the consent of two thirds of the creditors, which he thought incompatible with the only principle that justified the passage of a bankrupt law at all, which was to relieve a man from his creditors, on his surrendering all his property, and restoring him to society.—This, and other provisions would, he was confident, consume much time, which, after all, he expected would be to no purpose; and for this reason he had endeavored at once to anticipate the final decision. 1

Washington National Intelligencer, February 25, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 1010-11. On February 13 a bill, containing “fifty-four printed folio pages,” to establish a uniform system of bankruptcy in the United States had been read in Committee of the Whole. On the following Tuesday, February 17, John Tyler of Virginia had moved that the first section of the bill be struck out and thereby had precipitated a debate that ended Friday, February 20, with the defeat of the motion by a margin of 71 to 64. When consideration of the bill was resumed on February 24 John C. Spencer of New York had proposed in turn two amendments to the first section, both of which had been rejected. Clay spoke immediately after defeat of Spencer’s second effort.

1 Soon after Clay spoke, the Committee rose and obtained leave to sit again, but on the next day the House voted to postpone the bill indefinitely.

Remarks on Expatriation Bill

[February 26, 1818]

Mr. Clay also took the same view of the clause of the Spanish
treaty, and referred to the case of certain persons arraigned for piracy at Boston\(^1\) as illustrating it.

Washington National Intelligencer, March 25, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 1052. The bill under consideration, providing means by which a citizen of the United States might relinquish his citizenship, was advocated by those who pointed out that under the existing treaty with Spain an American citizen "holding a commission under any government at war with Spain, whilst we are at peace with her, is considered as a pirate." Washington National Intelligencer, December 16, 1817. Replying to an assertion that the objectionable clause in the Spanish treaty was "a mere sample of the verbiage to be found in all the old treaties; . . . admitted . . . not because there were any particular reasons for inserting it," Thomas B. Robertson had conceded that the clause might have been inserted in this manner, but he argued that "in the actual posture of affairs, it had a bearing of unjustifiable severity on the Patriots, subjecting our citizens to death (as pirates) being taken in arms against Spain, instead of subjecting them, as citizens of other countries, to the established laws and usages of war among civilized nations, &c." Clay spoke next.

\(^1\) Cf. above, Motion and Speech, December 3, 1817.

Remarks on Expatriation Bill

[February 28, 1818]

Cited in Washington National Intelligencer, March 2, 1818; Annals of Cong., 15 Cong., 1 Sess., XXXI, 1054. Clay again participated in the discussion on this measure (his remarks are not recorded). The bill was rejected in the House of Representatives, March 4, 1818. Washington National Intelligencer, March 5, 1818.

To William Jones

My Dr Sir Washington 3 Mar. 1818.

As you may not have received a Copy of the late act of Kentucky imposing a tax on the offices of Discount and Deposit established there,\(^1\) I transmit you the inclosed which has been forwarded to me—

I cannot but feel mortified that the Legislature of my State should have acted so inconsistently as to have adopted a measure of this kind after inviting the establishment of branches within the State. It is I have no doubt attributable to the jealousy and influence of the State Bank\(^2\)—an influence which, after the creation of so many other banks in that State (whatever other effect they will produce) will daily decline.\(^3\) The act is very loosely drawn, and will be of very difficult execution, even supposing the power to pass it to be conceded. With great respect I am Yr's truly

H. Clay

Wm. Jones Esqr.

ALS. KyLoF.


\(^2\) The Bank of Kentucky.

\(^3\) The last session of the Kentucky legislature had also established forty-six "independent banks," authorized to issue notes to an amount of three times their capital, which were to be redeemable in notes of the Bank of Kentucky, notes of the Bank of the United States, or specie. Ky. Gen. Assy., Acts, 1817-1818, pp. 375-93, 491-95 (January
MARCH 3, 1818

26, February 3, 1818). Poorly managed and weakly financed, the new banks, popularly denominated the "forty thieves," quickly undermined the credit of the state.

From [Henry M. Brackenridge]

BUENOS AYRES, March 3, 1818.

We are here at last after a voyage of three months, having stopped ten days at Rio de Janeiro, and four at Monte Video. I wish I could give you a faithful transcript of the impressions made on my mind in the course of this interesting period of my life, but I regret that the limits of a letter will not allow me. The short time I have been here will not allow to [sic] speak my opinion with perfect confidence on a variety of important topics; there are some, however, on which I cannot be mistaken, although I must reserve for some opportunity when I can have the pleasure of conversation with you, the account of the mode in which my opinions are formed.

On our arrival here, the English and Americans who crowded around us, (for they appeared at our Consul's very much mixed with each other) seemed to vie with each other in giving the most unfavorable accounts of the people and government of the country, but in the midst of their accounts they let out some things which to me spoke in their favour. On a more particular examination of the characters of the individuals who thus spoke, I found in every instance, that circumstances existed which rendered their testimony suspicious. In casting my eye around, I could very readily see the cause of their being despised by the British, for nothing is to be seen throughout the city, but the plainness and simplicity of republicanism. In the streets none but plain citizens, or republican soldiers, are to be seen; the latter having somewhat a militia appearance; but I did not like them the less on that account. I assure you, sir, notwithstanding the numerous acts of this government, which may justly be condemned, I feel myself here in a land of freedom, and where an American will find more to remind him of his country, than in any government in the world. This is saying much, but it is no less true.

Our stay at Rio, has been of infinite service to us, by furnishing our minds with a picture of despotism to contrast with the state of things at this place. Yesterday a person gave me, as he thought, a most appalling description of the state of parties here, and with great confidence told me, that a portion of the people was in favor of this system, and another of a different one, &c. I put this simple question to him, how is the public sentiment ascertained? For this he was not prepared. I then told him that at Rio de Janeiro there were no parties; that the people neither spoke nor thought of politics. An Englishman expecting to excite contempt in my mind
for a strapping fellow who passed by with a couple of epauletts [sic]—that fellow, said he, a little while ago kept a grog-shop—he is now a militia colonel! I told him that in our country it was not uncommon to see generals engaged in feeding hogs.

The proper mode of judging of these people is by looking at the past and the future; to see the advancement they have made, and what they will probably make. It is enough for the present, that the spirit of liberty, the desire of independence, the desire for improvement, is deeply rooted, although perhaps badly directed. Even if they possessed the previous advantages that we had, it would be unfair to compare them with what we are now. It is admitted on all hands that their progress has been very considerable, and I see no reason why it will not continue. You once suggested to me the advantages they would derive from national songs; I find they have a number which are sung on all occasions; their sentiments are purely republican. This, together, with the number of persons who are called forth from the most humble and obscure situations, to act considerable parts, surely must tend to elevate and enlighten. The number of persons more or less connected with the civil and military is necessarily great. Amongst the reproaches heaped on these people by strangers, what appeared to me very curious, I heard them reproached with national vanity! One of these patriots, I was told, declared that North America had produced but one Washington, while the South had produced a hundred! There is one thing universally admitted, and that is, the great equality existing throughout the society, an equality which has not been forced, but exists in the same manner as in the United States. Here is certainly the basis on which to build a republican government. As I did not come here to look for miracles, I am not disappointed. With respect to the administration of the government, the state of finance, the irregularities of those in office, from the want of powers being properly defined, the deficiency in liberal knowledge &c., these are topics upon which much may be justly said against the country. There is one thing certain, that all I have heard alleged against it, would have excited no particular attention at Rio, as being of course.

The shortness of the time which has elapsed since my arrival, will not enable me to say any thing worth writing down on the subject of the government. Its enemies may call it a military republic, but I assure you it is nothing but a republike, and I believe can be nothing else. The story of their wishing a king, you may rely upon it, is absolutely ridiculous. In the vessel which brought us up from Monte Video, there were several persons in the lower walks of life who talked politics and sung their national song, something like our Hail Columbia. These people, who can hardly be presumed to speak any other than the sentiments of the hundred, which compose
the class of society in which they move, had quite as rational & as
enthusiastic notions on the subject of government, as people of the
same occupations and education in our own country. One of them
told me that he thought Rousseau’s Social Compact a visionary
thing, but that Paine’s Common Sense & Rights of Man, were sober
& rational productions. The priests are all natives & all republicans.
Their influence is much diminished; the younger part of the com-

munity are becoming perhaps too careless on the subject of their
religion.—There is no religious intolerance, every one is free to
worship in his own way.

Our arrival, I am informed has excited the most extravagant joy;
to be noticed in any manner by a respectable government, and more
particularly by us, whom they admire more than any people in the
world, is highly gratifying. In the present state of the world, the
feeling of one republican nation towards another republican nation,
is not to be described, and cannot be known to kings and their
servants. We have it in our power to direct and fix the destinies of
a great people—Good Heaven! is it possible that our enlightened
statesmen cannot lift up their minds to the magnitude of the subject.

With respect to the capacity of these people, for defence against
any force that can be sent against them, it is admitted by all. To any
one who has been an hour on the spot, the attempt of Spain, with
the assistance of any nation in Europe, to subjugate them, must
appear almost ridiculous, when we see that at Monte Video the whole
Portuguese force is shut up by only two hundred men.1 Thirty
thousand men can be brought to the defence of this capital, every
house of which is a complete fortress. The difficulties in the naviga-
tion are also of such a nature as to render it difficult for any large
body of troops to be transported with safety. The Portuguese are
wasting their men and money in the most childish manner. Any one
on the spot will see in five minutes that it is utterly impossible for
them to make the slightest progress.—The disputes between Artigas
and this government,2 I will endeavor to explain when I shall become
better acquainted with them.

The people here are under the impression, that England is only
waiting for the United States to acknowledge Buenos Ayres, in order
to follow the example. The simple acknowledgement of these
people, will be productive of consequences of which you can scarcely
form an idea. The importance attached to it by them, is such, that
there is hardly a man who would not give almost half of what he is
worth that it should take place. I do not hesitate to say, that the
moment we acknowledge them, they will adopt every feature of our
government and constitution, and such is the idea which they have
of the justice, wisdom, and disinterestedness of our country, that
they will be guided by our advice in every thing. I have not the least
doubt, that the Commissioners will be applied to for the purpose of settling and healing the civil dissentions which have existed between Artigas and this people. I assure you I am not enthusiastic. I have good authority for what I state.

Lexington Kentucky Reporter, May 27, 1818. Published also in Washington National Intelligencer, June 15, 1818. Prefaced by the following heading: “Our readers will peruse with much interest the following extract of a letter from an intelligent gentleman who went out in the vessel that carried our Commissioners to South America, to his friend in Lexington—” On author and recipient, see below, Clay to Brackenridge, August 4, 1818.

1 In January, 1817, the Portuguese had occupied Montevideo on the grounds of restraining incursions into Brazil by José G. Artigas, Patriot leader of the Banda Oriental (present day Uruguay). The Buenos Aires government demanded evacuation of the territory and prepared an army for attack but, with civil war mounting among the provinces of the Río de la Plata, postponed further action. Artigas maintained separate resistance against the Portuguese, but was decisively beaten at Tacuarembó in February, 1820.

2 In 1815 Artigas had broken with the Buenos Aires leaders and organized a federation of the interior provinces, Entre Ríos, Corrientes, Santa Fé, and Córdoba, in opposition to the authority of the central government.

Remarks on Resolution Concerning Internal Improvements

[March 6, 1818]

Mr. Clay (Speaker) hoped the committee would at once engage in this debate, and, instead of agreeing to the course moved by Mr. Sawyer, he wished that gentleman would withdraw his motion, and that the gentleman who reported the resolution (Mr. Tucker) would be permitted to explain the views and arguments of the committee in recommending the resolution; and he hoped that, instead of taking shelter behind the Executive declaration, the gentleman from North Carolina (Mr. Sawyer) would get up and make a constitutional speech on the subject. Mr. C. trusted that the House would not avoid the discussion, but meet the subject as men should meet it, and decide on it fairly.

[After extensive debate, William Lowndes moved to amend the resolution by a substitute composed of two parts. The first asserted that under the Constitution Congress had power to make appropriations “for the construction of post roads, military and other roads, and canals, and for the improvement of water courses, with the assent of the states in which they may lie.” The second part of the amendment repeated the wording of the latter portion of the original resolution. Following expressions of opinion by several other members of the House, Joseph Hopkinson moved that the words, “with the assent of the states,” be stricken out of the proposed amendment. The discussion continued for some time before Clay rejoined it.]

Mr. Clay had no doubt that the Constitution had invested Con-
gress with this power independently of any state authority; but still, though he held this opinion, he did not consider any thing yielded by exercising it under the assent of the states. It was similar to acts of conciliation between neighbors where the rights of one party might be unquestionable, &c. cases of which he supposed to illustrate his ideas.

Hugh Nelson, of Virginia, then expressed disapproval of the direction the discussion had taken and stated that the motions of both Hopkinson and Lowndes ought to be withdrawn so that the debate could proceed along its original course. He argued that "The champions of this measure had been heard; the report had been made and defended—Ajax Telamon had hurled his spear, and, when Hector was about to return it, Minerva, in the shape of Æneas, involved the combatants in a cloud and put an end to the combat."[1]

Mr. Clay, in reply, (alluding to a call he had, before Mr. Hopkinson's motion, made on the opponents of the measure to come forward in the debate, at a moment when no gentleman had risen) asked where was his friend Hector when that invitation was given, and why he had not accepted it?2

Washington National Intelligencer, March 9, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXI, 1115, 1137. On December 15, 1817, Henry St. George Tucker, from the Select Committee on Internal Improvements, had submitted to the House a report which, after being read, had been sent to Committee of the Whole. The subject had been taken up in the latter assemblage on March 6, 1818, when the following resolution, a part of the report, came under consideration: "Resolved, That in order to promote and give security to the internal commerce among the several states; to facilitate the safe and expeditious transportation of the mails, by the improvement of post roads, with the assent of the respective states; to render more easy and less expensive the means and provisions necessary for the common defence, by the construction of military roads, with the like assent of the respective states; and for such other internal improvements as may be within the constitutional powers of the general government, it is expedient that the sum to be paid to the United States, by the 20th section of the act to incorporate the subscribers to the Bank of the United States and the dividend which shall arise from their shares in its capital stock, be constitute as a fund for internal improvement." Washington National Intelligencer, March 7, 1818.

Immediately after the reading of this resolution, Lemuel Sawyer had moved that the Committee rise. He believed it useless to discuss the resolution because he doubted that a constitutional majority of Congress favored it and "the President's objections to it were already known." He referred also to Senate consideration of a proposed constitutional amendment giving Congress power to legislate for internal improvements, as evidence that the upper House doubted the constitutionality of such legislation. Tucker in reply had cited the impropriety of alluding to proceedings of the other House of Congress and argued that discussion of the resolution should proceed. Clay took the floor at the conclusion of Tucker's remarks.

The quoted passage was revised in the Annals of Congress to read as follows: "The champions of this measure had been heard; the report had been made and defended; the Ajax Telamon of the party had hurled his lance; and when Æneas prepared for the conflict, and was about to cast his javelin, Minerva interposes with a cloud, and puts an end to the contest." On March 11, 1818, the National Intelligencer carried an explanation that Venus, rather than Minerva, was the goddess involved, but that Representative Nelson had considered Minerva, the goddess of wisdom, "more appropriate to the grave Legislature."

Lowndes now stated his refusal to withdraw his amendment, and Hopkinson "observed, in allusion to the quotation from Homer, that, as, in contending for the dead body of Patroclus, the two armies were drawn into a general engagement, the
same effect seemed probable on this motion, he moved that the committee now rise; which was concurred in; and the House adjourned."

Speech on Internal Improvements

[March 7, 1818]

Mr. Clay (Speaker) said, he had certainly no ground to-day to urge the complaint which he had yesterday made, that gentlemen had not presented themselves in opposition to the report, or that, in opposing it by argument, they had failed to consume any portion of the time of the committee. He would not be understood as insinuating, that the time of the House had been unprofitably employed in listening to what had been said on the subject; on the contrary, the argument which the House had just heard, and that which had preceded it, had met the question with an ingenuity and ability rarely exceeded. But, he said, he must enter his protest against some of the general principles which had been advanced in relation to the construction of the constitution.

Mr. C. begged leave, in the first place, to state, that he had imbibed his political principles from the same source as the gentleman who had last addressed the committee. From the celebrated production of Mr. Madison, when a member of the Virginia legislature, of the period of 1799—which, if it had been the only paper which had ever emanated from his luminous pen, would have stamped his character as an eminent statesman—from that paper, and from others of analogous principles, he had imbibed those constitutional opinions which had influenced his political course. If he differed from those gentlemen who professed to acknowledge the same authority, the difference was not as to principles, but as to the application of them. At the period which gave birth to those papers, Mr. C. said, the state to which he belonged, and that from which he sprung, bore a conspicuous part in arresting the career of a mad administration. The attempt then was to destroy the constitution by a plethora: but, he begged the gentlemen from Virginia to reflect, that that was not the only malady by which the constitution could be afflicted—another complaint, equally dangerous to that constitution, was an atrophy; and if, said he, I do not go along with them in the water-gruel regimen they would administer to the constitution, in construing it to a dead letter, and reducing it to an inanimate skeleton, let me not be charged with abandoning principle, but let them answer to the charge of thus attenuating the strength of that instrument.

He protested, he said, against construing this constitution as one would a bill of indictment, where any hole, through which a criminal might creep, was so much gained to the ingenious advocate.
On looking at the political condition of this country, we discover twenty local sovereignties, having charge of their interior concerns, and of whatever regards the rights of property and municipal regulation, and one great sovereignty, for the purpose of general defence, for the preservation of the public peace, and for the regulation of commerce, internal and external. These objects, for which the general government was established, ought to be constantly kept in view; and he would act contrary to the interest of his country who should deny to the constitution the sheet-anchor of the national safety, that vigor which is necessary, in the exercise of its powers, to fulfil the purposes of its institution, and to carry this country to the high destiny which it is one day to reach.

In expounding the instrument, he said, constructions unfavorable to personal freedom, or those which might lead to great abuse, ought to be carefully avoided. But if, on the contrary, the construction insisted upon, was, in all its effects and consequences, beneficent; if it were free from the danger of abuse; if it promoted and advanced all the great objects which led to the confederacy; if it materially tended to effect that greatest of all those objects, the cementing of the Union, the construction was recommended by the most favorable considerations. He subscribed entirely to the doctrine, that power in the general government was deducible only from express grant, or as fairly incident to the express grant. But, in interpreting the constitution, we were not to shut our eyes against all those lights which common sense and experience had furnished in expounding all instruments. We were to look at the whole constitution; at the history of the times when it was adopted; at contemporaneous expositions; and, above all, at the great aim and object of its framers. And, he would say, he hoped, without giving just cause for alarm, that he would give to the constitution, in all that relates essentially to the preservation of this Union, a liberal construction. In cases, where the power is admitted to reside somewhere in the general government, but it was doubtful in which branch, he would contend, that it belonged to Congress, as the safest repository. He would not yield his assent to what, he feared, was the too fashionable and prevailing sentiment, that of aggrandizing the Executive branch, and disparaging the Legislative. It appeared, that a power was perfectly harmless when exercised by the President, and that the tocsin of alarm was sounded the moment that Congress dared to act on the same power. He never could admit, he said, that the President should take an airing in his barouche, or a major general a promenade, with his suite of aids-de-camp, and exercise the power of ordering roads, in time of profound peace, wherever they pleased, and that the constitution had denied the power to Congress. And yet, what had this committee been told to-day? Why, that Crœsus,
and Cyrus, and Napoleon, had exercised the power of constructing military ways; and, therefore, it was inferred, that the President of the United States possesses it. What! said Mr. Clay, are we come to this—that imperial powers shall be ascribed to our Executive? Or, was it possible, that a mere military officer might order a road, and construct it, and yet that power should be denied to the Legislative branch of the government? And, said he, we are not only desired to acquiesce, with folded arms, in this Executive and military power, but more: whenever an appropriation, in the form of an allowance to the soldiery for fatigue duty, is asked to complete any such road, we are now, according to one of the justly reprobated doctrines of 1798, to acquiesce in the appropriation, being under a moral obligation to submit to the demand, and not daring to question it.

In proceeding to a closer view of the question before the house, Mr. C. admitted that it was not one of expediency merely, but a compound question of constitutional power and expediency. He admitted that, if the constitution denied the power to Congress, no principle of expediency would authorize the exercise of it; and he would meet gentlemen on that ground. He admitted also, that, if the constitution did not give the power without the assent of any state or states, short of the number required to authorize an amendment to the constitution, Congress could not exercise the power. The power exists without the consent of the states, or not at all; although, in the exercise of that power, it might be prudent, and discreet, or highly proper, to consult the states, whose local and private interests were to be seriously affected by any road or canal passing through them.

What was the nature of the power proposed to be exercised, which had produced this attempt to excite alarm—this call upon the friends of state rights to rally around the state authorities, and contest every inch of ground with those who favor this report? One who had not considered the nature of this power, but had gathered his ideas from the course of the Debate, would suppose that Congress were about to introduce some plague or pestilence, some Gorgon dire which was to destroy the liberties of the country. And of what power was such language used? Of a power to promote social intercourse; to facilitate commerce between the states; to strengthen the bonds of our union; to make us really and truly one family—one community in interest and in feeling. What was there alarming in such a power? So far from viewing it with alarm, Mr. C. said, if the Emperor of Russia were to offer to make turnpike roads in the State of Kentucky, or in any other State in the Union, though he should be unwilling to accept of such a boon without compensation, he should yet be happy to have it done. The power then was not of an
offensive nature. If the power were harmless, if in all its operations it could have no other than a beneficent effect, it was one in regard to which he should be disposed to give to the constitution a more liberal construction than if it were otherwise. There were various considerations, besides the character of this power, which would prevent its abuse in any shape. The first of these considerations was to be found in the nature of this body, composed of nearly two hundred members, coming from every part of the Union, having but little connection with each other. Before the power in question could be exercised in regard to any particular object, that object must be one of striking and prominent national importance, the conflicting and various interests of this Union must be reconciled, and of its tending to the general benefit. This alone, he said, was an almost insuperable difficulty in the way of acting on the subject; and the great danger was, not that the power would be improperly used, but that the legislation under it would be too restricted, and that frequent instances would occur of objects truly national in their character being neglected, or not executed, from the impossibility of producing a concurrence of all in relation to them. There was a further difficulty, he said, in relation to the means to be applied to these objects. We have, fortunately, by the creation of the Bank of the United States, got into our possession an unexpected sum of money which may be thus applied. But, suppose we had not, said he; do you imagine that any gentleman would move for a direct tax, or any other tax, with a view to this object? He believed not; and, he assured the committee, there was no ground of apprehension of the power's being abused by excessive legislation, but, that owing to the difficulty of concentrating the general opinion upon the end, and of uniting in the mode of raising the means, the just apprehension was that too little would be done.

In regard to the principles of construction of the constitution, Mr. C. repeated, there was no essential difference between himself and the gentlemen who had spoken, particularly the last (Mr. Barbour)—though, said he, the gentleman has certainly pushed in their application those rules of interpretation further than I am disposed to go—for, if the gentleman will excuse me, the pleasure with which I heard his argument was something like that which a surgeon may be supposed to feel when a skilful operator is amputating a limb or dissecting a body—and the ingenuity which he displayed in frittering away the constitution is not consistent with my idea of the great principles of 1798, in which I profess implicitly to confide.

What was the object of the convention, Mr. C. asked, in framing the constitution? The leading object was **union**. He called the
attention of the House to that letter signed by the Father of his Country, which accompanied the Constitution, when proposed to the States for their ratification, and which unfolds the views of the convention at the time of adopting that instrument. The following is an extract: "In all our deliberations on this subject, we kept steadily in view that which appears to us the greatest interest of every true American; the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable."  

Union, then, Mr. C. repeated, peace external and internal, and commerce, but most particularly union and peace were the great objects of the framers of this constitution, and should be kept steadily in view in the interpretation of any clause of it; and, where it was susceptible of various interpretations, that construction should be preferred which tends to promote the objects of the framers of the constitution, to the consolidation of the Union, not in the alarming sense of the phrase, but in that sense in which it was used in the quotation he had just made. With respect to union, he said, this was a moment in which he might be allowed some reflections on that head. We are told, said he, that in these halcyon days there is no such thing as party spirit; that the factions by which the country has been divided, are reduced to their primitive elements, and that this whole society is united by brotherly love and friendship: and indeed the President of the United States has himself observed, in his message at the commencement of the session, that he "is happy to observe that the benign spirit of conciliation and harmony which now manifests itself throughout our union, promises to such a recommendation (an amendment to the constitution) the most prompt and favorable result."  Sir (said Mr. C.) I do not believe in this harmony, this extinction of party spirit, which is spoken of; I do not believe that men have ceased to be men, or that they have abandoned those principles on which they have always acted hitherto. We have had, to be sure, what may be considered strong proofs of it: we have seen, during the late tour, the people of those parts through which the President passed, rise en masse, as the audience at the Theatre-Français or Covent-Garden, upon the entrance of the sovereign, to greet, to honor, and to salute him—we have seen that part of the audience from whom, for sixteen years before, nothing had been heard but scoffs and abuses, groans
and hisses, enthusiastically join in the general applause, and swell the triumph. These are perhaps strong proofs—I hope they are solid—of this state of peace and harmony throughout the union, of which the President speaks. Whether that concord now exists or not, however, union is an object which ought always to be kept in view by the American Legislature, and particularly should not be lost sight of in construing the constitution.

With these general remarks, Mr. C. said, he would proceed to follow gentlemen in their argument on the constitutional question. Having yielded to gentlemen the rule of construction for which they contended, that Congress could exercise no power not expressly communicated, or not proper and necessary to carry communicated powers into effect, he stated at once the extent of the position he meant to assume and maintain: that Congress have the power to make roads and cut canals without the assent of the states. He contended, that they have the power to do that which appeared so alarming to gentlemen, to fell the oak of the mountain, to gather the stone which has slept for centuries useless in its bosom, and therewith construct roads—with the qualification which the constitution has provided in one of its amendments, that, when the government takes private property, it is bound to make compensation therefor. He would go further: when the road is once made, he contended that Congress have a jurisdiction, concurrent with the states, over the road, for the purpose of preserving it, but for no other purpose. In regard to all other matters occurring on the road, whether of crime, or contract, &c. or any object of jurisprudence unconnected with the preservation of the road, there remained to the states exclusive jurisdiction.

"Congress shall have power," says the constitution, "to establish post offices and post roads;" and, to put that proposition in its clearest point of view, Mr. C. said it would be necessary to connect with this clause the last branch of the grant of enumerated powers to Congress; when the clause would thus read—"Congress shall have power to establish post offices and post roads, and to make all laws which shall be necessary and proper to carry into execution the power to establish post offices and post roads." What laws then were necessary to establish post roads? If, said Mr. Clay, the gentleman really be the Achilles he has been represented to be, here I have him by the heel.7 What is the power to establish post roads? Does it merely mean to adopt, to designate, what has before existed? That was the gentleman's proposition; but he would shew, from the well-ascertained meaning of the word itself, and from the sense in which it was used in the clause under consideration, and in other parts of the constitution, that 'establish,' meant to make, to build, to construct. He would not, he said, trespass on the patience of
the House by introducing a Dictionary as authority in this case; but if gentlemen would refer to any Dictionary for the meaning of the word *establish*, they would find it was not to *designate* but to *make*, to construct. The meaning of the expression was strongly illustrated, he said, when applied to post *offices*, to which it referred as well as post *roads*. Could the expression "to establish post offices," mean to designate some offices already established by state authority? That would be absurd; for, there being no post offices previously established, there were none to adopt or designate. To *establish* a post office, then, was to make an office; to build or hire one, and to provide all the appurtenances. "To establish," then, had not the meaning which was contended for; and it was those persons who construed away the meaning of the instrument, and not those who were for adhering to the constitution, and giving to it that vigor which its framers intended, who were chargeable with doing violence to its provisions.

Mr. C. then referred to another part of the constitution, to shew, that the word *establish* not only meant *to make*, or *to construct*, in the general signification of the word, but that, wherever it is used in the constitution, it is in that only true and proper sense of the word.—Thus, in the clause, "Congress shall have power to *establish* an uniform system of naturalization." Did it mean—and on the gentleman lay the burden of proving that it did mean—that Congress have the power only to *designate* some pre-existing rule? And was any man so absurd, when that question was discussed a few days ago, as to say, that the power to "*establish* a uniform system of bankruptcy," left to Congress no option to adapt the system to the wants, or agricultural and commercial condition of the country?

Further, this word "*establish*" occurred in the first clause of the constitution—"We, the people of the United States, in order to form a more perfect union, *establish* justice, &c. do ordain and *establish* this constitution for the United States of America." In what sense, Mr. C. asked, was the constitution thus "established?" Was it a mere adoption of a form of government already in existence? No—There are principles in that instrument which are to be found in no constitution previously existing.—This establishment was constructing a constitution, not adopting a confederacy, in being prior to the constitution. The word occurred in other parts of the constitution, Mr. C. said, and was undeviatingly used in the sense for which he contended. For example, "the judicial power of the United States shall be vested in the Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and *establish*." What was Congress at liberty to do in establishing these courts? Were they bound to take some state local judicial system, or to look for those systems required by the wants and interests of the
confederacy? There is not a gentleman who hears me who will not agree, that, in this case, the word “establish” is used in one sense, and only one sense, as authorising Congress to construct a system according to the extent and convenience of the country.

Let us, said Mr. C. look at the nature of this power. I contend, that all the governments in the United States are established for the benefit of the people, and that the powers given to them are so many duties—a solemn trust, to be exercised by the governors for the benefit of the governed. What, then, was the object of this power to establish post-offices and post-roads? It was to diffuse information, to circulate intelligence, for commercial, military and social purposes, that all parts of the country might derive the benefits intended from the constitution. What were the qualities necessary to give to such an object the greatest perfection of which it is susceptible? For, Mr. C. said, he laid it down as a principle, that it was the duty of the government to give to any trust committed to its charge, the greatest perfection of which it is susceptible, having a just regard to all the great interests of the community. Generality, certainty, and celerity of transmission, were the qualities to be consulted in the establishment of post-roads. What sort of certainty was it, if, on the principle of gentlemen, the mail is liable to be interrupted, say in time of war, between the seat of government and New-Orleans, the most defenceless point in the union, at the mere caprice of any county court choosing to change a road, or commit any other trespass, and we, in the execution of this important power, are to submit to it? For, even the provision in the Virginia law, which had been referred to, availed nothing in argument, since the same legislature which enacted might repeal it. {Mr. BARBOUR said here, in explanation, that he had mentioned the provision in the laws of Virginia, but incidentally—he had then said, that the United States had the right of way over any road which was once declared a mail road.} Then, resumed Mr. Clay, all is conceded that I want. If I now understand the gentleman, then, we have the right of way over mail roads, and it is so conferred upon us, by virtue of this constitution, that no Virginia gentleman, or Virginia court, can interrupt that right. What sort of right of way was that, Mr. C. asked, where there was no road? If Congress have the right of way, have they not also the means to make that right efficient? A mail road is designated; being so declared, it is admitted, that the county courts cannot change it; that the state cannot change it, was a fair consequence from that concession. But the object for which the road was originally established, by the local authority, has ceased.
There is no longer any motive for its reparation or preservation. The local authority will not, therefore, repair it. The local authority cannot be acted upon by the general government to compel its reparation. The general government has not the right to repair it. According to the argument on the other side—it cannot remove a fallen tree, or any other impediment. It has, it is true, the right of way, but it has no right to get along this way. If the gentleman will excuse the expression, I cannot view a power, thus qualified, thus admitted, at the same time that it is substantially denied, in any other than a ridiculous light.

But it appeared, that the gentleman was alarmed at the consequences of the exercise of this power by the general government, because the state governments, having a like power, would sometimes come in collision, and a conflict of authorities might ensue. Mr. C. said he felt no alarm on this head. The power of the general government to lay taxes, he presumed, was not questioned. Suppose the general government should lay a tax on a particular article, and the state government should also tax it. The gentleman himself had said we have the power to appoint collectors—and he was surprised he had yielded even so much, and that he had not denied the power to appoint collectors, since every man might be required personally to come to the Treasury, and place his money there—suppose a collision should arise between the two collectors, as to which had the paramount right—which would prevail, Mr. C. would not say; it was a legal question, which the gentleman from Pennsylvania in his eye, (Mr. Hopkinson) could answer better than he—but he had stated the case, to shew, that wherever there is an imperium in imperio, as in our form of government, there necessarily will be collisions. In such cases, reason, moderation and good sense, must come into the councils of the government, and reconcile this conflict of jurisdictions as they can. A power to establish a Bank of the United States, is asserted and exercised by the United States, which some of the states deny; and they have already attempted to exclude the branches of that Bank, by imposing taxes on them. Here, Mr. C. said, was another collision; and perhaps he should be accused of hostility to the states, when he said, that he believed they had not the power to exile these Banks; and that, the power being granted to the United States, the states individually had no power to exercise any controul over the Banks thus established, but by the constitutional process of election, changing their representatives on this, and on the other floor of Congress. The case which had been supposed, of roads, established by the general and state authorities, running parallel, was not likely to occur. No, said he, depend upon it, the states will accept, with avidity, the bounty
proposed to be bestowed on them, and will not refuse a great benefit from any fastidious jealousy of the hand which offers it.

Under his construction of the constitution, Mr. C. said, there could arise no collision between the governments. The circulation of the intelligence of the country was an object of great importance, it would be confessed; in respect to which, an inequality now exists in the condition of the citizens of various parts of the country, which, although acquiesced in from necessity, would be an unceasing object of solicitude and remonstrance until remedied. What, he asked, was the inequality of the situation, for instance, of members on this floor, coming from different parts of the country? For seven successive mails said he, for the want of the exercise of this right of way, we have enquired in vain at the post-office for letters from the west, informing us perhaps of the fate of some sick friends and relatives at home, or of the state of our private concerns, and for seven successive mails have we been held in painful suspense; whilst gentlemen from the sea-ports have received their daily intelligence with that sort of certainty and celerity which every part of the United States ought to experience. Could it be said, he asked, that the government was exercising its powers properly, when such an inequality prevailed in respect to different sections of the country? Did it become gentlemen, not subject to this inconvenience, to which we are constantly exposed every session of Congress, to say, that they would deny to other parts of the union, the great interior, western and other sections of the country, the same advantages which they derive from the celerity and certainty of the mails? He conceived not, and he would not impute to them that intention.

The friends of the power of the general government, for which he contended, might stop here. It was not necessary, for them to turn to other parts of the constitution; for, having proved the power to make post-roads, it was certainly no objection to the power that these roads might also be used for other purposes. It was rather a recommendation that other objects, beneficial to the people, might be thus attained, though not within the words of the constitution. Whence the power, he asked, the great, the interesting power, which Congress are invoked by so many petitions to exercise, of promoting the manufactures of the country? There is no such power in the constitution. But Congress have the power to levy taxes; and, under that power, might so apportion the taxes, that, besides raising a revenue, the manufactures of the country might be promoted; which was never thought of as an objection to the exercise of the power of laying taxes. And, said he, having the power to establish post-roads, may we not, at the same time, after
having constructed them, allow them to be used for other purposes, connected with the good of society?

Here then, he repeated, the power of making roads might be rested, as, in express terms, granted by the constitution. But, he said, there were other parts of the constitution, to which also he would call the attention of the committee, which would equally, in his judgment, authorise this power, by derivation.

The power to use the physical force of the country, to repel invasion, suppress insurrection, &c. was one conferred by unquestionable grant, the several clauses respecting which he would not fatigue the committee by quoting; but there was one clause which did not attract general notice, to which he would point their attention. "The United States shall guaranty to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence." Thus, for every possible purpose to which it could be necessary to resort to force, Mr. C. said, the constitution had clothed the government with complete power to exercise the physical force of the nation.—He begged leave to state, here, that every man who looks at the constitution, in the spirit to entitle him to the character of an American statesman, must elevate his views to the height which this nation is destined to reach in the rank of nations. We, said he, are not legislating for this moment only, or for the present generation, or for the present populated limits of these states; but our acts must embrace a wider scope; reaching northwestwardly to the Pacific, and more southwardly to the river Del Norte.¹⁰ Imagine this extent of territory covered with sixty, or seventy, or an hundred millions of people. The powers which exist in this government now, will exist then, and those which will exist then exist now. For I have no idea of the powers which come into existence on occasions, such, for instance, as the right of way which gentlemen admit to belong to an army on its march. The powers now exist in all the modifications and extent of which they would be susceptible for the wants and purposes of the population which hereafter will animate the surface of our extensive country. Suppose, then, the country to be only a little more populous than it is at present. Look at the line of the Atlantic, and that of the Mississippi —look how nature invites you to make perfect the geographical advantages which she has granted to you; and, keeping in view the great principle of preserving the union of the states, see how essential is the power, how important its exercise, of connecting these two great lines by means of roads and canals. Moral causes have a powerful operation; and the migration of people from the Atlantic to the western states will produce an affinity & consanguinity
between the population of the east and of the west, which will last for a long time; but depend upon it, when society is settled down, as it will before long be, these moral causes will lose their effect. I hope it will not be whilst I live, said Mr. Clay; but the man who does not look forward to another state of things, when physical causes will have their influence, is unworthy of having a place here. What then, Mr. C. demanded, ought we to do? We ought, by the means within our power, to counteract the operation of these physical causes. Recollect, said he, that, with regard to the Mississippi, a new epoch has been produced in its navigation by the genius of Fulton. But, notwithstanding all the facility thus given to the navigation of that river and its tributary streams, it is my settled conviction that, if the general government penetrates through the intervening mountains by roads, connecting the navigable streams on each side of them, and by such links as, for example, the great canal of New York, an object which he regarded as of the first-rate importance—if the government thus counteracts physical effects by physical means, the result will be forever to retain two-thirds in value of the commerce in foreign commodities of Ohio, Kentucky, Western Pennsylvania, Indiana, Illinois, &c. in the old channel. With regard to the articles of foreign production, of great weight, or of great bulk and little value, or of great fragility, they may generally take the course of the Mississippi; but of the valuable commodities, in relation to which expence of transportation was a subordinate consideration, three-fourths would still pass from the Atlantic cities to the Ohio, &c. Could then a better basis for the union, a stronger tie to connect the various parts of the country together, be conceived, than that of which he had spoken? Foreign commerce, said he, is the spoilt daughter of this government. We deck her out in the most precious and costly jewels; we light up her way by Winslow Lewis's inventions; we send agents abroad to every clime & every sovereign, from the Emperor of Hayti to the Czar of Moscow, to prosecute her interests. But, when the old respectable matron Agriculture, asks us for something for her accommodation, gentlemen will not give her a gown, even of Virginia cloth.

But, Mr. C. asked, was it possible the constitution had prohibited to Congress the power to regulate commerce between adjoining and conterminous states? He never had been more astonished than by the argument of the first gentleman who spoke this morning (Mr. Smyth) and his able, ingenious, and learned colleague. The power given by the constitution to regulate commerce “among the several states,” applied, according to their doctrine, only to the regulation of the coasting trade. And am I, said Mr. C. who come from the great interior of the country, to be told that the constitu-
tion was made for the Atlantic margin of the country only; that, in regard to the great power of regulating internal commerce, Indiana, Ohio, Kentucky, Tennessee, and indeed all parts of the interior, are to be wholly denied the benefit of it? The constitution has no such limited meaning. It was intended to be commensurate with the boundaries of our country—to cover all parts alike—to give activity to all its commercial resources and we, who are not washed by tide water, have as much right to the benefit of its provisions as any other part of the country.

The power to regulate commerce with foreign nations, Mr. C. said, was conferred on Congress in precisely the same terms as that of regulating commerce among the several states: the two powers therefore must have an equal latitude of construction. What was the interpretation which, by the daily acts of Congress, the first of these grants of power had received? When the question arose between the state and general governments, respecting the right of a particular power, he admitted it was no plea for either to offer to the other that it had already exercised that power; but, if he could shew that, under a given clause of the constitution, a power had been exercised by Congress, favorable to a particular interest—and he, representing an analogous interest, asked the power to be exercised for his benefit, it was no argument in the mouth of Congress, that, having exercised the power in one instance, it could not be exercised in the other. Congress, under the power to regulate foreign commerce, had provided for the erection and maintenance of light-houses, established buoys and piers, built custom-houses, &c. and given every possible facility to it; and all these powers, in all their variety and extent, had been incidentally derived from the power to regulate commerce. It was the bounden duty of Congress to repeal all these laws, or to pass acts of an analogous character, for the benefit of the internal commerce of the country. How otherwise was internal commerce, or commerce among the interior states, to be regulated or facilitated, but by the exercise of the power for which he contended, and which the gentleman from Virginia denied? It ought not to be overlooked, in this view of the question, that no state can enter into a compact with another state, being forbidden by the constitution. If, for example, Kentucky, or any adjoining state, should desire to have a road or canal passing through the territories of both, for their mutual accommodation, there was no way in which the object could be accomplished. It could be effected by the general government alone, by keeping the object of union in view in construing the constitution, and giving to the clause respecting internal commerce that construction which had been given to the clause respecting foreign commerce; and
which it was equally the duty of Congress to give in regard to the one as to the other.

There was one part of this subject, Mr. C. said, which he touched with no improper intention, & with all the delicacy which belonged to it. It is not a question in regard to the revenue of the country, how it is to be raised; but it is a question of no unessential character, how the revenue, when raised, is to be expended—the places where it is to be disbursed, and on what objects. Would it be contended that, in respect to the twenty-five millions to which our revenue has risen, and to the fifty or sixty millions to which it may rise, that there is no object in the interior worthy of the application of any part of it, but that it must all be lavished on the margin of the ocean? That Boston, and Norfolk, and New York, and Portsmouth, were to be left to scramble on the great questions of naval depots, for the fruits of the expenditures of those national establishments, and that the great agricultural body of the country was to be the passive spectator of the gains of the seaboard from the labor of the interior? Was he to be told that from that interior one continued stream of riches was to flow into the Treasury of the United States, without a single drop falling to fertilize the soil through which it passes? Or, would it not be admitted that equal justice to all parts of the country required that the revenue should be more equally distributed for the benefit of the respective parts of it? The power then to regulate the foreign commerce of the United States, having received its exposition, such as he had stated it, from the earliest date of the constitution, it was an argument of irresistible force, addressed to this government, to induce it to repeal those laws, or to extend equal facilities to the internal commerce of the country.

With regard to precedents, as bearing on this question, the committee could not but have observed, Mr. C. said, that, with the gentleman from Virginia, when the precedents in point bore against the hon. gentleman, they were wholly rejected, and it was abominable to tie down the minds of the members by rules of construction, from whatever authority derived. But when those precedents were in favor of his doctrine, said Mr. C. we find the gentleman referring to the acts by dates and titles; and in this manner the gentleman had endeavored to shew that the clause in the constitution respecting the establishment of post roads meant designation merely. There was, Mr. C. said, one complete answer to this argument, derived from the acts passed in the infancy of this government, when the Treasury was impoverished; it was not at all extraordinary that the government did not at that period undertake to construct roads or cut canals—it would have been extra-
ordinary indeed if they had done so, under such circumstances. The laws passed at that day were passed without any discussion in relation to the subject, as far as he had heard, and could therefore, by no implication, be construed to involve a surrender of the power.

The gentleman had yielded, that a military road might be constructed by the government, under a concurrence of circumstances, viz. first, a state of war; and, secondly, a condition of the army requiring the road to effect a particular military operation. Prudence, Mr. C. said, forecast, the providing for contingencies, a preparation in peace for war, were favorite themes of the present day; and well might they be dwelt upon, and enforced upon the committee and on the nation, after the experience of the late war. He asked of the honorable gentleman from Virginia, (Mr. Smyth) who bore a commission in the late war—whether some of those disastrous scenes which occurred in its progress, might not have been prevented, had we have had good roads provided in anticipation, for the collection and transportation of our physical force and military means? If such roads had then existed, we should have had, Mr. C. said, a different result to the campaign which terminated in the ignominious surrender of Hull,16 and to some other campaigns, with a particular reference to the occurrences of which he would not, at present, trouble the House. If the exigencies of the occasion had been anticipated and provided for, would that disgraceful scene have happened at the capital,17 to which no American could recur without feeling the blood fly into his face? Would it have happened, if the means of intercourse had been properly improved, from which we should have called for the means of the country for its defence? He confidently answered, that it would not.

But the gentleman had asked, would we make a road for ordinary purposes, under the power to make a military road? Yes, said Mr. C. I would. It is no objection to constructing a post road or military road, that it may also be used for the purpose of circulating the commodities of the country, for the purpose of travelling, or, in short, for any of the general purposes of commerce and of society.

If, Mr. C. said, he were disposed to trespass longer on the time and patience of the House, the state of his health would not permit it; he would, therefore, hasten to close his remarks. He rested the power for which he contended on the provisions of the constitution, construed with a due and necessary regard to the objects with a view to which it was formed. We are not to look at that instrument, said he, with the eye of an ingenious advocate, who is seeking to screen from merited punishment a convicted felon. You are, said he, to take into view the great destinies of our country; to reflect, that the powers granted by the constitution are the same at all times; that they apply with precisely the same extent to a population of five as of
fifty millions. You are to look to the great purposes for which the constitution was made. That of Union was the first and dearest object, to which the attention of the country was turned in all its deliberations; &, although I should be the last to deny that you are to find your power to do a particular act in the specific grants in the constitution, when you apply to them rules of construction, you are not to forget the purposes of the constitution, and the duties you are called on to fulfil, that of preserving union being one of the greatest magnitude. The facilitation of commerce among the several states being greatly promotive of that object, ought to receive our attention. The transportation of military force and means, for the preservation of internal tranquillity, or for repelling foreign aggression, being important to the execution of either of these duties, it ought to be provided for with a due forecast, by the construction of roads and of canals. To these purposes, and to the circulation of intelligence necessary to the existence of our government, it is indispensable that we should have them; whilst, by so doing, no legitimate power of the state governments is intrenched upon, no attribute usurped—for to them is still left every municipal power, and every power essential to their sovereign characters as federate states.

Resting the maintenance of the proposition under consideration on such grounds, Mr. C. said he should not stop to notice that part of the argument relating to the consent of the states. He would, however, require it as preliminary to exercising the power within any state, not that it was necessary, but because it was desirable: and, with that prudence and moderation which should characterize the acts of the government relating to its internal policy, the power perhaps ought not to be exercised without such consent.

After returning his thanks to the committee for the attention with which they had favored him, Mr. Clay resumed his seat.

[Barbour objected to the application of the word "ridiculous" to a part of his own argument. He declared "that it was his habit in debate to observe the most perfect politeness to his opponents; & that he had always endeavored, and he would advise the Speaker to that course, to prove their arguments ridiculous, rather than to call them so: because, if an argument was ridiculous, the house would discover it—if not, the epithet, not applying, would recoil on him who used it. It is not for me, said Mr. B. to determine whether I so elevate my vision, or see so far into futurity, as to entitle myself to the character of an 'American statesman.' But, on this head, I would say, that neither the pretensions of the gentleman who made the remark, however elevated, nor mine, however humble, can be either exalted or depressed by such remarks."

Mr. Clay said, he was always obliged to any one for advice:
when good, he should follow it—when otherwise, he should not. He had applied the epithet ridiculous, he said, to the gentleman's argument, and not to himself. I may not, said Mr. C. have the same elevated opinion of what the gentleman chuses to submit to the house, as he has himself. What I said was, that as the gentleman admitted that we have the right of way over post roads, to deny the use of that right is ridiculous. I did not mean in what I said, to claim for myself the character of an American statesman: I did not deny it to the gentleman from Virginia—I think he is an eminent statesman; an ornament to his country, and to this House, in which I am happy to serve with him. We view the constitution, however, with different eyes; he considers every thing gained to the states from the general government as something snatched from a foreign power. I consider it as a government co-ordinate with them, and the true construction, I think, is to give to it all that vigor and vitality which rightfully belong to it. 18

Washington National Intelligencer, April 18, 1818. Published also in Lexington Kentucky Reporter, May 6, 1818; Lexington Kentucky Gazette, May 15, 1818: Annals of Cong., 15 Cong., 1 Sess., XXXI, 1164-80. After brief attention to other business, and after William Lowndes had withdrawn his substitute motion of the previous day, the House devoted its attention until "a late hour" to the resolution on internal improvement as originally reported by the select committee. Clay took the floor after lengthy speeches by Alexander Smyth, now a Congressman from Virginia, and Phillip Pendleton Barbour.

1 Virginia House of Delegates, Session of 1799-1800, "Report of the Committee to whom were referred the communications of various States, relative to the Resolution of the last General Assembly of this State concerning the Alien and Sedition Laws," Jonathan Elliot, comp., The Debates in the Several State Conventions on the Adoption of the Federal Constitution . . . (2d. edn., 4 vols.; Washington, 1836), IV, 572-608.

2 Smyth, arguing that Congress in time of peace had no authority to make roads that might be used for military purposes at some future time, had said that the President as commander-in-chief of military forces might during a war construct such roads and might "dig canals to forward his operations, as did Croesus, Cyrus, and Julian; in doing which . . . he is under no obligation to ask the consent of any one. It is the President who makes war: Congress declare it, and furnish him with the means; but they cannot direct his military operations. As he commands the army in time of peace, he may employ the soldiers on fatigue duties. . . ." He continued: "Military roads are roads made by military men for military purposes. The admission that the commander in chief may cause such roads to be made, when necessary in time of war, affords no foundation for the claim of power on the part of Congress to make roads and canals. The power to make military roads is an Executive and military power." Washington National Intelligencer, April 3, 1818.


4 Dated September 17, 1787. See House Docs., 69 Cong., 1 Sess., no. 398, pp. 1003-1004.

5 In his message of December 2, 1817, President Monroe had cited the advantage to be derived by the nation from good roads and canals, but he had urged the necessity of a Constitutional amendment, which he recommended, to convey upon Congress the right "to establish such a system of improvement." See below, II, 483.

6 This word erroneously printed as "war" in the Intelligencer. See above, Clay to Russell, August 18, 1817.

7 In reference to the Homeric allusion, cf. above, Remarks, March 6, 1818. Both Smyth and Barbour had discussed the issue as relating to the power "to establish" post roads, but Barbour accepted the challenge of Clay's remarks as personal.

8 No direct reference to Virginia law was given in the report of Barbour's speech: "he had admitted that we had a right by the constitution, to the use of the roads, or a right of way; whenever, therefore, we had by law declared a particular road to be a mail road, we had until the law was repealed, such an interest in the use of it, as
that it was not competent for the state authorities to obstruct it." Washington National Intelligencer, April 14, 1818.

9 Joseph Hopkinson.
10 The Rio Grande.
11 The Erie Canal.
12 Lewis, a native of Massachusetts, had in 1810 patented a lantern for use in lighthouses and soon afterward had been engaged to install his lamps and reflectors in all United States lighthouses.
13 Homespun.
14 Smyth had defined the position in these terms: "By the grant of power to regulate commerce among the several states, I presume it was intended that Congress alone should lay duties on imports from another state, designate ports, prescribe rules for the coasting trade, grant licenses, and so on." Washington National Intelligencer, April 3, 1818.
15 Barbour had cited the statutes, beginning in February, 1792, and extending to 1810, which had declared "certain roads, then in existence, to be post roads."
16 General William Hull. 17 The British raid and burning of the public buildings.
18 Barbour made a brief rejoinder, after which the Committee rose and the House adjourned. The debate was resumed at the next sitting, Monday, March 9.

Agreement with David Trimble

[March 9, 1818]

An agreement between David Trimble of the one part and Henry Clay of the other part, both citizens of the State of Kentucky

Whereas the Sheriff of Greenup County in the said State levied sundry executions issued in the name of Tandy and Castleman, Cornelius Coyle and others, on all the right title and interest of Alfred W. Grayson to and in seventy thousand acres of land in said County, covering the Little Sandy Salt Works: And whereas a sale of the same right title and interest was afterwards made by the Deputy Sheriff of the said County at public auction, under sundry venditioni exponases, at which sale the said David Trimble and Henry Clay, as tenants in common, purchased the said right title and interest at and for the sum of four thousand dollars, as will more fully appear by the Sheriffs return upon the said executions made to the office of the Fayette Circuit Court: Since which purchase the said Henry Clay has by compromise with Frederick W. S. Grayson, Robert Breckenridge and Joseph C. Breckenridge, relinquished his part of the aforesaid purchase to them: And whereas certain contracts exist between the said Henry Clay and David Trimble in relation to the purchase of the aforesaid property; and the said Clay has instituted a suit against the said Trimble in the Montgomery Circuit Court claiming of the said Trimble one moiety of certain negotiable notes which the parties hereto jointly gave to Tandy and Castleman, Thomas T. and Robert Barr and Cornelius Coyle, and the parties being equally desirous to settle and terminate all controversies and causes thereof between them, it is agreed as follows:

1st That all former contracts heretofore existing between them shall cease and be void, whether express or implied, that the said
suit shall be dismissed agreed, each party paying his own costs, and that the aforesaid negotiable notes shall be cancelled.

2d. That the said David Trimble shall convey to the said Clay one equal half of whatever interest the said David Trimble acquired in virtue of the purchase made as aforesaid by the said Trimble and Clay, without however any warranty general or special, and without recourse to him in any event whatever it being expressly agreed, and understood, that the said Clay takes the title here sold to him, subject to all and every lien, and incumbrance which exists thereon, whether the same arises [sic] from adverse titles, and Claims, or from the title of Col. Wm. Grayson or any equitable Lien connected therewith.

3d. It being however further agreed by the said Clay that in the event of the said Trimble being called on by the Heirs of A. W. Grayson or his Trustees or any other person being legally authorized to demand the same to pay the one half of the purchase money of four thousand dollars aforesaid or any part thereof, he the said H. Clay will pay to said [...]

And whereas the said Trimble having recovered a judgment in Ejectment in the Greenup Circuit Court against D. L. Ward and others, was negotiating with William Lowry for the sale of that part of the interest acquired by him under the purchase aforesaid for which a recovery was had in the said Ejectment, at the price of ten thousand dollars, payable in good merchantable salt at the times and places by him and said Lowry fixed on, and having left authority with Hiram Shortridge to complete the said contract it may have been completed accordingly: now it is agreed by the said Henry Clay that, in such event, the said contract shall have all the effect which it would have had if this agreement had never been entered into: and the said Trimble in consideration thereof agrees that the said Clay shall have one half of what is to be paid, or shall have been paid by the said William Lowry and be equally entitled in all respects whatever with the said Trimble to the benefit of the said contract.

4th. It is further agreed by the said Trimble that the said Clay is to have, in virtue of the preceeding stipulations, one half of all rents and profits that shall be due or which may become due from the said D. L. Ward or any other person or persons, in consequence of withholding the possession from the said Trimble of the interest which he acquired under the purchase from the Sheriff as aforesaid to be devided [sic] between them when the same is recovered, they agreeing to be at equal expense in recovering the same.
5th. The said Clay is to pay an equal part of all expenses that may in future accrue in prosecuting or defending law suits or otherwise including the costs on the writ of Error now depending in the court of appeals, and the costs of a suit in chancery now depending in the Greenup Circuit Court in and about the property in which the parties have herein and hereby become jointly interested. And the said Clay agrees to allow the said Trimble, out of his share of the proceeds of the said property, the sum of five hundred dollars; and the further sum of fifty dollars, without contingency for his extra trouble.

6th. In the event of possession being taken by the parties hereto of the property aforesaid, the rents which may result from such possession are to be their common property; and should they be subsequently ejected, or possession restituted, they are to be equally responsible for any rents, by whomsoever recovered, in consequence of such subsequent ejectment or restitution.

In testimony whereof the parties hereto affix their names and seals, in duplicate, this 9th. day of March 1818.

Sealed & Delivered  
In presence of

R. C. Anderson Jr

DS, last sentence in Clay's hand. DLC-HC (DNA, M212, R1).

1 See above, I, 634.  
2 See above, I, 797-98.  
3 See above, I, 732-33.  
4 See above, April 18, September 11, October 28, 1817. A fee bill to Clay from Micajah Harrison indicates that the suit against Trimble was dismissed in April, 1818. ADS. DLC-TJC (DNA, M212, R15).

5 MS. defaced—a line and a half obliterated.

6 Clay had obtained copies of the record of this suit and of the suit in chancery involving the same parties. Fee bill, dated April, 1817, from John Hockaday, Clerk of Greenup Circuit Court. ADS. DLC-TJC (DNA, M212, R15).

7 To take his seat in Congress.  
8 Justice of the peace of Greenup County.

Speech on Internal Improvements

Mr. Clay said, that he had been anxious to catch the eye of the Chairman for a few moments, to reply to some of the observations which had fallen from various gentlemen. He was aware that, in doing this, he risked the loss of what was of the utmost value,—the kind favor of the House, wearied as its patience was by this prolonged debate. But, when he felt what a deep interest the Union at large, and particularly that quarter of it whence he came, had in the decision of the present question, he could not omit any opportunity of earnestly urging upon the House the propriety of retaining the important power which that question involved. It will be recollected, said Mr. C. that, if unfortunately there should be a majority both against the abstract proposition asserting that
power, and against its practical execution, the power is gone for ever—the question is put at rest so long as the constitution remains as it is: and with respect to any amendment, in this particular, he confessed he utterly despaired. It would be borne in mind, that the bill which passed Congress on this subject, at the last session, had been rejected by the late President of the United States;¹ that, at the commencement of the present session, the President had communicated his clear opinion, after every effort to come to a different conclusion, that Congress did not possess the power contended for, and had called upon us to take up the subject in the shape of an amendment to the constitution;² and, moreover, that the predecessor of the present & late Presidents had also intimated his opinion that Congress did not possess the power.³ With the great weight & authority of the opinions of these distinguished men against the power, & with the fact, solemnly entered upon the record, that this House, after a deliberate review of the ground taken by it at the last session, had decided against the existence of it, (if such fatally [sic] should be the decision) the power, he repeated, was gone—gone forever, unless restored by an amendment of the constitution. With regard to the practicability of obtaining such an amendment, he thought it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, would unite and defeat such an amendment; one embracing those who believed that the constitution, fairly interpreted, already conveys the power, and, the other, those who think that Congress have not, and ought not to have it. As a large portion of Congress, and probably a majority, believed the power already to exist, it must be evident, if he were right in supposing that any considerable number of that majority would vote against an amendment which they did not believe necessary, that any attempt to amend would fail. Considering, as he did, the existence of the power as of the first importance, not merely to the preservation of the Union of the states, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce, in peace and in war, it becomes us, said Mr. C. solemnly, and deliberately and anxiously to examine the constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument.

With regard to the alarm sought to be created, as to the nature of the power, by bringing up the old theme of "state rights," he would observe, that if the illustrious persons just referred to were against us in the construction of the constitution, they were on our side as to the harmless and beneficial character of the power. For it was not to be conceived, that each of them would have recommended an amendment to the constitution, if they believed that
the possession of such a power by the general government would
be detrimental, much less dangerous to the independence and
liberties of the states. What real ground was there for this alarm?
Gentlemen had not condescended to show how the subversion of
the rights of the states was to follow from the exercise of the power
of internal improvements by the general government. We contend
for the power to make roads and canals to distribute the intelligence,
force, and productions of the country through all its parts; and for
such jurisdiction only over them as is necessary to their preservation
from wanton injury and from gradual decay. Suppose such a power
is maintained, and in full operation; imagine it to extend to every
canal made or proposed to be made, and to every post road, how
inconsiderable and insignificant is the power, in a political point of
view, limited as it is with regard to place and to purpose, when
contrasted with the great mass of powers retained by the state
sovereignties! What a small subtraction from that mass! Even upon
those roads and canals, the state governments, according to our
principles, would still exercise jurisdiction over every possible case
arising upon them, whether of crime or of contract, or any other
human transaction, except only what immediately affected their
existence and preservation. Thus defined, thus limited, and stript
of all factitious causes of alarm, Mr. C. would appeal to the dis­
passionate candor of gentlemen, to say if the power really presented
any thing frightful in it? With respect to post roads, our adversaries
admit the right of way in the general government. There had been,
however, on this question, some instances of conflict, which had
passed away without any serious difficulty. Connecticut, if he had
been rightly informed, had disputed, at one period, the right of
passage of the mail on the Sabbath. The general government
persisted in the exercise of the right, and Connecticut herself, and
every body else, acquiesced in it. 4

The gentleman from Virginia (Mr. H. Nelson) 5 has contended,
Mr. C. continued, that I do not adhere, in the principles of con­
struction which I apply to the constitution, to the republican
doctrines of 1798, of which that gentleman would have us believe
he is the constant disciple. Let me call the attention of the com­
mittee to the celebrated state paper to which we both refer for our
principles in this respect—a paper which, although I had not seen
it for sixteen years until the gentleman had the politeness to furnish
me with it during this debate, made such an impression upon my
mind, that I shall never forget the satisfaction with which I first
perused it. I find that I had used, without having been aware of it,
when I formerly addressed the committee, almost the identical
language employed by Mr. Madison in that paper. It will be
recollected, that I claimed no right to exercise any power under the
constitution, unless such power was expressly granted, or necessary and proper to carry into effect some granted power. I have not sought to derive the power from the clause which authorizes Congress to appropriate money. I have been contented with endeavoring to shew, that according to the doctrines of 1798, that according to the most rigid interpretation which any one will put upon the instrument, it is expressly given in one case, and fairly deducible in others. {Here Mr. C. read sundry passages from Mr. Madison's report to the Virginia legislature of an answer to the resolutions of several states, concerning the alien and sedition laws, shewing that there were no powers in the general government but what were granted, and that, whenever a power was claimed to be exercised by it, such power must be shewn to be granted, or to be necessary and proper to carry into effect one of the specified powers.} It would be remarked, Mr. C. said, that Mr. Madison, in his reasoning on the constitution, had not employed the language fashionable during this debate—he had not said that an implied power must be absolutely necessary to carry into effect the specified power, to which it is appurtenant, to enable the general government to exercise it. No! Mr. C. said, this was a modern interpretation of the constitution. Mr. Madison had employed the language of the instrument itself, and had only contended that the implied power must be necessary and proper to carry into effect the specified power. He had only insisted that when Congress applied its sound judgment to the constitution, in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers. These, said Mr. C. are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion. They contend for a degree of necessity absolute and indispensable, that by no possibility could the power be otherwise executed.

That there are two classes of powers in the constitution, Mr. C. believed never to have been controverted by any American politician. We cannot foresee and provide specifically for all contingencies. Man and his language are both imperfect. Hence, the existence of construction, and of constructive powers. Hence also the rule that a grant of the end is a grant of the means. If you amend the constitution a thousand times, the same imperfection of our nature and our language will attend your new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old confederation, and finally dissolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And, I think, with great deference to the gentlemen on the other side, this is the danger
to which their principles directly tend. The other danger is, that of consolidation by the assumption of powers not granted nor incident to granted powers—the assumption of powers which have been withheld or expressly prohibited. This was the danger of the period of 1798-9. For instance—in that direct contradiction to a prohibitory clause of the constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions of the constitution. It was by such measures that the federal party, (if parties might be named) throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, he thought it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of this country, as he believed, would never have occurred.

Mr. Clay begged the committee—he entreated the true friends of the confederated union of these states, to examine this doctrine of state rights, and see to what abusive, if not dangerous, consequences it may lead, to what extent it had been carried, and how it had varied by the same state at different times. In alluding to the state of Massachusetts, he assured the gentlemen from that state, and particularly the honorable chairman of the committee to whom the claim of Massachusetts had been referred, that he had no intention to create any prejudice against that claim. He hoped that, when the subject was taken up, it would be candidly and dispassionately considered, and that a decision would be made on it consistent with the rights of the Union and of the state of Massachusetts. The high character, amiable disposition, and urbanity of the gentleman (Mr. Mason, of Massachusetts) to whom he had alluded, would, if he had been otherwise inclined, prevent him from endeavoring to make impressions unfavorable to the claim whose justice that gentleman stands pledged to manifest. But, in the period of 1798-9, what was the doctrine promulgated by Massachusetts? It was, that the states, in their sovereign capacities, had no right to examine into the constitutionality or expediency of the measures of the general government. (Mr. C. here quoted several passages from the answer of the state of Massachusetts to the Virginia and Kentucky resolutions concerning the alien and sedition laws, to prove his position.) We see here an express disclaimer, on the part of Massachusetts, of any right to decide on the constitutionality or expediency of the acts of the general government. But what was the doctrine which the same state, in 1813, thought proper to proclaim to the world, and that too when the Union was menaced on all sides? She not only claimed, but exercised, the right which, in 1799, she had so solemnly disavowed. She claimed the right to judge of the
properly of the call made, by the general government, for her militia, and she refused the militia called for. There was so much plausibility in the reasoning employed by that state in support of her modern doctrine of "state rights," that, were it not for the unpopularity of the stand she took in the late war, or had it been in other times and under other circumstances, she would very probably have escaped a great portion of that odium which has most justly fallen to her lot. The constitution gives to Congress power to provide for calling out the militia to execute the laws of the Union, to suppress insurrections and to repel invasions, and in no other cases. The militia is called out by the general government, during the late war, to repel invasion. Massachusetts said, as you have no right to the militia but in certain contingencies, she was competent to decide whether those contingencies had or had not occurred. And, having examined the fact, what then? She said all was peace and quietness in Massachusetts, no non-execution of the laws—no insurrection at home—no invasion from abroad, nor any immediate danger of invasion. And, in truth, Mr. C. said, he believed there was no actual invasion for nearly two years after the requisition. Under these circumstances, had it not been for the supposed motive of her conduct, he asked if the case which Massachusetts made out would not be extremely plausible? He hoped it not necessary for him to say, that it was very far from his intention to convey any thing like approbation of the conduct of Massachusetts. No! his doctrine was, that the states, as states, have no right to oppose the execution of the powers which the general government asserts. Any state has undoubtedly the right to express its opinion, in the form of resolution or otherwise, and to proceed, by constitutional means, to redress any real or even imaginary grievance; but it has no right to withhold its military aid, when called upon by the high authorities of the general government, much less to obstruct the execution of a law regularly passed. To suppose the existence of such an alarming right, is to suppose, if not disunion itself, such a state of disorder and confusion as must inevitably lead to it.

Mr. C. said, that, greatly as he venerated the state which gave him birth, and much as he respected the judges of its supreme court, several of whom were his personal friends, he was obliged to think that some of the doctrines which that state had recently held concerning state rights, were fraught with much danger. Had those doctrines been asserted during the late war, and related to the means of carrying on that war, a large share of the public disapprobation which has been given to Massachusetts, might have fallen on Virginia. What were these doctrines? The courts of Virginia have asserted that they have a right to determine on the constitutionality of any law or treaty of the United States, and to expound them
according to their own views, even if they should vary from the
decision of the supreme court of the United States. They have
asserted more—that from their decision there could be no appeal to
the supreme court of the United States, and that there exists in
congress no power to frame a law, obliging the court of the state, in
the last resort, to submit its decision to the supervision of the
supreme court of the U. States; or, if he did not misunderstand the
doctrine, to withdraw from the state tribunals controversies involv­
ing the laws of the U. States, and to place them before the federal
judiciary. I am a friend, said Mr. C. a true friend to state rights;
but not in all cases as they are asserted. The states have their
appointed orbit; so has the union; and each should be confined
within its fair, legitimate and constitutional sphere. We should
equally avoid that subtle process of argument which dissipates into
air the powers of this government, and that spirit of encroachment
which would snatch from the states powers not delegated to the
general government. We shall thus escape both the dangers I have
noticed—that of relapsing into the alarming weakness of the con­
federation, which was described as a mere rope of sand, and also
that other, perhaps not the greatest danger, consolidation. No man
deprecates more than I do, the idea of consolidation; yet, between
separation and consolidation, painful as would be the alternative,
his should greatly prefer the latter.

Mr. Clay would now proceed to endeavor to discover the real
difference, in the interpretation of the constitution, between the
gentlemen on the other side and himself. It was agreed that there
was no power in the general government but that which is expressly
granted, or which is implicable from an express grant. The difference
then must be in the application of this rule. The gentleman from
Virginia, who had favored the house with so able an argument on
the subject,10 had conceded, though some-what reluctantly, the
existence of incidental powers; but he contended that they must
have a direct and necessary relation to some specified power.
Granted. But who is to judge of this relation? And what rule can
you prescribe different from that which the constitution has required,
that it should be necessary and proper? Whatever may be the rule,
in whatever language you may choose to express it, there must be a
certain degree of discretion left to the agent who is to apply it. But
gentlemen are alarmed at this discretion; that law of tyrants, on
which they contend there is no limitation. It should be observed,
in the first place, that the gentlemen are necessarily brought, by
the very course of reasoning which they themselves employ, by all
the rules which they would lay down for the constitution; to cases
where discretion must exist. But is there no limitation, no security
against the abuse of it? Yes, there is such security in the fact of our
being members of the same society, equally affected ourselves by the laws we promulgate. There is the further security in the oath which is taken to support the constitution, and which will tend to restrain congress from deriving powers which are not proper and necessary. There is the yet further security, that, at the end of every two years, the members must be amenable to the people for the manner in which their trust has been performed. And there remains also that further though awful security, the last resort of society, which he contended belonged alike to the people and to the states in their sovereign capacity, to be exercised in extreme cases, and when oppression becomes intolerable, the right of resistance. Take the gentleman's own doctrine, (Mr. Barbour) the most restricted which had been asserted, and what other securities have we against the abuse of power, than those which I have enumerated? Say that there must be an absolute necessity to justify the exercise of an implied power, who is to define that absolute necessity, and then to apply it? Who is to be the judge? Where is the security against transcending that limit? The rule the gentleman contends for has no greater security than that insisted upon by us. It equally leads to the same discretion—a sound discretion, exercised under all the responsibility of a solemn oath, of a regard to our fair fame, of a knowledge that we are ourselves the subjects of those laws which we pass, and lastly of the right of resisting insupportable tyranny. And, by way of illustration, Mr. C. said, that, if the sedition act had not been condemned by the indignant voice of the community, the right of resistance would have accrued. If congress assumed the power to control the right of speech, and to assail by penal statutes that greatest of all the bulwarks of liberty, the freedom of the press, and there were no other means to arrest their progress, but that to which he had referred, lamentable as would be the appeal, such a monstrous abuse of power, he contended, would authorise a recurrence to that right.

If, then, the gentlemen on the other side and himself differed so little in their general principles, as he thought he had shown, he would proceed, for a few moments, to look at the constitution a little more in detail. I have contended, said Mr. C. that the power to construct post roads, is expressly granted in the power to establish post roads. If it be, there is an end of the controversy; but if not, the next inquiry is, whether that power may be fairly deduced by implication, from any of the specified grants of power. To shew that the power is expressly granted, I might safely appeal to the arguments already used, to prove that the word establish, in this case, can mean only one thing—the right of making. Several gentlemen had contended that the word had a different sense; and one had resorted to the preamble of the constitution to shew that
the phrase "to establish justice," there used, did not convey the power of creation. If the word "establish" was there to be taken in the sense which gentlemen claimed for it, that of adoption or designation, congress could have had a choice only of systems of justice pre-existing.—Would any gentleman contend that they were obliged to take the Justinian code, the Napoleon code, the code of civil, or the code of common or canon law? Establishment means in the preamble, as in other cases, construction, formation, creation. Let me ask, in all cases of crime, which are merely malum prohibitum, if you do not resort to construction, to creating, when you make the offence? By your laws denouncing certain acts as criminal offences, laws which the good of society require you to pass, and to adapt to our peculiar condition, you do construct and create a system of rules, to be administered by the judiciary. But gentlemen say that the word cannot mean make; that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it cannot properly be used in all cases, it does not follow that it cannot be in any. And when we take into consideration, that, under the old articles of confederation, congress had over the subject of post roads just as much power as gentlemen allow to the existing government, that it was the general scope and spirit of the new constitution to enlarge the powers of the general government, and that, in fact, in this very clause, the power to establish post roads is superadded to the power to establish post offices, which was alone possessed by the former government; he thought that he might safely consider the argument on this part of the subject, as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened, to decide between the wisdom of those two constructions, of which one requires you to wait, for the exercise of your power, until the arrival of an emergency, which may not allow you to exert it, and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

One member had stated what appeared to him a conclusive argument against the power to cut canals, that he had understood that a proposition made in the convention to insert such a power, was rejected. To this argument more than one sufficient answer could be made. In the first place the fact itself had been denied, and he had never yet seen any evidence of it. But, suppose that the proposition had been made and overruled, unless the motives of the refusal to insert it were known, gentlemen were not authorised to
draw the inference, that it was from hostility to the power, or from a desire to withhold it from congress. Might not one of the objections be, that the power was fairly to be inferred from some of the specific grants of power, and that it was therefore not necessary to insert the proposition: that to adopt it indeed might lead to weaken or bring into doubt other incidental powers not enumerated? A member from New York, (Mr. Storrs) whose absence Mr. C. regretted on this occasion, not only on account of the great aid which might have been expected from him, but from the cause of that absence, had informed him that, in the convention of that state, one of the objections to the constitution by the anti-federalists was, that it was understood to convey to the general government, the power to cut canals. How often, in the course of the proceedings of this house, do we reject amendments, upon the sole ground that they are not necessary, the principle of the amendment being already contained in the proposition?

Mr. C. referred to the Federalist, for one moment, to shew that the only notice taken of that clause of the constitution which relates to post roads, was favorable to his construction. The power, that book said, must always be a harmless one. He had endeavored to shew not only that it was perfectly harmless, but that every exercise of it must be necessarily beneficial. Nothing which tends to facilitate intercourse among the states, says the Federalist, can be unworthy of the public care. What intercourse? Even if restricted on the narrowest theory of gentlemen, on the other side, to the intercourse of intelligence, they deny that to us, since they will not admit that we have the power to repair or improve the way, the right of which they yield us. In a more liberal and enlarged sense of the word, it will comprehend all those various means of accomplishing the object, which are calculated to render us a homogeneous people—one in feeling, in interest, and affection; as we are one in our political relation.

Was there not a direct and intimate relation between the power to make war and military roads and canals? It was in vain that the convention should have confided to the general government the tremendous power of declaring war—should have imposed upon it the duty to employ the whole physical means of the nation, to render the war, whatever may be its character, successful and glorious; if the power is withheld of transporting and distributing those means. Let us appeal to facts which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the union. The only circumstance, which gave me pain at the close of that war, the detention of Moose Island, would not have occurred, if we had possessed military roads. Why did not the union—why did not Massachusetts make a struggle to reconquer the
island? Not for the want of men; not for the want of patriotism, he hoped, but from the want of the physical ability to march a force sufficient to dislodge the enemy. On the north western frontier, millions of money, and some of the most precious blood of the State from which I have the honor to come, were wastefully expended for the want of such roads. My honorable friend from Ohio, (Gen. Harrison,) who commanded the army in that quarter, could furnish a volume of evidence on this subject. What now paralyzes our arms on the southern frontier, and occasioned the recent massacre of fifty of our brave soldiers? What but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point? Whether we refer to our own experience, or to that of other countries, we cannot fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence all around them? They made permanent military roads; and among the objects of interest, which Europe now presents, are the remains of those Roman roads, which are shewn to the curious enquirer. If there were no other monument remaining of the sagacity, and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Hamburgh to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defence; and as a part of that preparation which should be made in a season of peace for a season of war. I do not wish to see this country ever in that complete state of preparation for war, for which some contend, that is, that we should constantly have a large standing army, well disciplined, and always ready to act. I want to see the bill reported by my friend from Ohio, or some other embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts & garrisons, constitute the kind of preparation for war, which, it appeared to him, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement? It was one of the most essential circumstances in war. But, without good roads it was impossible! He recalled to the recollection of some of the members the fact that, in the Senate, several years ago, an honorable friend of his (Mr. Bayard) whose premature death he ever deplored—who was an ornament to the councils of
his country; and whom, when abroad, he found the able and fearless advocate of her rights—had, in supporting a subscription which he proposed the United States should make to the stock of the Delaware and Chesapeake canal company, earnestly recommended the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in travelling from Philadelphia, in the fall of 1813, I saw transporting by government, from Elk river to the Delaware, large quantities of massy timbers for the construction of the Guerriere or the Franklin, or both; and judging from the number of waggons and horses, and the number of days employed, I believe the additional expense of that single operation, would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the Senate, and with so much effect, too, bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, was it not obvious that a line of military canals was not only necessary and proper, but almost indispensable to the war-making power?

One of the rules of construction, Mr. C. continued, which had been laid down, he acknowledged his incapacity to comprehend. Gentlemen say that the power, in question, is a substantive power; and that no substantive power could be derived by implication. What is their definition of a substantive power? Will they favor us with the principle of discrimination between powers which being substantive are not grantable but by express grant, and those which, not being substantive, may be conveyed by implication? Although he did not perceive why this power was more entitled than many implied powers to the denomination of substantive, suppose that be yielded, how did gentlemen prove that it may not be conveyed by implication? If the positions were maintained, which have not yet been proven, that the power is substantive, and that no substantive power can be implied, yet he trusted it had been satisfactorily shewn that there was an express grant.

His honorable friend from Virginia, (Mr. Nelson) had denied the operation of executive influence on his mind; and had informed the Committee that from that quarter he had nothing to expect, to hope, or to fear. I did not impute to my honorable friend any such motive. I know his independence of character and of mind, too well to do so. But, I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly disposed towards him than myself. Let us look a little at facts. The President recommended the establishment of a Bank. If ever there were a stretch of the implied powers conveyed by the constitution, it has been thought that the grant of the charter of the national bank was
one. But the president recommends it. Where was then my honorable friend, the friend of state rights, who so pathetically calls upon us to repent, in sackcloth and ashes, our meditated violation of the constitution; and who kindly expresses his hope that we shall be made to feel the public indignation? Where was he at this awful epoch? Where was that eloquent tongue which we have now heard with so much pleasure? Silent! Silent as the grave!

{Mr. N. said, across the house, that he had voted against the bank bill when first recommended.}

Alas! said Mr. C. my honorable friend had not the heart to withstand a second recommendation from the President: but, when it came, yielded, no doubt, most reluctantly to the Executive wishes, and voted for the bank! At the last session of Congress, Mr. Madison recommends (and I will presently make some remarks on that subject) an exercise of all the existing powers of the general government to establish a comprehensive system of internal improvements. Where was my honorable friend on that occasion? Not silent as the grave, but he gave a negative vote almost as silent. No effort was made on his part, great as he is when he exerts the powers of his well stored mind, to save the commonwealth from that greatest of all calamities, a system of internal improvement. No, although a war with all the allies, he now thinks, would be less terrible than the adoption of this report, not one word then dropt from his lips against the measure. {Mr. Nelson said he voted against the bill.} That he whispered out an unwilling negative, Mr. C. did not deny; but it was unsustained by that torrent of eloquence which was poured out on the present occasion. But, said Mr. C. we have an Executive message now, not quite as ambiguous in its terms, nor as oracular in its meaning, as that of Mr. Madison appears to have been. No; the President now says, that he has made great efforts to vanquish his objections to the power, and that he cannot but believe that it does not exist. Then my honorable friend rouses, thunders forth the danger in which the constitution is, and sounds aloud the tocsin of alarm. Far from insinuating that he is at all biased by the Executive wishes, I appeal to his candor to say, if there is not a remarkable coincidence between his zeal and exertions, and the opinions of the Chief Magistrate?

Now let us review these opinions, as communicated at different periods. It was the opinion of Mr. Jefferson, that, although there was no general power vested, by the constitution, in Congress to construct roads and canals, without the consent of the states, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road, and how? First by a compact made with the state of Ohio, for the application of a
specified fund, and then by compacts with Virginia, Pennsylvania
and Maryland, to apply the fund so set apart within their respective
limits. If, however, I rightly understood my honorable friend the
other day, he expressly denied (and in that I concur with him) that the power could be acquired by the mere consent of the state.
Yet he defended the act of Mr. Jefferson, in the case referred to.
{Mr. Nelson expressed his dissent to this statement of his argument.}
Mr. C. said it was far from his intention to misstate the gentleman.
He certainly had understood him to say, that, as the road was first
stipulated for in the compact with Ohio, it was competent afterwards
to carry it through the states mentioned, with their assent. Now, if
we have not the right to make a road in virtue of one compact made
with a single state, can we obtain it by two contracts made with
several states? The character of the fund could not affect the
question. It was totally immaterial whether it arose from the sales
of the public lands or from the general revenue. Suppose a contract,
made with Massachusetts, that a certain portion of the revenue
collected at the port of Boston from foreign trade, should be
expended in making roads and canals leading to that state; and
that a subsequent compact should be made with Connecticut, or New
Hampshire, for the expenditure of the fund on these objects, within
their limits. Can we acquire the power, in this manner, over
internal improvements, if we do not possess it independently of
such compacts? He conceived clearly not. And he was entirely at a
loss to comprehend how gentlemen, consistently with their own
principles, could justify the erection of the Cumberland road. No
man, he said, was prouder than he was of that noble monument of
the provident care of the nation and of the public spirit of its
projectors; and he trusted, that, in spite of all constitutional and
other scruples, here or elsewhere, an appropriation would be made
to complete that road. He confessed, however, freely, that he was
entirely unable to conceive of any principle on which that road could
be supported that would not uphold the general power contended
for.

He would now examine the opinion of Mr. Madison. Of all the
acts of that pure, virtuous and illustrious statesman, whose adminis-
tration has so powerfully tended to advance the glory, honor and
prosperity of this country, he most regretted, for his sake and for the
sake of the country, the rejection of the bill of the last session.
He thought it irreconcilable with Mr. Madison’s own principles
—those great, broad and liberal principles on which he so ably
administered the government. And, sir, said Mr. C. when I appeal
to the members of the last Congress, who are now in my hearing, I
am authorized to say, with regard to the majority of them, that no
circumstance, not even an earthquake that should have swallowed
up one half of this city, could have excited more surprize than when it was first communicated to this House, that Mr. Madison had rejected his own bill—I say his own bill: for his message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me, (Mr. Johnson, of Virginia,) 21 the operations of whose vigorous and independent mind depend upon his own internal perceptions, has expressed himself with a becoming manliness, and thrown aside the authority of names, as having no bearing with him on the question. But, their authority has been referred to, and will have influence with others. It was impossible, moreover, to disguise the fact, that the question is now a question between the Executive on the one side, and the Representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honors due to his eminent and laborious public services; and I would be among the last to disturb it. However painful it is to me to animadvert upon any of his opinions, I feel perfectly sure, that the circumstance can only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the messages wherein he has recommended internal improvements; but to that alone which he addressed to Congress at the commencement of the last session, 22 which contains this passage: "I particularly invite again the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

In the examination of this passage, two positions forced themselves upon our attention. The first was, the assertion, that there are existing powers in Congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that, in the exercise of those existing powers, some defect might be discovered which would render an amendment of the constitution necessary. Nothing could be more clearly affirmed than the first position; but in the message of Mr. Madison returning the bill, 23 passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning in that message, if well founded, proved that
there were no existing powers whatever. It was apparent that Mr. Madison himself had not examined some of those principal sources of the constitution, from which, during this debate, the power had been derived. I deeply regret, and I know that Mr. Madison regretted, that the circumstances under which the bill was presented to him (the last day but one of a most busy session) deprived him of an opportunity of that thorough investigation of which no man is more capable. It is certain, that, taking his two messages at the same session together, they are perfectly irreconcilable. What, moreover, was the nature of that bill? It did not apply the money to any specific object of internal improvement, nor designate any particular mode in which it should be applied, but merely set apart and pledged the fund to the general purpose, subject to the future disposition of congress. If then, there were any supposable case whatever, to which congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the constitution. And it ought not to have been anticipated, that money constitutionally appropriated by one congress would afterwards be unconstitutionally expended by another.

I come now, said Mr. C. to the message of Mr. Monroe; and if, by the communication of his opinion to congress, he intended to prevent discussion, he has most woefully failed. I know that, according to a most venerable and excellent usage, the opinion neither of the president nor of the senate, upon any proposition depending in this house, ought to be adverted to. Even in the parliament of Great Britain, a member who would refer to the opinion of the sovereign, in such a case, would be instantly called to order; but under the extraordinary circumstances of the president having, with, I have no doubt, the best motives, volunteered his opinion on this head, and inverted the order of legislation by beginning where it should end; I am compelled, most reluctantly, to refer to that opinion. I cannot but deprecate the practice of which the president has, in this instance, set the example to his successors. The constitutional order of legislation supposes that every bill originating in one house, shall be there deliberately investigated, without influence from any other branch of the legislature; and then remitted to the other house for a like free and unbiased consideration. Having passed both houses, it is to be laid before the president; signed, if approved, and, if disapproved, to be returned, with his objections, to the originating house. In this manner, entire freedom of thought and of action is secured, and the president finally sees the proposition in the most matured form which congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the president himself of the
opportunity of considering a proposition so matured, and us of the benefit of his reasoning applied specifically to such proposition. For the constitution further enjoin's it upon him to state his objections upon returning the bill. The originating house is then to re-consider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, shall the bill pass, those objections notwithstanding? that the votes shall be solemnly spread, by ayes and noes upon the record. Of this opportunity of thus recording our opinions, on matters of great public concern, we are deprived, if we submit to the innovation of the president. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the president was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion which, so long as I exist I will maintain, to say that the proceeding is irregular and unconstitutional.—Let us, however, examine the reasoning and opinion of the president. {Mr. C. here quoted the passage of the message at the opening of the session, which follows:}

"A difference of opinion has existed, from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty, required; and the result is, a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states the adoption of an amendment to the constitution, which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted."

In this passage the president has furnished us with no reasoning, no argument in support of his opinion—nothing addressed to the understanding. He gives us, indeed, an historical account of the operations of his own mind, and he asserts that he has made a
laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted, or incident to a power so granted, it has been seen that I have the honor to entirely concur with him; but, he says the power is not among the specified powers. Has he taken into consideration the clause respecting post roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his constitutional sphere of rejecting the bill, after it had passed both houses, he must have learnt that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, Mr. C. said, he would have thought that we might have safely appealed to the experience of the president, during the late war, when the country derived so much benefit from his judicious administration of the duties of the War Department, whether roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the message was all assertion, and contained no argument which he could comprehend, or which met the points contended for during this debate. Allow me here, said Mr. C. to say, and I do it without the least disrespect to that branch of the government, on whose opinions and acts it has been rendered my painful duty to comment—let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his acts are worth infinitely more, and are more intelligible than mere paper sentiments or declarations. And what have been the acts of the president? During his tour of last summer, did he not order a road to be cut or repaired from near Plattsburg to the St. Lawrence? And my honorable friend will excuse me if my comprehension is too dull to perceive the force of that argument which seeks to draw a distinction between repairing an old and making a new road. (Mr. Nelson said he had not drawn that distinction, having only stated the fact.) Certainly no such distinction was to be found in the constitution or existed in reason. Grant, however, the power of reparation and we will make it do. We will take the post roads, sinuous as they are, and put them in a condition to enable the mails to pass, without those mortifying and painful delays and disappointments to which we, at least in the west, are so often liable. The president then, ordered a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there existed the best understanding, and a prospect of lasting friendship greater than at
any former period. On his sole authority the president acted, and we are already called upon by the chairman of the committee of ways and means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the state of New York; and what is wonderful, when we consider the magnitude of the state rights which are said to be violated, without even a protest on the part of that state against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary, that the people, through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the President would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the Union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned, by the Executive, without the concurrence of Congress. If the President has the power to cause these public improvements to be executed, at his pleasure, whence is it derived? If any member will stand up in his place and say the President is clothed with this authority, and that it is denied to Congress, let us hear from him; and let him point to the clause of the constitution which vests it in the Executive and withholds it from the legislative branch.

There is no such clause; there is no such exclusive executive power. The power is derivable by the executive only from those provisions of the constitution which charge him with the duties of commanding the physical force of the country, and the employment of that force in war and in the preservation of the public tranquillity, and in the execution of the laws. But Congress has paramount power to the President. It alone can declare war, can raise armies, can provide for calling out the militia in the specified instances, and can raise and appropriate the ways and means necessary to these objects. Or is it come to this, that there are to be two rules of construction for the constitution—one, and an enlarged rule, for the executive—and another, and a restricted rule, for the legislature? Is it already to be held, that, according to the genius and nature of our institutions, powers of this kind may be safely intrusted to the executive, but, when attempted to be exercised by the legislature, are so alarming and dangerous that a war with all the allied powers would be less terrible, and that the nation should clothe itself straightway in sackcloth & ashes? No, sir, if the power belongs only by implication to the chief magistrate, it is placed both by implication and express grant in the hands of Congress. I am so far from condemning the act of the President, to which I have referred, that I think it deserving of high approbation; that it was within the scope of his con-
stitutional authority I have no doubt; and I sincerely trust that
the Secretary of War will, in time of peace, constantly employ in
that way the military force. It will, at the same time, guard that
force against the vices incident to indolence and inaction, and correct
the evil of subtracting from the mass of the labor of society, where
labor is more valuable than in any other country, that portion of it
which enters into the composition of the army. But I most solemnly
protest against any exercise of powers of this kind, by the President,
which are denied to Congress. And, if the opinions expressed by
him, in his message, were communicated or are to be used here to
influence the judgment of the House, their authority is more than
countervailed by the authority of his deliberate acts.

Some principles drawn from political economists have been
alluded to, and we are advised to leave things to themselves, upon
the ground that, when the condition of society is ripe for internal
improvements, that is, when capital can be so invested with a fair
prospect of adequate remuneration, they will be executed by
associations of individuals, unaided by government. With my friend
from South Carolina (Mr. Lowndes) I concur in this as a general
maxim; and I also concur with him that there are exceptions to it.
The foreign policy which I think this country ought to adopt,
presents one of those exceptions. It would perhaps be better for
mankind, if, in the intercourse between nations, all would leave
skill and industry to their unstimulated exertions. But this is not
done; and if other powers will incite the industry of their subjects
and depress that of our citizens, in instances where they may come
into competition, we must imitate their selfish example. Hence the
necessity to protect our manufactures. In regard to internal improve­
ments, it did not always follow that they would be constructed
whenever they would afford a competent dividend upon the capital
invested. It may be true generally that, in old countries, where
there is a great accumulation of surplus capital, and a consequent
low rate of interest, that they would be made. But in a new
country the condition of society may be ripe for public works long
before there is, in the hands of individuals, the necessary accumula­
tion of capital to effect them; and, besides, there is generally, in
such a country, not only a scarcity of capital, but such a multiplicity
of profitable objects presenting themselves as to distract the judg­
ment. Further; the aggregate benefit resulting to the whole society,
from a public improvement may be such as to amply justify the
investment of capital in its execution, and yet that benefit may be
so distributed among different and distant persons as that they can
never be got to act in concert. The Turnpike roads wanted to pass
the Allegany mountains, and the Delaware and Chesapeake Canal
are objects of this description. Those who would be most benefited
by these improvements reside at a considerable distance from the
scites of them; many of those persons never have seen and never will
see them. How is it possible to regulate the contributions, or to
present to individuals so situated a sufficiently lively picture of their
real interests to get them to make exertions, in effectuating the
object, commensurate with their respective abilities? I think it very
possible that the capitalist, who should invest his money, in one of
those objects, might not be reimbursed three per cent annually
upon it. And yet society, in various forms, might actually reap
fifteen or twenty per cent. The benefit resulting from a turnpike
road, made by private associations, is divided between the capitalist
who receives his tolls, the lands through which it passes, & which
are augmented in their value, and the commodities whose value is
enhanced by the diminished expence of transportation. A combina­
tion upon any terms, much less a just combination, of all these
interests to effect the improvement is impracticable. And if you
await the arrival of the period when the tolls alone can produce
a competent dividend, it is evident that you will have to suspend
its execution until long after the general interests of society would
have authorized it.

Again, improvements made by private associations are generally
made by the local capital. But ages must elapse before there will be
concentrated in certain places, where the interests of the whole
community may call for improvements, sufficient capital to make
them. The place of the improvement too is not always the most
interested in its accomplishment. Other parts of the union—the
whole line of the seaboard—are quite as much if not more interested
in the Delaware and Chesapeake Canal, as the small tract of country
through which it is proposed to pass. The same observation will
apply to Turnpike roads passing the Allegany mountains. Sometimes
the interest of the place of the improvement is adverse to the
improvement and to the general interest. He would cite Louisville,
at the rapids of the Ohio, as an example, whose interest will
probably be more promoted by the continuance, than the removal
of the obstruction. Of all the modes in which a government can
employ its surplus revenue, none is more permanently beneficial
than that of internal improvement. Fixed to the soil, it becomes a
durable part of the land itself, diffusing comfort and activity and
animation on all sides. The first direct effect was on the agri­
cultural community, into whose pockets came the difference in
the expence of transportation between good and bad ways. Thus,
if the price of transporting a barrel of flour by the erection of the
Cumberland turnpike should be lessened two dollars, the producer
of the article would receive that two dollars more now than formerly.

But, putting aside all pecuniary considerations, there may be
political motives sufficiently powerful alone to justify certain internal improvements. Does not our country present such? How are they to be effected, if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the committee by trespassing so long upon its attention. The magnitude of the question, and the deep interest I feel in its rightful decision, must be my apology. We are now making the last effort to establish our power; and I call on the friends of Congress, of this house, or the true friends of state rights (not charging others with intending to oppose them) to rally around the constitution, and to support by their votes on this occasion, the legitimate powers of the legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust that by the decision which shall be given we shall assert, uphold and maintain, the authority of Congress, notwithstanding all that has been, or may be said against it.

[Hugh Nelson replied briefly to Clay. The content of his speech was not recorded.]

Mr. Clay again rose. It was certainly very far from his intention, he said, to prefer any charge against the gentleman of undue submission to executive influence; though the gentleman certainly had, with great zeal, if not ability, defended the conduct of the Executive in the cases of the employment of the military force in the construction of roads, and of that part of the message respecting the power of congress to make roads and canals. But the honorable gentleman (said Mr. Clay) has made some personal allusions to myself. I have been on a foreign embassy, he says. If I have, sir, that office was unsolicited, and was accepted under an imperious sense of public duty.—{Mr. Nelson said he did not mean to insinuate that that, or any other office, had been solicited by the speaker, or was not due to his merit and public services.} Mr. Clay resumed. The honorable gentleman has also thought proper to intimate that departments have been offered. It was not necessary for him to say whether there was any and what ground for this intimation; but he would say, that on this subject, not in this house, but elsewhere, motives had been ascribed to him in relation to a particular office, as false as the imputation of them was malignant. I have desired no office from the executive; I have preferred the honors conferred on me by my constituents, and by the kindness of this house, to any in the gift of any other branch of government. With regard to the gentleman who fills the office of president, I have already said that I consider the office as an honorable reward due to him for his long and faithful services; for the simplicity, sincerity and security of his
character, as displayed in the distinguished offices which he had previously filled. But, whatever may be my opinion of him or of others, I shall sacrifice no part of my public duty to a servile compliance with his views—I come here to serve my constituents and my country according to the constitution, my conscience and my best comprehension of the public welfare. I am no grovelling sycophant, no mean parasite, no base suppliant at the foot of authority. I respect the co-ordinate branches of government, but will exercise my own rights with the freedom which belongs to an American citizen, without fear of the consequences. The gentleman speaks of impeachment of the president, if he has exceeded his authority. Does the gentleman expect, by this sort of defiance, to influence this house or the people against the exertion of their constitutional rights? The power of impeachment is one which, if ever exercised—and it may be doubted whether it ever will be in regard to the chief magistrate—can only be employed in cases of palpable breaches of the constitution, with bad motive. But it does not follow, because the president is not, and will not be impeached for his conduct, that he may not have performed acts without the pale of his constitutional authority. I admit, certainly, the power of recommendation to congress of measures called for by the public good, which the executive possesses; but I contend that it is a power of a very questionable nature, when attempted to be exercised in regard to constructions of the constitution, and amendments to the instrument, in making which amendments the constitution has given him no participation. The power of the president is not to recommend to congress abstinence from action, but measures of a positive character. I do say, and I do think, and I care not who thinks otherwise, that in this particular instance it would have been better had the President refrained from expressing his opinion against a measure which had the approbation of Congress, at the last session, which he must have supposed would be again renewed, whatever might be his opinion, and which, the gentleman’s opinion notwithstanding, I believe ninetenths of the people are in favor of. I repeat my thanks, (said Mr. Clay in conclusion) to the gentleman from Virginia, for the repetition of his wish that the people will put down us who support this measure. I will for evil return to him good; and hope that the people will duly appreciate him and his exertions against the measure, and will permit him still to remain in this house, an ornament to the legislature and to the district he represents.29

Washington National Intelligencer, September 19, October 6, 1818. Published also in Lexington Kentucky Reporter, October 14, 1818; Lexington Kentucky Gazette, October 9, 16, 23, 1818; Annals of Cong., 15 Cong., 1 Sess., XXXII, 1359-80; Swain, Life and Speeches of Henry Clay, I, 55-78; Mallory, Life and Speeches of the Hon. Henry Clay, I, 356-76; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 115-35. Following speeches on this day by James Pindall, of Virginia, and Benjamin Orr, Clay
again joined the debate, which had continued each legislative day since his speech of March 7.
1 See above, Speech, February 4, 1817, note.
2 See above, Speech, March 7, 1818.
3 In his annual message, December 2, 1806, Thomas Jefferson had expressed the opinion that Constitutional amendment was a necessary preliminary to application of public money "to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement, as it may be thought proper to add to the Constitutional enumeration of federal powers."
4 Banned throughout New England during the colonial period, transportation of the mail on Sunday as required by act of Congress in 1810 (2 U. S. Stat., 595) had occasioned protest from numerous religious groups in western Pennsylvania, Virginia, and Ohio beginning in 1811 and continuing with the widespread organization and activity of "moral societies" at the close of the War of 1812. The movement had subsided following reports by Congressional committees in 1815 and 1817 upholding the Federal statute. Connecticut legislation of 1818 exempting drivers of Government mail vehicles from the penalties of the local law against Sunday travel was a feature of the political upheaval which had brought the Republicans to power under the slogan "Reform and Toleration," with a mandate to frame a State constitution granting religious freedom. J. Hammond Trumbull, Historical Notes on the Constitutions of Connecticut, 1639-1818 . . . (Hartford, 1901), 40, 44 et passim; Jarvis Means Morse, A Neglected Period of Connecticut's History, 1818-1850 (New Haven, 1933), 56. The alliance of the Republican forces with the toleration movement partially explains the collapse of states' rights on the issue of Sunday mail transportation.
5 Who in a long speech on March 11 and 12 (his remarks not recorded) had lauded the doctrine of states' rights as expounded in the Virginia Resolutions.
7 See above, I, 892; Speech, July 25, 1816, note.
8 In a decision of April 23, 1810, the Virginia Court of Appeals, with Spencer Roane as President, had rejected the validity of land titles based on recognition of Tory claims as provided under clauses of the Treaty of Peace of 1783 and the Jay Treaty of 1794. Following decision of the United States Supreme Court in March, 1813, upholding such entries in the case of Fairfax's Devisee vs. Hunter's Lessee (11 U. S. [7 Cranch] 603-31), the Virginia Court had denied the appellate jurisdiction of the Federal Court and refused to accept its mandate directing a reversal of judgment. A second appeal on writ of error to the Supreme Court had brought the decision of March 20, 1816 (Martin vs. Hunter's Lessee [14 U. S. (1 Wheaton) 304-82]), upholding the constitutionality of the Federal Judiciary Act and reversing the Virginia Court of Appeals. To avoid further friction the Supreme Court issued its process directly to the District Court of Shenandoah County, where the suit had originated. Charles Warren, The Supreme Court in United States History (Rev. edn., 2 vols.; Boston, 1937), I, 443-55; Albert J. Beveridge, The Life of John Marshall (4 vols.; Boston and New York, c. 1919), IV, The Building of the Nation, 1815-1835, pp. 146-67. The decision had aroused great indignation throughout Virginia. Popular outcry against the "usurpation" of the Federal judiciary had been fomented by Judge Roane, head of a court system which operated as a closely knit political machine, also founder (and a cousin of the editor, Thomas Ritchie) of the Richmond Enquirer.
9 In Passamaquoddy Bay. By virtue of the decision of a commission appointed under the terms of the Treaty of Ghent (see above, I, 1006), the question of ownership of this island had been decided favorably toward the United States.
10 William Henry Harrison.
11 Not reported in published debates.
12 Henry R. Storrs.
13 James Madison, in The Federalist, no. XLII.
14 In Passamaquoddy Bay. By virtue of the decision of a commission appointed under the terms of the Treaty of Ghent (see above, I, 1006), the question of ownership of this island had been decided favorably toward the United States.
15 Philip P. Barbour.
16 In Passamaquoddy Bay. By virtue of the decision of a commission appointed under the terms of the Treaty of Ghent (see above, I, 1006), the question of ownership of this island had been decided favorably toward the United States.
17 Open warfare with the Seminoles had begun late in 1817 when, in response to a defiant statement by the chief of the Indian village of Fowltown, General Edmund P. Gaines had ordered that leader seized. A detachment of soldiers, fired on as it approached Fowltown, on November 21, had driven the Indians into the forest. On November 30 the Seminoles had retaliated by ambushing an American boat, ascending the Appalachiola River with supplies for Fort Scott, killing Lt. R. W. Scott of the Seventh Infantry, and killing or capturing most of his party. American State Papers, Military Affairs, I, 686, 687.
18 On January 9, William Henry Harrison, reporting for a select committee to consider the part of the President's annual message relating to militia, had offered a bill to provide for organizing, arming, disciplining, compensating, and calling the militia to federal service. The bill was directed to consideration by the Committee of the Whole, after which no further action was taken. H. of Reps., Journal, 15 Cong., 1 Sess., 28, 571.
18 James A. Bayard, who had addressed the Senate on February 7, 1807, advocating a land grant to the Chesapeake and Delaware Canal Company. Cf. above, I, 284.
19 See above, I, 840n.
20 See below, II, 481.
21 James Johnson, who had spoken on March 10 in opposition to the resolution providing for internal improvements.
22 December 3, 1816.
24 By executive order in August, 1817, Monroe had authorized "improving" the road from Plattsburg to the Chateaugay country. House Docs., 15 Cong., 2 Sess., no. 87, pp. 7, 11; 21 Cong., 2 Sess., no. 48, p. 6 (Appendix B-1).
25 No appropriation was then granted. In October, 1818, an order of Major General Jacob J. Brown provided that troops posted at Sackett's Harbor be assigned "for fatigue duty" to construct a road to the village of Brownville, thence "to a spot called Evans' mill, in the town of Le Ray, where it will be made to unite either with the Ogdensburgh turnpike or the Hammond road, as the Government may hereafter direct." The work progressed slowly and was suspended in 1821, at which time only forty miles of the projected highway had been completed, twenty from Plattsburg to French Mills on the Salmon River and twenty on the route from the Harbor to Morristown. The project was resumed in 1823, but discontinued the following year "for want of an appropriation." House Docs., 17 Cong., 2 Sess., no. 33, pp. 5-6; 21 Cong., 2 Sess., no. 48, pp. 3, 6-7 (Appendix B-2).
26 William Lowndes, who on March 10 had spoken in opposition to the internal-improvement resolution.
27 Almost a year earlier the editor of the National Intelligencer had denied the truth of reports "in different prints" representing "that Mr. Clay was disappointed in not having been offered the Department of State, that a misunderstanding was the consequence between him and the President; and that he sought occasions to manifest his pique and mortification." Washington National Intelligencer, March 31, 1817. The dispute over the arrangements for the inauguration ceremonies (see above, Clay to Barbour, March 3, 1817) had occasioned these reports.
28 This word changed to "purity" in Annals of Congress.
29 Following Clay's rejoinder the Committee agreed to amend the original proposal by substituting a series of resolutions asserting the power of Congress to appropriate money for the improvement of water courses and for construction of post, military, and other roads, and of canals—also to construct such improvements. The statement relating to Congressional power for appropriations passed the House by a vote of 90 to 75, but the several clauses asserting the power for construction were defeated by margins of two to fourteen votes. The sense of the House having been ascertained on the issues, further consideration of the report of the Select Committee on Internal Improvements was tabled.

Power of Attorney from Abraham Wood

[March 16, 1818]

Know all men by these presents that I Abraham Wood father and heir at Law to Solomon Wood decd. late of the United States Regular Army,¹ do hereby nominate Constitute and appoint the Honorable Henry Clay of Washington City my true and lawful Attorney to receive & demand the pay due and coming to me from the government of the United States, for the services of my said Son Solomon Wood decd. and I do hereby auth rize the said Clay to receipt for the same in my name Hereby ratifying and confirming whatever my said Attorney may do in the Premisses In Witness whereof I have here unto set my hand and Seal this 16th. of March 1818

ABRAHAM W {Seal}

P.S. The proof of Heirs ship & Enlistment to be found in Majr. Nathaniel Cuttings Warrant office, where a warrant has issued to
Abraham Wood as Heir at Law to Solomon Wood deed. Jany. 1818—
17th. Regt. Infantry—

DS. DNA, RG217. Certification signed by O. Keen, Justice of Peace, March 16, 1818. Wood lived in the southern district of Fayette County.

Young Wood, a private in the 17th Infantry, had enlisted May 19, 1812, for a five-year term of service. He had been killed May 5, 1813, in the Battle of Fort Meigs.

Receipt from Theodore Dwight, Jr.

[March 17, 1818]

Received this 17th. day of March 1818 from Honble. Henry Clay the sum of ten Dollars, being one-half of the Subscription for a Print of the Declaration of Independence: which I hereby promise to deliver according to the Proposals published in New-York on the 15th of January, 1818.

THEODORE DWIGHT JR.

DS. DLC-HC (DNA, M212, R1). Dwight, a graduate of Yale University (1814), later active as an author, editor, and translator, was the son of Theodore Dwight, founder and editor of the New York Daily Advertiser (1817-1836). Timothy Dwight, President of Yale (1795-1817), was the young man’s uncle.

Remarks on Salary of District Judge in Mississippi

[March 17, 1818]

Cited in Washington National Intelligencer, March 18, 1818; Annals of Cong., 15 Cong., 1 Sess., XXXII, 1402. In Committee of the Whole on a bill relative to execution of the laws in Mississippi a discussion occurred on the amount of pay to be allowed the district judge in that State. George Poindexter proposed the sum of $2,000. In advocating this amount he was supported by Clay, “a liberal allowance being contended for on the ground of the peculiar and burdensome duties to be performed, and the sacrifices to be made by the district judge there acting also as circuit judge.” The motion carried.

Remarks and Motion Relating to Neutrality Bill

[March 17, 1818]

Mr. Clay offered some general remarks on the offensive nature of the bill, which, he said, instead of an act to enforce neutrality, ought to be entitled, an act for the benefit of his majesty the king of Spain. He also expressed his unwillingness thus to be called on to re-enact laws already in force, of which he did not wish to have now the labor of investigating their principles, or the responsibility, if wrong, of renovating and participating in them. Sufficient, he thought, for the day was the evil thereof; and he was sorry the committee had not contented itself with bringing forward some original proposition, without hunting out and bringing up for re-enaction all the old laws heretofore passed on the subject. There
was a great difference between suffering acts to remain unrepealed, and bringing them up for re-enactment, and he gave notice, that, after this bill should be made as perfect as its friends could make it, he should submit a single proposition to leave the act of 1794 in force, & to repeal the acts of 1797 and of 1817. Mr. C. concluded by moving to strike out of the 2nd section the words which make it penal for a person to “go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered,” in the service of any foreign prince or state, &c.

Washington National Intelligencer, March 19, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXII, 1403-1404, 1405. The House, in Committee of the Whole on a bill to revise and consolidate the previous acts to enforce neutral obligations of the United States, had heard John Forsyth explain the views of the Committee on Foreign Relations, which had proposed the measure. Before Clay rose, one provision of the bill had already been struck out on motion of Thomas B. Robertson.

1 See above, Speech, January 24, 1817, notes. The act of 1797 decreed it “a high misdemeanor,” punishable by fine of up to $10,000 and imprisonment of up to ten years, for citizens of the United States to fit out “or procure to be fitted out and armed,” or “knowingly aid or be concerned in the furnishing, fitting out or arming any private ship or vessel of war, with intent that such ship or vessel shall be employed to cruise or commit hostilities, upon the subjects citizens or property of any prince or state with whom the United States are at peace,” or to “take the command of, or enter on board of any such ship or vessel for the intent aforesaid. . . .” 1 U. S. Stat., 520 (June 14, 1797).

2 Forsyth objected to the motion and to the tenor of Clay's remarks, but “after some other conversation between Mr. Clay and Mr. Forsyth,” the motion was adopted. Soon afterward, Forsyth himself moved to strike from the fourth section of the bill “the provision which makes it penal for any citizen to fit out or arm, without the jurisdiction of the United States, any ship or vessel with intent to commit hostilities upon the citizens or subjects of a friendly state—leaving in this section only the provision against such citizens of the United States as shall, beyond our jurisdiction, fit out vessels to commit hostilities against the citizens of the United States.” Clay joined the discussion on this motion (his remarks not recorded). Before the latter proposal was put to a vote, the Committee rose and the House adjourned. Washington National Intelligencer, March 19, 1818.

Remarks and Motion Relating to Neutrality Bill

[March 18, 1818]

Mr. Clay rose to propose an amendment he had before indicated. Amended as it had been, Mr. C. said he had no objection to retaining the fourth section; but moved to strike out all the remainder of the bill, except so much as retains the provisions of the act of 1794, and repeals the acts of 1797 and 1817—the simple effect of which amendment would be to repeal the act of 1797 and that of 1817. In the propriety of repealing the act of 1797 he understood the chairman of the committee of foreign relations to concur—Of course, then, it would only be necessary to shew, that the act of the last session ought to be repealed; and that it goes beyond any neutral duty we can owe. In the threshold of this discussion, Mr. C. said he confessed he did not like much the origin of that act. There had been some disclosures, not in an
official form, but in such a shape as to entitle them to credence, that shewed that act to have been the result of a teasing on the part of foreign agents in this country, which he regretted to have seen. But, from whatever source it sprung, if it was an act necessary to preserve the neutral relations of the country, Mr. C. said it ought to be retained. But this he denied. The act was predicated on the ground that the existing provisions did not reach the case of the war now raging between Spain and the South American provinces. In its provisions it went beyond the obligations of the United States to other powers, and that part of it was unprecedented in any nation, which compelled citizens of the United States to give bonds not to commit acts without the jurisdiction of the United States, which it is the business of foreign nations, and not of this government, to guard against. Does the act of 1794, said Mr. C. embrace the case of the Spanish Patriots? That was the question, and it was not worth while to disguise it. If St. Domingo was not included, as had been said, in the act of 1794, it would not follow that that act did not embrace the case of the Spanish patriots. What was the condition of St. Domingo? Had the Executive of the United States ever acknowledged, in regard to that war, that it was a civil war, respecting which the United States stood in a neutral relation? No such acknowledgement, he said, had ever been made, in respect to the war in that island, as had been expressly made by the Executive in regard to the war in South America, that it was a civil war. And, when the Courts came to apply the law to cases before them, having the decision of the Executive to guide them, they must decide that the law of 1794 is applicable to both parties. The act of 1817, consequently, was wholly unnecessary to the object for which it was avowedly enacted, and was one of superfluous legislation. Mr. C. said he recollected with pleasure that he gave his negative to it; that every member from the state of which he was a Representative did the same. He recollected that 63 members of that part of this House, with whom it had been, and would always be, his pride and pleasure to act, had recorded their votes against it. The voice of the country had since pronounced its doom, and left for Congress nothing to do but to repeal the act. Disguise it as you will, said he, the world has seen the act in its true character; has regarded it as a measure calculated to affect the struggle going on in the South, and discovered that, however neutral in its language, its bearing was altogether against the cause of the Patriots. How, asked he, is that war now carried on? But for the supplies drawn from this country through Havanna for sustaining the army of Morillo, this modern Alva, whose career is characterised by all the enormities which have consigned to perpetual infamy the name of his great prototype—but for the supplies drawn through Havanna, whose port is open to us
only for the sake of those supplies, General Morillo could not have supported his army. This fact he had from the highest authority, from the commander of one of our national vessels who had been on a cruise in that quarter, and had received it from the lips of Morillo himself. It becomes us, Mr. C. said, really and bona fide to perform our neutral obligations. He had seen and heard of circumstances respecting this subject, humiliating in the extreme. He had been told, for instance, that in the case lately argued in the Supreme court of the United States, of some of those individuals tried in the court of the United States at Boston, not only was the Attorney General ready at his post, as he should be, to attend to it, but the Attorney for the Massachusetts District was there to argue it also; and, not satisfied with this, a foreign agent was seen attending the court, to see probably that nothing was omitted—and not even a poor Amicus Curiae was there to speak for the accused. Such was the state of the case, that the humanity of the Attorney General had interposed, and induced that highly meritorious officer to make some suggestions favorable to those individuals. Was there a man in this country, Mr. C. asked, who did not feel his conscience reproach him for that transaction?

The act of 1797 being given up on all hands, and the act of 1817 being, as he thought he had shewn, unnecessary, he hoped his motion would prevail. If, however, contrary to his belief, the house should decide that the act of 1794 did not cover the case of the existing civil war, and the act of 1817 should be thought necessary to bring it within the provisions of the act of 1794, Mr. C. said he should, in that event, submit another proposition to amend the bill, predicated on the idea that some provision was necessary in addition to the act of 1794.

[When Clay’s motion to amend the bill was stated from the Chair, Forsyth rose to oppose it. He disputed Clay’s statements concerning opposition in the House to passage of the act of 1817 and declared that the so-called “teasing of certain foreign agents near the United States” was in reality a performance of duty by ministers of foreign governments “remonstrating against violations, by citizens of the United States, of obligations which we owe not to any one nation, but equally to all. A remonstrance had been made by the Portuguese minister, a garbled representation of which had been published; a similar statement of facts had been made by the minister of Great Britain; another by the minister of France.” He then argued that the case “of the act prohibiting intercourse with St. Domingo was perfectly parallel to the present. . . .”]

[He was answered by Thomas B. Robertson. William Lowndes then spoke in opposition to the views expressed by Clay and Robertson, after which Clay again took the floor.]
Mr. Clay said, it was always with very painful regret that he found himself differing from the gentleman who had just taken his seat, and with the chairman of the committee of foreign relations; and, when differing from them, he almost distrusted his own perceptions. But this was not the first time he had had that misfortune; for his honorable friend, (Mr. Lowndes) had been at the last session a powerful auxiliary in carrying through the bill which then passed, and was now proposed to be repealed. Notwithstanding his great regret at the circumstance, however, he must obey the dictates of his own judgment. Mr. C. said, he never had intimated that the act of 1817 did not originate in the judgment of this house, or that it was passed at the instance of any foreign ministers; and yet, if he understood the gentleman from Georgia, he had admitted that the committee had had the benefit of the suggestions of several foreign ministers. It was immaterial to him, Mr. C. said, whether the act sprung from any suggestion of foreign agents, or whether, after it was recommended, the letters of the ministers were sent to the committee of foreign relations. As to the foreign ministers, Mr. C. said, in referring to them, he meant nothing disrespectful towards them—he would not treat with disrespect even the minister of Ferdinand, whose cause this bill was intended to benefit; he, said Mr. Clay, is a faithful minister: if, not satisfied with making representations to the foreign department, he also attends the proceedings of the supreme court, to watch its decisions, he affords but so many proofs of the fidelity for which the representatives of Spain have always been distinguished. And how mortifying is it, sir, to hear of the honorary rewards and titles, and so forth, granted for these services; for, if I am not mistaken, our act of 1817 produced the bestowal of some honor on this faithful representative of his majesty—and, if this bill passes which is now before us, I have no doubt he will receive some new honor for his further success. No, Mr. C. said, he would never treat foreign ministers to our government with disrespect. But yet was he not entirely satisfied with the suggestions respecting the representations, garbled and ungarbled, of the foreign ministers. In regard to the letter of the minister of Portugal a man whom Mr. Clay said he highly venerated; whom he regarded as an honor to his country and an ornament to science—a man whose country could not have shewn a greater respect for the U. States than by deputing him as its Representative to this gov't.—with regard to that letter, as the gentleman had charged the publication which had been made of it to be a garbled one, and it seemed by his confession (his precious confession, he would call it, but not in the obnoxious sense of the term) that he either had the document in his possession or had seen it, he hoped that he would lay it before the House in extenso, that
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they might see it in its ungarbled state, &c. &c But, having been contradicted in the statement he had made when up before, respecting the passage of the act of 1817, Mr. C. begged of the honorable gentleman, before he disputed any statement of his (Mr. C.'s) to take the trouble to examine whether he was himself correct. If the gentleman would turn to the Journal, he would find that, on the question to engross the bill, there were 63 in the negative. 9 {Mr. Forsyth explained; the bill thus ordered to be engrossed was not that which finally passed, which came from the Senate.} If, Mr. Clay continued, the gentleman would look over the List of names recorded in the negative, he would find the name of one of the present Cabinet, the Secretary of War. 10 The Yeas and Nays had also been taken on the proposition to postpone the bill indefinitely when it came back from the Senate; and, although owing to the period of the session, a smaller number voted on the bill, there were yet 37 votes for postponement, to some 60 odd against it. 11

But, said Mr. C. it seems, that in the remarks which I have submitted, I have made some reflections on the late President of the United States. No such thing. But was there not, he asked, a considerable alteration, since the act of 1817, in our posture in respect to the war between Spain and the provinces. The Executive had since declared to the whole world that the condition of the United States is one of neutrality in regard to the contest. 12 Not that only, but that the war carrying on is a civil war, and that we owe to both parties all the obligations of neutrality—the obligations due to a party in a civil war being very different from those due to a people in rebellion, and demanding therefore a different state of our laws. But, returning to the late President of the United States—no man, Mr. C. said, had a more high sense of the exalted character and distinguished services of the gentleman to whom he thus alluded: but, whilst, said he, I am a Representative of the nation, I shall speak freely my sentiments, let them be in opposition to whom they may, whether the existing or any former Chief Magistrate of the United States. Mr. C. then called upon gentlemen to show that the act of 1794 was inapplicable to the existing conflict under the circumstances of the change of attitude to which he had referred. The gentleman had contended it was not, because of a decision in the case of St. Domingo. That, Mr. C. said, was a case standing on insular ground, and totally different from the present. We admit the flag of the patriots: that President Madison did—we declare the contest to be a civil war: that President Monroe did—and commissioners have been sent there, if not with credentials, to hear & make representations. 13 The judiciary then would say, that the act of 1794 does include the case, and the act of 1817 would be superfluous and unnecessary, but for the further provisions contained
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in that act. Gentlemen had contended, that these further provisions were necessary, because it was proper to require bond and security from vessels departing from our ports, that they will not violate our neutral obligations without the territory of the United States. This position, Mr. C. could not reconcile with the admission he understood gentlemen to make, that acts committed out of our jurisdiction are acts of which foreign powers must take care for themselves. The bonds required by the restrictive systems, which had been referred to, were not analogous to the present case: they stood on peculiar ground, the measures they were necessary to enforce having been required by our own policy, in defence of our own rights and interests, and were not an act of legislation for the benefit of a foreign power, for whom we are under no obligation to legislate. The difference in the two cases was precisely the difference between legislating for ourselves and legislating for others. But, it had been said, that bonds are required even from privateers in war. That is because they have commissions, said Mr. C.—and, acting under our authority, constitute a particular part of the force of the community, and the bond is required for our own sakes. Whilst on this subject, he said he could not see the cause for all this anxiety on the part of gentlemen, lest the patriots should get hold of a vessel prepared for war. Were they not aware that the whole marine of the island of Cuba, consists of vessels purchased from this country? Ships are an object of commerce, condemned by no authority. It was particularly fitting, under present circumstances, that we should give every facility to the sale of our ships. Do we not know, said he, that owing to the condition of the world, our merchant vessels are cut out of employment; and that, unless we can sell them, they will rot at our wharves? Mr. C. laid it down as a principle, incontrovertible, that a ship, armed or not armed, was an object of commerce. Gentlemen would not deny, that the materials of armament might be separately sold, and afterwards combined. But the honorable gentleman from South Carolina had made one admission, which gives up the question, when he conceded that an armed ship might be fitted out, completely equipped, go to a foreign port, and afterwards go to war with any belligerent whatever, without a violation of our neutrality. And yet such a course, admitted by the gentleman to be lawful, was expressly forbidden by the act of 1817. {Mr. Loundes briefly explained, not admitting the principle Mr. C. considered him as ceding, in the latitude given to it by the Speaker.} Mr. C. said, he had conceived the principle to be fairly inferred from the course of the gentleman's argument; and he did not yet understand him as denying that, after a vessel gets into a foreign port, and departs thence, our responsibility for its conduct ceases. And the gentleman had the other day admitted, in debate
on another subject, the right of expatriation. Suppose, then, that any number of citizens of the United States should fit out an armed vessel to go to any port in Spanish America, and there expatriate themselves by becoming citizens of another country: might they not then engage in war under the flag of that country? Gentlemen would not deny it; and yet they would be forbidden to do so by the act of 1817.

Mr. C. stated further objections to this act. For example, the collector of a port might detain any vessel, when the number of men, the nature of the cargo, or any other circumstance, induce him to suppose the vessel is intended for cruizing, with a belligerent purpose. Mr. C. said he was opposed to vesting such discretionary power in any collector. The voyage may be intended to Lima, to China, or any distant port, and the voyage may be totally defeated, and heavy loss incurred, by a mere caprice of the collector. Mr. C. wished his honorable friend, (Mr. Johnson) to read a letter he had received from St. Bartholomews, stating that three vessels had arrived there from British ports, not only with skeletons of regiments, but with nearly all the men, on their way to join the patriots. Had these men, Mr. C. asked, been subjected to any bond and security—to any such onerous provisions as are contained in this bill? No, said he; we alone, it seems, are to stretch our power to its limit to prevent our citizens from aiding in any manner the efforts of those who are struggling for liberty in the South—whilst Great Britain, in this respect, pursues a policy which we might worthily imitate. While at peace, he admitted, we ought to perform our obligations of neutrality; but they did not require the passage of bills with neutral titles, but with provisions favorable to one only of the belligerents. What, on the other hand, had Great Britain done? She had issued a proclamation, which almost recognizes the independence of the provinces, calling the contest a war between America and Spain, and forbidding her citizens to engage in it—but requiring no bond and security from them. No, said Mr. C. she has gone a step further than she has ever before gone: her citizens who constitute a part of the armies of Spain, she has forbidden from fighting against the patriots. I wish we might imitate her example, and observe a real neutrality, instead of that which exists in name only, to the prejudice of one party and not of the other.

In reference to the suggestions made by Mr. Lowndes, respecting spoliations, Mr. C. asked, what success have we had in our applications for indemnity for spoliations? We are told, very good-naturedly, indeed, by the Secretary of State, in a late communication—I am sorry we have not the benefit of that letter; though, when we get it, I presume we shall find it a compilation of other works on the same subject—the Secretary of State tells us, very good-naturedly,
that we have patiently waited for the settlement of our differences with Spain, and it will require no very great effort to wait a little longer. Very good-natured, indeed! No change, say gentlemen, in the aspect of our relations with Spain? Yes, a most humiliating one, within the last three or four years. We were told by the President, in his message at the commencement of the session—and, ambiguous as the intimation was, hope clung to it as promising a change—that a disposition had been shewn on the part of Spain, to move in the negotiation. And what sort of a motion was it? A motion which has terminated in something like a perpetual repose—waiting till the passions and prejudices of his majesty of Spain may have time to subside. Admirable, Job-like patience! said Mr. Clay. I thank my God that I do not possess it.

Let us, said Mr. C. in conclusion, put all these statutes out of our way, except that of 1794. When was that passed? At a moment when the enthusiasm of liberty ran through the country with electric rapidity; when the whole country en mass was ready to lend a hand and aid the French nation in their struggle: General Washington, revered name! the Father of his Country, could hardly arrest this inclination. Yet, under such circumstances, the act of 1794 was found abundantly sufficient. There was then no gratuitous assumption of neutral debts. For twenty years that act has been found sufficient. But some keen-sighted, sagacious foreign minister finds out that it is not sufficient, and the act of 1817 is passed. That act, said Mr. C. we find condemned by the universal sentiment of the country; and I hope it will receive further condemnation by the vote of the house this day.

[Lowndes and Forsyth replied to Clay. Samuel Smith and Henry St. George Tucker also opposed Clay's motion, but Tucker favored repealing the last two sections of the act of 1817.]

Mr. Clay again rose. He directed his first observations to what had fallen from Mr. Tucker. If the decision of the judicial authorities had been, that the case of the Patriots did not come within the act of 1794, there would be much force in his argument for retaining the least objectionable part of the act of 1817. If such a decision had been made by the Supreme Court, Mr. C. said, he did not know but he would go along with the gentleman; but such a decision had not been made, and he thought he had shewn could not be expected.

The gentleman from Maryland, Mr. C. said, or himself, was totally mistaken as to the case of the Eagle. The power of St. Domingo was not then considered as a state—{Mr. Smith explained that he had not referred to that case with any view to that point.} Mr. C. said he had it from unquestionable authority, that in the case of Mr. Collector Gelston and the Eagle, the Court had refused
to grant the necessary evidence of the fact, that there was "probable cause" for the detention of the vessel; and that officer was consequently left to the operation of the Law on a naked trespass. But, Mr. C. repeated, again and again, that the gentleman from Georgia would fail in the attempt to confound the virtuous struggle of the Patriots of South America with that of the contest of St. Domingo. There was a difference in the facts, as there was in our laws and policy respecting them. There was, in the case of St. Domingo, an absolute prohibition of intercourse, which took place, he admitted, at the instance of the French Minister; 18 and we had not recognized the war as a civil war, &c. or in any manner so regarded it, as that a case arising under it in our courts could be viewed in the same light as a case occurring in the existing conflict in South America. In reply to the gentleman from Virginia, 19 who seemed to think that that power could not be considered as independent, whose independence had not been recognized by the United States, Mr. C. said that was not a clear case; because there were many powers in the world, with regard to which we have no diplomatic relations whatever. Mr. C. anticipated the suggestion he perceived his friend was about to make, that, the South American provinces having been once a part of Spain, there was in that circumstance an exception to the general rule. In reply to that argument, Mr. C. said, that whilst the power of Napoleon was at its extent, it had stretched over and absorbed in his empire many powers to which the act of 1794 would have previously applied—powers in the heart of Germany; several powers there were from whom we had never received a Minister—among others that of Murat, 20 to whose late government we have recently sent a Minister on one of those fruitless errands on which we too often send Ministers, &c.—{Mr. Clay here gave way for an explanation by Mr. Tucker, and then proceeded.} With regard to the case which had lately arisen in the Circuit Court of the United States at Boston, Mr. C. remarked, that he had heard from Judge Story himself, that he had entertained no doubt of the legality of the commission; 21 but, as other questions had arisen in regard to which there was a difference of opinion between the judges, they had chosen to introduce that question into the case, to bring it before the Supreme Court. After some further remarks, Mr. C. said it would be time enough to amend the act of 1794 after a decision against its competency to the present state of things by the Supreme Court of the country, to whom the Agent of his Majesty Ferdinand VII. knows very well how to go. The President had placed the parties to the war on an equal footing: if they were equal for one object, they were for another—and, being equal in our ports, and equally entitled to the rights of belligerents, they must be placed on an equal footing in our courts.
The honorable gentleman from Maryland had discovered, however, that we have no claim for territory against Spain. {Mr. Smith explained, that he had said we have possession of all we claim, and it is Spain who disputes that point with us.} When, Mr. C. asked, did we take possession to the Rio del Nord? he believed there was an immense tract of country extending westwardly to that river which we were not in possession of. Although Congress had been told of an order given to suppress the establishment at Galvezton, to this day not even a movement had been made by the United States to that quarter of the country. But, it seems, said Mr. C. that we have nothing but spoliations to complain of on the part of Spain. When did the honorable gentleman discover this? When was that gross insult on the American flag, committed in the case of the Firebrand, on the Gulph of Mexico, repaired? When was the insult on the flag of the United States in the case of the frigate Essex in the Gulph of Valparaiso atoned for? Let not the gentleman escape from that by saying that the Patriot flag was flying there; for Spain is responsible for all acts committed on territory she claims—for, Mr. C. said, he had no idea of this modern doctrine of inability on the part of Spain to prevent the wrongs which we are therefore to submit to from her territory. We have suffered enough, God knows, Mr. Clay said, from all the powers of Europe; but on the subject of this contest with Spain, he thought there was a sensitive delicacy displayed not often felt. He would, he said, prevent our citizens from committing depredations on her commerce; but he had no idea of succumbing to every little potentate in Europe, the King of Naples, for instance, because in the course of the existing war some little injury might be done to our commerce. Recognize the independence of the Patriots, said Mr. C. and they will do you justice in this respect. In regard to the independence of the Southern Republics, Mr. C. said, that Buenos-Ayres had not only declared but had maintained her independence; and, acknowledged or not, was as independent as any power in America. Venezuela and Chili had also declared their independence. Although in the war now raging, some little injury might have been sustained by our commerce, yet, as far as his information extended, less injury had been done to it in the present war than in almost any other which as neutrals we have witnessed. He appealed to his honorable friend from Louisiana—and it would be recollected that New-Orleans was one of the most suspected cities—what had been the official report of the attorney for that district? Why, that, after the most careful enquiry, he could find no instance of such offences as were charged. The fact was, Mr. C. said he believed, with regard to these depredations, that some of the merchants engaged in the Lima trade, under the favor of the Spanish government, disliked
the interference of the patriots; and that the act of 1817 was not so much necessary to protect our commerce as the enterprizes of those who enjoyed a valuable trade with the Royal authorities, and were afraid lest the Patriot flag might capture and condemn their vessels. 27

Mr. C. concluded his remarks by saying that the act of 1794 was all-sufficient for every necessary purpose, connected with our neutral attitude; but, after any decision to the contrary by the highest tribunal of the country, he would go along with gentlemen and make it applicable. But with regard to the bond and security required by the law of 1817, at the discretion of every petty collector, urged on by the Spanish agents throughout the country, he hoped to see the law containing that provision expunged from the statute book.

[Samuel Smith replied to Clay. A vote was then called for on Clay's motion, and "the question was taken on so much of it as proposes, in effect, to repeal the act of 1797, and decided in the negative." ]

Mr. Clay then withdrew the remainder of his proposed amendment, under the impression that this vote indicated the opinion that the act of 1794 did not apply to the existing war; and moved an amendment, the effect of which was to repeal the act of 1797, and the 2d and 3d sections of the act of 1817.

[An exchange of remarks between Forsyth and Clay was followed by the defeat of Clay's motion by 65 votes to 63.]

Mr. Clay, then, understanding these votes as evidence of the sense of the house that, until the Southern independent governments were recognized by the United States, they could not be by our courts, and therefore that commissions issued by those governments would be deemed unlawful, rose to move an amendment, going to place the patriot governments, in fact, on the footing of equality, on which it was the declared wish of the Executive to place them. At present the Executive receives their flags; but if, when they come into the United States, those sailing under them were liable to be prosecuted as pirates, this injustice should be obviated. Such was the object, he said, of the amendment which he moved to add to the bill as a new section, to this effect:

"That neither the persons nor the property of persons sailing under the flag of any colony, district or people, in amity with the United States, should be subject to the penalties attached to piracy in the courts of the United States, for or on account of the government of the United States having omitted to acknowledge the sovereignty and independence of such colony, district or people." 28
resolving itself into Committee of the Whole on the Neutrality Bill, the House had agreed to the amendment proposed by Forsyth on the preceding day.

1 See above, Remarks, March 17, 1818.

2 See below, II, 495.

3 Spain, which had surrendered sovereignty over the western part of the island of Haiti (Santo Domingo) to the French under Napoleon, was at this time attempting to reassert her claim. Meanwhile rival native leaders, Henry Christophe in the north and Alexander Sabes Pétion in the south, were struggling for supremacy. Pétion's support of Simón Bolívar in the Venezuelan conflict against Spain further complicated the problems of enforcing United States neutrality laws. See below, this document, note 16.

4 Cf. above, Speech, January 24, 1817, n. 7. Since Clay was Speaker, his vote was not tallied in the House action.

5 General Pablo Morillo, at the head of 10,000 veteran soldiers, had been sent in 1815 by Ferdinand VII to subjugate the rebels in Venezuela and New Granada. He had succeeded in the latter country by the end of 1816, after which he had shifted operations to the island of Margarita (see below, Motion and Speech, March 24-25, 1818, n. 35) and the mainland of Venezuela, where at La Puerta on March 15, 1818, he defeated the forces of Bolívar and seriously wounded the revolutionary leader.

Fernando Alvarez de Toledo, Duke of Alva, was known for the savage brutality of his campaign to eradicate Protestantism in the Netherlands, where he had held the post of governor-general and regent from 1567 to 1573 under Philip II of Spain.

6 See above, Motion and Speech, December 3, 1817. Under the ruling of the Supreme Court, delivered on March 14, 1818, the United States law relating to piracy had been deemed applicable to citizens of this country but not to citizens or ships belonging to a foreign state. Vessels or persons employed “in the service of a self-declared government, acknowledged to be maintaining its separate existence by war,” were to be permitted to prove the fact of actual service for such government by the same testimony which would be accepted as proof of service to a recognized state. United States vs. Palmer et al., 16 U. S. (3 Wheaton) 610-44.

7 The published version of Corrêa da Serra’s letter has not been found, but a translation of his remonstrance to James Monroe, dated December 29, 1816, is filed in DNA, M57, RI. On the pressure of Corrêa, Sir Charles Bagot, and Hyde de Neuville for the enactment of the neutrality law see Whitaker, The United States and the Independence of Latin America, 217-19.

8 Ferdinand VII, King of Spain, whose Minister to the United States was Luis de Onís.


10 John C. Calhoun.


12 In his annual message to Congress, December 2, 1817.

13 See above, Clay to Rodney, October 5, 1817, note.

14 Probably Richard M. Johnson, who joined the debate later.

15 The proclamation, dated November 27, 1817, had forbidden British subjects to serve in military forces or on warships raised “by the persons exercising or assuming to exercise the powers of government” in the Spanish American provinces; but it had likewise barred enlistment for such service under the King of Spain and, where British were already so enlisted, they were not to be employed in Spanish America. The Annual Register or a View of the History, Politics and Literature for the Year 1817 (London, 1818), 190-31, reprinted from London Gazette, November 29.

16 In a note to De Onís, March 12, 1818, on the subjects of the Louisiana boundary, the American occupation of Amelia island, and indemnification for losses to American citizens during Spanish suspension of the right of deposit at New Orleans and at the hands of French cruisers and privateers during the Napoleonic wars, John Quincy Adams had cited the “patient forbearance” of the United States, “in waiting for the moment when Spain should find it expedient to meet their constant desire of bringing to a happy and harmonious termination all the conflicting interests between them.” American State Papers, Foreign Relations, IV, 477.

17 Smith had, in his remarks, referred to the case of the American Eagle, a vessel which in 1810 had been seized by David Gelston, Collector of the Port of New York, as destined for transfer to Pétion for use in the conflict against Christophe. In subsequent court action in the Federal district court of New York the ship had been ordered restored to Gould Hoyt, the owner, and a certificate of reasonable cause for seizure had been denied. Hoyt had then carried a civil suit for damages to the New York State courts and had been awarded $100,000 plus interest and costs. On appeal from error of the State courts, the United States Supreme Court in a ruling delivered by Justice Story on February 27, 1818, had upheld the claim for damages against the “tortious seizure,” inasmuch as neither the Christophe nor the Pétion governments had been recognized by the United States “as a foreign prince or state,” as required.
to bring the action under the terms of the neutrality law of 1794. Gelston et al. vs. Hoyt, 16 U. S. (3 Wheaton) 246-336. Later in this Congressional session an appropriation of $130,000 was authorized to compensate Gelston for the penalty which he had incurred as an agent of the Treasury Department. 3 U. S. St. 423 (April 9, 1818).

Both Talleyrand in Paris and Louis Marie Turreau in Washington had protested against American trade with the rebel ports of Santo Domingo. Under Turreau's prodding the matter had been brought before Congress, and by acts of February 28, 1806, and February 24, 1807, commerce with Santo Domingo had been prohibited for two years. 2 U. S. Stat., 423-52, 421-22; Brant, James Madison, IV, 270-75.

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Remarks on Amendments to the Neutrality Bill

Mr. Clay declined taking up the time of the committee any further on this motion.—He would only say, that his object was to place the patriot flag on precisely the same footing in our ports, as that of the opposite party. He disclaimed any intention, as he learned was presumed by some, of producing by this motion an indirect recognition of South American Independence. Whenever he should bring that question before the house, as he assuredly meant to do, it would be in a way open, direct and unambiguous.

[John Forsyth, opposing the motion, cited as an example of governments supposedly organized but which had no lasting existence “the Mexican patriot government . . . which, it had been reported last year, had passed a vote of thanks to the honorable speaker for his magnanimous exertions in favor of their cause.”]
Mr. Clay offered a few more remarks in favor of an amendment whose objects he tho't so clear and proper. As to the vote of thanks which it was said he had received from the Mexican Congress, he had no knowledge of it; but of such a distinction, if it were so, he should feel proud. If, however, said Mr. C. I have deserved such an honor from the patriots for my exertions, I submit it to my friend from Georgia whether he does not deserve a vote of thanks from the opposite party, for his exertions on that side?

[Among the several speakers at this juncture was William Lowndes, who did not oppose the object of the amendment but thought it too indefinite. According to his interpretation "the words of the amendment would admit vessels under any flag, even such as that of a few individuals who should assemble on the obscure island of Juan Fernandez, and fit out their cruisers." He maintained that Congress, not the President, had the power to exclude a flag from our ports.]

Mr. Clay had no objection to any modification of his motion which should limit its application to the independent states of South America, and he should have inserted such words himself, had he not deemed it expedient to adopt the precise language of the law of last session, in which there was no designation of any particular states. He differed however from Mr. Lowndes as to the power of the Executive to exclude any flag—he believed the President had that power; but to settle that question he had no objection to confer that power by the law, and let him decide what flags should be admitted, and thus come under the amendment.

[Henry St. George Tucker offered a modification of the language of Clay's amendment, which was accepted by Clay as a substitute for his own motion as follows: "And be it further enacted, That in prosecutions either against persons or property, sailing under the flag of any colony, district or people which shall be admitted into the ports of the United States, it shall not be deemed ground for the punishment or condemnation of such person or property, that the sovereignty of such colony, district or people has not been acknowledged by the government of the United States."

[After further discussion, Clay's amendment, as modified, was adopted. Forsyth then moved to add to that section of the bill the following: "Provided, That the colony, district or people aforesaid, have organized an existing independent government at the time of the commission of the fact of which the persons are charged."

Mr. Clay, after waiving the objection of order which might be made to this motion, said it was improper because it would require too much. Venezuela, for example, which had achieved an imperishable fame by its noble and unparalleled exertions in the cause of liberty—he did not know that this state was actually independent,
though it so well deserved to be, and had no doubt it would soon be—yet the flag of this government, so much entitled to our respect and admiration, would be excluded from our ports by the proviso.

[On motion of Henry St. George Tucker, Forsyth's proviso was amended to refer to "an existing government, claiming to be independent" rather than to "an existing independent Government." Forsyth then moved "to insert the word responsible after the word existing."]

Mr. Clay objected to this, as a phrase vague and unusual, applied to a nation, however definite and intelligible applied to an individual. What was a responsible government? Some might think the government of Spain itself, of the adored Ferdinand, not responsible. It was a term of too doubtful construction to be proper here.

[Forsyth retorted that the word "responsible" had a "definite and precise meaning, as applied to nations or individuals," and he wished to permit the courts to judge the matter in specific instances. He then said that "Before the end of the present session of Congress, he hoped to be permitted to shew to the Speaker how the adored Ferdinand might be made responsible for the conduct of Spain to the United States."]

Mr. Clay expressed his thanks for this information, and the pleasure it gave him.

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Washington National Intelligencer, March 23, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXII, 1431, 1432, 1433, 1434. After disposing of some other business, the House had again resolved itself into Committee of the Whole and turned its attention to Clay's motion, held over from the preceding day.

1 "The supreme congress of the Mexican republic, have voted to Henry Clay, the speaker of the house of representatives, their thanks for the disinterested, manly, and generous sentiments he expressed on the floor of the house, for the welfare of that infant republic." Niles' Weekly Register, XII (May 24, 1817), 208.

2 Forsyth's motion was defeated; the proviso, as modified, was agreed to; and the Committee rose and reported to the House. The bill was debated and amended in the House on March 23 and passed two days later. After further amendment by the Senate, it was approved and signed by the President on April 20, 1818. 3 U. S. Stat., 447-50.

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To John Hart

Dr John Washn. 19h. March 1818.

I rec'd. your favor inclosing the check for Eleven hundred dollars.¹ I do not recollect whether I left a power of Atto. with Mr. Carr² or not to lease out my property in Lexington; and therefore now inclose you an authority to that effect.³ I think you told me in a former letter that Capt. West⁴ would give four hundred dollars per annum. If he will give that you may rent it to him for four years, if he desires it so long. If he will not give more than you did, I should prefer the lease not being for a longer term than one or at most two years. Yr. friend

H. Clay
Power of Attorney to John Hart

City of Washington 19th March 1818.

I do hereby authorize John Hart to rent out my corner house in Lexington, that is to say the part thereof now occupied by Capt. West, for such term & on such conditions as he my said Attorney shall agree on.

H. Clay

From Samuel L. Mitchell

Sir New York 21 March 1818

My friend Dr Benjamin P. Kissam has a desire to assist in maturing your medical school at Lexington. Being a graduate in the University of New York, a Surgeon in the Navy, a respectable practitioner, and a gentleman of very respectable connections, he would feel himself highly honoured by an appointment to the Professorship of Surgery or anatomy in the University of Transylvania. I hereby assure you, that I think him well qualified for the Situation; and I recommend him to the Trustees accordingly.

I have the pleasure to renew the assurance of my respect.

The honble. Henry Clay Speaker, &c

Saml L Mitchill

Remarks on Appropriation for Commissioners to South America

[March 24, 1818]

Mr. Clay wished to know if this appropriation was to defray the expenses of the commission lately sent to South America; if so, he would ask of the chairman of the committee of Ways and Means and the committee of Foreign Relations, whether those Commissioners were furnished with credentials, and if their appointment had been confirmed by the Senate; also, to what ports of South America they were sent, and the probable duration of the commis-
sion; and also, if it would not be looking too much into its objects, he would be glad to know what those objects were.

[In reply William Lowndes, chairman of the Committee of Ways and Means, referred to the credentials given to the Commissioners by the Secretary of State and to the letter of transmittal by which a copy of the credentials had been sent to Lowndes. Both documents were read. In the letter of transmittal, dated March 2, 1818, Secretary Adams wrote that the Commissioners had “no distinct diplomatic rank,” they were “expected to be absent seven or eight months,” their compensation was “six thousand dollars each, and two thousand dollars to their Secretary,” and their expenses (except while on shore in South America) were to be paid. He mentioned the possibility that one or more of the group, on arriving at Buenos Aires, might go on to Chile. The sum of thirty thousand dollars was estimated as necessary to cover the total expenses.]

Mr. Clay rose, not, he said, to make any objection to the three respectable citizens for whom this appropriation was intended—that was not his object; but to enter his protest to this kind of appropriation by Congress. As to the object of the commission, he thought it of very little use for the expenditure of public money; he referred to the views avowed, and the directions to touch at Buenos Ayres, &c. and said, if the object of the commission was to acquire information of the actual state of affairs in the southern provinces, it was the most unfortunate mode that could have been adopted for that purpose. What, asked Mr. C. was this mode? Three distinguished citizens are selected, their appointment and intentions are announced by the newspapers, months before their departure, then declared by the President himself, and made known to the whole world, and they depart with all the paraphernalia of public ministers; information of their object precedes them wherever they go. As soon as they arrive at a South American port they are surrounded by all the factions in the country—royalists, if there were any, as well as republicans, who strive to prejudice them in favor of their respective interests, to mislead their judgments and prevent the getting correct information of the real condition of things. Mr. C. described the extent of the interior provinces of Buenos Ayres, to shew that the time allowed to the commissioners (if they were acquainted with the language, manners and habits of the country) was inadequate to enable them to make any material addition to our stock of information; but, even if they could, were they to range the whole continent, and visit even the armies, whether successful or not, of the different parties, still, their object being known, they would every where be liable to the same deception and imposition. Correct information they would not obtain. The proper course to have adopted, Mr. C. said, was to despatch an individual unknown to all
parties; some intelligent, keen, silent and observing man, of pleasing address and insinuating manners, who, concealing the object of his visit, would see and hear every thing, and report it faithfully.

But it was not to the object of the appropriation, badly as the mission had been devised, that Mr. C. rose to object; it was the constitutional point it involved that made it obnoxious; and he read the clause of the constitution which requires the consent and concurrence of the Senate to all appointments not specifically provided for by law, to shew that these commissioners should have been nominated to that body—taking it for granted, that they had not been submitted to the Senate. The President had not only made these appointments without the authority of the constitution, or of any law recognising them, but in derogation from a positive act of Congress. There was an act of Congress fixing the grade of the only Ministers we sent abroad, and it provided for two cases only, that of Minister Plenipotentiary and that of Charge des Affaires. To the first it assigned a salary of 9000 dollars, to the last a salary of 4500 dollars. Here were commissioners, then, sent with a salary fixed by the sole authority of the President, and not conformable to that prescribed by the law in either of the two grades. If he might assign 6000 dollars, what was there to prevent his allowance of 50,000 dollars? It might be said in that case this House would afford a remedy; but gentlemen would perceive how difficult it would be, to withhold from an agent an appropriation, which had been promised and pledged by the executive. There was a contingent fund of 50,000 dollars allowed to the President by law, which he was authorized to expend without rendering to Congress any account of it—it was confided to his discretion, and, if the compensation of the commissioners had been made from that fund, Mr. C. said, it would not have been a proper subject for enquiry; but, under present circumstances, in opposition to the constitution, he could not be going too far, in giving at least his protest to this appropriation. It was not his intention to make any motion on the subject, and he made none.

[John Forsyth replied that the Constitution empowers the President to make appointments during a recess of the Senate, and, in any case, he thought this question might properly be left to the President and the Senate. He defended the appointment of a commission rather than an individual (who might have suffered the fate of other Americans in the Spanish provinces and been thrown into a dungeon) to visit South America and pointed out that, though compensation for the commissioners could have been taken from the secret service fund, such a heavy expenditure would have exhausted that fund and necessitated a call upon Congress to replenish it. In conclusion he said “in reply to an allusion of Mr.
Clay, . . . that it was true he did not find fault with the Executive quite as often as the honorable Speaker had latterly done, but still he was not the defender of all Executive measures.”]

Mr. Clay said, in reply, that Mr. Forsyth had not controverted the objection, that these appointments had not been submitted to the Senate; but these agents were to be provided for, either in the quality of ministers or charges des affaires; and considered in either capacity, the House was called on to make a larger appropriation, than was authorised by law, for officers of that character. As to a private agent being liable to the fate mentioned by Mr. Forsyth, what, he asked, were the immunities of the present commissioners? Nothing more, he said, than those of a private man. It had even been decided, in the affair of the Russian consul at Philadelphia, that consul generals were not entitled to the immunities of ministers. But, could not the President have given the same commission to one man, sent privately to obtain information, as to those three commissioners, and with the same effect and validity? As to the object of the commission, Mr. C. again asked, how these gentlemen were to acquire this information respecting the independence of the South American provinces? The fact of their independence was not to be established by a dedimus potestatum sent out to take depositions. The independence of some of these states was matter of history, was too notorious to require the evidence of those commissioners; and Mr. C. referred to the condition of some of the South American states, on which the knowledge was complete, and contended, that they had been sent to parts, with regard to which (Venezuela and Buenos Ayres for example) our information was most perfect, and were not to visit all those parts (Mexico and New Grenada) from which we most wanted it. Mr. C. again adverted to the manner in which the commissioners had been appointed, which being done not according to law, was the more improper, as they had not sailed till after the meeting of Congress, when it would have been scarcely any detention to have waited the concurrence of the Senate, which was in session when they departed.

Washington National Intelligencer, March 27, 1818. Published also in Lexington Kentucky Gazette, April 17, 1818: Lexington Kentucky Reporter, April 15, 1818; Annals of Cong., 15 Cong., 1 Sess., XXXII, 1464-68. The House in Committee of the Whole on the appropriation bill had taken up for consideration “the clause appropriating 30,000 dollars for compensation to the Commissioners, sent to South America by the Executive in December last” (see above, Clay to Rodney, October 5, 1817).

1 2 U. S. Stat., 608 (May 1, 1810).
2 The allowance in the contingent fund for foreign intercourse had, in fact, been raised from $50,000 for the years 1815 and 1816 to $70,000 for 1817. 3 U. S. Stat., 210, 283, 358 (February 16, 1815; April 16, 1816; March 3, 1817).
3 See above, Lewis to Clay, November 4/16, 1816.
4 See above, Remarks, March 18, 1818, n.25. The Mexican revolt, begun in 1809, had disintegrated into a series of guerrilla actions. The fate of the expedition landed by Francisco Xavier Mina in 1817 had not yet been reliably reported in the United States, though Spanish sources had announced the capture of Mina and repulse of
Motion and Speech on Recognition of the Independent Provinces of the River Plata

Mr. Clay rose, and moved to insert in the bill a provision to appropriate the sum of eighteen thousand dollars, as the outfit and one year's salary of a minister to be deputed from the United States to the independent provinces of the river Plate, in South America.

Mr. Clay rose, under feelings of deeper regret than he had ever experienced on any former occasion, inspired, principally, by the painful consideration that he found himself, on the proposition which he meant to submit, differing from many highly esteemed friends, in and out of this House, for whose judgment he entertained the greatest respect. A knowledge of this circumstance had induced him to pause; to subject his own convictions to the severest scrutiny; & to revolve the question over and over again. But all his reflections had conducted him to the same clear result; and much as he valued those friends, great as his deference was for their opinions, he could not hesitate, when reduced to the distressing alternative of conforming his judgment to theirs, or pursuing the deliberate and matured dictates of his own mind. He enjoyed some consolation, for the want of their co-operation, from the persuasion that, if he erred on this occasion, he erred on the side of the liberty and the happiness of a large portion of the human family. Another, and, if possible, indeed a greater source of the regret to which he referred, was the utter incompetency which he unfeignedly felt to do any thing like adequate justice to the great cause of American independence and freedom, whose interests he wished to promote by his humble exertions, in this instance. Exhausted and worn down as he was, by the fatigue, confinement and incessant application incident to the arduous duties of the honorable station he held, during a four months' session, he should need all that kind indulgence which had been so often extended to him by the House.

He begged, in the first place, to correct misconceptions, if any existed in regard to his opinions. He was averse from war with Spain, or with any power. He would give no just cause of war to any power—not to Spain herself. He had seen enough of war, and of its calamities, when even successful. No country upon earth had
more interest than this in cultivating peace, and avoiding war, as long as it was possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of states jealous of our rising importance, we had every motive for the love of peace. He could not however, approve, in all respects, of the manner in which our negotiation with Spain had been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs, from the aggressor, such was the present time. Impoverished and exhausted at home, by the wars which have desolated the Peninsula, with a foreign war, calling for infinitely more resources in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what were we told by the President, in his message, at the commencement of Congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the Secretary of State, in the late communication with Mr. Onis, after ably vindicating all our rights, tells the Spanish minister, with a good deal of sang froid, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! He would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, he would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations upon our commerce; for the interruption of the right of depot at New Orleans, guaranteed [sic] by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities which she was bound to prevent; for the belligerent use made of her ports and territories by our enemy, during the late war—And the instantaneous liberation of the free citizen of the United States, now imprisoned in her jails. Contemporaneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils, in regard to our own peculiar interests, as well as in justice to the cause itself, he would recognise any established government in Spanish America. He would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we had conducted the negotiation in the manner he had endeavored to describe, he would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it by subsequent events and the probable conduct of Europe.
Spain had undoubtedly given us abundant and just cause of war. But, it was not every cause of war that should lead to war. War was one of those dreadful scourges that so shakes the foundations of society; overturns or changes the character of governments; interrupts or destroys the pursuits of private happiness; brings, in short, misery and wretchedness in so many forms; and at last is, in its issue, so doubtful and hazardous; that nothing but dire necessity can justify an appeal to arms. If we were to have war with Spain, he had however no hesitation in saying that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time, under other circumstances, when we might have occupied East Florida, with safety: had we then taken it, our posture in the negotiation with Spain would have been totally different from what it is. But, we had permitted that time, not with his consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman, if we are to be involved in war with Spain, let us have the credit of disinterestedness; let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. He hoped to communicate to the committee the conviction which he so strongly felt, that, adopting the amendment which he intended to propose, would not hazard in the slightest degree, the peace of the country. But if that peace were to be endangered, he would infinitely rather it should be for our exerting the right, appertaining to every state, of acknowledging the independence of another state, than for the seizure of a province which sooner or later we must certainly acquire.

In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean from about the 40th degree of north latitude, to about the 55th degree of South latitude, and extending from the mouth of the Rio del Norde (exclusive of East Florida) around the Gulf of Mexico and along the South Atlantic to near Cape Horn, it is about 5000 miles in length, and in some places near three thousand in breadth. Within this vast region, we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the
richest mines of the precious metals; and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the Vice Royalty of Mexico on the South; passing by Goatamela [sic], we reach the Vice Royalty of New Grenada, the late Captain Generalship of Venezuela, & Guyana lying on the east side of the Andes. Stepping over the Brazils, we arrive at the United Provinces of La Plata, and, crossing the Andes, we find Chili on their west side, and further north, the Vice Royalty of Lima or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful state, and, in point of population, that which has the smallest contains enough to make it respectable. Throughout all the extent of that great portion of the world, which he had attempted thus hastily to describe, the spirit of revolt against the dominion of Spain had manifested itself.—The revolution had been attended with various degrees of success in the several parts of Spanish America. In some it had been already crowned, as he would endeavor to shew, with complete success, and in all he was persuaded that independence had struck such deep root as that the power of Spain could never eradicate it. What were the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the Incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most rigorous, the most exclusive. The great principle and object of this system has been to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked Spanish America up from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources and several parts of her American possessions, she next prohibited the inhabitants of one Vice-Royalty or Government from visiting those of another; so, that the inhabitants of Mexico, for example were not allowed to enter the Vice-Royalty of New Grenada. The agriculture of those vast regions was so regulated and restrained as to prevent all collision with the interests of the agriculture of the Peninsula. Where nature, by the character and composition of the soil, had commanded the abominable system of Spain has forbidden the growth of certain articles. Thus the olive and the vine, to which Spanish
America is so well adapted, are prohibited wherever their culture could interfere with the olive and the vine of the Peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain—and fettered by the odious spirit of monopoly existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of Government, all writers upon political economy, or that tend to give vigor, and freedom and expansion to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depons and other works. A main feature in her policy is that which constantly elevates the European and depresses the American character. Out of upwards of 750 Vice-Roys and Captains General, whom she has appointed since the conquest of America, about eighteen only have been from the body of the American population. On all occasions she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Wherever in America her sway extends, every thing seems to pine and wither beneath its baneful influence. The richest regions of the earth; man, his happiness and his education; all the fine faculties of his soul, are regulated and modified and moulded to suit the execrable purposes of an inexorable despotism.

Such is a brief and imperfect picture of the state of things in Spanish America in 1808, when the famous transactions of Bayonne occurred. The King of Spain and the Indies (for Spanish America had always constituted an integral part of the Spanish Empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the King of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself from the performance of this duty, they became released from that obligation. The monarchy was dissolved; and each integral part had a right to seek its own happiness, by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor de facto of Ferdinand, recognized this right on the part of the colonies and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But, Mr. Clay took a broader and bolder posi-
tion. He maintained, that an oppressed people were authorized, whenever they could, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty—say that they were rebels—traitors, and that we are at this moment legislating without competent powers, before we could condemn the cause of Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that was to follow. They rose; they breasted the storm; they conquered our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

Mr. Clay said he was no propagandist. He would not seek to force upon other nations our principles and our liberty, if they did not want them. He would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people willed their freedom; if they sought to establish it; if, in truth, they had established it, we had a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest required. He would say, in the language of the venerated father of his country, "Born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whenever, in any country, I see an oppressed nation unfurl the banners of freedom." For his own part, Mr. C. said, that whenever he thought of Spanish America, the image irresistibly forced itself upon his mind of an elder brother, whose education had been neglected, whose person had been abused and maltreated, and who had been disinherited by the unkindness of an unnatural parent. And, when he contemplated the glorious struggle which that country was now making, he thought he beheld that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God intended for him.

If Spanish America were entitled to success from the justness of her cause, we had no less reason to wish that success from the horrible character which the royal arms have given to the war. More atrocities than those which had been perpetrated during its existence, were not to be found even in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him along side of his great prototype, the infamous desolator of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at
the revolting scenes which it pourtray; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarters; at the butchery, in cold blood, of prisoners; at the violation of flags, in some cases, after being received with religious ceremonies; at the instigation of slaves to rise against their owners; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of old age, nor the innocence of infants, nor the reverence due to the sacerdotal character, can stay the arm of royal vengeance.

On this subject he begged leave to trouble the committee with reading a few passages from a most authentic document, the manifesto of the Congress of the United provinces of Rio de la Plata, published in October last.10 This was a paper of the highest authority; it was an appeal to the whole world; it asserted facts of notoriety, in the face of the whole world. It was not to be credited that the Congress would come forward with a statement which was not true, when the means, if it were false, of exposing their fabrications, must be so abundant, and so easy to command. It was a document, in short, that stood upon the same footing of authority with our own papers, promulged during the revolution by our Congress. He would add, that many of the facts which it affirmed, were corroborated by most respectable historical testimony, which was in his own possession.

{Here he read various passages from the manifesto.}

"Memory shudders at the recital of the horrors that were then committed by Goyeneche, in Cochabamba. Would to heaven it were possible to blot from remembrance the name of that ungrateful and blood-thirsty American: who, on the day of his entry, ordered the virtuous governor and intendant, Antesana, to be shot;11 who, beholding from the balcony of his house that infamous murder, cried out with a ferocious voice, to the soldiers, that they must not fire at the head, because he wanted it to be affixed to a pole; and who, after the head was taken off, ordered the cold corpse to be dragged through the streets; and, by a barbarous decree, placed the lives and fortunes of the citizens at the mercy of his unbridled soldiery, leaving them to exercise their licentious and brutal sway during several days! But those blind and cruelly capricious men, (the Spaniards) rejected the mediation of England, and despatched rigorous orders to all the generals to aggrivate the war, and to punish us with more severity. The scaffolds were everywhere multiplied, and invention was racked to devise means for spreading murder, distress and consternation.

"Thenceforth they made all possible efforts to spread division amongst us, to incite us to mutual extermination; they have slandered us with the most atrocious calumnies, accusing us of plotting the destruction of our holy religion, the abolition of all morality, and of introducing licentiousness of manners. They wage a religious war against us, contriving a thousand artifices to disturb and alarm the consciences of the people, making the Spanish bishops issue decrees of ecclesiastical condemnation, public excommunications, and disseminating, through the medium of some ignorant confessor, fanatical doctrines in the tribunal of penitence. By means of these religious discords they have divided families against themselves; they have dissolved the tender ties which unite husband and wife; they have spread rancour and implacable hatred between brothers, most endeared, and they have presumed to throw all nature into discord.

"They have adopted the system of murdering men indiscriminately, to diminish our numbers; and, on their entry into towns they have swept off all, even the market people, leading them to the open squares, and there shooting them one by one.
The cities of Chuquisaca and Cochabamba have more than once been the theatres of these horrid slaughters. “They have intermixed with their troops soldiers of ours whom they had taken prisoners—carrying away the officers in chains, to garrisons where it is impossible to preserve health, for a year—they have left others to die in their prisons of hunger and misery, and others they have forced to hard labor on the public works. They have exultingly put to death our bearers of flags of truce, and have been guilty of the blackest atrocities to our chiefs, after they had surrendered; as well as to other principal characters, in disregard of the humanity with which we treated prisoners; as a proof of it, witness the deputy Mutes of Potosi, the captain-general Pumacagua, general Augulo [sic], and his brother commandant Munecas—and other partisan chiefs, who were shot in cold blood, after having been prisoners for several days.12

“They took a brutal pleasure in cropping the ears of the natives of the town of Ville-grande, and sending a basket full of them as presents to the headquarters. They afterwards burnt that town, and set fire to thirty other populous towns of Peru, and worse than the worst of savages shutting the inhabitants up in the houses, before setting them on fire, that they might be burnt alive. “They have not only been cruel and unsparing in their mode of murder, but they have been void of all morality and public decency, causing aged ecclesiastics and women to be lashed to a gun, and publicly flogged, with the abomination of first having them stripped, and their nakedness exposed to shame, in the presence of their troops. “They established an inquisitorial system in all these punishments; they have seized on peaceable inhabitants, and transported them across the sea to be judged for suspected crimes, and they have put a great number of citizens to death every where without accusation or the form of a trial.

“They have invented a crime of unexampled horror, in poisoning our water and provisions, when they were conquered by Gen. Pineto [sic] at La Paz, and in return for the kindness with which he treated them, after they had surrendered at discretion, they [had] the barbarity to blow up the head quarters, under which they had constructed a mine, and prepared a train before hand.13

“He has branded us with the stigma of rebels, the moment he returned to Madrid; he refused to listen to our complaints, or to receive our supplications; and as an act of extreme favor, he offered us a pardon. He confirmed the viceroys, governors and generals, whom he found actually glutted with carnage. He declared us guilty of a high misdemeanor, for having dared to frame a constitution for our own government, free from the control of a deified, absolute and tyrannical power, under which we had groaned three centuries; a measure that could be offensive only to a prince, an enemy to justice and beneficence, and consequently unworthy to rule over us. “He then undertook, with the aid of his ministers, to equip large military armaments, to be directed against us. He has caused numerous armies to be sent out, to consummate the work of devastation, fire and plunder.

“He has sent his generals, with certain decrees of pardon, which they publish to deceive the ignorant, and induce them to facilitate their entrance into towns; whilst at the same time he has given them other secret instructions, authorising them, as soon as they should get possession of a place, to hang, burn, confiscate and sack; to encourage private assassinations—and to commit every species of injury in their power against the deluded beings who had confided in his pretended pardon. It is in the name of Ferdinand of Bourbon, that the heads of patriot officers, prisoners, are fixed up in the highways, that they beat and stoned to death a commandant of light troops, and that, after having killed Col. Camugo [sic], in the same manner, by the hands of the indecent Centeno, they cut off his head, and sent it as a present to Gen. Pezuela, telling him it was a miracle of the virgin of the Carmelites.”14

In the establishment of the independence of Spanish America, the United States have the deepest interest. He had no hesitation in asserting his firm belief, that there was no question in the foreign policy of this country, which had ever arisen, or which he could conceive as ever occurring, in the decision of which we had so much at stake. This interest concerned our politics, our commerce, our navigation. There could not be a doubt that Spanish America, once independent, whatever might be the form of the governments

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established in its several parts, those governments would be animated by an American feeling, and guided by an American policy. They would obey the laws of the system of the New World, of which they would compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which had so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm, if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it would be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence then of Spanish America was the interest of primary consideration. Next to that, and highly important in itself, was the consideration of the nature of their governments. That was a question, however, for themselves. They would, no doubt, adopt those kinds of governments which were best suited to their condition, best calculated [for] their happiness. Anxious as he was that they should be free governments, we had no right to prescribe for them. They were, and ought to be, the sole judges for themselves. He was strongly inclined to believe that they would in most, if not all, parts of their country, establish free governments. We were their great example. Of us they constantly spoke as of brothers, having a similar origin. They adopted our principles, copied our institutions, and in some instances, employed the very language and sentiments of our revolutionary papers.

*"Having then been thus impelled by the Spaniards and their king, we have calculated all the consequences, and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honor, our lives and fortune. We have sworn to the only king we acknowledge, the Supreme Judge of the World, that we will not abandon the cause of justice: that we will not suffer the country which he has given us to be buried in ruins, and inundated with blood, by the hands of the executioner," &c.*

But, it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. He denied the alleged fact of ignorance; he denied the inference from that fact, if it were true, that they wanted capacity for free government; and he refused his assent to the further conclusion, if the fact were true and the inference just, that we were to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America
great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, &c. they are allowed to make distinguished proficiency. They justly boast of their Alzate, Velasquez, and Gama, and other illustrious contributors to science. They have nine Universities, and in the city of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even of North America. He would refer to the message of the Supreme Director of la Plata, which he would hereafter have occasion to use for another purpose, as a model of fine composition of a state paper, challenging a comparison with any, the most celebrated that ever issued from the pens of Jefferson or Madison. Gentlemen would egregiously err if they formed their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged, has already produced a powerful effect.

Education had been attended to, and genius developed. (Here Mr. C. read a passage from the Colonial Journal, published last summer in Great Britain, where a disposition to exaggerate on that side of the question, could hardly be supposed to exist.)

† "As soon as the project of revolution arose on the shores of La Plata, genius and talent exhibited their influence: the capacity of the people became manifest and the means of acquiring knowledge were soon made the favorite pursuit of the youth. As far as the wants or the inevitable interruption of affairs have allowed, every thing has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks: but in Buenos Ayres alone as many periodical works weekly issue from the press as in Spain and Portugal put together."

The fact was not therefore true, that the imputed ignorance existed; but, if it did, he repeated that he disputed the inference. It was the doctrine of thrones, that man was too ignorant to govern himself. Their partisans assert this incapacity in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. Mr. C. contended that it was to arraign the dispositions of Providence himself to suppose that he had created beings incapable of governing themselves, and to be trampled on by kings. He contended that self government was the natural government of man, and he referred to the aborigines of our own land. If he were to speculate in hypotheses unfavorable to human liberty, his should be founded rather upon the vices, refinements or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, he admitted, was the overthrow of liberty. Dispersed over such an immense space as that on which the people
of Spanish America were spread, their physical, and he believed also their moral condition, both favored liberty.

With regard to their superstition, he said, they worshipped the same God with us. Their prayers were offered up in their temples to the same Redeemer, whose intercession we expected to save us. Nor was there any thing in the Catholic religion unfavorable to freedom. All religions united with government were more or less inimical to liberty. All, separated from government were compatible with liberty. If the people of Spanish America had not already gone as far, in religious toleration, as we had, the difference in their condition from ours should not be forgotten. Every thing was progressive. And, in time he hoped to see them imitating, in this respect, our example. But, grant that the people of Spanish America are ignorant and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions from the brutifying effects of a system whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts. He would invoke the spirits of our departed fathers. Was it for yourselves only, that you nobly fought? No, no. It was the chains that were forging for your posterity that made you fly to arms, and scattering the elements of those chains to the winds, you transmitted to us the rich inheritance of liberty.

The exports of Spanish America (exclusive of those of the islands) are estimated in the valuable little work of M. Torres, deserving to be better known, at about eighty one millions of dollars. Of these more than three fourths consist of the precious metals. The residue are cocoa, coffee, cochineal, sugar, and some other articles. No nation ever offered richer commodities in exchange. It was of no material consequence that we produced but little that Spanish America wanted. Commerce, as it actually exists, in the hands of maritime states, was no longer confined to a mere barter, between any two states, of their respective productions. It rendered tributary to its interests the commodities of all quarters of the world. So that a rich American cargo, or the contents of an American commercial warehouse, presented you with whatever was rare or valuable in every part of the globe. Commerce was not to be judged by its results in transactions with one nation only. Unfavorable balances existing with one state are made up by contrary balances with other states. And its true value should be tested by the totality of its operations. Our greatest trade—that with Great Britain, judged by the amount of what we sold for
her consumption, and what we bought of her for ours, would be pronounced ruinous. But the unfavorable balance was covered by the profits of trade with other nations. We may safely trust to the daring enterprize of our merchants. The precious metals are in South America, and they will command the articles wanted in South America, which will purchase them. Our navigation will be benefited by the transportation, and our country will realize the mercantile profits. Already the item in our exports of American manufactures is respectable. They go chiefly to the West Indies and to Spanish America. This item is constantly augmenting. And he would again, as he had on another occasion, ask gentlemen to elevate themselves to the actual importance and greatness of our republic; to reflect like true American statesmen, that we were not legislating for the present day only; and to contemplate this country in its march to true greatness, when millions and millions will be added to our population, and when the increased productive industry will furnish an infinite variety of fabrics for foreign consumption in order to supply our own wants. The distribution of the precious metals has hitherto been principally made through the circuitous channel of Cadiz. No one can foresee all the effects which will result from a direct distribution of them from the mines which produce them. One of these effects will probably be to give us the entire command of the India trade. The advantage we have on the map of the world over Europe, in that respect, is prodigious. Again, if England, persisting in her colonial monopoly, continued to occlude her ports in the West Indies to us, and we should, as he contended we ought, meet her system by a countervailing measure, Venezuela, New-Grenada, and other parts of Spanish America, would afford us all that we get from the British West-Indies. He confessed that he despaired, for the present, of our adopting that salutary measure. It was proposed at the last session, and postponed. It was during the present session again postponed, and, he feared, would be again postponed. He saw, and he owned it with infinite regret, a tone and a feeling in the councils of the country infinitely below that which belonged to the country. It was perhaps the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what, by spectres conjured up by our own vivid imaginations.

The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial warfare, make long faces, and—postpone the bill. The time will however come—must come, when this country will not submit to a commerce with the British Colonies upon the terms which England alone prescribes. And, he repeated, that, when it arrived,
Spanish America would afford us an ample substitute. Then, as to our navigation, gentlemen should recollect that, if reasoning from past experience were safe, for the future our great commercial rival will be in war a greater number of years than she will be in peace. Whenever she shall be at war and we are in peace, our navigation, being free from the risks and insurance incident to war, we shall engross almost the whole transportation of the Spanish American commerce. For he did not believe that that country would ever have a considerable marine. Mexico, the most populous part of it, had but two ports, La Vera Cruz and Acapulco, and neither of them very good. Spanish America had not the elements to construct a marine. It wanted, and must always want hardy seamen. He did not believe that, in the present improved state of navigation, any nations so far south would ever make a figure as maritime powers.

If Carthage and Rome, in ancient times, and some other States of a later period, occasionally made great exertions on the water, it must be recollected, that they were principally on a small theatre, and in a totally different state of the art of navigation, or when there was no competition from northern states.

He was aware that, in opposition to the interest which he had been endeavoring to manifest that this country had in the independence of Spanish America, it was contended, that we should find that country a great rival in agricultural productions. There was something so narrow and selfish and grovelling in this argument, if founded in fact, something so unworthy the magnanimity of a great and a generous people, that he confessed he had scarcely patience to notice it. But it was not true to any extent. Of the eighty odd millions of exports, only about one million and a half consisted of an article which might come into competition with us, and that was cotton. The tobacco which Spain derived from her colonies was chiefly produced in her islands. Bread stuffs could no where be raised and brought to market in any amount materially affecting us. The table lands of Mexico, owing to their elevation, were, it was true, well adapted to the culture of grain; but the expence and difficulty of getting it to the gulph of Mexico, and the action of the intense heat at La Vera Cruz, the only port of exportation, must always prevent Mexico from being an alarming competitor. Spanish America was capable of producing articles so much more valuable than those which we raised, that it was not probable they would abandon a more profitable for a less advantageous culture, to come into competition with us. The West India Islands were well adapted to the raising cotton; and yet the more valuable culture of coffee and sugar was constantly preferred. Again; providence had so ordered it, that with regard to
countries producing articles apparently similar, there was some peculiarity, resulting from climate, from soil, or from some other cause, that gave to each an appropriate place in the general wants and consumption of mankind. The southern part of the continent, La Plata and Chili, was too remote to rival us.

The immense country, watered by the Mississippi, and its branches, had a peculiar interest, which he trusted he should be excused for noticing. Having but the single vent of New-Orleans, for all the surplus produce of their industry, it was quite evident that they would have a greater security for enjoying the advantages of that outlet, if the independence of Mexico upon any European power were effected. Such a power owning at the same time Cuba, the great key of the Gulph of Mexico, and all the shores of that gulph, with the exception of the portion between the Perdido and the Rio del Norde, must have a powerful command over our interests. Spain, it was true, was not a dangerous neighbor at present, but, in the vicissitudes of states, her power might be again resuscitated.

Mr. C. continued. Having shown that the cause of the Patriots was just, and that we had a great interest in its successful issue, he would next enquire what course of policy it became us to adopt. He had already declared that to be one of strict and impartial neutrality. It was not necessary for their interest, it was not expedient for our own, that we should take part in the war. All they demanded of us was a just neutrality. It was compatible with this pacific policy—it was required by it, that we should recognise any established government, if there were any established government in Spanish America. Recognition alone, without aid, was no just cause of war. With aid it was, not because of the recognition, but because of the aid, as aid without recognition was cause of war. The truth of these propositions he would maintain upon principle, by the practice of other states, and by the usage of our own. There was no common tribunal, among the nations, to pronounce upon the fact of the sovereignty of a new state. Each power must and does judge for itself. It was an attribute of sovereignty so to judge. A nation, in exerting this incontestable right—in pronouncing upon the independence in fact of a new state, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that in so far as it may be necessary to institute any relations or to support any intercourse, with the new power, that power is capable of maintaining those relations and authorizing that intercourse.—Martens and other publicists lay down these principles.

When the United provinces formerly severed themselves from Spain, it was about eighty years before their independence was
finally recognised by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe into the family of nations. It is true that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give and did give to Holland. In no instance he believed could it be shown, from authentic history, that Spain made war upon any power on the sole ground that such power had acknowledged the independence of the United Provinces.

In the case of our own revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us—a treaty by which she guaranteed our independence, that England declared war. Holland also was charged by England with favoring our cause, and deviating from the line of strict neutrality. And, when it was perceived that she was moreover about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty and powerful nation, like England, had made war, upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

But what had been our own uniform practice? We had constantly proceeded on the principle, that the government de facto was that which we could alone notice. Whatever form of government any society of people adopts; whoever they acknowledge as their sovereign, we consider that government or that sovereign as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the Sovereign de jure and against the sovereign de facto. That is a question for the nation in which it arises to determine. And, so far as we are concerned, the sovereign de facto is the sovereign de jure. Our own revolution stands on the basis of the right of a people to change their rulers. He did not maintain that every immature revolution—every usurper, before his power was consolidated, was to be acknowledged by us; but that as soon as stability and order were maintained, no matter by whom, we always had considered and ought to consider the actual as the true government. General Washington—Mr. Jefferson, Mr. Madison, had all, whilst they were respectively Presidents, acted on these principles.

In the case of the French republic, General Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a minister at once. And it is remarkable that he was received before the government of the republic was considered as established. It will be found, in Marshall’s Life of Washington, that, when it was understood that a minister from the French Republic was about to present himself, President Washington submitted a number of questions
to his cabinet for their consideration and advice, one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties between the two countries until France had an established government. General Washington did not stop to enquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the government of those who had subverted the throne of the Bourbons, and he acknowledged the actual government. During Mr. Jefferson's and Mr. Madison's Administrations, when the Cortes of Spain and Joseph Bonaparte respectively contended for the crown, those enlightened statesmen said, we will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails. We have nothing to do with your feuds; whoever all Spain acknowledges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it because of the inconveniences, to this country, which might result from the double representation of another power. As soon as the French armies were expelled from the Peninsula, Mr. Madison, still acting on the principle of the government de facto, received the present minister from Spain. During all the phases of the French government, Republic, Directory, Consuls, Consul for life, Emperor, King, Emperor again, King, our government has uniformly received the minister.

If, then, there be an established government in Spanish America, deserving to rank among the nations, we were morally and politically bound to acknowledge it unless we renounced all the principles which ought to guide and which hitherto had guided, our councils. Mr. C. then undertook to shew, that the united provinces of the Rio de la Plata was such a government. Its limits, he said, extending from the South Atlantic ocean to the Pacific, embraced a territory equal to that of the United States, certainly equal to it, exclusive of Louisiana. Its population was about three millions, more than equal to ours at the commencement of our revolution. That population was a hardy, enterprizing and gallant population. The establishments of Monte Video and Buenos Ayres had during different periods of their history, been attacked by the French, Dutch, Danes, Portuguese, English, and Spanish; and such was the martial character of the people, that in every instance the attack had been repulsed. In 1807, General Whitlocke, commanding a powerful English army, was admitted, under the guise of a friend, into Buenos Ayres, and, as soon as he was supposed to have dem-
onstrated inimical designs, he was driven by the native and unaided force of Buenos Ayres from the country. Buenos Ayres had, during now nearly eight years, been, in point of fact in the enjoyment of self-government. The capital, containing more than sixty thousand inhabitants, has never been once lost. As early as 1811, the regency of Old Spain made war upon Buenos Ayres, and the consequence subsequently was, the capture of a Spanish army in Monte Video, equal to that of Burgoyne. This government has now in excellent discipline, three well appointed armies, with the most abundant material of war: the army of Chili—the army of Peru—and the army of Buenos Ayres. The first, under San Martin, has conquered Chili; the second is penetrating in a North-Western direction from Buenos Ayres, into the vice-royalty of Peru; and, according to the last accounts, had reduced the ancient seat of Empire of the Incas. The third remains at Buenos Ayres to oppose any force which Spain may send against it. To shew the condition of the country in July last, Mr. C. again called the attention of the committee to the message of the Supreme Director, delivered to the Congress of the United Provinces. It was a paper of the same authentic character with the speech of the King of England on opening his parliament, or the message of the President of the United States, at the commencement of Congress.*

* The following are the passages read by Mr. Clay:

"The army of this capital was organized at the same time with those of the Andes and of the interior: the regular force has been nearly doubled; the militia has made great progress in military discipline; our slave population has been formed into battalions, and taught the military art as far as is consistent with their condition. The capital is under no apprehension that an army of ten thousand men can shake its liberties, and, should the Peninsularians send against us thrice that number, ample provision has been made to receive them.

"Our navy has been fostered in all its branches. The scarcity of means under which we labored until now has not prevented us from undertaking very considerable operations, with respect to the national vessels; all of them have been repaired, and others have been purchased and armed, for the defence of our coasts and rivers; provisions have been made, should necessity require it, for arming many more, so that the enemy will not find himself secure from our reprisals even upon the ocean.

"Our military force, at every point which it occupies, seems to be animated by the same spirit; its tactics are uniform, and have undergone a rapid improvement from the science of experience, which it has borrowed from warlike nations. Our arsenals have been replenished with arms, and a sufficient store of cannon and munitions of war has been provided to maintain the contest for many years; and this, after having supplied articles of every description to those districts, which have not as yet come into the union, but whose connection with us has been only intercepted [sic] by reason of our past misfortunes.

"Our legions daily receive considerable augmentations from new levies; all our preparations have been made, as though we were about to enter upon the contest anew. Until now, the vastness of our resources were unknown to us, and our enemies may contemplate, with deep mortification and despair, the present flourishing state of these provinces after so many devastations.

"Whilst thus occupied in providing for our safety within, and preparing for assaults from without, other objects of solid interest have not been neglected, and which hitherto were thought to oppose insurmountable obstacles. Our system of finance had hitherto been on a footing entirely inadequate to the unfailing supply of our wants, and still more to the liquidation of the immense debt which had been contracted in former years. An unremitting application to this
object has enabled me to create the means of satisfying the creditors of the state, who had already abandoned their debts as lost, as well as to devise a fixed mode, by which the taxes may be made to fall equally and indirectly on the whole mass of our population; it is not the least merit of this operation, that it has been effected in despite of the writings by which it was attacked, and which are but little creditable to the intelligence and good intentions of their authors. At no other period have the public exigencies been so punctually supplied, nor have more important works been undertaken.

"The people, moreover, have been relieved from many burdens, which being partial, or confined to particular classes, had occasioned vexation and disgust. Other vexations scarcely less grievous will by degrees be also suppressed, avoiding as far as possible a recurrence to loans, which have drawn after them the most fatal consequences to states. Should we, however, be compelled to resort to such expedients the lenders will not see themselves in danger of losing their advances."

"Many undertakings have been set on foot for the advancement of the general prosperity. Such has been the re-establishing of the college, heretofore named San Carlos, but hereafter to be called the Union of the South, as a point designated for the dissemination of learning to the youth of every part of the state, on the most extensive scale, for the attainment of which object the government is at the present moment engaged in putting in practice every possible diligence. It will not be long before these nurseries will flourish, in which the liberal and exact sciences will be cultivated, in which the hearts of those young men will be formed, who are destined at some future day to add new splendor to our country."

"Such has been the establishment of a military depot on our frontier, with its spacious magazine, a necessary measure to guard us from future dangers, a work which does more honor to the prudent foresight of our country, as it was undertaken in the moment of its prosperous fortunes; a measure which must give more occasion for reflection to our enemies, than they can impose upon us by their boastings."

"Fellow-citizens, we owe our unhappy reverses and calamities to the depraving system of our ancient metropolis, which in condemning us to the obscurity and opprobrium of the most degraded destiny, has sown with thorns the path that conducts us to liberty. Tell that Metropolis that even she may glory in your works! Already have you cleared all the rocks, escaped every danger, and conducted these provinces to the flourishing condition in which we now behold them. Let the enemies of your name contemplate with despair the energies of your virtues, and let the nations acknowledge that you already appertain to their illustrious rank. Let us felicitate ourselves on the blessings we have already obtained, and let us shew to the world that we have learned to profit by the experience of our past misfortunes."

There was a spirit of bold confidence running through this fine state paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, were on the most solid and respectable footing. And, amidst all the cares of war, and those incident to the consolidation of their new institutions, leisure was found to promote the interests of science, and the education of the rising generation. It was true, that the first part of the message pourtrayed scenes of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifested, however, that they were subdued. And what state, passing through the agitations of a great revolution, was free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, attempted to be shaken in the great father of our liberties. Not a Spanish bayonet remains within the immense extent of the territories of La Plata to contest the authority of the actual government. It is free—it is independent—it is sovereign. It manages the interests of the society that submits to its sway. It
is capable of maintaining the relations between that society and other nations.

Are we not bound, then, upon our own principles, to acknowledge this new republic? If we do not, who will? Are we to expect, that kings will set us the example of acknowledging the only Republic on earth, except our own? We receive, promptly receive, a minister from whatever king sends us one. From the great powers and the little powers, we accredit ministers. We do more: we hasten to reciprocate the compliment; and, anxious to manifest our gratitude for royal civility, we send for a minister (as in the instance of Sweden and the Netherlands) of the lowest grade, one of the highest rank recognized by our laws.\(^{31}\) We were the natural head of the American family. He would not intermeddle in the affairs of Europe. We wisely kept aloof from their broils. He would not even intermeddle in those of other parts of America, farther than to exert the incontestable rights appertaining to us as a free, sovereign and independent power; and, he contended that the accrediting of a minister from the new republic was such a right. We were bound to receive their minister, if we meant to be really neutral. If the royal belligerent were represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party would be in the condition of the poor patriots who were tried ex parte the other day in the Supreme Court, without counsel, without friends.\(^{32}\) Give M. Onis his congé, or receive the republican minister. Unless you do so, your neutrality is nominal.

Mr. C. next proceeded to enquire into the consequences of a recognition of the new republic. Will it involve us in war with Spain? He had shewn, he trusted, successfully shewn, that it was no just cause of war to Spain. Being no cause of war, we had no right to expect that war would ensue. If Spain, without cause, would make war, she may make it whether we do or do not acknowledge the republic. But she would not, because she could not, make war against us. He called the attention of the committee to a report of the minister of the Hacienda to the king of Spain presented about eight months ago.\(^{33}\) A more beggarly account of empty boxes Mr. C. said, was never rendered. The picture of Mr. Dallas, sketched in his celebrated report during the late war,\(^{34}\) may be contemplated without emotion after surveying that of Mr. Gary. The expences of the current year required 830,267,829 of reals, and the deficit of the income is represented as 233,140,932 of reals. This, besides an immense mass of unliquidated debt, which the minister acknowledges the utter inability of the country to pay, altho' bound in honor to redeem it. He states, that the vassals of the king are totally unable to submit to any new taxes,
and the country is without credit, so as to render anticipation by loans wholly impracticable. Mr. Gary appears to be a virtuous man, who exhibits frankly the naked truth; and yet such a minister acknowledges, that the decorum due to one single family, that of the monarch, does not admit, in this critical condition of his country, any reduction of the enormous sum of upwards of 56,000,000 of reals, set apart to defray the expenses of that family!—He states, that a foreign war would be the greatest of all calamities, and one which, being unable to provide for it, they ought to employ every possible means to avert. He proposed some inconsiderable contribution from the clergy, and the whole body was instantly in an uproar. Indeed, Mr. C. had no doubt, that, surrounded as Mr. Gary was, by corruption, by intrigue, and folly, and imbecility, he would be compelled to retire, if he had not already been dismissed, from a post for which he had too much integrity. It had been now about four years since the restoration of Ferdinand; and if during that period, the whole energies of the monarchy had been directed unsuccessfully against the weakest and most vulnerable of all the American possessions, Venezuela, how was it possible for Spain to encounter the difficulties of a new war with this country?—Morillo had been sent out with one of the finest armies that had ever left the shores of Europe—consisting of ten thousand men, chosen from all the veterans who had fought in the peninsula. It had subsequently been reinforced with about three thousand more. And yet, during the last summer, it was reduced, by the sword and the climate, to about four thousand effective men. And Venezuela, containing a population of only about one million, of which near two-thirds were persons of color, remained unsubdued. The little island of Margarita, whose population was less than twenty thousand inhabitants—a population fighting for liberty with more than Roman valor—had compelled that army to retire upon the main. Spain, by the late accounts, appeared to be deliberating upon the necessity of resorting to that measure of conscription, for which Bonaparte had been so much abused. The effect of a war with this country would be to insure success, beyond all doubt, to the cause of American independence. Those parts even, over which Spain has some prospect of maintaining her dominion, would probably be put in jeopardy. Such a war would be attended with the immediate and certain loss of Florida. Commanding the Gulf of Mexico, as we should be enabled to do by our navy, blockading the port of Havana, the port of La Vera Cruz, and the coast of Terra Firma, and throwing munitions of war into Mexico, Cuba would be menaced—Mexico emancipated—and Morillo's army deprived of supplies, now drawn principally from this country through the Havana, compelled to surrender. The war, he verily believed, would
be terminated in less than two years, supposing no other power to interpose.

Will the allies interfere? If, by the exertion of an unquestionable attribute of a sovereign power, we should give no just cause of war to Spain herself, how could it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us for the exercise of a right which we hold in common with them, and with every other independent state? But we have a surer guarantee against their hostility, in their interests. That all the allies, who have any foreign commerce, have an interest in the independence of Spanish America, was perfectly evident. On what ground, he again asked, was it likely, then, that they would support Spain, in opposition to their own decided interest? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel, and seldom act upon dangers, which are remote either in time or place. Of Spanish America but little is known by the great body of the population of Europe. Even of this country, the most astonishing ignorance prevails there—Those European statesmen who were acquainted with the country, would reflect, that, tossed by a great revolution, it would most probably constitute four or five several nations, and that the ultimate modification of all their various governments was by no means absolutely certain. But, Mr. C. said, he entertained no doubt that the principle of cohesion among the allies was gone. It was annihilated in the memorable battle of Waterloo. When the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed? How often did one power stand by unmoved and indifferent to the fate of its neighbor, although the destruction of that neighbor removed the only barrier to an attack upon itself? No; the consummation of the cause of the allies was, and all history and all experience would prove it, the destruction of the alliance. The principle was totally changed. It was no longer a common struggle against the colossal power of Bonaparte, but it became a common scramble for the spoils of his empire. There may, indeed, be one or two points on which a common interest still exists, such as the convenience of subsisting their armies on the vitals of poor suffering France. But as for action—for new enterprizes, there was no principle of unity, there could be no accordance of interests, or of views, among them.

What was the condition in which Europe was left after all its efforts? It was divided into two great powers, one having the undisputed command of the land—the other of the water. Paris was
transferred to St. Petersburg, and the navies of Europe were at the bottom of the sea, or concentrated in the ports of England. Russia—that huge land animal—awing by the dread of her vast power all continental Europe, was seeking to encompass the Porte, and, constituting herself the kraken of the ocean, was anxious to lave her enormous sides in the more genial waters of the Mediterranean. It was said, he knew, that she had indicated a disposition to take part with Spain. No such thing. She had sold some worm-eaten, decayed fir built ships to Spain, but the crews which navigated them, were to return from the port of delivery, and the quid she was to get, he believed to be the island of Minorca, in conformity with the cardinal point of her policy. France was greatly interested in whatever would extend her commerce, and regenerate her marine, and consequently, more than any other power of Europe, England alone excepted, was concerned in the independence of Spanish America. He did not despair of France so long as France had a legislative body, collected from all its parts, the great repository of its wishes and its will. Already had that body manifested a spirit of considerable independence. And those who, conversant with French history, knew what magnanimous stands had been made by the parliaments, bodies of limited extent, against the royal prerogative, would be able to appreciate justly the moral force of such a legislative body. Whilst it exists, the true interests of France will be cherished and pursued on points of foreign policy, in opposition to the pride and interests of the Bourbon family, if the actual dynasty, impelled by this pride, should seek to subserve these interests.

England finds that, after all her exertions, she is every where despised on the continent; her maritime power viewed with jealousy; her commerce subjected to the most onerous restrictions; selfishness imputed to all her policy. All the accounts from France represent that every party, Bonapartists, Jacobins, Royalists, Modérés, Ultras, all burn with indignation towards England, and pant for an opportunity to avenge themselves on the power to whom they ascribe all their disasters. {Here Mr. C. read a part of a letter which he had just received from an intelligent friend at Paris, and which composed only a small portion of a mass of evidence to the same effect, which had come under his notice.} It was impossible, he said, that with powers, between whom so much cordial dislike, so much incongruity existed, there could be any union or concert. Whilst the free principles of the French revolution remained; those principles which were so alarming to the stability of thrones, there never had been any successful or cordial union; coalition after coalition, wanting this spirit of union, was swept away by the overwhelming power of France. It was not until after those prin-
ciples were abandoned and Bonaparte had erected on their ruins his stupendous fabric of universal empire—not indeed until after the frosts of Heaven favored the cause of Europe, that an effective coalition was formed. No, said Mr. C. the complaisance inspired in the allies from unexpected, if not undeserved success, might keep them nominally together; but for all purposes of united and combined action, the alliance was gone; and he did not believe in the chimera of their crusading against the independence of a country, whose liberation would essentially promote all their respective interests.

But the question of the interposition of the allies, in the event of our recognising the new republic, resolved itself into a question whether England, in such event, would make war upon us: If it could be shewn that England would not, it resulted either that the other allies would not, or that, if they should in which case England would most probably support the cause of America, it would be a war without the maritime ability to maintain it. He contended that England was alike restrained by her honor and by her interest from waging war against us, and consequently against Spanish America, also for an acknowledgement of the independence of the new state. England has encouraged and fomented the revolt of the colonies as early as June, 1797. Sir Thomas Picton, governor of Trinidad, in virtue of orders from the British minister of foreign affairs, issued a proclamation, in which he expressly assures the inhabitants of Terra Firma, that the British Government will aid in establishing their independence.*

* The following is the passage read—"With regard to the hope you entertain of raising the spirits of those persons, with whom you are in correspondence, towards encouraging the inhabitants to resist the oppressive authority of their government, I have little more to say than that they may be certain that whenever they are in that disposition, they may receive at your hands all the succors to be expected from his Britannic majesty, be it with forces or with arms and ammunition to any extent; with the assurance that the views of his Britannic Majesty go no further than to secure to them their independence." &c.

In prosecution of the same object Great Britain defrayed the expenses of the famous expedition of Miranda. England in 1811, when she was in the most intimate relations with Spain, then struggling against the French power, assumed the attitude of a mediator between the colonies and the Peninsula. The terms on which she conceived her mediation could alone be effectual were rejected by the Cortes at the lowest state of the Spanish power. Among these terms, England required for the colonies a perfect freedom of commerce, allowing only some degree of preference to Spain; that the appointment of Vice-Roys and Governors should be made indiscriminately from Spanish Americans and Spaniards; and that the interior government and every
branch of public administration should be intrusted to the Cabildo or Municipalities, &c. If Spain, when Spain was almost reduced to the island of St. Leon, then rejected those conditions, would she now consent to them, amounting, as they do, substantially to the independence of Spanish America? If England, devoted as she was at that time to the cause of the Peninsula, even then thought those terms due to the colonies, would she now, when no particular motive existed for cherishing the Spanish power, and after the ingratitude with which Spain has treated her, think that the colonies ought to submit to less favorable conditions? And would not England stand disgraced in the eyes of the whole world, if, after having abetted and excited a revolution, she should now attempt to reduce the colonies to unconditional submission, or should make war upon us for acknowledging that independence which she has herself sought to establish?

No guarantee for the conduct of nations or individuals ought to be stronger than that which honor imposes; but for those who would put no confidence in its obligations, he had an argument to urge of more conclusive force. It was founded upon the interest of England. Excluded almost as she is from the continent, the commerce of America, south and north, is worth to her more than the commerce of the residue of the world. That, to all Spanish America, had been alone estimated at fifteen millions sterling. Its aggregate value to Spanish America and the United States, might be fairly stated at upwards of one hundred millions of dollars. The effect of a war with the two countries would be to divest England of this great interest, at a moment when she is anxiously engaged in repairing the ravages of the European war. Looking to the present moment only, and merely to the interests of commerce, England is concerned more than even this country in the success of the cause of independence in Spanish America. The reduction of the Spanish power in America has been the constant and favorite aim of her policy for two centuries—she must blot out her whole history; reverse the maxims of all her illustrious statesmen; extinguish the spirit of commerce which animates, directs and controls all her movements, before she can render herself accessory to the subjugation of Spanish America. No commercial advantages which Spain might offer her by treaty, could possess the security for her trade which independence would communicate. The one would be most probably of limited duration, and liable to violation from policy, from interest or from caprice. The other would be as permanent as that independence. That he did not mistake the views of the British cabinet, the recent proclamation of the Prince Regent he thought, proved. The committee would remark that that document did not describe the patriots as rebels or insurgents, but,
using a term which he had no doubt had been well weighed, it declared the existence of a "state of warfare." And with regard to English subjects, who were in the armies of Spain, although they had entered the service without restriction as to their military duties, it required that they should not take part against the colonies. The subjects of England freely supplied the patriots with arms and ammunitions [sic], and an honorable friend of his (Col. Johnson) had just received a letter from one of the W. India islands stating the arrival there from England of the skeletons of three regiments, with many of the men to fill them, destined to aid the patriots. In the Quarterly Review, of November last, a journal devoted to the ministry, and a work of the highest authority, as it respects their views—the policy of neutrality is declared and supported as the true policy of England; and that, even if the United States were to take part in the war; and Spain is expressly notified that she cannot and must not expect aid from England.*

*"In arguing therefore for the advantages of a strict neutrality, we must enter an early protest against any imputations of hostility to the cause of genuine freedom, or of any passion for despotism and the Inquisition. We are no more the panegyrists of legitimate authority in all times, circumstances and situations, than we are advocates for revolution in the abstract," &c. "But it has been plausibly asserted, that by abstaining from interference in the affairs of South America we are surrendering to the U. States all the advantages which might be secured to ourselves from this revolution: that we are assisting to increase the trade and power of a nation which alone can ever be the maritime rival of England. It appears to us extremely doubtful whether any advantage commercial or political can be lost to England by a neutral conduct; and it must be observed that the United States themselves have given every public proof of their intention to pursue the same line of policy. But, admitting that this conduct is nothing more than a decent pretext, or admitting still further, that they will afford to the independents direct and open assistance, our view of the case would remain precisely the same," &c. "To persevere in force, unaided, is to miscalculate her (Spain's) own resources, even to infatuation. To expect the aid of an ally in such a cause, would, if that ally were England, be to suppose this country as forgetful of its own past history as of its immediate interests and duties. Far better would it be for Spain, instead of calling for our aid, to profit by our experience; and to substitute, ere it be too late, for efforts like those by which the North American colonies were lost to this country, the conciliatory measures by which they might have been retained."

In the case of the struggle between Spain and her colonies, England, for once at least, had manifested a degree of wisdom highly deserving our imitation, but unfortunately the very reverse of her course had been pursued by us. She had so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both—to enjoy all the advantages of the rich commerce of both. We had, by a neutrality bill containing unprecedented features; and still more by a late Executive measure, to say the least of it, of doubtful constitutional character,44 contrived to dissatisfy both parties. We had the confidence of neither Spain nor the colonies.

Mr. C. said, it remained for him to defend the proposition which he meant to submit, from an objection, which he had heard intimated, that it interfered with the duties assigned to the execu-
tive branch. On this subject he felt the greatest solicitation; for no man more than himself, respected the preservation of the independence of the several departments of government, in the constitutional orbits which were prescribed to them. It was his favorite maxim, that each, acting within its proper sphere, should move with its constitutional independence, and under its constitutional responsibility, without influence from any other. He was perfectly aware, that the constitution of the U. States, and he admitted the proposition in its broadest sense, confided to the executive the reception and the deputation of ministers. But, in relation to the latter operation, congress had a concurrent will, in the power of providing for the payment of their salaries. The instrument nowhere said, or implied, that the executive act of sending a minister to a foreign country should precede the legislative act which shall provide for the payment of his salary. And, in point of fact, our statutory code was full of examples of legislative action prior to executive action, both in relation to the deputation of agents abroad, and to the subject matter of treaties. Perhaps the act of sending a minister abroad, and the act providing for the allowance of his salary ought to be simultaneous; but if, in the order of precedence, there were more reason on the one side than on the other, he thought it was in favor of the priority of the legislative act, as the safer depository of power. When a minister is sent abroad, although the legislature may be disposed to think his mission useless—although, if previously consulted, they would have said they would not consent to pay such a minister, the duty is delicate and painful to refuse to pay the salary promised to him whom the executive has even unnecessarily sent abroad. Mr. C. illustrated his ideas by the existing missions to Sweden and to the Netherlands. He had no hesitation in saying, that if we had not ministers of the first grade there, and if the legislature were asked, prior to sending them, whether it would consent to pay ministers of that grade, that he would not and he believed congress would not, consent to pay them.45

If it be urged that, by avowing our willingness, in a Legislative act, to pay a minister not yet sent, and whom the President may think it improper to send abroad, we operate upon the President by all the force of our opinion; it may be retorted that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the President's opinion. The true theory of our government, at least supposes that each of the two departments, acting on its proper constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our constitutional responsibility, and the
President afterwards will proceed upon his. And, so if he make the previous appointment. We have a right, after a minister is sent abroad, and we are called upon to pay him, and we ought to deliberate upon the propriety of his mission—we may and ought to grant or withhold his salary. If this power of deliberation is conceded subsequent to the deputation of the minister, it must exist prior to that deputation. Whenever we so deliberate, we deliberate under our constitutional responsibility. Pass the amendment he proposed, and it would be passed under that responsibility. Then the President, when he deliberated on the propriety of the mission would act under his constitutional responsibility. Each branch of government, moving in its proper sphere, would act with as much freedom for the influence of the other as was practically attainable.

There was great reason, Mr. C. contended, from the peculiar character of the American government, in there being a perfect understanding between the Legislative and Executive branches, in relation to the acknowledgement of a new power. Every where else the power of declaring war resided with the Executive. Here it was deposited with the Legislature. If, contrary to his opinion, there were even a risk that the acknowledgment of a new state might lead to war, it was advisable that the step should not be taken, without a previous knowledge of the will of the war-making branch. He was disposed to give to the President all the confidence which he must derive from the unequivocal expression of our will. This expression he knew might be given in the form of an abstract resolution, declaratory of that will; but he preferred, at this time, proposing an act of practical legislation. And if he had been so fortunate as to communicate to the committee, in any thing like that degree of strength in which he entertained them, the convictions, that the cause of the patriots was just; that the character of the war, as waged by Spain, should induce us to wish them success; that we had a great interest in that success; that this interest, as well as our neutral attitude, required us to acknowledge any established government in Spanish America; that the united provinces of the river Plate was such a government; that we might safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that, without unconstitutional interference with the executive power, with peculiar fitness, we might express, in an act of appropriation, our sentiments, leaving him to the exercise of a just and responsible discretion, he hoped the committee would adopt the proposition which he now had the honor of presenting to them, after a respectful tender of his acknowledgments for their attention and kindness, during, he feared, the tedious period he had been so unprofitably
trespassing upon their patience. He offered the following amendment to the bill:

“For one year’s salary, and an outfit to a minister to the United Provinces of the Rio de la Plata, the salary to commence, and the outfit to be paid, whenever the president shall deem it expedient to send a minister to the said United Provinces, a sum not exceeding eighteen thousand dollars.”

Washington National Intelligencer, March 25, 1818: April 8, 9, 1818. Published also in Lexington Kentucky Reporter, April 29, 1818; Lexington Kentucky Gazette, May 1, 1818: Annals of Cong., 15 Cong., 1 Sess., XXXIII, 1468-69, 1474-1500. Chamber, Speeches of the Hon. Henry Clay, 62-87; Swain, Life and Speeches of Henry Clay, I, 79-109; Mal- lory, Life and Speeches of the Hon. Henry Clay, I, 377-403; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 138-62. Clay offered the motion and spoke on it for more than an hour, when he gave way for a proposal that the Committee rise, and the House adjourned. On the following day, after the House had again resolved itself into Committee of the Whole, he concluded his speech.

1 See above, Remarks, March 18, 1818, n.15.
2 This word printed as plural in later versions. Cf. below, Clay to Rodney, December 22, 1818.
3 See above, I, 520-22, 544.
4 This word changed to “of the” in later versions.
5 Francois R. J. Depons, A Voyage to the Eastern Part of Terra Firma, or the Spanish Main, in South America, During the Years 1801, 1802, 1803, and 1804 . . . (5 vols., trans. by an American Gentleman [Washington Irving]; New York, 1806).
6 After Ferdinand VII had forced his father, Charles IV, to abdicate, Napoleon by the Treaty of Bayonne, May 5, 1808, had forced both to resign all claim to the throne of Spain.
8 Footnote in source: “Washington’s answer to the French Minister’s address, on his presenting the colors of France, in 1796.”
9 See above, Remarks, March 18, 1818, n.5.
10 See “Manifesto Directed to All Nations by the General Constituent Congress of the United Provinces of Rio de la Plata,” dated October 25, 1816, published as an appendix to the report of Caesar A. Rodney (see below, Clay to Brackenridge, August 18, 1818, note), in American State Papers, Foreign Relations, IV, 245-49.
11 José Manuel Goyeneche, Peruvian by birth, had served as agent of the junta of Seville in demanding the loyalty of the South American governments to Ferdinand VII. Mariano Antezana, a merchant of Cochabamba (Bolivia), was governor and president of that Intendancy under a junta which had challenged the authority of Goyeneche in 1811. Enraged by the guerilla action which opposed him, Goyeneche at the head of the Royalist army had ordered the execution of all prisoners and revolutionaries who fell into his hands.
12 All had been involved in the revolt of Upper Peru during 1814-1816. Mutes not further identified. Mateo García Pumacagüa, an Indian leader, had deposed the Spanish officials and established a junta at Cuzco in August, 1814; his followers had been defeated and he had been hanged at Sicuani the following year. Three Angulos had been beheaded at Cuzco and their heads carried to Sicuani on pikes. Ildefonso de las Muñecas, curate at Cuzco, had also joined the insurrection and, while leading a military force, had been ambushed and killed at Desaguadero in 1816.
13 Forced to retreat before revolutionary forces led by the priest Pinelo at La Paz, the Spanish had poisoned the springs and laid mines. One of the latter had exploded, reportedly killing 150 to 300 persons. Pinelo had subsequently been defeated with Muñecas at Desaguadero. See Gregorio Funes, "Historical Sketch of the Revolution of the United Provinces of South America . . .," appendix to the report of Caesar A. Rodney, in American State Papers, Foreign Relations, IV, 224.
14 Though a wealthy property owner, José Vicente Camargo had joined the revolu- tionary forces of Upper Peru and seized the capital of the province of Cinti in 1814. Pursued by General Joaquin de la Puzuela, first Marquis de Viluma and Viceroy of Peru, Camargo had been killed by Centeno (not otherwise identified) in an attack at Ausapumina in April, 1816.
15 Depons, A Voyage to the Eastern Part of Terra Firma; Alexander de Humboldt, Political Essay on the Kingdom of New Spain (2 vols., trans. from the original French by John Black; New York, 1811), I, 158-68.
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10 Don José Antonio Alzate y Ramirez, Don Joaquín Velasquez Cardenas y Léon, and Antonio de Léon y Gama—Mexican astronomers of the eighteenth century. The last also won repute as an archeologist for his researches in Aztec ruins.


12 A quarterly periodical published in London from 1816 through March, 1818.

13 Manuel Torres, An Exposition of the Commerce of Spanish America with Some Observations upon Its Importance to the United States (Philadelphia, 1816). Torres, Spanish by birth, a nephew of a former viceroy of New Granada, had, because of his liberal views, lived in Philadelphia as a refugee since 1796. There he had served as a propagandist for the Patriots and had collaborated with the editor William Duane in presenting Spanish-American views. He achieved an informal status as Venezuelan agent to the United States in 1819, and in 1822, as chargé d’affaires for Colombia, became the first Spanish-American representative officially recognized by this government.

20 See above, II, 458.

21 See above, Remarks, January 30; Speech, January 31; Remarks, February 1, 1817.

22 John Forsyth for the Committee on Foreign Affairs had introduced such legislation on February 9, but the report had not been taken up in Committee of the Whole. Action soon followed, however, on a measure of similar import. See below, Remarks, April 10, 1818.

23 Georges-Fréderic de Martens (1756-1821), professor of jurisprudence at Göttingen, 1784-1808, subsequently minister to the kings of Westphalia and Hanover, and writer of numerous works on international law. Publication of his Recueil de Traités d’Alliance, de Paix, de Trêve, de Neutralité, de Commerce, etc., Servant à la Connaissance des Relations des États de l’Europe entre Eux et avec les États des Autres Parties du Globe, depuis 1761 jusqu’en 1808, and his Nouveau Recueil de Traités d’Alliance . . ., which together covered the period from 1761 to 1824, had been started simultaneously at Göttingen in 1817.

24 After the fall of Antwerp to the forces of Philip II in 1585, Elizabeth had sent troops under Leicester in aid of the Dutch rebels. The action was a factor leading to the attack by the Spanish Armada three years later.


26 Don Luis de Onís.

27 General John Whitelocke, whose forces during the British invasion of Buenos Aires, a phase of the conflict with France and Spain, had been repulsed July 5, 1807, on the city streets, by a smaller number of Creole troops under native leaders.

28 John Burgoyne, British General defeated at Saratoga during the American Revolution.

29 See above, Remarks, March 18, 1818, n. 25. Clay’s statements were probably based on news accounts that “Talcahuana [sic], the last place on the coast of Chili possessed by the royalists, was taken by the Patriots about the middle of May;” also that the army directed from Rio de la Plata against the Royalists of Peru had “gained some considerable advantages and that Chili seems to have effected its object.” Niles’ Weekly Register, XIII (October 18, 1817; January 10, 1818), 124, 324. These claims were, in fact, a bit previous to events—the Patriot siege of Talcahuana was subsequently repulsed, and the decisive battle of Maipú did not occur until April 5, 1818. Only then was San Martín given the support necessary to move against the basis of Spanish New World power in Peru. Patriot forces were not triumphant in the latter area until July, 1821, when independence was formally celebrated.

30 By decree of June, 1817, Puéyredón had revived the old Academy of San Carlos (founded by Viceroy Vertz y Salcedo in 1778). Denominated the Academy of the Union of the South, the institution was to be supported by an inheritance tax, and the students were to be maintained on scholarships. The curricula broke sharply with the religious emphasis and scholasticism of the past.

31 Both Sweden and the Netherlands were at this time represented in the United States by chargés d’affaires, while this country had sent full ministers, Jonathan Russell and William Eustis, respectively, to the aforementioned European courts, in the hope that commercial agreements might be negotiated.

32 See above, II, 495, 504n.

33 Martin de Garay, Spanish Minister de Hacienda from December, 1816, to September, 1818, had presented his report and recommendations for financial reform in the spring of 1817. Niles’ Weekly Register, XII (June 21, July 26, 1817), 270, 344.

34 See above, Adams to Bayard, Clay, and Russell, January 9, 1815, note.
During the summer of 1817 General Pablo Morillo had landed a large force on the island of Margarita, a base of Patriot privateering operations off the coast of Venezuela. Encountering desperate resistance, marked by an ambush in which hundreds of his troops were killed and the whole greatly disorganized, he shortly withdrew to the Venezuelan mainland, where Bolivar was then active. Niles' Weekly Register, XIII (August 30, October 4, 25, 1817), 12, 95, 143.

36 The northern coast of South America at the junction with Panama.

37 Not found.

38 At war with Spain in 1797, England had seized the island of Trinidad. William Pitt, then Prime Minister, had at this time considered a joint United States-British expedition in support of the Venezuelan Patriot leader, Francisco de Miranda. The orders to Picton, as quoted by Clay, were sent by Henry Dundas, Secretary of State for Foreign Affairs, as a preliminary to this action. When the United States failed to support the proposal, it was postponed. Ricardo Levene, A History of Argentina (Trans. and ed. by William Spence Robertson; Chapel Hill, 1937), 198.

Miranda, who had participated in both the American and the French revolutions, had long sought to enlist foreign aid for the cause of Spanish-American independence. Disappointed in his earlier efforts, in 1806 he had outfitted a vessel, the Leander, with the aid of two Americans, William Stephen Smith (at the time Surveyor of the Port of New York) and Samuel G. Ogden (New York merchant), and supported by a squadron of the British admiral Sir Alexander Cochrane, had landed near Caracas, proclaiming the establishment of the republic of Colombia. Upon receiving more definite instructions from his government, Cochrane had subsequently withdrawn assistance beyond covering Miranda's re-embarkation. "Although perhaps they were not fully aware of it, English ministers furnished some two thousand pounds to meet the expenses of the attempt to revolutionize Venezuela in 1806." William Spence Robertson, The Life of Miranda (2 vols.; Chapel Hill, 1929), I, 325.

Miranda had again landed revolutionary forces in 1810. Defeated then, he had been induced to surrender, after which he had been imprisoned in various dungeons until his death at Cadiz in 1816.

On June 19, 1811, the Spanish Cortes had accepted a British offer to mediate in the conflict with the colonies, upon condition that the sovereignty of the Cortes should constitute the basis of the proposed treaty and that if the negotiation should fail, the British government would suspend all intercourse with the "refractory provinces" and assist in bringing them under subjection. Annual Register, 1811, p. 162. The proposed treaty has not been found.

Richard M. Johnson.

Speech on the Independence of Latin America

[March 28, 1818]

Mr. Clay said, that as no other gentleman appeared disposed to address the chair, he would avail himself of this opportunity of making some remarks in reply to the opponents of his motion.

The first objection which he thought it incumbent on him to notice was that of his friend from South Carolina, (Mr. Lowndes) who opposed the form of the proposition, as being made on a general appropriation bill, on which he appeared to think nothing ought to be ingrafted which was likely to give rise to a difference between the two branches of the legislature. If the gentleman himself had always acted on this principle, his objection would be entitled to more weight; but, Mr. C. said, the item in the appropriation bill next following this, and reported by the gentleman
himself, was infinitely more objectionable—which was, an appro­priation of thirty thousand dollars for defraying the expences of three Commissioners, appointed, or proposed to be paid, in an unconstitutional form." It could not be expected that a general appropriation bill would ever pass without some disputable clauses; and in case of a difference between the two Houses, (a difference which we had no right to anticipate in this instance) which could not be compromised as to any article, the obvious course was to omit such article altogether, retaining all the others—and, in a case of that character, relative to the brevet pay, which had oc­curred during the present session, such had been the ground the gentleman himself had taken in a conference with the Senate, of which he was a manager.

The gentleman from South Carolina, Mr. C. said, had professed to concur with him in a great many of his general propositions; and neither he nor any other gentleman had disagreed with him, that the mere recognition of the independence of the provinces was no cause of war with Spain—except the gentleman from Mary­land, (Mr. Smith) to whom he recommended, without intending disrespect to him, to confine himself to the operations of commerce, rather than undertake to expound questions of public law; for he could assure the gentleman that, although he might make some figure, with his practical knowledge, in the one case, he would not in the other. No man, Mr. C. said, except the gentleman from Maryland, had come out with what he would call the hardihood to contend that, on the ground of principle and mere public law, the exertion of the right of recognising another power is cause of war. But, said Mr. C. though the gentleman from South Carolina admitted, that the recognition would be no cause of war, and that it was not likely to lead to a war with Spain, we found him, shortly after, getting into a war with Spain, how, I did not see, and by some means, which he did not deign to discover to us, getting us into a war with England also. Having satisfied himself, by this course of reasoning, the gentleman had discovered, that the finances of Spain were in a most favorable condition! On this part of the subject, Mr. C. said, it was not necessary for him to say any thing after what the committee had heard from the eloquent gentle­man from Massachusetts, (Mr. Holmes) whose voice, in a period infinitely more critical in our affairs than the present, had been heard with so much delight from the east, in support of the rights and honor of the country. He had clearly shewn, that there was no parallel between the state of Spain and of this country—the one of a country whose resources were completely impoverished and exhausted; the other, of a country whose resources were almost untouched. But Mr. C. said, he would ask of the gentleman from
South Carolina, if he could conceive that a state, in the condition of Spain, whose minister of the treasury admits that the people have no longer the means of paying new taxes—a nation with an immense mass of floating debt, and totally without credit, could feel any anxiety to engage in war with a nation like this, whose situation was, in every possible view, directly the reverse? He asked, if an annual revenue, equal only to five-eighths of the annual expenditure, exhibited a financial ability to enter upon a new war, when, too, the situation of Spain was altogether unlike that of the United States and England, whose credit, resting upon a solid basis, enabled them to supply, by loans, any deficit in the income?

Notwithstanding the diversity of sentiment which had been displayed during the debate, Mr. C. was happy to find that, with one exception, every member had done justice to the struggle in the South, and admitted it to be entitled to the favor of the best feelings of the human heart. Even my honorable friend near me, (Mr. Nelson) has made a speech on our side, and we should not have found out, if he had not told us, that he would vote against us. Although his speech has been distinguished by his accustomed eloquence, I should be glad, Mr. C. said, to agree on a cartel with the gentlemen on the other side of the House, to give them his speech for his vote. The gentleman says, his heart is with us, that he ardently desires the independence of the South. Will he excuse me for telling him, that if he will give himself up to the honest feelings of his heart, he will have a much surer guide than by trusting to his head, to which, however, I am far from offering any disparagement?

But, sir, it seems that a division of the republican party is about to be made by the proposition under consideration. Who is to furnish, in this respect, the correct criterion; whose conduct is to be the standard of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia refers, from the first existence of the government to the present day? An attachment to liberty, a devotion to the great cause of humanity, of freedom, of self-government, and of equal rights. If there is to be a division, as the gentleman says; if he is going to leave us, who are following the old track, he may, in his new connections, find a greater variety of company, which, perhaps, may indemnify him for the loss of his old friends. What is the great principle that has distinguished parties in all ages and under all governments—democrats and federalists, whigs and tories, plebeians and patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary
only to the operations of reason. All the modifications and denomina­tions of political parties and sects may be traced to this fundamental distinction. It is that which separated the two great parties in this country. If there is to be a division in the republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty; and the honorable gentleman who spoke of appealing to the public sentiment, will find when he does so, or I am much mistaken, that public sentiment is also on the side of public liberty & of human happiness.

But, the gentleman from South Carolina has told us, continued Mr. C. that the constitution has wisely confided to the Executive branch of the government the administration of the foreign concerns of the country. Has the honorable gentleman attempted to shew, though his proposition be generally true, and will never be controverted by me, that we also have not our participation in the administration of the foreign interests of the country, when we are called upon in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? Mr. C. said, he had stated, when up before, and he had listened in vain for an answer to the argument, that no part of the constitution had said which should have precedence, the act making an appropriation for paying a minister, or the act of sending one. He had then contended, and now repeated, that either the acts of deputing and of paying a Minister should be simultaneous; or, if either had preference, the act of appropriating for his pay should precede the sending of a Minister. He challenged gentlemen to shew him any thing in the constitution which directed that a Minister should be sent before his payment was provided for. He repeated, what he had said the other day, that, by sending a Minister abroad, during the recess, to nations between whom and us no such relations existed as to justify incurring the expence, the legislative opinion was forestalled, or unduly biassed. He appealed to the practice of the government, and referred to various acts of Congress for cases of appropriations, without the previous deputation of the agent abroad, and without the preliminary of a message from the President, asking for them. Mr. C. here quoted the act, authorizing the establishment of certain consulates in the Mediterranean, and affixing salaries thereto, in consequence of which the President had subsequently appointed Consuls, who had been receiving their salaries to this day: Other acts he quoted, of a similar character, from which it appeared, he said, that Congress had constantly pursued the great principle of the theory of the constitution, for which he now contended—that each department of the government must act within its own sphere, independently and on its own responsibility. It
was a little extraordinary, indeed, after the doctrine which had been maintained the other day, of a sweeping right in Congress to appropriate money to any object, that it should now be contended that Congress had no right to appropriate money to a particular object. The gentleman’s (Mr. Lowndes) doctrine was broad, comprehending every case; but when proposed to be exemplified in any specific case, it did not apply. Mr. C. said, his theory of the constitution, on this particular subject, was that Congress had the right of appropriating money for foreign missions; the President the power to use it. The President having the power, he was willing to say to him, “here is the money, which we alone have a right to appropriate, which will enable you to carry your power into effect, if it seems expedient to you.” Both being before him, the power and the means of executing it, the President would judge, on his own responsibility, whether or not it was expedient to exercise it. In this course, Mr. C. said, each department of the government would act independently, without influence from, and without interference with, the other. He had quoted cases from the statute book to shew, that, in instances where no foreign agent had been appointed, but only a possibility of their being appointed, appropriations had been made for paying them. He proceeded to shew, that, even in case of the subject matter of a negociation a right much more important than that of sending an agent, an appropriation of money had preceded the negociation of a treaty. Thus, in the third volume of the new edition of the laws, page 27, he quoted a case of an appropriation of 25,880 dollars to defray the expence of such treaties as the President of the United States might deem proper to make with certain Indian tribes. An act, which had been lately referred to, appropriating two millions for the purchase of the Floridas, was a case still more strongly in point, as contemplating a treaty, not with a savage, but a civilized power. In this case, there might have been, though he believed there was not, an Executive message, recommending the appropriation; but he took upon him to assert, that, in almost all the cases he had quoted, there was no previous Executive intimation that the appropriation of the money was necessary to the object—but Congress had taken up the subjects, and authorized these appropriations, without any official call from the Executive to do so.

With regard to the general condition of the Provinces now in revolt against the parent country, Mr. C. proceeded to say, he would not take up much of the time of the House. Gentlemen were, however, much mistaken as to many of the points of their history, geography, commerce and produce, which had been touched upon. Gentlemen had supposed there would be from those countries a considerable competition of the same products which we
export. Mr. C. ventured to say, that, in regard to Mexico there could be no such competition; that the table lands were at such a distance from the sea shore and the difficulty of reaching it was so great as to make the transportation to La Vera Cruz too expensive to be borne, and the heat so intense as to destroy the bread stuffs as soon as they arrive. With respect to New-Grenada, the gentleman from Maryland was entirely mistaken. It was the elevation of Mexico, principally, which enabled it to produce bread stuffs; but New Grenada, lying nearly under the line, could not produce them. The productions of New Grenada for exportation were the precious metals (of which, of gold particularly, a greater portion was to be found than in any of the Provinces except Mexico) sugar, coffee, cocoa, and some other articles of a similar character. Of Venezuela the principal productions were coffee, cocoa, indigo, and some sugar. Sugar was also produced in all the Guianas, French, Spanish and Dutch. The interior of the provinces of La Plata might be productive of bread stuffs, but they were too remote to come into competition with us in the West India Market, the voyages to the United States generally occupying from fifty to sixty days, and sometimes as long as ninety days. By deducting from that number the average passage from the United States to the West Indies, the length of the usual passage between Buenos Ayres and the West Indies would be found, and would shew that, in the supply of the West India market with bread stuffs, the provinces could never come seriously into competition with us. And, with regard to Chili, productive as it might be, did the gentleman from Maryland suppose that vessels were going to double Cape Horn, and come into competition with us in the West Indies? It was impossible. But, Mr. C. said, he felt a reluctance at pursuing the discussion of this part of the question; because he was sure these were considerations on which the House could not act, being entirely unworthy of the subject. We might as well stop all our intercourse with England, with France, or with the Baltic, whose products are in many respects the same as ours, as to act on the present occasion under the influence of any such considerations. It was too selfish, too mean a principle, for this body to act on, to refuse its sympathy for the Patriots of the South, because some little advantage of a commercial nature might be retained to us from their remaining in the present condition—which, however, he totally denied. Three-fourths of the productions of the Spanish Provinces were the precious metals, and the greater part of the residue not of the same character as the staple productions of our soil. But, it seemed, that a pamphlet had recently been published on this subject, to which gentlemen had referred. Now, said Mr. C. permit me to express a distrust of all pamphlets of this kind,
unless we know their source. It may, for aught I know, if not composed at the instance of the Spanish Minister, have been written by some merchant who has a privilege of trading to Lima under Royal License; for such do exist, as I am informed, and some of them procured under the agency of a celebrated person by the name of Samiento,\textsuperscript{11} of whom perhaps the gentleman from Maryland (Mr. Smith) could give the House some information. To gentlemen thus privileged to trade with the Spanish provinces under Royal authority, the effect of a recognition of the independence of the provinces would be to deprive them of that monopoly. The reputed author of the pamphlet in question, Mr. C. said, if he understood correctly, was one who had been, if he were not now, deeply engaged in the trade, & he would venture to say that many of his statements were incorrect. In relation to the trade of Mexico, Mr. C. said he happened to possess the Royal Gazette of Mexico of 1804, shewing what was the trade of that province in 1803; from which it appeared that, without making allowance for the trade from the Philipine Islands to Acapulco, the imports into the port of Vera Cruz were in that year twenty-two millions in value, exclusive of contraband, the amount of which was very considerable. Among these articles were many which the United States could supply as well, if not on better terms, than they could be supplied from any other quarter; for example brandy and spirits; paper, iron, implements for agriculture and the mines; wax, spices, naval stores, salt fish, butter, provisions; these articles amounting, in the whole to one seventh part of the whole import trade to Mexico. With regard to the independence of that country, which gentlemen seemed to think improbable, Mr. C. rejoiced that he was able to congratulate the House that we have, this morning, intelligence that Mina\textsuperscript{12} yet lives, and the Patriot flag is still unfurled, and the cause infinitely more prosperous than ever. This intelligence he was much in hopes would prove true, notwithstanding the particular accounts of his death; which, there was so much of fabrication and falsehood in the Spanish practice, were not entitled to credit unless corroborated by other information. Articles were manufactured in one province to produce effect on the other provinces, and in this country; and he had therefore always been disposed to think that the details respecting the capture and execution of Mina were too minute to be true, and were made up to produce an effect here.

With regard to the general value of the trade of a country, Mr. C. said, it is to be determined by the quantum of its population, and its character, its productions, and the extent and character of the territory; and, applying these criteria to Spanish America, no nation offered higher inducements to commercial enterprize. Washed
on the one side by the Pacific, on the other by the South Atlantic; standing between Africa & Europe on the one hand, & Asia on the other, lying along side of the U. States; her commerce must, when free from the restraints of despotism, be immensely important, particularly when it is recollected how great a proportion of the precious metals it produced for that nation which can command the precious metals, may be said to command almost the resources of the world. One moment, said Mr. C. imagine the mines of the South locked up from Great Britain for 2 years, what would be the effect on her paper system? Bankruptcy, explosion, revolution. Even if the supply which we get abroad of the precious metals was cut off for any length of time, I ask if the effect on our paper system would not be, not perhaps equally as fatal as to England, yet one of the greatest calamities which could befall this country. The revenue of Spain in Mexico alone, was in 1809 twenty millions of dollars, and in the other Provinces in about the same proportion, taking into view their population, independent of the immense contributions annually paid to the Clergy. When you look at the resources of the country, and the extent of its population, recollecting that it is double our own; that its consumption of foreign articles, under a free commerce would be proportionably great; that, it yields a large revenue under the most abominable system, under which nearly three-fourths of the population are unclad, and almost as naked as from the hands of nature, because absolutely deprived of the means of clothing themselves, what may not be the effect on this country, under the operation of a different system which would let industry develope its resources in all possible forms? Such a neighbor could not but be a valuable acquisition in a commercial point of view.

Gentlemen had denied the fact of the existence of the independence of Buenos Ayres at as early a date as he had assigned to it. The gentleman from South Carolina, who was well informed on the subject, did not, Mr. C. thought, exhibit his usual candor on this part of it. When the gentleman talked of the Upper Provinces being out of the possession of the patriots as late as 1815, he ought to have gone back and told the House what was the actual state of the fact, with which he was sure the gentleman was very well acquainted. In 1811 the government of Buenos Ayres had been in possession of every foot of the territory of the Vice Royalty. The war had been raging from 1811 to 1815 in those interior provinces, bordering on Lima, which had been as often as three times conquered by the enemy, and as often recovered, and from which the enemy was now finally expelled. Was this at all remarkable during the progress of such a revolution? During the different periods of our war of independence, the British had
possession of different parts of our country; as late as 1780, the whole of the Southern states had been in their possession; and at an earlier date they had possession of the great Northern Capitals. There was, in regard to Buenos Ayres, a distinguishing trait, which did not exist in the History of our Revolution. That was that from 1810 to the present day the capital of the Republic of La Plata had been invariably in the possession of the patriot government. Gentlemen must admit that when, in 1814, she captured at Monte Video an army as large as Burgoyne's captured at Saratoga, they were then in possession of independence. If they have been since 1810 in the enjoyment of self-government, it was, indeed, not very material under what name or under what form. The fact of their independence is all that is necessary to be established. In reply to the argument of the gentleman from South Carolina, derived from his having been unable to find out the number of the provinces, this arose from the circumstance that, thirty-six years ago, the Vice Royalty had been a Captain General ship; that it extended then only to Tucuman, whilst of late and at present the government extended to the Desaguedera, in about the sixteenth degree of South latitude. There were other reasons why there was some confusion in the number of the provinces, as stated by different writers; there was, in the first place, a territorial division of the country—then a judicial, and next a military division, and the provinces have been stated at ten, thirteen, or twenty, according to the denominations used. This, however, he, with the gentleman from S. Carolina, regarded as a fact of no sort of consequence.

Mr. C. said he would pass over the report lately made to the house by the Department of State, respecting the state of South America, with only one remark: that it appeared to him to exhibit evidence of an adroit and experienced diplomatist, negotiating, or rather conferring on a subject, with a young and inexperienced minister, from a young and inexperienced republic. From the manner in which this report was communicated, after a call for information so long made, and after the lapse of two months from the last date in the correspondence on the subject, Mr. C. declared he was mortified at hearing the report read. Why talk of the mode of recognition? Why make objections to the form of the commission? If the minister had not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular states whose independence he wished acknowledged? Suppose the French minister had asked of Franklin, what number of states he represented? Thirteen, if you please, Franklin would have replied. But, M. Franklin, will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them? What would Dr.
Franklin have said? Mr. C. said it would have comported better with the frankness of the American character, and of American diplomacy, if the Secretary, avoiding cavils about the form of the commission, had said to the minister of Buenos Ayres, “at the present moment we do not intend to recognize you, or to receive or send a minister to you.”

But among the charges which gentlemen had industriously brought together, the House had been told of factions prevailing in Buenos Ayres. Do not factions, Mr. C. asked, exist everywhere? Are they not to be found in the best regulated and most firmly established governments? Respecting the Carreras, public information was abused, Mr. C. said; they were supposed to have had improper views, designs hostile to the existing government, and it became necessary to deprive them of the power of doing mischief. And what was the fact, respecting the alleged arrest of American citizens—Buenos Ayres had been organizing an army to attack Chili. Carrera arrives at the river La Plata with some North Americans: he had before defeated the revolution in Chili by withholding his co-operation; the government of Buenos Ayres therefore said to him, we do not want your resources; our own army is operating; if you carry yours there it may produce dissension, and cause the loss of liberty—you shall not go. On his opposing this course, what was done which has called forth the sympathy of gentlemen? He and those who attended him from this country, were put in confinement, but only long enough to permit the operations of the Buenos Ayrean army to go on; they were then permitted to go, or made their escape, to Monte Video, and afterwards, where they pleased. With respect to the conduct of that government, he would only recall the attention of gentlemen to the orders which had lately emanated from it, for the regulation of privateers, which had displayed a solicitude to guard against irregularity, and to respect the rights of neutrals, not inferior to that ever shewn by any government, which had ever attempted to regulate this licentious mode of warfare.

The hon. gentleman from Georgia had commenced his remarks the other day by an animadversion, which, Mr. C. said, he might well have spared, when he told us that even the prayers of the chaplain of this house had been offered up in behalf of the patriots. And was it reprehensible, Mr. C. asked, that an American chaplain, whose cheeks were furrowed by age, and his head as white as snow, who had a thousand times, during our own revolution, implored the smiles of heaven on our exertions—should indulge in the pious and patriotic feelings flowing from his recollections of our own revolution? Ought he to be subject to animadversion for so doing, in a place where he could not be heard in reply?
Ought he to be subject to animadversion for soliciting the favor of Heaven on the same cause as that in which we fought the good fight, and conquered our independence? He trusted not.

But the gentleman from Georgia, it appeared, could see no parallel between our revolution, and that of the Spanish provinces. Their revolution, in its commencement, did not aim at complete independence; neither, Mr. C. said, did ours. Such was the loyalty of the Creole character, that, although groaning under three hundred years of tyranny and oppression, they had been unwilling to cast off their allegiance to that throne, which had been the throne of their ancestors. But, looking forward to a redress of wrongs, rather than a change of government, they gradually, and perhaps at first unintentionally, entered into revolution.—Mr. C. said he had it from those who had been actively engaged in our revolution; from that venerable man, (Chancellor Wythe) whose memory he should ever cherish with filial regard, that a very short time before our Declaration of Independence, it would have been impossible to have got a majority of Congress to declare it. Look at the language of our petitions of that day, carrying our loyalty to the foot of the throne, and avowing our anxiety to remain under the crown of our ancestors: independence was then not even remotely suggested as our object. The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the South are fighting for liberty and independence; for precisely what we fought for. But their revolution, the gentleman told the house, was stained by scenes which had not occurred in ours. If so, Mr. C. said, it was because execrable outrages had been committed upon them by the troops of the mother country, which were not upon us. Could it be believed, if the slaves had been let loose upon us in the south, as they had been let loose in Venezuela; if quarters had been refused; capitulations violated; that General Washington, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy; mercy to both parties. The only means by which the coward soul that indulges in such enormities, can be reached, is to shew to him that they will be visited by severe but just retribution. There were traits in the history of this revolution, Mr. C. said, which shewed what deep root liberty had taken in South America. He stated an instance. The only hope of a wealthy and reputable family, said he, was charged, at the head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. 'Go,' said he to his companions in arms; 'I alone am sufficient for its defence.'—The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and
Mr. C. narrated another instance of the intrepidity of a female of the patriot party. A lady in New Grenada had given information to the patriot forces of plans and instructions by which the capital might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming—"You shall not hear it from my mouth; I will die, and may those live who can free my country."

But the House had been told, and told with a triumph worthy of a better cause—why recognise this Republic? Where is the use of it? And was it possible, Mr. C. asked, that gentlemen could see no use in recognising this Republic? For what did this Republic fight? To be admitted into the family of nations. Tell the nations of the world, says Pueyrredon in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me (General Bloomfield) (the high sanction of whose judgment in favor of my proposition I fondly anticipate) with what anxious solicitude, during our Revolution, he and his glorious compatriots turned their eyes to Europe, and asked to be recognized. I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognized us. The moral influence of such a recognition on the patriot of the South will be irresistible. He will derive assurance from it of his not having fought in vain. In the constitution of our natures there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair losing all stimulus to exertion. And, Mr. C. asked, was there not reason to fear such a fate to the Patriots of La Plata? Already enjoying independence for eight years, their Ministers were yet spurned from the courts of Europe, and rejected by the government of a sister republic. Contrast this conduct of ours, said Mr. C. with our conduct in other respects. No matter whence the Minister comes, be it from a despotic power, we receive him; and even now, the gentleman from Maryland, (Mr. Smith) would have us send a Minister to Constantinople, to beg passage through the Dardanelles to the Black Sea, that, I suppose, we might get some hemp and bread stuffs there, of which we ourselves produce none—he who can see no advantage to the country from opening to its commerce the nameless resources of South America, would send a Minister begging to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into
effect, for sending a Minister to the Porte. Yes, sir, from Constantinople or from the Brazils; from Turk or Christian; from black or white; from the Dey of Algiers or the Bey of Tunis—from the Devil himself, if he wore a crown, we should receive a Minister. We even paid the expences of the Minister of his sublime highness the Bey of Tunis, and thought ourselves highly honored by his visit. But, let the Minister come from a poor republic, like that of La Plata, and we turn our back on him. No, sir, we will not receive him. The brilliant costumes of the Ministers of the royal governments are seen glistening in the circles of our drawing rooms, and their splendid equipages rolling through the avenues of the Metropolis: but the unaccredited Minister of the republic, if he visit our President or Secretary of State at all, must do it incog. lest the eye of Don Onis should be offended by so unseemly a sight! Mr. C. said, he hoped the gentleman from South Carolina, who was so capable of estimating the effect of moral causes, would see some use in recognizing the independence of La Plata. He appealed to the powerful effect of moral causes, manifested in the case of the French revolution, when, by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up the colossal power of Europe. There was an example of the effect of moral power. All the patriots asked, all they wanted at our hands, was to be recognized as, what they had been for the last eight years, an independent power.

But, it seems, said Mr. C. we dare not do this, lest we tread on sacred ground; and an honorable gentleman from Virginia, (Mr. Smyth) who, when he has been a little longer in this House, will learn to respect its powers, calls it an usurpation on the part of this House. Has the gentleman weighed the terms which he employed? If I mistake not, the gentleman, in the debate respecting the power to make internal improvements, called that too an usurpation on the part of this House. That power, too, however, he admitted to belong to the Executive, and traced it to an imperial source, informing us that Caesar, or somebody else, had exercised it. Sir, the gentleman has mistaken his position here: he is a military chieftain and an admirable defender of Executive authority, but he has yet to learn his horn-book as to the powers of this branch of the legislature. Usurpation, Mr. C. said, is arrogating to yourself authority which is vested elsewhere. But what was it that he proposed, to which this term had been applied? To appropriate money to pay a foreign minister his outfit and a year's salary. If that be an usurpation, said he, we have been usurping power from the commencement of the government to the present time. The chairman of the Committee of ways and means has never reported an appropriation bill without some instance of this usurpation.
There are three modes under our constitution, in which a nation may be recognised: by the Executive receiving a Minister; secondly, by its sending one thither; and, thirdly, this House unquestionably has the right to recognize, in the exercise of the constitutional power of Congress to regulate foreign commerce. To receive a Minister from a foreign power is an admission that the party sending him is sovereign and independent. So the sending a Minister, as Ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the Minister is sent. Now, the honorable gentleman from South Carolina would have preferred the expression of our opinion by a resolution, independent of the appropriation bill. If the gentleman would vote for it in that shape, I would really gratify him; all that I want to do is to convey to the President an expression of our willingness; that the government of Buenos Ayres should be recognized. Whether it shall be done by receiving a Minister or sending one, is quite immaterial. It is urged that there might be an impropriety in sending a Minister, not being certain, after what has passed, that he would be received; but Mr. C. said that was one of the questions submitted to the discretion of the Executive, which he would determine, upon a view of all the circumstances, and who of course would previously have an understanding that our Minister would be duly respected. If gentlemen desired to know what a Minister from us was to do, Mr. C. said he would have him congratulate the republic on the establishment of free govt. & on their liberation from the ancient dynasty of Spain; assure it of the interest we feel in its welfare and of our readiness to concur in any arrangements which might be advantageous to our mutual interest. Have we not, asked Mr. C., a Minister at the Brazils, a nation lying alongside of the provinces of La Plata, and considering the number of slaves in it, by no means so formidable as the latter, and about equi-distant from us. In reference to the strength of the two powers that of La Plata is much the strongest, and the government of Brazils, trembling under the apprehension of the effect of the arms of La Plata, has gone farther than any other power to recognize its independence, having entered into a military convention with the republic, by which each power guarantees the possession of the other. And we have exchanged Ministers with the Brazils. The one, however, is a Kingdom; the other a Republic; and if any gentleman could assign any other better reason why a Minister should be sent to one and not to the other of these powers, he should be glad to hear it disclosed, for he had not been able himself to discover it.

A gentleman had yesterday told the House that the news from Buenos Ayres was unfavorable. Take it all together, Mr. C. said, he believed it was not. But, he said, he put but little trust in such
accounts. In our Revolution, incredulity of reports and newspaper stories propagated by the enemy had been so strengthened by experience, that at last nothing was believed which was not attested by the signature of "Charles Thompson." Mr. C. said he was somewhat similarly situated; he could not believe these reports—he wished to see 'Charles Thompson' before he gave full credit to them. The vessel which had arrived at Baltimore, and which, by the way, by its valuable cargo of specie, hides and tallow, gave evidence of a commerce worth pursuing—brought some rumor of a difference between Artigas and the authorities of Buenos Ayres.

With respect to the Banda Oriental, which was said to be occupied by Artigas, Mr. C. said it constituted but a very subordinate part of the territory of the United Provinces of La Plata; and it could be no more objection to recognizing the nation because that Province was not included within its power, than it could have been to our recognition, because several states held out against the adoption of the constitution. Mr. C. repeated that before he attached any confidence to a letter not signed "Charles Thompson," he must know who the man is who writes it; what are his sources of information, his character for veracity, &c. and of all those particulars we were deprived of information in the case of the recent intelligence in the Baltimore papers, as extracted from private letters.

But, said Mr. C. we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe would be the case, that the President had expressed an opinion one way, and we another. At so early a period of our government, because a particular individual fills the presidential chair; an individual whom I highly respect; more perhaps than some of those who would be considered his exclusive friends, is the odious doctrine to be preached here, that the Chief Magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance—are the principles of the Stuarts, to be revived in this free government? Is an opinion to be suppressed and scouted because it is in opposition to the opinion of the President? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the Representative character—I shall not hesitate to express my opinions, coincident or not with those of the Executive. But, Mr. C. said that he could shew that this cry had been raised on the present occasion without reason. He supposed a case: that the President had sent a minister to Buenos Ayres, and this House had been called on to make an appropriation for his payment. He asked of gentlemen whether in that case they would not have voted an appropriation? And had not the House a right to deliberate on the propriety of the doing so, as well before as
after a Minister was sent? Would gentlemen please to point out the difference? I contend, said Mr. C. that we are the true friends of the Executive; and that the title does not belong to those who have taken it. We wish to extend his influence, and give him patronage; to give him means, as he has now the power, to send another Minister abroad. But, apart from this view of the question, as regarded the Executive power, this House, Mr. C. said, had the incontestable right to recognize a foreign nation in the exercise of its power to regulate commerce with foreign nations. Suppose, for example, we passed an act to regulate trade between the United States and Buenos Ayres; the existence of the nation would be thereby recognized—as we could not regulate trade with a nation which does not exist.

The gentleman from Maryland (Mr. Smith) and the gentleman from Virginia (Mr. Smyth) the great champion of Executive power, and the opponent of legislative authority, had contended that recognition would be cause of war. Mr. C. said these gentlemen were reduced to this dilemma. If it was cause of war, the Executive ought not to have the right to produce a war upon the country without consulting Congress. If it was no cause of war, it is an act which there was no danger in performing. There would be very little difference in principle between vesting the Executive with the power of declaring war, or with the power of necessarily leading the country into war, without consulting the authority to whom the power of making war is confided. But Mr. C. denied that it was cause of war: but, if it were, the sense of Congress ought certainly in some way or other to be taken on it, before that step was taken. He knew, he said, that some of the most distinguished statesmen in the country had taken the view of this subject, that the power to recognize the independence of any nation did not belong to the President; that it was a power too momentous and consequential in its character to belong to the Executive. His own opinion, Mr. C. confessed, was different, believing the power to belong to either the President or Congress, and that it might, as most convenient, be exercised by either. If aid was to be given, to afford which would be cause of war, however, Congress alone could give it.

This House, then, Mr. C. said, had the power to act on this subject, even though the President had expressed his opinion; which he had not, further than, as appeared by the report of the Secretary of State, to decide that in January last, it would not be proper to recognize them. But, Mr. C. said, the President stood pledged to recognize the republic, if, on the return of the Commissioners, whom he has deputed, they should make report favorable to the stability of the government. Those Commissioners sailed in De-
cember last, and might be expected to return in three or four months from this time. When they returned, then, Congress would not be in session. The President thus standing pledged, said Mr. C. I ask, if we, who are disposed to invest him with the means of recognizing that independence, of redeeming his pledge, are not the true friends of the Executive, and whether the opponents of this motion do not act as though they were not his friends. Suppose the chairman of the committee of Foreign Relations had reported a provision for an appropriation of that description which I propose, said Mr. C. should we not all have voted for it? And could any gentleman be so pliant, as on the mere ground of an Executive recommendation, to vote an appropriation without exercising his own faculties on the question; and yet, when there is no such suggestion, will not even so far act for himself as to determine whether a republic is so independent that we may fairly take the step of recognition of it? He hoped that no such submission to the Executive pleasure would characterize this House.

One more remark, and, Mr. C. said, he had done. One gentleman had told the House that the population of the Spanish provinces was eighteen millions; that we, with a population of two millions only, had conquered our independence—and that, if the southern provinces willed it, they must be free. This population, Mr. C. said, he had already stated, consisted of distinct nations, having but little, if any, intercourse, the largest of which was Mexico; and they were so separated by immense distances, that it was impossible there should be any co-operation between them. Besides, they have difficulties to encounter which we had not. They have a noblesse; they are divided into jealous castes, and a vast proportion of Indians—to which adding the great influence of the Clergy, and it would be seen how widely different the circumstances of Spanish America were from those under which the Revolution in this country was brought to a successful termination. He had already shewn how deep rootet was the spirit of liberty in that country. He instanced the little island of Margarita, against which the whole force of Spain had been in vain directed, containing a population of only 16,000 souls, but where every man, woman and child was a Grecian soldier in defence of freedom. For many years the spirit of freedom had been struggling in Venezuela, and Spain had been unable to conquer it. Morillo, in an official dispatch transmitted to the Minister of Marine of his own country, avows that Angostura and all Guayana are in possession of the patriots, as well as all the country from which supplies could be drawn. According to the last accounts, Bolivar and other patriot commanders were concentrating their forces and were within one day's march of Morillo; & if they did not forsake the Fabian policy,
which was the true course for them, the result would be that even
the weakest of the whole of the Provinces of Spanish America,
would establish its independence, and secure the enjoyment of those
rights and blessings which rightfully belong to it.\textsuperscript{32}

[Intervening speeches by George Poindexter and by Forsyth and
Smith.]

Mr. Clay (Speaker) again spoke in rejoinder to the gentlemen
who had replied to his last speech. After a few prefatory remarks—
The gentleman from Georgia, said Mr. C. tells us, and I am now
rejoiced to hear it, that his heart is with us; that his feelings are
all on the patriotic side. Our condition is peculiar: the hearts of
gentlemen, in opposition to this motion, are with us—but I am
afraid we shall find a great number of their votes against us. Yes,
sir, state rights—take care of them! Personal liberty—let that take
care of itself!

The hon. gentleman has been pleased to refer to an observa-
tion of mine respecting the division of parties; on which I would
observe, that he has not done me justice. A gentleman from Vir-
ginia was the first to introduce that topic, and my remarks were
in reply to him only. The gentleman from Georgia, the other day,
was pleased to take notice of remarks which had appeared in certain
newspapers, in which I did not follow his example. If I had
chosen to have done so, I could have taken notice of some denun-
ciations which had been thrown out against myself. But, sir, those
scribblers know little of the firm purpose of my soul, if they suppose
it is to be shaken by such assaults. No, sir, it was not myself, but
the gentleman from Virginia, who presented himself as the cham-
pion of the Executive, who took a view of the present question,
connected with the divisions of parties. I see nothing in it but a
difference of opinion on a particular question among those who
generally act together. It is for those, who oppose us, to take their
course; what that course may be, is to me utterly immaterial.

The gentleman from Maryland, Mr. C. went on to say, was as
unfortunate in his practical information, as he was in regard to
public law; having mistaken the cause of war by Great Britain
against France, during our revolution, which was not for having
recognized us, but for having given us aid. The gentleman was
equally unfortunate, Mr. C. said, in replying to his position in
regard to foreign commerce, which was not that a small state
might not carry on an extensive commerce; for, against that posi-
tion, Great Britain, whose European possessions were of no great
extent, would have been a striking example. What I did observe,
said Mr. C. was, that, as to such powers as South America, the
value of their commerce was to be inferred from the extent of the
territory or population. The gentleman says, that he is incapable of appreciating the effect of moral causes. Sir, I did not ascribe to him that faculty: but I should have supposed that the gentleman's recollection should have taught him how the heart beat when our independence was acknowledged by foreign powers, and how like causes would produce like effects. The gentleman had told the committee of information from Buenos Ayres, that Pueyrredon is carrying on affairs with a high hand. The correctness of this information, Mr. C. said, he doubted very much. The authority of Pueyrredon, he said, was very much like that of the President of the United States: he was a responsible officer, and, instead of putting down the liberty of the press, he answered the calumniators who attacked him, by the wisdom and vigor, of his administration, &c. In respect to the letter from Buenos Ayres, which had been spoken of, Mr. C. said he had heard, that the author of that letter, or of a similar one, was a nephew of Carrera, the nature of whose views, Mr. C. said, he had shewn—that Carrera, who sought, on the ruins of Chilian liberty, to erect the fabric of his own ambition, &c. &c. Mr. C. said, he knew nothing of the authority of the gentleman who had been referred to in the debate, as the author of some information from that quarter. Be he who he may, said he, I say again, I wish to see it authenticated by the signature of "Charles Thompson."

Mr. C. remarked, in conclusion, as to the object of his motion, that if the clause were inserted in the bill which he proposed, it would impose on the executive no obligation, but put it in the power of the President to apply the sum to the purpose specified, whenever he chose to do so, if the Senate thought proper to consent to it.

[Intervening remarks by Smith and Nelson.]

Mr. Clay rejoined. I am charged, said he, with saying that those who are the friends of this proposition are the exclusive friends of liberty. I made no such unjust remark. I said, if the gentleman went away from us, he might perhaps in his new political connection find consolation for the separation from his old friends, who march on in the path of liberty. Sir, the galled jade winces. My quotations, the gentleman says, were from Billy Duane. How does the gentleman know that? (Mr. Nelson said, across the House, that he saw the paper in the gentleman's hands.) I quoted principally from the National Intelligencer, said Mr. C.—others of my quotations were from historical works. The manifesto of July last, I quoted from the Aurora—I am sorry it was not in the Intelligencer; it was as worthy of publication as the speech of the Prince Regent or the King of France. I should like to know whence the gentle-
man who questions the sources of my information, got the letters he has just produced to the House—from what bureau? But, sir, I will not recriminate. 34

Washington National Intelligencer, May 28, June 2, 1818. Published also in Lexington Kentucky Reporter, June 24, July 1, 1818; Annals of Cong., 15 Cong., 1 Sess., XXXII, 1605-20, 1643-45, 1646; Mallory, Life and Speeches of the Hon. Henry Clay, I, 404-19; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 164-78. Having again resolved itself into Committee of the Whole on the general appropriation bill, the House resumed consideration of the amendment offered by Clay on March 24 and debated daily since that time.

1 William Lowndes, who had spoken again on Thursday, March 26.
2 See above, Clay to Rodney, October 5, 1817: Remarks, March 24, 1818.
3 Samuel Smith, who had spoken on March 26 in opposition to Clay's proposal.
4 John Holmes had supported Clay in a speech on March 27. Elected to the Massachusetts General Court as a Federalist in 1802 and 1803, but subsequently defeated under such affiliation, he had become in 1811 an advocate of President Madison's war measures and had held seats in the State assembly throughout the ensuing war as a spokesman for the Administration.
5 John Forsyth.
6 Hugh Nelson, whose speech had been the last before adjournment of the House on March 27.
7 An act authorizing appointment of consuls to the Barbary states 1 U.S. Stat., 256 (April 14, 1792).
8 A new edition (the second) of the laws of the United States, compiled by John B. Colvin and published by John Bioren and William John Duane (son of William Duane; a lawyer, later Secretary of the Treasury under Andrew Jackson) of Philadelphia and Roger C. Weightman of Washington, had been authorized by act of Congress, April 18, 1814. 3 U.S. Stat., 129-30. The statute to which Clay refers may be found in 1 U. S. Stat., 539-40 (February 27, 1798).
9 2 U.S. Stat., 349 (February 13, 1806). In a confidential message of December 6, 1805, regarding Spanish aggressions against the United States, including conflicts over the boundaries of the Louisiana purchase, President Jefferson had noted that "the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny." American State Papers, Foreign Relations, II, 613. Questioned by John Randolph as to the "means" anticipated, Jefferson had verbally requested the appropriation for the purchase of Florida. Henry Adams, History of the United States of America during the Second Administration of Thomas Jefferson (2 vols., New York, 1890; History of the United States of America [9 vols., New York, 1889-91] III), I, 133.
10 Spanish America and the United States, or Views on the Actual Commerce of the United States with the Spanish Colonies, by a Merchant of Philadelphia (Philadelphia, 1818). John Forsyth and Samuel Smith had both cited the pamphlet in replying to Clay.
11 Not identified. In June, 1815, General Pablo Morillo had declared a blockade of South America from Santa Marta south to the river Atrato, including not only the important port of Cartagena but also the waters along the coast. To American protests De Onis had replied with a reminder that under Spanish law no foreign vessel was permitted to trade with the American colonies without special license. Finally, in October, 1816, he had informed Secretary of State John Quincy Adams that the blockade had been lifted as of the past September 2. American State Papers, Foreign Relations, IV, 156-59. In February, 1818, however, J. B. Prevost, American agent to Chile, had written to Adams from Santiago, relative to the warships of Lima, which were "affecting to hold the entire coast under blockade." Quoted in Whitaker, The United States and the Independence of Latin America, 1800-1830, p. 282. The practice of the Spanish government in selling special licenses for trade with Spanish America is cited in Niles' Weekly Register, XIV (May 9, 1818), 188, reportedly as an action conducted in England in March.
12 The Washington National Intelligencer, March 28, 1818, had reprinted an item from the Baltimore Federal Republican, reporting the receipt of two letters, one from the aide of General Francisco Xavier Mina, dated March 7, the other from Mina himself, dated March 1.
13 See above, II, 528.
14 On March 25, 1818, Secretary Adams had submitted documents supplied by Don Manuel H. de Aguirre in response to a House resolution of the preceding December 5, requesting information on the independence and political condition of the Spanish...
provinces in South America. Aguirre, who had presented himself as a public agent from the government of La Plata and a private agent from that of Chile, had submitted a letter from the head of the La Plata government, asking “the consideration due to his diplomatic character,” but had carried “no commission as a public minister of any rank nor any full power to negotiate as such.” When Aguirre had asked recognition by the United States of his country’s independence, Adams had questioned in what manner such acknowledgment should be made (was Aguirre authorized to negotiate a treaty?) and what states or provinces should be considered as comprising the nation to be recognized? He had reminded the Patriot agent that Montevideo was in the hands of the Portuguese, that the Banda Oriental (see below, n. 29) did not recognize the authority of the La Plata government, and that Spain yet controlled several provinces. American State Papers, Foreign Relations, IV, 175.

15 José Miguel Carrera, Chilean by birth but educated in Spain, had returned to his native land in 1811, where aided by his brothers, Luis and Juan José, he had seized command of the revolutionary forces and assumed dictatorial control of the Patriot government. His subsequent rivalry with Bernardo O’Higgins for leadership had led to civil war, which so weakened the Patriot forces that they had been defeated by the Spanish invading from Peru at Rancagua in 1814. San Martín had later supported O’Higgins, while Carrera had sought backing first in Buenos Aires, then in the United States. Returning to La Plata in 1816 with a band of North American supporters, he had been denied entrance to Chile. He thereupon entered into intrigue with various back-country leaders in revolt against the Buenos Aires government, and his activities ultimately contributed to the separation of the interior provinces. Carrera’s brothers had been killed by supporters of San Martín in 1816; he was himself captured and shot in 1821.

16 In a manifesto of October, 1817, the Supreme Director of Buenos Aires had complained of depredations by vessels assuming to act in the name of the provinces of Río de la Plata, where licenses were required on the basis of bonds posted for strict conformity to regulations of that government, according to the “general usages of nations.” Niles’ Weekly Register, XIII (January 10, 1818), 324.

17 The reference is omitted in published versions of the relevant remarks by John Forsyth on March 27.

18 George Wythe.

19 This story of “The young Ricaute” of Sante Fé de Bogotá is recounted in Palacio, Outline of the Revolution, 97.

20 Reference not found.

21 See above, Motion and Speech, March 24-25, 1818, n.17.

22 Joseph Bloomfield, Governor of New Jersey, 1801-1812, and member of the House of Representatives, 1817-1821, who had served as a major during the Revolutionary War and a brigadier-general in the War of 1812.

23 Smith had argued that since it was the President’s duty “to endeavor to extend the commerce of our country,” it “might be important to send a mission to Constantinople, and by treaty cause our vessels to be admitted on equal terms with other nations.” Annals of Cong., 15 Cong., 1 Sess., XXXII, 1545.

24 In April, 1805, an American naval vessel had captured a small cruiser and two prizes under the Tunisian flag, attempting to run the blockade before Tripoli. The Bey had subsequently dispatched an ambassador, named Mellimelni, who was taken to Washington aboard the American frigate Congress, to press claim for restoration of the vessels. This request was granted; but a further demand for naval stores, as a pledge for maintenance of peace for three years, was rejected. The ambassador remained in the United States nearly a year and finally sailed in the ship Two Brothers, chartered by the Government. American State Papers, Foreign Relations, II, 799; Gardner W. Allen, Our Navy and the Barbary Corsairs (Boston, [c. 1905]), 269, 271-72.

25 Alexander Smyth during the debate of March 27 had spoken against Clay’s proposal as “an act of usurpation, an invasion of the Executive authority.” Annals of Cong., 15 Cong., 1 Sess., XXXII, 1569.

26 See above, Speech, March 7, 1818, n.2.

27 See above, Russell to Clay, January 12, 1818, note.

28 Philadelphia political leader, secretary of the first Continental Congress.

29 The schooner Patriot had arrived in port from Buenos Aires with a cargo of hides, specie, and copper, and with letters reporting the rigidity and dictatorial nature of the Río de la Plata government. The outbreak of conflict between José G. Artigas and the Buenos Aires regime (see above, Brackenridge to Clay, March 3, 1818, note) was described as a dismal defeat for the latter. The divisions among Chilian revolutionists (see above, this document, n.15) were also here related to Buenos Aires instigation. Washington National Intelligencer, March 28, 1818, citing Baltimore Patriot.
30 The Secretary's report (see above, this document, n.14) had carried the correspondence of Manuel H. de Aguirre into January, when the latter noted that Adams had asked completion of a formal treaty with the United Provinces of South America, as the proper mode for acknowledgment of their independence.

31 See above, II, 531.

32 Clay's account was based upon a letter from Porto Bello, dated February 19, which had been printed in the Washington National Intelligencer, March 19, 1818. But cf. above, Remarks, March 18, 1818, n.5.

33 William Duane.

34 Nelson replied briefly, after which the debate ended. Clay's amendment was then defeated (45 to 115).

From John F. Watson

Honble. Henry Clay:


You may recollect that in July last you expressed a wish, that I would during the Session of Congress "afford you a clue to the suit for the benefit of Jas Swain:" was it left by Brown? who were the other parties? was it on bond, mortgage or what?" I have deferred this reply to the End of the Session that you might be the surer to remember the subject on your return here & give me once for all a final answer—I will beg leave to remark that these questions have substantially been answered before; but between the intervals of your writings, the subject seems to drop from your memory—

I copy the following from your letter to James Swain of 17 Oct 1804—"Yr favour is now before me—Mr Brown, on leaving this Country, left me the management of your Suit agst Barbour. But owing to the difficulty of getting the process executed on the Defendant, a decree for a Sale of the mortgaged property cannot be obtained as soon as Mr Brown expected—If the Writ now out agst the Deft should be served a decree will probably be obtained in may next—otherwise not until the fall—You may rely that the Suit shall have my particular attention"—

I copy the following from your letter of 7 may 1808 to myself—"I find on Examination that a Suit has been commenced in the name of Edith Ross agst David Barbour to foreclose a mortgage, which I presume is the same debt to which you refer—This Suit was instituted, prior to Mr Brown's departure from this Country & in all probability [sic] would have come to a termination about the time supposed by him, had it not been for unfortunate embarassments & delays growing out of the Court itself it [sic] which it was brought—that Court sits but twice a year: is composed of 10 Judges & frequently miscarries for want of 5 Judges—A court ought to have sat this Mo—but failed—I must postpone until next term (in Decr) a step necessary to its final result—I will forward the Suit as fast as practicable"—
During your absence abroad &c I laid aside the Case—in the Session of 1816 I brought the case to your recollection & you deferred your reply till you visited home—There you forgot me—in 1817 I again wrote to you & you then reply by showing you have lost sight of the Case & my former correspondence—

I wish you may, when you return, be able to give an evidence that the Suit itself has not been overlooked—In 14 years after a decree of Sale of the Property—it seemed but reasonable to have had the claim satisfied, or the hope forever abandoned But till now you will perceive we have the “word of promise to the Ear”, broken to our hope”—

Pray Sir, place this letter where it may meet your eye on your return to your office, & then, either, pursue the business promptly to a close if practicable, or advise us to abandon it as impracticable—or if the money has been received be pleased to advise me how I may receive it—I am Sir Yrs respectfully      JOHN F WATSON

* This is precisely the case in which J Swain is interested his titles are from Ross, who assigned to Swain—for value rec'd. I am administrator to J Swain.

Remarks on Appropriation for the Cumberland Road

[March 31, 1818]

Cited in Washington National Intelligencer, April 1, 1818: Annals of Cong., 15 Cong., 1 Sess., XXXII, 1657, 1659. The House, in Committee of the Whole, had taken up that part of the appropriations bill providing $260,000 to be expended in connection with existing contracts for construction on the Cumberland Road. A motion was made to strike out this section of the bill, whereupon Clay, “with particular zeal and earnestness,” joined several other speakers in advocating the measure in its original form. The motion was defeated.

Later in the discussion Clay “strenuously advocated” a proposal, offered by Christian Tarr, of Pennsylvania, to appropriate an additional sum of $200,000 for further construction work on the road. This amendment was also defeated, as were others, and the bill was reported without change.

In neither instance were Clay’s statements recorded.

Remarks on Relief of Sufferers on the Niagara Frontier

[April 8, 1818]

Mr. Clay also advocated warmly the justice of these claims, the
obligation of the Government to indemnify the sufferers, and the policy of so doing. 1

[After defeat of a motion to strike out the first section of the bill, an amendment was proposed to reimburse persons on Chesapeake Bay whose property had been destroyed during the war. The amendment was then modified to extend its application to "all citizens of the United States, or the territories thereof, residing therein."]

Mr. Clay, though willing to indemnify the sufferers on the Chesapeake as well as the others, if brought forward separately, opposed this section inasmuch as it would endanger the claims which had now been investigated, and were ready for decision, and which he was anxious to see allowed, &c.

[The amendment, changed slightly, was advocated in a speech of "some length" by Charles F. Mercer.]

Mr. Clay replied to some of Mr. Mercer's arguments, and again advocated the indemnification of the Niagara sufferers, whose claims had been audited and investigated by commissioners appointed for that purpose, and against now attaching any other cases, however just they might hereafter prove to be, and to which he was friendly, as such a course would, instead of relieving others, would [sic] only defeat the present bill, which course was unfair, &c. 2

Washington National Intelligencer, April 10, 1818. Published also in Annals of Cong., 15 Cong., 1 Sess., XXXII, 1694-95, 1696. On March 27 Charles Rich, of Vermont, had reported for the Committee of Claims relative to 158 cases involving claims for property destroyed by the enemy on the Niagara frontier between December 19, 1813, and January 1, 1814. The bill for relief of the sufferers, which he proposed, had been twice read and committed to a Committee of the Whole. When the subject was taken up on April 8, views were expressed by several speakers, including Oliver C. Comstock and Richard M. Johnson, both of whom supported the bill.

1 For an earlier expression of Clay's opinions on this matter, see above, Speech, December 30, 1816.

2 The amendment was agreed to and the Committee rose. On the next day the House concurred in this amendment, added another, and then rejected the entire bill.

Remarks on Navigation Bill

[April 10, 1818]

Mr. Chairman—Before the committee rises, I am desirous of offering a few observations upon the subject under consideration. It may be recollected that, during the late session of this body, I was in favor of a similar measure. 1 I prefer, Sir, to meet Great Britain on this ground by a direct and total exclusion of intercourse with her West India possessions to acting upon the subject in any other way. When she is thus made to feel the injustice of her policy towards us, she will yield to more reasonable counsels. It is not that Great Britain deals with us, in that respect, harshly, in com-
mon with other nations; but she enforces against our navigation in the West Indies, regulations of a more rigorous nature than those which are enforced against any other power. Some gentlemen appear to apprehend that the adoption of this measure on our part may be regarded by her as an act of hostility. But this is obviously a mistake. When the American plenipotentiaries signed the late commercial convention at London, I, for one, and I think I may safely assert the fact in relation to the whole of them, signed it with infinitely less regret, from the firm persuasion that the United States would resort to countervailing measures in relation to our exclusion from the British West India trade. Indeed, there is, in the convention itself, a clause which expressly reserves to us the right of doing so.² I am satisfied, sir, that the British ministry, and the enlightened men of that nation, are not averse to our participating in their colonial trade. But they are afraid, should they concede that point, that the country at large would not support them in it. Pursue the course, then, which I advocate, and you alarm the whole British West India interest; you make it sensible of the injustice done to us: The persons concerned in that interest will impress their fellow-subjects with the necessity of changing the present policy; their clamors will reach the throne, and convince majesty itself that a reciprocity in navigation to the colonies is a reasonable demand. But if the British Government should view such a step as an act of hostility, with what face can they complain of it? They set the example.—They first excluded us; and it is but following their practice to exclude them. This, above all others, too, sir, is the time for the measure proposed. The convention will expire, by its own limitation, in July 1819.³ Negotiations may be renewed on the same subject. Put the desired act into the hands of your minister, and you furnish him at once with an irresistible [sic] argument. Besides, time will be wanted for communication between our government here and our minister in London. Advice will be sought, and instructions will be given.—Let us proceed with unanimity, and we cannot fail of success. The other day, sir, in debate upon another topic, I said that there existed in the counsels of this country a tone and a temper which do not become the country.⁴ They do not correspond with its rank among nations. Adopt this measure, and I will withdraw half of what I then said. Adopt the other measure that I proposed—recognize those governments of South America which maintain their independence—and I will withdraw the whole of it.

Lexington Kentucky Gazette, May 8, 1818. Cited in Washington National Intelligencer, April 13, 1818; Annals of Cong., 15 Cong., 1 Sess., XXXII, 1717. A Senate bill, providing that American ports should be closed to British vessels arriving from a British port closed "by the ordinary laws of navigation and trade" to American
vessels, had been brought before Committee of the Whole of the House of Represent­atives. Clay was one of several speakers "decidedly in favor of the bill," which passed the House on the following day. 3 U.S. Stat., 432-33 (April 18, 1818).

1 See above, Remarks, January 30, 1817; Speech, January 31, 1817.
2 See above, July 3, 1815.
3 It was renewed later in the year. See below, Remarks, December 7, 1818, note.
4 See above, II, 523.

To John C. Calhoun

Dr Sir

10h. Apl. 1818.

Inclosed I transmit the letter of Govr. Shelby on the subject of the extinction of Indian title to Land within the limits of Kentucky, 1 which I presume will be found to maintain satisfactorily the fact asserted in the communication of the K. delegation, on which is bottomed the obligation of the Govt. of the U. S. to remove the incumbrance which has been placed under its authority, upon the land in that State—I will thank you to cause the letter to be preserved, and a Copy of it to be furnished to Yr's respectfy

H Clay

ALS. DNA, RG 107, Letters Received. Addressed to Calhoun as Secretary of War.

1 Not found. Cf. above, Clay to Shelby, February 8, 1818.

To [Francis T. Brooke]

My Dr Sir

Washington 11h. Apl. 1818.

I have again conversed. with Mr. Walker 1 respecting your lands. He has been on the tract near Madisonville adjoining the land of Davis. 2 He describes it as lying level, rather too wet but rich. The growth is Spice wood (always an indication of rich land) oak walnut & the other kinds of trees that are incident to rich land. He said the land was just such land as a tract which we both well knew near Lexington. This land is rather too wet, but not so much so as to prevent its culture, and is remarkably well adapted to grass. I have no doubt, in short, from Mr. Walker's information, that the tract near Madisonville is very valuable. He has never been on the tract near the Red Banks. 3 Lands near that place he states as worth, on an average, five dollars per acre. I remain Yr's Cordially

H. Clay

P. S. He had been on the Cumberland tract which you have sold.

ALS. NeD.

1 David Walker, a native of Virginia and a veteran of the Revolutionary War, had settled in Logan County, Kentucky, where for several years he was clerk of the county and circuit courts. He was a member of the State House of Representatives (1793-1796), a major on Governor Shelby's staff during the War of 1812, and Congressman from Kentucky from 1817 until his death in 1820.
2 Four Davis brothers, with their families, were among the early settlers of Hopkins County, of which Madisonville is the county seat.
3 Henderson, Kentucky.
To John Cross


I recd. your letter of the 19h. Ulto. requesting information as to the fate of your Lottery\(^1\) Tickets and I have accordingly written to Baltimore and obtained the information desired. Your tickets No. 11,966. 11961 and 11956 are blanks and 8296 is a prize.

Yr. obt. Servt. H. CLAY

ALS. PPrHi. Addressed to Cross at Lexington, where earlier he had been a baker and tavern keeper.

\(^1\) Probably the Surgical Institution Lottery, held at Baltimore in December, 1817, capped by the drawing for $100,000 on New Year's day. The Baltimore Medical College Lottery was under way in April, 1818, but not completed at this date. Washington National Intelligencer, December 27, 29, 1817; April 2, 10, 17, 20, 1818.

From James Smith, Jr.

Respected Friend Philada. April 13th 1818

Let me beg your attention to the under mentioned business as soon as you possibly can, as it is absolutely necessary for the settlement of Accots with my Creditors—Mr Sharp writes dated Ocr. 22d 1814 “The ballance on your judgment in Barren County against, Burnett of 140$ I inclose, part I received sometime since and paid to Mr. Porter Clay on the order of the Honorable Henry Clay, and part was paid by the Sherriff to Mr. Porter Clay”—This money has never been received and must amount to at least 350 Dollars—Woodson Wren a considerable ballance coming from the Debts assigned by him, which if not good he is liable for. I understand he is a Man of property—The ballance of Owings you expected to send on last winter—

Your compliance with the above request will very much oblige Yr Friend JAS SMITH JR.


\(^1\) See above, Smith to Clay, September 3, 1816.

From [Peter Hagner]

Hon Henry Clay H R Sir 15th. April 1818

I have the honor to inform you that the claim of the representatives of Solomon Wood for his pay as a soldier of the late Army has been adjusted & the Amount due his estate is ready to be paid to you as the Attorney.

I return the letter of Mr Payne.\(^1\)


\(^1\) Probably Daniel McCarty Payne.
Amendment to Bill on Invalid Pensioners

[April 16, 1818]

William Earnest,¹ whose father died of wounds received in battle during the late War, to be applied, under the direction of the Secretary for the Department of War, in the education of the said Wm.,² at the Connecticut Assylum [sic] for the education and instruction of Deaf and Dumb persons,³ for a period not exceeding five years, at the rate of Two hundred & fifty dollars per annum.

AD. DNA, RG233, HR15A-B1. Date is that of action on the bill in Committee of the Whole. The bill, with this amendment, passed the House the following day, but was postponed in the Senate until after the close of the Session. Approved again in the same form by the House on November 26, 1818, the measure was finally enacted on March 3, 1819. 6 U.S. Stat., 233.

¹ Possibly a son of Matthew Earnest of Fayette County, Kentucky.
² Founded at Hartford in 1817 by the Reverend Thomas Hopkins Gallaudet, pioneer in deaf-mute instruction in the United States.

To Francis T. Brooke

My Dr Sir


In great haste I have to acknowledge the receipt of your favor of the 13th.¹ Majr. Walker would undertake to explore your lands and report to you particularly their situation quality & value. He would charge for the service only his expences that is to say about two dollars per day for 12 or 15 days. He is a man of perfect integrity & may be relied on for such an undertaking. When I spoke, in a former letter,² of him, I did not mean to imply any question of his veracity, but merely to convey the idea that he was a laughing, talking good natured sort of a fellow, who might express himself somewhat at random, unless he knew precision to be necessary.

He recommends, himself, Daniel Ashby³ at Madisonville as a person on whom you may rely to report the desired information.

Yr’s Cordially.

H. CLAY

¹ Not found.
² Not found.
³ Formerly sheriff of Henderson County and member of the Kentucky Senate.

Majr. Walker’s address is “David Walker Russellville (K)”

ALS. KyU. Addressed to Brooke at Fredericksburg, Virginia. Published in Colton (ed.), Private Correspondence of Henry Clay, 54.

Receipt to [Peter Hagner]

[April 17, 1818]

Recd 17 April 1818 Warrant No 1929 for sixty two dollars Twenty nine cents In full of the within a/c

$62.29

H. CLAY ATTO &C
To Richard B. Lee

Sir

Washington April 18h. 1818—

Having had much business to transact with you as Commissioner of Claims, we think it right to express to you our entire Approbation of your Conduct whilst acting in that Capacity and as far as it came under our observation—

The regularity, order and precision with which business was done in your office were particularly observable, as well as the zeal you manifested to do Justice as well to the United States as to the individuals concerned

We are, very respectfully

Your Humble Servants

Richard. B. Lee Esquire—

WILLM H. HARRISON
DAVID TRIMBLE
SAMPSON HERRICK
R. C. ANDERSON JR
DAVID WALKER Ky.
THOS B ROBERTSON
H. CLAY

To Adam Beatty

WASHINGTON, April 21, 1818.

DEAR SIR,—The contemplated changes in the judicial establishment of the United States, were not made during the session of Congress just terminated.1 The opinion that these changes are necessary acquires daily additional strength; and I think there is reason to believe that they will be effected at the next session.

I am glad to learn that there exists a prospect of doing something towards turnpiking in Kentucky.2 I shall be very happy to co-operate with you in an object so worthy of the utmost exertions.

Colton (ed.), Private Correspondence of Henry Clay, 55.

1 Early in the session (December 9) the House had adopted a resolution offered by Thomas Claiborne of Tennessee, instructing the Judiciary Committee "to inquire whether any, and, if any, what alterations and amendments are necessary to be made in the Judiciary." The committee had failed to report on this inquiry.

2 Subscription books had been opened at Washington, Kentucky, the previous month to finance the Maysville and Lexington Turnpike Road Company, incorporated by the Kentucky legislature under act of February 4, 1817. Ky. Gen. Assy., Acts, 1816-1817, pp. 179-200.
To John Tilford

Dr Sir

Washn. 22d. Apl. 1818

I beg leave to introduce to your acquaintance Geo. W. Slacum Esq who, although not personally known to me, I am informed by some of my particular friends, is a gentleman of worth and respectability. Mr. Slacum has established a House in New York and goes to the West in order to promote his Commercial and Commission views. Any attentions you may render to him will greatly oblige Yr. ob. Servt.

H. CLAY
Jno. Tilford Esq.

ALS. DNA, RG59, Applications and Recommendations for Office (MRI).

To [Benjamin W. Crowninshield]

Dr Sir

Washn. 23d. Apl. 1818.

May I ask the favor of you to transmit the inclosed letter, from a father to his son, with your first despatches to the Mediterranean?

Yr's with great regard

H. CLAY

ALS. DNA, RG45, Misc. Letters Received, 1818, vol. 3, p. 89. Addressed: "The Honble Secretary of the Navy."

To John Hart

Dr John

Washington 29h. Apl. 1818.

Altho your letter of the 17h. Apl. arrived just at the moment when I was extremely engaged in preparations for my departure, which I had fixed for tomorrow, I went to the patent office to make enquiries on the subject to which it relates. The result of these enquiries is, that the patent right, under which the Company claims, of Oliver Evans for using the high steam engine is not itself worth a cent; nor is the patent which they have lately obtained for using what is termed the waste power. Neither of them is considered as a patentable subject, in the opinion of the Superintendent of the patent office, and of Mr. Elliot, a well informed person in it, whose letter I inclose. If there be no other objection to your establishment of a distillery, in connection with your mill, than what is derivable from the source of these patents I would not hesitate one single moment.

I have nevertheless written, as you desired, to Oliver Evans himself, whose answer I have requested to be addressed to me at Lexington. And, if he has yet a right to demand any thing for the priviledge of using his patent for Waste power, I have desired him so to modify his proposition as that upon its being accepted in Kentucky it will be obligatory on him.
It is not necessary and I do not therefore wish you to use my name with the Company so as to bring me into collision with them, between whom and me you know there have always existed the most amicable relations. Yr's Sincerely H. CLAY

P. S. I have been disappointed in not receiving the amount of your & Tom's note; but when I get home the cause will I suppose be explained.

ALS. DLC-TJC (DNA, M212, R10). Addressed to Hart at Lexington.

1 Not found.

2 On February 10, 1816, the Kentucky legislature had incorporated the Fayette Paper Manufacturing Company, which had already established a mill on the waters of Wolf Run, near Lexington. Among the members of the firm was Luther Stephens, who held one-fourth interest in the improvement of steam engines patented by Oliver Evans (native of Delaware, inventor and pioneer American builder of steam engines). Littell (comp.), Statute Law of Kentucky, V, 409-13; Washington National Intelligencer, January 15, 1814.

3 Dr. William Thornton.

4 William Elliot, clerk of the Patent Office and, himself, inventor of a floating battery for coastal protection. During the year 1814 he had published the Washington City Gazette.

5 No letters found.

6 See above, Clay to Hart, August 19, 1817.

To John Quincy Adams

[April 30, 1818]

Mr. Clay's Compliments to Mr. Adams, with the Quarterly review which he had the goodness to lend him, and which Mr. C. is ashamed of having detained so long. He tenders to Mr. Adams his respectful adieux. Thursday morning


1 See above, II, 536.

From Peter Hagner

The Honble Henry Clay Lexington Ky

May 19, 1818

Sir

Treasury Department

3rd Auditor's Office

The claim of James Jenkins for a horse lost requires information as to the day he died, and as to who paid claimant for the hire of his team, that a proportionate deduction may be made after his loss. With great respect I have the honour to be Your mo. ob. sert

PETER HAGNER AUD.

Copy. DNA, RG217, Letter Book, p. 91.

1 Of Fayette County, Kentucky.

From John Fowler and Others

HENRY CLAY Esq.

Lexington, May 23, 1818.

Dear Sir—Your constituents in this town and its vicinity, have
deputed us to invite you to a Public Dinner, that will be prepared for the occasion at Captain Fowler's Garden, on the 28th instant. This testimony of respect is offered you, on account of the high sense entertained of your patriotism and public services; but, more especially, on account of the zeal and ability with which you have advocated in Congress the cause of liberty, and the propriety of acknowledging the independence of the established governments in South America; a measure called for by the honor and interest of the United States,—also, for the able and spirited manner in which you discussed the subject of internal improvements; a subject intimately connected with the vital interests of this country, as it regards the wealth, union, power, and general prosperity of the states.

In making this communication, we are gratified in the opportunity afforded, of expressing to you sentiments of personal regard and esteem. Your obedient servants,

John Fowler,
Thomas Bodley,
W. T. Barry,
S. H. Woodson,
A. S. Barton.

Lexington Kentucky Gazette, May 29, 1818.

To John Fowler and Others

Gentlemen, Ashland, May 23, 1818.

I have to acknowledge the honor of receiving your note of to-day, inviting me, in behalf of my constituents, in Lexington and its vicinity, to a public dinner, at Capt. John Fowler's garden, on the 28th instant. I accept, with great pleasure, the invitation. Whenever I am so fortunate as to obtain, for the part which I may take in public affairs, the approbation of my constituents, I am highly gratified; but I own that I have peculiar satisfaction in receiving, at the present time, this distinguished testimony of their countenance and support, in the instances referred to by you. With respect to one of these instances, I should indeed have greatly mistaken their character, if they had have seen, even with indifference, much less could have censured, my humble endeavors to render an act of sheer justice to the people of Spanish America, struggling as they are in a cause similar to that in which our liberty and independence were established. If, at the late session of Congress, all were not done that is desirable, on the interesting subject of internal improvements, the successful assertion, by the House of Representatives, of the power of the general government, in that particular, authorizes us to hope that the time will shortly arrive when this great means of strengthening the union, and of advanc-
May 30, 1818

ing the power, prosperity, and wealth of our country will be liberally employed.

I offer you, gentlemen, assurances of my sincere personal regard, and of the very high respect with which I am your obedient servant,

John Fowler, Esq.
Thomas Bodley, Esq.
W. T. Barry, Esq.
S. H. Woodson, Esq.
Abm. S. Barton, Esq.

H. Clay.

Thomas Bodley, Esq.
W. T. Barry, Esq.
S. H. Woodson, Esq.
Abm. S. Barton, Esq.

Lexington Kentucky Gazette, May 29, 1818.

1 See above, Speech, March 13, 1818, n.29.

Toasts and Speech at Lexington Dinner

[May 28, 1818]

13. *Our Representative in Congress*—Who maintained the cause of South American freedom, with the force of Roman eloquence, and never better represented the sentiments of his constituents.

{Mr. Clay rose, and after expressing the grateful thanks he felt for the cordial welcome with which he had been received by his constituents on this occasion, explained the motives which had governed his course in relation to internal improvements and the cause of South America.}

... . .

**Volunteers**

By Mr. Clay. *My Colleagues in Congress*—faithful organs of the sentiments and wishes of the state.

Lexington Kentucky Gazette, May 29, 1818. Published also in Washington National Intelligencer, June 15, 1818. See above, Fowler and Others to Clay, Clay to Fowler and Others, both May 23, 1818.

To [Return J. Meigs]

Dr Sir

Lexington 30th. May 1818.

I reached home a few days ago. I wrote you from Wheeling respecting the practicability of running a line of Stages on the Cumberland Turnpike.¹ On passing by Marietta,² we learnt from a skiff which we sent on shore, that Mrs. Meigs, in anticipation of our passage down the river, had directed a couple of barrels of apples to be sent on board for Mrs. Clay. Although we did not in fact receive them, owing to our not having stoped [sic] there, we are just as thankful as if we did, and Mrs. Clay wishes her acknowledgments, in which I with pleasure unite, to be communicated to Mrs. Meigs.

¹ See above, Speech, March 13, 1818, n.29.
I will thank you to give the enclosed to Mr. Gales. With great respect I am faithfly Yrs.

H. CLAY

ALS. NcD. Appointed by Madison, Meigs continued as Postmaster-General under President Monroe until 1823.

Account with John and Thomas P. Hart

Dr. Henry Clay In act. with John & Tho. P. Hart. [June 5, 1818]

1817

Decr. 3. To Balance, per act. forwarded, this day, to Washington City $ 49.59½

4. To Cash, deposited to your credit in the United States' Bank 22.20

" To ditto, paid for a stamp for J. Hart's dft on you,¹ as per advice, " .75

11. To ditto, paid Mrs. S. Hart, per Rect 55.—

12. To ditto, paid your note to the Mutual Assurance Co., herewith² 10.45

19. To ditto, paid Mrs. S. Hart, per rect 50.—

22. To ditto, paid S. Q. Richardson's exors vs you, as per Sheriff's rect. . . . . 18.[41]

1818

Jan. 9. To ditto, paid Tho. H. Pindell, by your request . . . . . . . . . . 58.75

15. To ditto, deposited to your credit in the US Bank . . . . . 1.47

26. To ditto, paid Mrs. S. Hart, per rect 50.—

28. To ditto, " discount at US Bank 64.—

30. To ditto, " Atkinson's bill, as requested by letter³ . . . . . . 26.—

Feb. 10. To ditto, " Richardson's⁴ per rect., for locks, nails, & hinges, furnished for the hotel⁵ & Store . . . . . . 42.61

forwd. $ 449.23½

1818 forwd. $ 449:23½

Feb. 16. To Cash pd. O. Henly, as requested by letter⁶ 74.—

21. To ditto, " Mrs. S. Hart, per rect. . . 50.—

Mch 2. To ditto, a check by the Lex. Br. Bk.⁷ at sight, on the Schuylkill Bk., enclosed to you at Washington City, $1110, ½ per Ct advance on it $ 5.55/100: a payment on our note due 25 Oct 1816⁸ 1115.55

10. To ditto, paid Mrs. S. Hart, per rect . . 50.—
21. To ditto, your note to N. Barbee $150, interest on it $210/100 152.10
   " To ditto, paid W. Ellis, as requested in your letter to him, which was exhibited to us, 100. —
   April 1. To ditto, paid discount at the US Bank, 64. —
   8. To ditto, paid O. Henly as requested by letter 137. —
   13. To ditto, deposited to your credit at the US Bank, 23 July last, 64. —
   May 6. To ditto, paid O. Henly, as requested by letter 135. —
   25. To ditto, remitted Allen & Grant, Pittsb. 350. —
   27. To ditto, pd. the first installment on 100 Shares in The F. & Mec. Bank of Lex. 2000. —

   forwd. 4740.88 1/2
   forwd. $ 4740.88 1/2

   Note. The two last items are payments on our note due 25 Oct 1816.

1818
June 5. To John Harrison's act. to Leven L. Shreve & Co, herewith 30.05 1/4
   " To W. Bobb's do. do. 46.88 3/4
   $ 4817.83

Cr.
1817
Decr 24. By Cash, recd. from D. Carr $ 385. —
1818
Jan. 5. By Ditto, do do do do 120. —
Feb. 20. By balance due you from Leven L. Shreve & Co, per act. herewith 80.52
   By ditto, do do do do 104. —
   26. By ditto, recd. from W. P. Roper, collected by him from the late Sheriff of Greenup County 200. —
   27. By ditto, recd. from D. Carr 142. —
   May 23. By ditto, D. L. Ward’s note $ 140, interest on it $5. 145. —
   June 1. By ditto, recd. from Capt West, rent of the store fm. 1 Apl., at $400 p an. 66.67
   June 5. By Balance due us 3367.64

$ 4817.83 1/2

Save Errors & Omissions

JOHN & THO. P. HART.

DS. DLC-TJC (DNA, M212, R15). See above, Account, December 3, 1817. Except as noted the receipts mentioned in this document have not been found.

1 Not found. 2 Kentucky Mutual Assurance Society. Note not found.
3 See above, Clay to Hart, January 4, 1818.  
4 J. C. and M. D. Richardson.  
5 The Kentucky Hotel.  
6 Cf. above, Clay to John Hart, January 21, 1818.  
7 Of the Bank of Kentucky. Check not found.  
8 See above, Clay to Hart, August 19, 1817.  
9 See above, Clay to Hart, January 4, 1818.  
10 Letter not found.  
11 The Farmers and Mechanics' Bank of Lexington was one of the independent banks recently established by the Kentucky General Assembly (see above, Clay to Jones, March 3, 1818, note). Its capital of $1,000,000 was divided into 10,000 shares.  
13 The account running from October 23 to December 18, 1817, covering charges for purchases of cloth, blankets, and 2 “Mereno Bord Shawl @ $6.00”; carries a similar endorsement to that quoted in note 12, above.  
14 See below, same date, debit item of February 20.  
15 William West.

Account with Leven L. Shreve and Company

<table>
<thead>
<tr>
<th>Date</th>
<th>Dr/To</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2</td>
<td>To</td>
<td>2 pair Hinges @ 37½ cts 2 Doz Screws @ 12½ cts</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>1 Doz Screws</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid Barton’s &amp; Craig’s bill</td>
</tr>
<tr>
<td>17</td>
<td></td>
<td>1 penknife</td>
</tr>
<tr>
<td>22</td>
<td></td>
<td>3 pair Hinges @ 37½ cts—4 Doz Screws 12½ cts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid for Sprigg’s</td>
</tr>
<tr>
<td>25</td>
<td></td>
<td>ditto “Sam Longs bill for making drawer’s [sic] and cases in the store room</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ditto paid for drawer knob’s</td>
</tr>
<tr>
<td>May 14</td>
<td></td>
<td>8 Doz Buttons pr order Mrs Mentelle</td>
</tr>
<tr>
<td>16</td>
<td></td>
<td>1 pair Butt Hinges 44 cts—1 Doz Screws 12½ cts</td>
</tr>
<tr>
<td>21</td>
<td></td>
<td>1 pair Hose</td>
</tr>
<tr>
<td>June 2</td>
<td></td>
<td>2 Doz Screws @ 37½</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>2 &quot; do 12½</td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>55 yds Linen. 25 cts</td>
</tr>
<tr>
<td>19</td>
<td></td>
<td>Mdse pd Nat Boswell pr order</td>
</tr>
<tr>
<td>26</td>
<td></td>
<td>Sam Long amo. his act.</td>
</tr>
<tr>
<td>July 1</td>
<td></td>
<td>Cash pd for hauling dirt</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>ditto &quot; do</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>1 pair Hinges &amp; Screw’s</td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>4 pair Hinges @ 37½—5 Doz Screws 12½</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 Umbrella</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cash paid for hauling dirt</td>
</tr>
</tbody>
</table>

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8 Doz Buttons pr order Mrs Mentelle 1817
**JUNE 12, 1818**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 pair Hinges @ 37½ cts — 2 Doz Screw’s 12½</td>
<td></td>
<td>1 00</td>
</tr>
<tr>
<td></td>
<td>Cash pd January, Ws &amp; J’s bill</td>
<td></td>
<td>7 46</td>
</tr>
<tr>
<td>Octr 23</td>
<td>Will Bobb for amo his act</td>
<td></td>
<td>97 46</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ 269 12</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Amo over $ 269 12</td>
</tr>
<tr>
<td>Octr 31</td>
<td>Cash pd Downing &amp; Grant, pr reqt. in pt. for papering store room</td>
<td></td>
<td>7 43¾</td>
</tr>
</tbody>
</table>

**1818**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 13</td>
<td>Mdse pd Ben Stout pr order</td>
<td></td>
<td>27 62½</td>
</tr>
<tr>
<td>Febry 4</td>
<td>Cash pd Downing &amp; Grant in full for papering store room</td>
<td></td>
<td>21 25</td>
</tr>
<tr>
<td></td>
<td>Jno &amp; Thos P Hart for balance due you, placed to your credit on their Book’s</td>
<td></td>
<td>80 52</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ 405 95¼</td>
</tr>
</tbody>
</table>

**1817**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 21</td>
<td>By Cash recd for 25 lbs 8 dy Nails</td>
<td></td>
<td>6.25</td>
</tr>
<tr>
<td>July 1</td>
<td>By ditto &quot; 15 &quot; do.</td>
<td></td>
<td>3.78</td>
</tr>
<tr>
<td></td>
<td>By ditto &quot; 5 &quot; do.</td>
<td></td>
<td>1.05</td>
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**1818**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Febry 3</td>
<td>By rent of Store room for one year ending 1 Day of April</td>
<td></td>
<td>350.00</td>
</tr>
<tr>
<td></td>
<td>By Amo goods sold for you</td>
<td></td>
<td>44.87¼</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ 405 95¼</td>
</tr>
</tbody>
</table>

D. DLC-TJC (DNA, M212, R15).

1 Possibly Nathaniel Bosworth, a young Fayette County farmer.

2 Matthias Winans and Andrew M. January, trading under the name of Winans & January, carried on the business formerly conducted by Samuel January, Sen., & Co., of Maysville, Kentucky.

3 See above, Account with Harts, same date, credit entry of February 20.

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**To Robert Brent**

Dr. Sir

Thomas Clarke, formerly of Virginia, but now a resident of the neighbourhood of this place,¹ a pensioner of the U. States (I believe in the grade of a Sergeant) writes to be transferred to the Kentucky list and to have his pension made payable here. I will thank you to have Mr. Clarke’s wish, in this respect, carried into effect.

R. Brent Esq.                Yr. ob. Servt.          H. CLAY

ALS. DNA, RG15A.

¹ Clark, a veteran of the Revolutionary War, lived in the southern district of Fayette County.
Agreement with James Morrison and John Scott

[June 16, 1818]

An agreement entered into this 16th. day of June 1818 between James Morrison and Henry Clay and John Scott:—

The said Morrison, Clay and Scott agree to enter into a joint concern for the purchase of Military lands granted by the U States in the Missouri Territory north of the Missouri. The purchases to be effected as soon after the said lands may be patented as may be: For this purpose the said Morrison and Clay agree each to advance seven thousand five hundred dollars, making fifteen thousand dollars, the advance to be made from time to time between the first day of August next and the first day of January thereafter, as the said Scott shall be able to invest the Same in the manner herein after mentioned.

The said Scott covenants with the said Morrison and Clay to be the Agent in making the investment of the Sum aforesaid of fifteen thousand dollars in the purchase of the said Military lands: He covenants not to give more than one dollar per acre, and to purchase them for as much less as may be practicable: For the purpose of effecting the purchase he covenants and agrees to proceed to the City of Washington in the course of August next and to remain there to complete it. He covenants to take the conveyances in the name of the said James Morrison; and when the investment is completed as aforesaid the parties hereto agree to divide the land as follows: Scott shall separate it into three parcels as nearly equal as may be, and each of the parties shall draw by lot one of those parcels; whereupon the said Morrison shall convey, without recourse to him, to each of the other two parties the parcels which fall to them respectively.

The said Morrison and Clay covenant to pay to the said Scott, two thirds of his board at the City of Washington from the time of his arrival there until the commencement of the next session of Congress. Each of the parties is to sustain his third of the expence of conveying, authenticating and recording the Deeds of conveyance—

The said Scott covenants to pay to the said Morrison and Clay the five thousand dollars which they are to advance as his part of the capital aforesaid on the first day of January 1820, with interest thereon from the time of the advances being severally made—

Witness the hands and seals of the parties this 16th day of June 1818.

Witness

James Morrison {Seal}

Robert Scott

H. Clay {Seal}

John Scott {Seal}

[Endorsement] Advanced by H. Clay on the 17th. August 1818 in presence of
T. T. Crittenden the sum of five thousand dollars (See receipt inclosed).

DS, in hand of Robert Scott. DLC-TJC (DNA, M212, R15). John Scott, born in 1785 in Hanover County, Virginia, had moved to Indiana Territory with his parents in 1802, thence to Ste. Genevieve, Missouri Territory, where he had begun practice of law in 1806. Appointed to the Territorial Legislative Council in 1813, he had been elected Territorial delegate to Congress, 1817-1821, after which he became the first Congressman of the new State of Missouri, 1821-1827.

1 By act of April 29, 1816, Congress had authorized survey of 500,000 acres in Missouri Territory, north of the Missouri River, to meet the land bounty of 160 acres promised to non-commissioned officers and soldiers of the United States Army during the War of 1812. 2 U. S. Stat., 669-70, 672-73 (December 24, 1811; January 11, 1812); 3 U. S. Stat., 332.

2 AEI.

3 Lawyer, member of the Kentucky House of Representatives from Fayette County (1814-1815 and 1818-1819), brother of John J. Crittenden.

4 Not found.

From Samuel Smith


Sir

I find by a letter just received from Col Morrison that I shall owe him for taxes and other Charges on my land in Kentucky above $1000 and have therefore taken the liberty to draw on you in his favor for that amount at 60 Days sight say One thousand dollars which I flatter myself will meet with due honor, and I am Sir

Your Obedient Servant S SMITH

Copy. ViU-Samuel Smith Letterbook. 1 James Morrison.

To Charles Tait

My Dr Sir Ashland (near Lexington) 25h. June 1818.

I think you had the goodness once to say that you would endeavor to procure for me the reimbursement of some money I have had to advance for Mrs. Rebecca Willisson, living near Augusta. At all events, whether you did or did not make me such promise, you will oblige me by aiding me, if it be practicable, to effect my reimbursement. Mrs. Willisson having a claim to some negroes in this State brought a suit to recover them in the Federal Court. With more gallantry than prudence I became her security for the Costs, which I did in consideration of her being a widow, of her having what I supposed a just claim, and of her being a member of a family so distinguished as that of Starke. She recovered a Judgment whilst the suit was under my management; but the cause was transferred to the Supreme Court, where I have always thought it was never understood, and she lost it. The consequence has been my liability to pay & the actual payment to her antagonist of the Costs awarded to him, amounting to $325.
The sum is too large to lose, if I can avoid it. There are some fees, independent of this amount, yet due me & for which I hold Mr. Willisson's note, but these I would cheerfully relinquish to get back what I have advanced. I send you a copy of the receipt given me for the Costs which I have paid, and will be greatly obliged by any exertions you may make to get me the amount.

We have just heard of the taking of Pensacola.\(^3\) I presume the step is without authority; for if it has been, in pursuance of instructions, the Constitutional provision is a dead letter which confides to Congress the power of declaring War. At the same time the conduct of Spain, if instead of restraining the Indians as she was bound by treaty to do, she has nourished their war against us, has been most perfidious.

Mrs. Clay unites with me in respectful Compliments to you & your family. I am Cordially & faithfly Yrs

H. CLAY

Copy of rect.

I have this day received of Henry Clay one hundred and forty five dollars which with fifty dollars paid by him on the 26 April 1813, thirty dollars paid by him on the 20h. day of October 1812 and one hundred dollars paid by him on the 18h. day of July 1816, amounting in the whole to three hundred and twenty five dollars I as admor of Jacob Spears deceased do hereby acknowledge to be received in full for all Costs which the said Clay is liable to pay as the Security of Rebecca Willisson in a suit lately depending in her name in the Circuit Court of the U. States for the District of Kentucky against the said Jacob Spiers. Witness my hand & seal this 25h. day of June 1818.  

JOHN SPEARS\(^4\) Admor {L.s.}

for

Jacob Spears deceased.

ALS. ViU. Addressed to Tait at Elbert, Georgia. Born in Hanover County, Virginia, in 1768, Tait at an early age had moved with his parents to Georgia, where he had begun the practice of law in 1798. He was presiding judge of the western circuit court of Georgia, 1803-1809, and United States Senator, 1809-1819. In the latter year he moved to Alabama, where he was United States District Judge, 1820-1826.

1 See above, I, 41, 233, 235-36.
2 Of Virginia and South Carolina.
3 On May 24, by a force under General Andrew Jackson, who had invaded Florida in pursuit of hostile Indians. See below, Remarks, December 9, 1818.
4 Of Cane Ridge in Bourbon County, where Jacob had removed after 1800.

To James B. Reynolds

My Dear Sir  

Lexington 26h. June 1818.

I have just received at this place your very obliging letter addressed to me at Washington;\(^3\) and I thank you most sincerely for the kind and friendly sentiments towards me which it contains.
I am highly gratified to find that my poor exertions in behalf of our Southern brethren meet with your approbation.² They were made from a sense of duty, and with the view of promoting the cause of liberty. They were also made under a clear conviction that the particular measure recommended could be safely adopted without prejudice to the interests of our Country. Whatever motives others may choose to ascribe to me, I feel that those which really actuated me were pure, and such as to deserve the approval of all good men. Whilst I am conscious of having been thus impelled, and am so fortunate as to obtain the sanction of men like you, I care not for the false ascription to me of unworthy designs.

I am sorry to learn that you have no intention of again entering into public life. I hope that you will think otherwise on that subject and that the people will also learn to appreciate better your services & those pure intentions which your late colleagues in the H. of Representatives unanimously accorded to you.

The Compensation bill is no longer thought of here and has ceased to be an obstacle to the promotion of worth and integrity. And I cannot believe that the gallant people of your State are less enlightened or less liberal than those of Kentucky.

I will thank you to make my respects to Jones³ whom I found an independent highminded honorable man.

With best wishes for your welfare I remain My dear Sir Cordially & Faithfully Yrs.

H. Clay

ALS. KHi. Addressed to Reynolds at his home, Clarksville, Tennessee. Born in Ireland, Reynolds had emigrated to the United States and become a lawyer in Tennessee. He served two terms in the United States House of Representatives, 1815-1817, 1823-1825. An endorsement indicates that this letter was answered November 18.

¹ Not found.
² See above, Motion and Speech, March 24-25; Speech, March 28, 1818.
³ Probably Francis Jones, a Winchester, Tennessee, lawyer who was a member of Congress from 1817 to 1823.

From G[eorge] B[oyd]


Sir,

War Dept. Pension Office June 26th. 1818.

Your letter to the Paymaster Genl. of the 12th. inst.¹ has been this day, handed over to this office. I have the honor to inform you that Thomas Clark, has been transferred agreeably to your request, from the roll of Virginia, to that of Kentucky and to in-close to your care a transfer for the Pensioner accordingly.—

G. B.


¹ See above, Clay to Robert Brent, June 12, 1818.
The Committee to which has been assigned the duty of revising the by-laws and ordinances of the University, taking into consideration the establishment of a Refectory, and to make inquiries respecting a suitable character for the place of Steward, beg leave to report,

That they have proceeded to execute the duties committed to them as well as the time they could devote to the object, their competency and their means of information would allow.

With regard to the by-laws and ordinances they relate either to the Board of Trustees and the officers immediately connected with it, or to the University as such—The Committee have accordingly digested the first into one body, and have made but few alterations in those which they found previously existing. Those which more directly concern the University the Committee have also arranged in a separate body. They have ventured to recommend some material alterations in the latter collection. These principally relate 1st to the detachment of the Grammar school from the University: 2dly. To an increase of the attainments necessary to admission into the University. 3. The division of the Students into four classes, upon the plan and according to the experience of other similar institutions. 4. The consolidation [sic] of the several vacations into one, in obedience to the resolution of the board. and 5thly. The augmentation of the fees of tuition. Their constant aim, in all their deliberations, has been to place, so far as such regulations as they have been called upon to consider, would tend to place, the Transylvania University upon that footing of respectability which is justly expected by the public, and which is demanded by the wants of the Community. They are aware that, at last, much depends upon the munificence of the Legislature, the pecuniary means within the Command of the Corporation being inadequate to give to the Institution all the prosperity which is so very desirable.

The Committee have also taken into consideration the subject of a Refectory, and beg leave to report certain regulations concerning it. Neither have they been unmindful of the duty assigned them to make enquiries relative to a suitable character for the place of Steward. They have accordingly made these enquiries, and as they were not authorized to enter into any positive engagement they will content themselves by saying that they have met with a person, whom they think well qualified for the place, and
that they are ready to communicate orally to the Board the information which they have thus acquired.

The Committee have hastened to lay the result of their labors before the Board, not that they have supposed it would be necessary for the Board immediately to act on the whole of their report. Indeed they would think it advisable not so to act in regard to many parts of it, especially as there is reason to expect that additional information may be acquired by the gentleman recently appointed President during his absence on the journey which he is about to undertake. But the Committee thought it best to report entire, that the entire system, such as they have been able to make it, might be under consideration. And there are certain portions of it which it appeared to them might be proper to be decided on, with as little delay as practicable. Without specifying others they would mention the Refectory, the arrangements concerning which ought at once to be begun.

H. Clay
Chs. Humphreys
John T. Mason Jr

ADS, signed also by Humphreys and Mason. KyLxT. The minutes of the Board of Trustees for this period are lost.

1 The Board of Trustees of Transylvania University in November, 1815, had elected to the presidency of the institution the Reverend Horace Holley, pastor of the Unitarian South End Church, Boston, Massachusetts; but rumors of his Unitarianism had caused the appointment to be rescinded. Unable to agree on any other individual who would accept the post, the Board (its Presbyterian members not participating) had again elected Holley in November, 1817. By act of February 3, 1818, the Kentucky legislature had then named a new Board of Trustees, on which the Presbyterians were not represented. Before casting his lot with the University, Holley had visited Kentucky in May and June, 1818, then returned to Boston to settle his affairs before moving. A native of Connecticut, Holley had been graduated from Yale, had studied theology, and as a minister had won a widespread reputation for his oratory.

From Peter Hagner

Treasury Department 3rd Auditor’s Office
The Hon Henry Clay Lexington Kentucky July 7, 1818
Sir The additional testimony forwarded to me by Mr Carr has enabled me to adjust Mr Jenkins’ claim

It appearing that hire has been paid for the team 21 days beyond the time of the death of the horse a deduction of $13 85/100 has been made from its value for those 21 days hire & for 5 days forage leaving due to Mr Jenkins $66 15/100 which will be transmitted to you by the Treasurer of the United States, & a receipt for which from you as attorney for Mr Jenkins you will be pleased to send to this office & a duplicate of it to the Treasurer

Very respectfully Sir Your mo. ob. sert Peter Hagner Aud

Copy. DNA, RG217. 1 Dabney Carr. 2 James Jenkins.
Norfolk, July 13. [1818]

The Frigate Congress touched at the Island of Margarita, where she remained two days. The Island was still in the possession of the Patriots, who had rendered it almost impregnable. General Arismendi, second in command of the patriot forces, had his head quarters at Margarita. Anxious to hear some further particulars of the defeat, or rather total dispersion of the Patriots, as reported in a letter received at Philadelphia, from St. Thomas, of June 11th—and knowing that the Congress must bring the latest advices from the Maine, we made particular enquiries of several of the gentlemen from the Congress, upon that subject, who informed us, that so far from having experienced any recent reverses, the affairs of the patriots were never in a more flourishing condition.—Such was the confidence of all classes, both of the citizens and military, in the emancipation of Venezuela, that they considered the event as certain as if it had been achieved. It will be recollected that the letter above referred to, states, that about a week prior to the 11th June, "the Independent general Bermudas [sic] attacked Cumana with all the force he could get together, and was totally defeated." Now, to show how little reliance ought to be placed in this and similar reports, tending to damp the interest which is felt in the cause of the Patriots, we are unequivocally assured, that so late as the 22d June, Cumana had not been attacked by the Patriots; on the contrary, it was hourly expected to surrender without resistance, as the Patriots had been for some time closely besieging it, and had drawn their lines to within pistol shot of the town. Brown and Aury had united their fleets at Margarita, and were waiting the orders of the commander in chief, Gen. Bolivar.

We also learn, that the morning the Congress was getting under way from Margarita, a despatch vessel arrived there from the Main, bringing positive intelligence of the death of the Spanish general Morillo, occasioned by a lance wound received in the body, about 7 or 8 weeks before.

Four regiments of British troops, with 25 pieces of cannon, and 1700 stand of arms, had recently arrived at Margarita as an auxiliary to the Patriot army, and been sent to the Oronoko. These regiments were all commanded by British officers. A fine sloop of war of 20 guns, also commanded by a Lieutenant of the British Navy, arrived there a few days before the Congress sailed, for the purpose of joining the squadron of Admiral Brion, or otherwise co-operating with the patriot forces, as might be most desirable.

The Patriot flag waved victoriously wherever the Congress touched, and the idea of Spain ever being able to prostrate again, the spirit of
independence which animated all classes of society, was considered futile in the extreme. The respect and cordiality with which our commissioners were welcomed, by the public authorities and people, at all the places which they visited, and the high estimation in which the character and institutions of our government were every where held, gave a strong assurance that they properly appreciated the exalted privileges for the maintenance of which they had embarked their lives and fortunes.

The yeomanry of the country are represented as a hardy, independent race of people, and sufficiently intelligent for all the purposes of self government. A love of liberty is zealously inculcated among the rising generation; and a martial spirit infused into their minds, which will be capable, if necessary, of seasonable application.

We learn from unquestionable authority that Cumana and Barcelona9 were clearly invested by the Patriots, when the Congress sailed—the Royalists not daring to show themselves without their fortresses; and that no battle had recently been fought between them.

Lexington Kentucky Reporter, August 5, 1818. On author and recipient, see below, Clay to Brackenridge, August 4, 1818.

1 See above, Motion and Speech, March 24-25, 1818, n.35.
2 José Arismendi, leader of Bolivar's forces in northeastern Venezuela.
4 Mainland.
5 José Francisco Bermúdez, assigned by Bolivar to command of the province of Cumami, had held the Spanish garrison under siege since early in 1817—and continued to maintain the pressure into the fall of 1819 without decisive action. A sally by the defenders as reported in Niles' Weekly Register, XV (September 5, 1818), 32, occasioned a battle of five hours with heavy losses to the garrison; but Bermúdez, running out of ammunition, was also forced to retire.
6 Admiral Luis Brion (Colombian revolutionist of a prominent and wealthy family, not the Irish mariner William Brown active in the Patriot forces of Buenos Aires) and General Luis Aury had joined their fleets near St. Bartholomew, according to a report dated May 26, from the St. Thomas correspondent of the Philadelphia Democratic Press, reprinted in Niles' Weekly Register, XIV (June 13, 1818), 272.
7 Morillo, severely wounded but not killed in the action at La Puerta (see above, Remarks, March 18, 1818, n.5), had been forced to relinquish command. For this reason the Spanish had been unable to follow up their victory.
8 Following his defeat in the spring of 1818, Bolivar recognized the need for better-trained troops and turned to the European veterans of the Napoleonic wars for recruits. Hanoverians, Frenchmen, Italians, Spanish Republicans, Poles, and Irishmen, as well as the British, were drawn into this “Foreign Legion.” Despite the inexperience and lack of acclimatization of these volunteers under tropical conditions, they became a valuable nucleus of military discipline in the Patriot forces. Gerhard Masur, Simon Bolivar (University of New Mexico School of Inter-American Affairs, Inter-Americana Studies, IV; Albuquerque, N.M., 1948), 333-39.
9 This Venezuelan coastal city, Bolivar's base in the winter of 1816-1817, had been seized and destroyed by the Spanish in March, 1817.

Tax Bill, 1817

[ca. July 15, 1818]

1817 Henry Clay
To Tax on $44:450 at 6 1/4 per 100

Dr
27.78
& Levy on 12 tithes at 1$ each . . . .

J. E. DAVIS D. S.

ADS. KyLxT. Having been informed that Clay "had failed to make a return of his taxable property for the year 1817," the Fayette County Court, on July 15, 1818, ordered that he be charged with the amounts shown on this tax bill and that the sheriff "collect and account for the Same." Fayette County Court, Order Book no. 4, p. 175. Cf. above, ca. February 1, 1817.

From P[eter] H[agner]

23d July 1818.

The Honble. Henry Clay, Lexington Kentucky—Sir
I do myself the honor to acknowledge the receipt of your letter inclosing the papers in the case of Mr McCalla, and have had the amount deposited to his credit as you requested in the Office of Discount and Deposit of the bank of the United States, for which I inclose the Cashiers Certificate—It will be observed by Mr McCally that when he draws for the amount the certificate must accompany the draft—

P. H.


1 Letter not found. Probably either John M. or Robert McCalla, the latter a resident near Stamping Ground, Scott County, Kentucky, who had served as a major of United States infantry in the War of 1812.

2 A letter to Clay from James Thompson, principal clerk in the Office of the Third Auditor, dated August 18, 1818, acknowledged receipt of a letter from Clay, written on August 1 (not found), requesting correction of the error committed by the Cashier of the Bank of Deposit "in the name of Mr McCalla." Copy. DNA, RG217, Third Auditor, Misc. Letters Sent, vol. 7, p. 132.

To Adam Beatty

ASHLAND, July 25, 1818.

DEAR SIR,—I received your favor of the 9th. You mention that you have thought of becoming a candidate for the Senate, and, justly viewing me as one of your friends, you have asked my opinion.

In the first place, I beg leave to state that I have always felt a most lively and sincere interest in your welfare, and that it would give me, personally, much satisfaction to see you in the situation suggested. With respect to your prospect of success I am not a very good judge, having been so much of late years out of the State, and therefore knowing but little of the weight and standing of different individuals. I hinted at the subject to Barry, who seemed to think that, living in one extreme of the State, however much esteemed there, you were probably hardly well enough known at the other to count with any certainty upon your success. I did not mention it to Breckenridge, because I am quite sure that he
proposes to himself the career of politics, and I have heard, though not from him, nor from any one that, as far as I know, was authorized by him, that he is looking himself to the situation. I should think the event would greatly depend upon the persons who might happen to be your competitors. Should Colonel Johnson offer, (he has been talked of, with what authority from himself I know not,) or perhaps Breckenridge, you would probably fail.

I will now give you, in the frankness which is due from the friendship I feel for you, my opinion. I do not think you ought to accept the situation, if you had a moral certainty of getting it. Although comfortable in your pecuniary condition, you are not rich, and you have a growing family. Instead of making additions to your fortune, you would most probably make annual subtractions from it, during your service. For if your pay should cover your expenses, while absent from your family, affairs would go on less profitably at home than they do now. Such, at least, is my experience; and such I believe to be in the nature of things. Congress, too, has greater attractions at a distance than near. After the novelty wears off (which it commonly does in the course of two or three months), the interest which was at first felt is diminished, if not extinguished, with most of those, at least, who are not perfectly at their ease in their circumstances, or who are not in pursuit of place, and are willing to venture every thing on getting it, or, lastly, those few individuals whose great attainments give them a high degree of prominence in the body and in the nation.

With respect to yourself (I write, you see, with the frankness and freedom which you have invited,) your talents are of the most respectable kind; but they are better adapted to the career which you have been wisely pursuing than to that of politics. While you would never fail to speak sensibly, your elocution would not perhaps procure for you that high degree of eminence which I am sure you would be ambitious of reaching. Besides you have great reason to expect promotion in the judiciary of either the State or the United States, when vacancies shall occur. While judicial appointment might also be acquired in the situation to which we refer, it is perhaps not so direct a road to it as by a faithful and enlightened discharge of the duties of your present office. There is, moreover, always some risk (and it is greater as we are more advanced in life) in quitting an occupation with which one is familiar, and entering upon another with which he is less conversant. The intimate alliance between law and politics, and the habit which is so common in our country of participating in the consideration of its political affairs, diminishes but does not entirely remove this objection.
I have given you my candid sentiments. Your own better judgment will, at last, guide you, as it ought; and that you may be successful and prosperous, however you may decide, is my sincere wish.5

Colton (ed.), Private Correspondence of Henry Clay, 55-57.

1 Not found. 2 William T. Barry.
3 Joseph C. Breckinridge. 4 Richard M. Johnson.
5 Endorsement at end of letter: “In pursuance of the advice of Mr. Clay, I concluded to retain my judicial station, and therefore declined becoming a candidate for the Senate of the United States. A. B.”

To Jacob Castleman, John H. Hanna, and John H. Todd

Gentlemen Frankfort 28h July 1818

I accept with satisfaction, the invitation which you have done me the honor to give, in conjunction with my highly esteemed colleague1 to a dinner on thursday next. I beg you to be assured that I receive with the most grateful sensibility this flattering proof of the regard and approbation of those, whose opinions, and worth from a long, and intimate acquaintance, I know how to appreciate, and whose residence has been the happy scene of a considerable part of the transactions of my life. My best wishes are tendered to you gentlemen individually, and I have the honor to be Faithfully and cordially, your obedient servant

Jacob Castleman
Jno H Hanna
Jno H Todd

HENRY CLAY

Copy. DLC-John Jordan Crittenden Papers (DNA, M212, R20). Todd, son of Thomas Todd and son-in-law of Harry Innes, later represented Franklin and Owen counties in the State legislature.

1 Richard M. Johnson. No invitation found.

Toasts and Speech at Frankfort Dinner

[July 30, 1818]

Our distinguished guest, HENRY CLAY—His services abroad and in the counsels of the nation have ranked him among the most conspicuous Statesmen of his country.

The only true and genuine cause of Legitimacy—the cause of the people.

H. CLAY.

Lexington Kentucky Reporter, August 12, 1818. Published also in Lexington Kentucky Gazette, August 14, 1818. See above, Clay to Castleman, Hanna, and Todd, July 28, 1818. The first toast was a part of the formal program offered to Clay; the second was a “Volunteer” by Clay. Following the toasts, which were drunk “after an agreeable feast interspersed with conversation and songs,” Clay delivered “a short, neat and elegant address” in which he “positively disavowed the intention which
has been so often attributed to him of attempting or wishing to organize a party in opposition to the administration."

To [Samuel Elliot, Jr.]

Dr Sir Lexington 1 August 1818.

I transmitted by the last mail to my friend Mr. Dougherty a note for four thousand dollars which I wished to be discounted to meet that much of my note lying at your bank. I now inclose a check on the Bank of the U. S. for $1100 which you will be pleased to pass to my credit and which is intended to meet the residue ($1000) of my note and the discount payable on the new one.

I think my note becomes due about the 16th. or 17th. inst. and this letter ought, therefore, to reach you several days before hand. I must request your friendly attention to the business, and will thank you immediately to inform Mr. Dougherty of the receipt of this letter, as I am particularly anxious not only that my credit should not suffer, in the slightest degree, but also that my indorsers should not have a moments uneasiness. I am respectfully Yr. obt Servt.

H. Clay

ALS. ViU. Recipient not positively identified.
1 Thomas Dougherty, Clerk of the United States House of Representatives.
2 The Bank of Washington.

Account with John and Thomas P. Hart

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 5</td>
<td>To Balance, per act. this day rendered</td>
<td>$3367.64</td>
</tr>
<tr>
<td>Aug. 1</td>
<td>To interest on $1115.55, paid Mch 5, in part of our note due 25 oct. 1816</td>
<td>27.16</td>
</tr>
<tr>
<td></td>
<td>To do. on $2000, paid 27 may, in part of the Same, 2 mo. 4 days</td>
<td>21.33</td>
</tr>
<tr>
<td></td>
<td>To Cash, check on U S Bank</td>
<td>$1100.00</td>
</tr>
<tr>
<td></td>
<td>To ½ per ct adv. paid on it</td>
<td>5.50</td>
</tr>
<tr>
<td></td>
<td>To Cash, our check</td>
<td>240.76%</td>
</tr>
<tr>
<td>Cr.</td>
<td></td>
<td>$4762.39%</td>
</tr>
<tr>
<td>July 3</td>
<td>By this sum lost on the remittance made for you, 25 may, to Allen &amp; Grant:</td>
<td>6.70</td>
</tr>
<tr>
<td></td>
<td>viz, by a counterfeit note $5., discount $1.70</td>
<td></td>
</tr>
<tr>
<td>Aug. 1</td>
<td>By our note due 25 oct. 1816, given up</td>
<td>4299.89%</td>
</tr>
<tr>
<td></td>
<td>By Interest on it 1 y. 9 mo. 6 days</td>
<td>455.80</td>
</tr>
<tr>
<td>E.E.</td>
<td></td>
<td>$4762.39%</td>
</tr>
</tbody>
</table>
To Henry M. Brackenridge

Dr Sir

Lexington 4h. Aug. 1818

I congratulate you upon your safe return to our Country. And I owe you many thanks for your obliging and interesting letters to me from Buenos Ayres and Norfolk. I regret exceedingly that your time was passed so disagreeably in the company of two of the Commissioners. The result of the mission, so far as respects the addition to our stock of information respecting the Countries which they have visited, is precisely what I anticipated. A commission so constituted, whose object was publicly proclaimed, and visiting only one or two populous Cities, must indeed have been exceedingly fortunate if they could have enlightened us much upon the state of public affairs. I am sorry that the personal character and conduct of some of them turned out to be such, according to your account of them, as to render still more abortive the plan of the embassy. My opinion has constantly been that we were to look to you for any interesting collection of facts that might be made, and I yet promise myself much satisfaction from conversing with you, which I am eager to do as soon as possible. Where will you be in October & November? Do you mean to favor the public with any account of your travels? Or are we to expect nothing but what being reported to the President will be communicated by him to Congress?

You will have learnt the course of events, since your departure from the U. States, from your friends & the public journals. I made, as you will have understood, the proposition to Congress about which I conversed with you last fall. Although opposed by the whole weight of the Executive, we had in support of it a respectable vote of pure and unmixed Republicans. I did not expect it to succeed, and my main object was to awaken and interest public attention in the great struggle to the South. That object, notwithstanding the efforts to misinterpret and misrepresented my motives, has been fully accomplished. Every where an interest is excited in behalf of our Southern brethren; and I have seen, with great satisfaction, the most abundant evidence of this interest in the recent celebrations of the fourth of July.

What will be done with Pensacola? Will it be given up or held? It must appears [sic] to me that the President must be extremely embarrassed as to the alternatives connected with the event of its reduction.

Without presenting to the public your name or mine, I took the
liberty of having published so much of your letter from B. Ayres as I thought it was proper for the public to see. It has been every where read with great avidity. I shall not allow to be published any part of your letter from Norfolk that will commit you, not even with the Judge.6

I shall be very glad to hear from you often—I expect to leave here for the Eastward in October—Your’s faithfly & Cordially

H. CLAY

ALS. PPU. Addressed to Brackenridge at Baltimore and redirected to him at Wilmington, Delaware. 1 See above, March 3, July 13, 1818.

2 During the journey to South America Brackenridge had formed a dislike for John Graham and Theodorick Bland, amounting in the latter case to permanent estrangement. William F. Keller, The Nation’s Advocate: Henry Marie Brackenridge and Young America (Pittsburgh, c.1856), 209-13.

3 See below, Clay to Brackenridge, August 18, 1818, note.

4 See above, Motion and Speech, March 24-25, 1818.

5 See above, Clay to Tait, June 25, 1818.

6 Probably Judge Bland.

To the Public

[ca. August 8, 1818]

On August 8, 1818, the Board of Trustees of Transylvania University delegated to a committee, composed of Clay, John Pope, Robert Trimble, and Charles Humphreys, the task of preparing an address to the public on the condition and prospects of the University. Excerpts from the Minutes of the Board of Trustees, Transylvania University, vol. 3, p. 21, Crosby Family Papers, KyU. Clay’s part in the composition of the “address” has not been determined; it is signed by Robert Wickliffe, as chairman of the Board, and was published in Lexington Kentucky Reporter, September 16, 1818, and in Washington National Intelligencer, October 14, 1818.

To John F. Watson

Lexington 8th. August 1818.

Sir

Being at Frankfort last week, I enquired into the situation of the suit Edith Ross against David Barbour. I found it was dismissed several years ago, for the want of security for Costs. I regret this disposition of it, which occurred during my absence, and which I would have prevented, if I had been at home, altho’. I did not feel myself in any degree bound to assume the responsibility of becoming security for the Costs.

Nothing prevents the renewal of the suit; and this ought to be done before the next January, as the lapse of time might otherwise impair the demand.

If Ross is dead, it will be necessary to furnish the names of his executors and heirs.

I would recommend to you George M. Bibb Esqr. or Robert Wickliffe Esqr. (the former residing in Frankfort and the latter in Lexington) as suitable Counsel. I do not myself now practice the law. Yr. ob. Servt.

H. CLAY

Mr. Watson
From J[ohn] B[aily]

Henry Clay, Lexington, Kent. 8 Augt. 1818.

Sir,

In the temporary absence of Mr. Brent, I have the honor to acknowledge the receipt of your note to him of the 23d. ulto., enclosing a letter for Mr. Rush, and to inform you that the latter has been forwarded agreeably to your wishes.

J. B.

Copy. DNA, RG59, Domestic Letters, vol. 17, p. 94. Bailey, formerly a member of the Massachusetts House of Representatives, was a clerk in the State Department. From 1824 to 1831 he was a United States Congressman from Massachusetts.

1 Daniel Brent.
2 Richard Rush. The note and letter have not been found.

Credentials as United States Congressman

[August 10, 1818]

ADS, by James E. Davis, deputy for Robert S. Russell, Sheriff of Fayette County; signed also by Thomas A. Clark, deputy for John Metcalf, Sheriff of Jessamine County. DNA, RG233, HR16A-Jl. Similar to Credentials, above, August 21, 1810. An accompanying letter from Davis to the Governor of Kentucky, dated August 31, 1818, explains that the delay in transmitting the credentials was owing to the failure of the Woodford County sheriff to file a return. Clay had had no opponent in the election.

Receipt from John Scott

[August 17, 1818]

Received this 17 August 1818 of Henry Clay Five thousand dollars in consequence of a contract between the said Clay, James Morrison & myself made in June last respecting Land in Missouri.

Teste

T. T. CRITTENDEN

DS, in Clay's hand. DLC-TJC (DNA, M212, R15). See above, Agreement, June 16, 1818.

To Henry M. Brackenridge

Lexington 18h. Aug. 1818.

I hasten to acknowledge, My dear Sir, your obliging favor of the 3d. inst. from Carlisle. Prior to the receipt of it I had addressed a letter to you at Baltimore tendering you my thanks for the letters with which you favored me from Buenos Ayres and from Norfolk. The latter you now inform me was written before your mind had recovered its tone and whilst you were yet smarting with the recollection of undeserved treatment. I thought so from
AUGUST 18, 1818

the tenor of it, and altho' I shewed it confidentially to one or two friends, I did not permit any part of it to be published. Of that recd. from the former place I allowed only such parts to go into the public prints as were not likely to commit you with any one. I am gratified to learn that the course which I felt it my duty to pursue, during the last Session of Congress, meets your approbation. You say that attempts are making to denounce me, in consequence of it. Of that I am sensible, and assure you that I feel the most perfect indifference on the occasion. He is not a true friend to human liberty who cannot calmly view the efforts to proscribe him, whether made by the Legitimates on the other side of the water, or on this.

I am pleased to learn that you entertain the same favorable sentiments towards my friend Rodney that I have always had occasion to cherish. He possesses a soul capable of elevating itself to the magnitude of a great and noble cause; and a better heart never beat in any man's frame.

You obligingly offer to answer any enquiries I may make.

I do not wish prematurely to lift the veil which may cover the transactions of your mission; but if it should not be improper I should like to know whether the Commissioners have made any report to Government, and if any of what tenor? Whether it was prepared at Buenos Ayres before the separation of the Commissioners, or since the return of two of them?

I learn from a friend at Washington that the "long and short of Mr. Graham's opinion is that the affairs of the Patriots are not in a situation to justify any change in the course our Government has hitherto pursued towards them, nor would their affairs in his opinion be benefited by our interference." Is this an opinion formed at Buenos Ayres or at Washington since Mr. G's return?

I perceive that you are put in nomination at Baltimore for the Legislature of Maryland. Taking the most sincere and lively interest in your prosperity, I hope you will be successful. It is probable that I shall be in Baltimore in October, on my way to visit my son at Cambridge. If I should I will certainly call on you. In the mean time believe me most Faithfully & Cordially Yrs

H. CLAY

P. S. Could you not favor the public with a pamphlet presenting your own views and observations during your late mission? H. C

ALS. PPIU. Addressed to Brackenridge at Wilmington, Delaware.

1 Pennsylvania, Brackenridge's family home. Letter not found.
2 See above, August 4, 1818.
3 Caesar A. Rodney.
4 The commissioners filed separate reports. John Graham, who protested that he had not had opportunity to see Rodney's statement until after their return to Washington, decided that the revisions he wished to make could be better handled by preparing his own. Bland, who had gone on to Chile, divided his comment about equally between the east and west coast countries. Rodney's report was undated; Graham's covering letter was dated November 5; and Bland's report was headed as from Balti-
more, November 2, 1818. All were sympathetic to the revolutionary effort; but Graham appeared more aware than Rodney of the political instability and continuing revolutionary upheaval, while Bland, viewing the Chilean effort with greater sanguinity, emphasized the internal dissensions and public indebtedness of Buenos Aires.

5 He was elected. 6 Theodore Wythe Clay.

7 His two-volume account, entitled *Voyage to South America, Performed by Order of the American Government in the Years 1817 and 1818, in the Frigate Congress*, was published at Baltimore in 1819.

From J[ames] L. E[dwards]

Hon H. Clay  
Lexington. Ky.

Sir,  
War Department Pension Office. Sept 4. 1818.

In reply to your letter of the 24th ult. I can only inform you that a man named Wm. Parmet 2 is on the List of Pensioners; but as the Documents on which his claim was founded were destroyed when the War Office was burnt in 1814, it is impossible for me to give you any further information on the subject. There is no one of the name of Palmer 3 on the Virginia Rolls.

J. L. E.

Copy. DNA, RG15, Letter Books: General, vol. 5 (1817-1818), p. 343. Edwards was a clerk in the War Department.

1 Not found.

2 William Parmar was a Virginia veteran of the Revolution.

3 William Palmer, a Revolutionary veteran born in Prince William County, Virginia, in 1756, submitted a sworn statement on August 14, 1820, in applying for a pension.

To Horace Holley

Dr Sir  
Lexington 8th. Sepr. 1818.

I recd. yesterday your letter of the 25th. Aug. 1 I offer you my congratulations on the birth of your son and the health of Mrs. Holley after the occasion. 2 We are all gratified with the prospect of having you among us at the time you appointed. It is material that you should be here at the commencement of the Session. Mr. Bishop remains in the University. 3 It is now rumored, that Mr. Sharpe means to build a school house on his little farm near this place and establish there a grammar school. 4 Such a measure will benefit, instead of doing any sort of injury to the University. Mr. Henry has not yet determined whether he accepts the Professorship of Languages which has been conferred upon him. Strongly inclined himself to do so, he only waits the approbation of his father which he expects to obtain. 5

The Board has determined to appoint two Tutors to assist the professor of Languages. The allowance offered them is their Board in the Commons Hall, free from expence, and a Salary of $450 per annum to each. They must reside in the University. A committee, of which I am one, is authorized to engage one of the Tutors.
We shall employ a young Irishman now here, whose qualifications as a teacher of Languages are spoken of, by competent judges, in the highest terms. His manners & appearance are quite gentlemanly. He is an Episcopalian, and so far it is favorable. He has not yet orders but intends to get them. He brought letters from the Bishop of Dublin to the American Bishops speaking in very favorable terms of him.

By the inclosed resolution, you will observe that you are authorized to engage the other Tutor, and it is very desirable that you should bring him out with you. Get a Baptist if you can procure one well qualified. The intention of the Board is to promote these Tutors to professorships, when vacancies occur, if they shall be found deserving. Even without such promotion, if the present allowances shall be found incompetent, they will no doubt be raised.

I shall direct an Advertizement which has been prepared & will be published in the Reporter tomorrow, respecting the College, to be sent to you. It is our intention to have it inserted in several papers out of the State.

Blythe has resigned his place in the Medical School. His reasons are silly enough & relate entirely to his misunderstanding with Dudley. We shall, if we can, fill the vacancies in that department during this month. The Presbyterians have made no hostile manifestations since your departure. Whatever may be their course, I have no fears from them. We have done nothing, nor shall we do any thing justly to provoke them; nor am I disposed to make any great sacrifices to conciliate them. We must command even their approbation by deserving it. If purchased, it will not be worth having. My hopes about the College are very strong. But we must continue to labor much & faithfully, and none more than you, to make it what it should be.

You will have no difficulty in disposing of your Carriage and horses, and perhaps at an advance. The young man will also meet with ready employment that you intend to drive it. If he were here now, I would myself engage him. I shall leave Kentucky about the 10th. of October & hope to have the pleasure of meeting you on the road. Mrs. Clay unites with me in requesting that you will bring your family directly to Ashland & remain here until you look about you.

A commission, at the head of which is Mr. Mason of New York, is now here trying poor old Rankin. I heard the charges read against him yesterday, & more frivolous ones were never conceived or brought forward by malice. And yet I fear that they will be deemed too heavy for the poor old man’s devoted head. The Lord
deliver me from Church dissensions and from Church tribunals! I am afraid that Bishop\(^{14}\) has acted an unworthy part in the business. Yr’s faithfy & cordially

H. CLAY

P.S. I retain the intention to visit my son\(^{15}\) at Cambridge

H. C.

ALS. KyLxT. Addressed to Holley at Boston.  
1 Not found.

2 Mary Austin Holley was a cousin of Stephen G. Austin. Her son, Horace Austin Holley, was born while her husband was visiting in Kentucky.

3 Robert H. Bishop, a Scotch Presbyterian minister, elected to a professorship at Transylvania University in 1804, had been serving as acting head of the institution. In 1824 he left Transylvania to become President of Miami University of Ohio.

4 Ebenezer Sharpe, Professor of the Dead Languages since 1804, had resigned after the election of Holley.

5 In August the Board of Trustees had unanimously elected the Reverend T. Charlton Henry, a young Presbyterian clergyman of Columbia and Charleston, South Carolina, as professor of languages. He does not appear to have accepted the position. His father was Alexander Henry, a wealthy merchant of Philadelphia, prominent in the Presbyterian Church, active in the distribution of religious tracts, and the first president of the American Sunday School Union.

6 John Roche, who became tutor in Greek and Latin.

7 Not found. 8 See above, ca. August 8, 1818.

9 James Blythe, a Presbyterian minister, had been connected with Transylvania since 1799, much of the time as acting president, an office from which he had resigned April 8, 1816. In the reorganization of the Medical School in 1817, he had become professor of chemistry. In September, 1819, he was reappointed and retained the teaching post until 1831. Robert and Johanna Peter, Transylvania University, Its Origin, Rise, Decline, and Fall . . . (Filson Club Publications no.11: Louisville, 1896), 97.

10 Dr. Benjamin W. Dudley. 11 For Washington. 12 MS. torn.

13 The Reverend Adam Rankin, who had left the Presbyterian Church because of his propensity for religious disputation, was now the subject of a judicial investigation by a commission of the General Synod of the Associate Reformed Church. In charge of the trial was the Reverend John M. Mason, distinguished clergyman and educator of New York. Although Rankin refused to co-operate, the trial proceeded. Most of the charges were dismissed, but that of "lying, and slandering his brethren" was upheld. Rankin was suspended from the ministry. He refused to accept the decision, "and he and his congregation declared themselves independent." Robert Davidson, History of the Presbyterian Church in the State of Kentucky . . . (New York, 1847), 95-96.

14 The chief charge in the trial related to certain accusations Rankin had made against Robert H. Bishop.

15 Theodore W. Clay.

Receipt from Phillip Dunn

[September 14, 1818]

Recd. 14 Septr. 1818 of H. Clay his due bill for ninety dollars being the balance in full of all accounts.

Test

PHILLIP DUNN

OZBORNE HENLEY

DS, in Clay's hand. DLC-TJC (DNA, M212, R15).

Receipt from William C. Dunn

[September 14, 1818]

Recd 14 Septr. 1818 of H. Clay One pound five shillings and three
September 15, 1818

pence being the balance in full of all accounts.

Test

Ozborne Henley

DS, in Clay's hand. DLC-TJC (DNA, M212, R15).

Draft on Joseph Gales, Jr.


Sixty days after sight of this my first of exchange, second of the same tenor & date unpaid, pay John & Tho. P. Hart, or order, five hundred dollars, for value received; which charge as advised by your Mo. Ob. St.,

To Joseph Gales Jr, Washington City.

H. Clay

DS. DLC-HC (DNA, M212, R1). Endorsed on face (AES): “Accepted Sept. 28, 1818 J Gales Jr.” Endorsed on verso by the Harts, and by Ezekiel Salomon, Cashier of the Lexington Branch, Bank of the United States, to the order of Richard Smith.

From Horace Holley

Dear Sir. Boston, Sept. 15th, 1818.

You remind me, in your letter of August third,¹ of the subject, to which I was to attend, that of procuring tutors. This, and the other subjects interesting to our institution, have not been out of my thoughts. I have this morning completed an engagement with one young gentleman, and am to have a final answer from another next week. The one, whom I have positively engaged, is the first scholar in a class of eighty graduated this year at Cambridge. He is Mr John Everett, brother to Alexander, Chargé d’Affairs for Holland, and to Edward, professor of Greek Literature in Harvard University, the accomplished scholar, of whom I spoke to you when I was in Lexington.² Mr John Everett is as distinguished for talents and learning as his brother Edward at the same age, and will unquestionably be a great accession to Transylvania. He is eighteen years of age, but in attainments and force of character, double that amount. He has obtained the admiration of all the Southern and Western people, and other strangers, attending Commencement here, and will be an important aid in giving form and character to our University. I have promised him as much salary as is given to a tutor at Cambridge, which is $600 a year. His patriotism, his desire to become acquainted with the Western country, and to know the relations and resources of the whole United States, are his reasons for accepting a salary of this amount, and not the amount itself. Seeing the Western country at so early an age, and becoming associated with its interests under so many
strong influences as his connexion with the college will exert over him, I hope may prove to be the means of rendering him a permanent inhabitant of Lexington. The whole routine of this ancient university at Cambridge is perfectly familiar to him, and all of it that is useful he will be ready to apply to the promotion of the interests of Transylvania. As soon as I hear from the other gentleman, I shall inform the Trustees. Mr Everett will go on with me and my family the 1st of October. You know doubtless that your son has entered at Harvard. My best respects to Mrs Clay and family. Yours truly,

H. Holley.

Hon. H. Clay.

Copy. KyU-Crosby Family Papers.

1 Not found.

2 John Everett died in 1826, at the age of twenty-five. Alexander Hill Everett had gone to Russia in 1809 as private secretary to John Q. Adams, in whose office he had studied law. Since 1815 he had been stationed at The Hague, first as Secretary of Legation and, later, as Chargé d'Affaires. Later, he was United States Minister to Spain (1824-1829), editor of the North American Review (1830-1835), President of Jefferson College in Louisiana (1840), and Commissioner to China (1845 until his death in 1847). In the late 1830's he changed his political allegiance from the Whig to the Democratic Party.

Edward Everett, who became one of America's greatest orators, had, after being elected to the chair at Harvard, studied in Europe and earned the Ph.D. degree at Göttingen. In 1824 he turned to politics, was elected to Congress, and served five terms. After four terms as Governor of Massachusetts (1836-1839), he was United States Minister to Great Britain (1841-1845), President of Harvard (1846-1849), United States Secretary of State (for four months in 1852-1853), and United States Senator from Massachusetts (1853-1854). In 1860 he was the vice-presidential candidate of the Constitutional Union Party.

3 Theodore Wythe Clay.

To John C. Calhoun

D Sir

Lexington 16h. Sepr. 1818.

Col. James Johnson, the brother of my worthy colleague, I understand is an applicant for some contract with your department. Whilst I am quite sure that the main ground of decision, on such an application, must result from the view of pecuniary advantage or disadvantage to the U. States which it offers, in comparison with other applications, there may be contingencies in which other considerations will have weight. In the event of any such happening, I take great pleasure in recommending Col. James Johnson as a gentleman of great merit, of bold and unceasing enterprise, and of the most perfect integrity. His exertions to develop and bring into useful employment the various resources of our Country, are so extensive and at the same time so beneficial, that every one takes a deep and lively interest in his welfare. It will give many others, as well as myself, much pleasure to learn that it is found consistent with the interest of the Government to make with him the contract which he solicits. I have the honor to be, with great respect Your obedient Servant.

H. Clay
The Honble Mr. Calhoun.
On December 2, 1818, James Johnson entered into a contract with the Quartermaster General, Thomas Sidney Jesup (breveted twice for heroism in the War of 1812; Quartermaster-General from 1818 until his death in 1860), by which Johnson agreed to furnish two, or if necessary three, steamboats for navigating the Mississippi River “and its waters,” to transport army troops and supplies to the military posts at the mouth of the St. Peter, near the falls of St. Anthony, at the mouth of the Yellowstone on the Missouri River, at Belle Point on the Arkansas River, and at all other posts whether intermediate or beyond those enumerated. Should the steam navigation prove impracticable, he was to substitute keel boats.

The contract was the outgrowth of a recommendation in President Monroe’s message to Congress, November 17, 1818, urging that military posts be established on the Missouri River at the Mandan villages and the mouth of the Yellowstone. Popularly identified as the Yellowstone Expedition, the project was only partially successful: the steamboats proceeded up the Missouri as far as Council Bluffs, where they were detained by low water throughout the summer. Johnson suffered severe financial losses in controversy with the Government to collect on his contract.

To William Jones and Chandler Price

Gent. Lexington 17th. Sept. 1818

You will I presume shortly proceed to the appointment of the Direction of the Louisville Branch. Upon that supposition I beg leave to recommend Craven P. Luckett Esqr. as a fit person for one of the directors. I have known this gentleman for many years and can say of him, with great pleasure, that entire reliance may be placed upon his integrity, intelligence & other qualifications for the situation. When he was formerly before your Board, he held the situation of Director of the Branch of the State Bank at Louisville, but this objection to his appointment is now removed; and I shall learn with much satisfaction of his meeting with the approbation of your Board for the place in question.

With great esteem & regard I remain faithy Yrs

H. CLAY

Wm. Jones Esqr.
Chandler Price Esqr.

ALS. DLC-HC (DNA, M212, R1). Price, a Philadelphia merchant, was a director of the second Bank of the United States, at Philadelphia.

1 Established in 1817.
2 A brother of Dr. John M. Luckett. Craven was a member of the State House of Representatives from Jefferson County (1821, 1822).
3 The Bank of Kentucky.
4 Luckett was not included among the directors appointed October 18. On November 14, 1818, he was elected a director of the Commercial Bank of Louisville, established by act of the last legislative assembly. Lexington Kentucky Reporter, November 11, 18, 1818; and above, Clay to Jones, March 3, 1818.

Receipt from Dabney Carr

21 Sept. 1818.

Recd. of H. Clay sixty six dollars and some Cents recd. by him from the Treasury of the U States on account of Jenkins for my father—

D. CARR
Receipt from Bushrod Boswell

Sept. 22. 1818

Recd. of H Clay Esqr. Thirty Eight Dollars in full for debt due me by Michael Sprigg

B Boswell

ADS. DLC-TJC (DNA, M212, R15).

Receipted Bill from Francis Walker

Lexington Sept 24th 1818.

Hon. H. Clay to F. Walker ... ... ... ... ... ... ... ... Dr.
To Harth for Diningroom containing 11 feet
at 5/0 pr. foot $ 9-16
To laying do ... ... ... ... ... ... ... ... ... ... ... ... ... ... 1-75
To one do for School-room containing 9 feet at 5/0 pr foot 7-50
To laying do ... ... ... ... ... ... ... ... ... ... ... ... ... ... 1-75
To one do for Bedroom containing 10 F—6 in. at
6/0 pr foot ... ... ... ... ... ... ... ... ... ... ... ... ... ... 10-50
To laying do ... ... ... ... ... ... ... ... ... ... ... ... ... ... 1-75
To replacing 3 door Sills ... ... ... ... ... ... ... ... ... 00-37½

Recd paymt. in full B. COMSTOCK1 for F. Walker ...

ADS. DLC-TJC (DNA, M212, R15).

1 Probably a brother-in-law of Walker, whose wife was Nancy, daughter of Daniel Comstock of Fayette County.

Rental Agreement with Elizabeth Keiser

[October 7, 1818]

An agreement between H. Clay and Elizabeth Keizer [sic]

The said Clay hereby rents to the said Keizer the brick house and small weather boarded house which she at present occupies in Lexington on Market street for one year, commencing on the first day of this present month.

In consideration whereof she covenants to pay to the said Clay the sum of Two hundred and fifty dollars, payable in equal quarterly payments beginning on the said first day of this present month.

She further covenants to deliver possession of all the aforesaid premises to the said Clay on the first day of October next in as good order and condition as they are or ought to be, decay and accidents excepted.
OCTOBER 8, 1818

The said Clay reserves the right to destrain for arrears of rent and the right of re-entry on the premises in default of payment thereof.

It is understood that if the said Keizer continues to occupy the above demised premises over and above the term specified above, the conditions & terms of this lease are to govern such future occupation, unless the parties should vary this contract.

Witness our seals this 7th. Oct. 1818. H. CLAY {l.s.}

ELIZABETH KEISER {l.s.}

ADS, signed also by Miss Keiser. Fayette Circuit Court, File 823.

Receipts from and to William T. Banton

[October 7, 1818]

Attached to Rental Agreement, April 22, 1817.

From Benjamin Homans


Sir, Navy Department, Ocr. 8th. 1818.

I have the honour to reply to your letter of the 27th. Sept. received this day, recommending Doctor Samuel C. Smith for the appointment of Surgeon in the U. S. Navy.

The appointments have been generally made first as Surgeon's Mates, and upon proof of competent qualifications and experience they are promoted to be Surgeons,—one or two instances, during [sic] the late War, and from the want of sufficient Surgeons, form the only exception.

The late promotions of Mates to be Surgeons leave a deficiency in the list of Surgeons Mates; and should that station meet the views of Doctor Smith, I have no doubt he may receive an immediate appointment, and be ordered upon duty in one of the Ships destined to India or South America. I have the honor to be, &c.

For the Secty of the Navy, BENJAMIN HOMANS.

Copy. DNA, RG45, General Letter Books, vol. 13, p. 232. Homans, from Massachusetts, was chief clerk of the Navy Department.

Smith was appointed Surgeon's Mate on March 28, 1820, and stationed at New Orleans.

Receipt from Elizabeth Keiser

8th. Oct. 1818. ELIZABETH KEISER

Recd. payment of H Clay—

ES, in Clay's hand. DLC-TJC (DNA, M212, R15). Endorsement on an undated receipt from Samuel Long to "Miss Betsey Kiser" for 210 feet of ash plank at $4.00 per hundred, total $8.40, "for Mr Clay."
Settlement of Accounts with Ozborne Henley

9h. Oct. 1818.

To Amt Debt brgt forward$1  $700.94
To bal. due me on settlement of wheat a/c— 6.81

By Amt Cr brgt over 497.00
By one fourth part of the price of cutting barley & grass— 8.25
By bal. due on a former settlement$ 214.15

$ 719.15
707.75
11.65

We have this day finally settled all our accounts as above leaving a bal. due H. Clay of eleven dollars and sixty five Cents—the said Clay is to have all the hogs and cattle, O Henley being credited for his part thereof. With respect to the crop, the said Henley has had his part of the wheat oats & hay. And he is to have the corn & pumpkins growing on the field next to town. H. Clay

O. Henley

[Endorsements]$3

Note the $11.65 are paid H. C.

Memo. I owe Leonard$4 nothing Mr. Henley having been credited for the bal. due him & which he is therefore to pay him. H. C.

ADS (except for first and third lines), signed also by Henley. DLC-TJC (DNA, M212, R15).

1 The first part of the account has not been found.
2 Not found.
3 Both AEI.
4 Not identified.

Memorandum of Sales of Livestock

Clay’s Sale Oct. 28, 1818.

<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red Cow—White Nose</td>
<td>$29</td>
</tr>
<tr>
<td>Red do</td>
<td>17.50</td>
</tr>
<tr>
<td>Bay do &amp; Calf</td>
<td>35.</td>
</tr>
<tr>
<td>Pied do. Large bag—Short tail</td>
<td>13.—</td>
</tr>
<tr>
<td>Black &amp; White do. Short tail</td>
<td>38.</td>
</tr>
<tr>
<td>White do. Red Spotted Neck &amp; ears</td>
<td>16 75</td>
</tr>
<tr>
<td>Red, White face—Crumpled Horns</td>
<td>31.</td>
</tr>
<tr>
<td>Red &amp; White, pied Heifer</td>
<td>18.</td>
</tr>
<tr>
<td>Red Cow—Large Horns</td>
<td>8 50</td>
</tr>
<tr>
<td>Pied Heifer White Shoulder</td>
<td>9 75</td>
</tr>
</tbody>
</table>

1 J Boswell
2 J. Dougherty
3 S. Q. Richardson
4 J. T. Mason
5 A. Davis

same

same
From John Debruler


Sir,

Agreeably to your instructions I take the liberty to address you on the subject, of my claim on the Government for services rendered them during the Revolutionary War. I served three years in Colo. Moses Rollins's 1 Rifle Regiment—I was enlisted in the State of Maryland, by Capt. Alexander Lawson Smith 2 in the County of Harford, on the 8th day of August '76, I was discharged on the 8th day of August '79, by Capt Edmosson Tannihill 3 at Pittsburgh.

My papers has been lodged in the War office by Judge Clarke, 4 of Bourbonne County Kenty. Your attention to this business will oblige me much, & should thank you to let me hear from you by the earliest opportunity. I am Sir, with respect Your obd Servt.

JNO D. BROOLER [sic]

Copy. DNA, RG53, no. 148-T, vol. 15, pp. 70-71. Debruler (Debrular, Debrulier) had been hospitalized in June and July, 1777. After the war he had moved to Kentucky and settled in Bourbon County. He was ultimately awarded a pension. House Docs., 16 Cong., 1 Sess., no. 55, p. 604.

1 Moses Rawlings, captured at Fort Washington (New York) in 1776, had shortly thereafter escaped from the prison ship and testified before the Continental Congress regarding the miserable condition of the prisoners. He, in turn, had been placed in charge of the British troops surrendered by General Burgoyne in 1777, during
their imprisonment at Fort Frederick (Maryland). His regiment had been shifted from Fort Frederick to Fort Pitt in March of 1779. Rawlings subsequently returned to Maryland, where he was a member of the convention which ratified the United States Constitution in 1788.

2 Of Calvert County, Maryland. Smith had died in 1802.

3 Adamson Tannehill, a native of Frederick County, Maryland. After the Revolution he had settled near Pittsburgh, where he farmed and held several local offices. Early in the War of 1812 he had been Brigadier-General of Pennsylvania Volunteers in the service of the United States. He had been elected to the United States House of Representatives in 1813 and had served one term.

4 James Clark.

To Joseph Nourse

Sir, Washington Nov. 18. 1818.

Will you do me the favor to examine the Records of your office and see if there be any balance exhibited on them in favor of the person who writes the enclosed letter,¹ or if you can find any trace of him. I will thank you to return the enclosed with your reply.

Yours respectfy. H Clay.

Mr Nourse. Register of the Treasury.

Copy. DNA, RG53, no. 148-T, vol. 15, p. 70.

¹ See above, Debruler to Clay, November 4, 1818.

From J[oseph] N[ourse]

Sir Treasury Department Registers Office, 22 nov 1818.

Agreeably to your favor in relation to the claim of Jno D Broole [sic] after applying to the War Department, I examined particularly the Records of this Office, but without obtaining the desired information required by the applicants, [sic] I now beg leave to return the paper you did me the honor of Transmitting,¹ with the reply from Mr Hagner² in relation to the Records of his office,


Speaker of the House of Representatives of the U. S.


¹ See above, Debruler to Clay, November 4, 1818. ² Peter Hagner.

To Edmund W. Rootes

Washington 24h. Nov. 1818.

I have transmitted to Miss Rootes, at the Big Crossings, the letter which you inclosed to me for her.¹ And I availed myself of the occasion to tender to her my services in being the medium of conveyance to you. In supposing that I am always gratified in rendering any sort of service to the Fair Sex, you have exhibited further proof of your knowledge of human nature.
When I left K. the intention of the Directions of the Offices of Discount & Deposit of the B. of the U. S. in that State, in regard to the Tax which had been imposed,² was to resist its payment. I understand they have accordingly done so. On the other hand, the State authorities will probably proceed (I believe they have not yet proceeded) to enforce payment of the penalties provided by law, in the event of non-payment of the tax. Should the question, which I understand is to be shortly brought before the Supreme Court,³ whether the States have a right to tax the Bank or its branches, be decided against the State authority, I have no doubt of acquiescence in the decision on the part of Kentucky.

Yr's faithfully H. Clay

ALS. DLC-HC (DNA, M212, R1). Addressed to Rootes at Richmond, Virginia.

1 Miss Rootes not identified, possibly a teacher at the Choctaw Academy, an Indian school founded by Richard M. Johnson at the Great Crossings, Scott County, Kentucky, in the fall of this year. The letters referred to have not been found.

2 See above, Clay to Jones, March 3, 1818.

3 See below, Clay to Hardin, February 21, 1819.

To John C. Calhoun

Sir Washn 25h. Nov. 1818.

Being requested to state my opinion of the sufficiency of William Ward, John T. Johnson, Joel Johnson and Henry Johnson¹ as sureties for James Johnson for his performance of a contract² involving an expenditure of two hundred thousand dollars, I have no hesitation in saying that I believe them amply sufficient.

With great respect I have the honor to be Your's H. Clay

The Honble Mr. Calhoun

ALS. DNA, RG92, OQMG-Hook Papers.

¹ The Johnsons were brothers of James and Richard M.; Ward was their brother-in-law. All resided in Scott County, Kentucky. John T. Johnson, a lawyer, had been an aide to General William Henry Harrison during the War of 1812. He was a member of the Kentucky House of Representatives for five terms, was elected to two terms in Congress (1821-1825), and was for several months in 1826 a judge of the Kentucky Court of Appeals. In his later years he was a minister of the Disciples of Christ.

² See above, Clay to Calhoun, September 16, 1818.

From John Philippart


I trust my motive will be received by your Excellency as an excuse for this intrusion. I am desirous of recording authentic accounts of the most distinguished Princes, Statesmen, Public and Literary Characters of every Country in the same manner as I have written those of all the British Generals in my Work the
Royal Military Calendar\textsuperscript{1} and in other publications which I have Edited. From the plan of the undertaking, those individuals who afford assistance for the purpose of rendering it accurate, cannot be regarded as their own Historiographers, which would be objectionable: They simply narrate facts, and leave the colouring to the Editor. If therefore your Excellency would be so obliging as to direct my being supplied with a sketch of your career, I should have the greatest pleasure in paying to it every attention and observe the utmost confidence towards the communication. It is my wish to accompany the Memoir by such Documents and Papers as you may consider essential to the full accomplishment of the object I have in view: and also to embellish the Work with a correct Portrait of your Excellency if I can be honoured and obliged with one.\textsuperscript{2}

Should this meet with your Excellency's attention, I will do myself the honor of communicating further on the subject.

I have the honor to be With the highest consideration Your Excellency's most obedient humble Servant—

\begin{flushright}
\textsc{John Philippart Bart} \vspace{1em}

Attached to the Estabt of H R H The Duke of Kent\textsuperscript{3}
\end{flushright}

His Excellency Mr Clay & & &

P.S. 5th. October 1819. I am induced to trouble your Excellency with a Duplicate letter conceiving the original\textsuperscript{4} may not have been received.

I beg to add, that I am most particularly anxious to embody in my Work accurate Memoirs of distinguished American Characters.—

\textsuperscript{LS.} "\textit{Duplicate.}" DLC-HC (DNA, M212, R1). Philippart, a native of London, compiled a number of reference works on the British army as well as a General Index to the First and Second Series of Hansard's Parliamentary Debates (London, 1834).

2 The projected work apparently was not published.
3 Edward Augustus, fourth son of George III.
4 Not found.

\begin{flushright}
To John Hart \vspace{1em}

Dr Sir \vspace{1em}


Before I was aware of it a draft which I made from Lexington on Mr. Gales of this place, after being accepted by him, was protested and actually returned by post to Lexington.\textsuperscript{1} I was the more surprized and mortified at the event because I had requested at the Bank that if it should not be paid by Mr. Gales to let me know in time to prevent its protest.

You will perceive from his letter inclosed\textsuperscript{2} that he says he will send a draft to take it up. Should that not be the case I must request you to take it up out of any funds of mine that you may have, or to draw upon me as may be needful. It may happen that
Mr. Gales's remittance may not arrive until after you shall have taken up the bill. In that case I should still wish it applied to my use—

I will thank you to explain the transaction at the Bank.

Yrs faithfly

H. CLAY

Remarks on Bill Relating to Foreign Merchant Seamen

[December 7, 1818]

Mr. CLAY (Speaker) said he was not prepared to say that this bill ought to be reported to the house. If the principle of it was correct, the details were exceptionable. The principle was, that if a seaman, arriving in the ports of the United States, quits the service of the master of the vessel with whom he has contracted, without permission, he should be surrendered without trial to the captain. The pretext for establishing this principle was, that other states extend to us the privilege now proposed to be granted to them. Mr. C. said he was by no means satisfied of the propriety of this exception of seamen from the rules applying to all other citizens of foreign countries. He was not satisfied that a seaman, having contracted to perform a voyage, should, under no possible circumstances, be excused from the performance of that contract. Yet, according to this bill, without enquiry into the facts, without examination into the treatment the seaman may have received on the voyage, the seaman was to be bound hand and foot, and delivered over to the captain whose service he had perhaps been compelled by tyranny or abuse to quit. I care not, said Mr. C. what is done in other countries on the subject; their regulations in this respect form in my mind no justification of the provisions of this bill. The details of the bill, he said, were moreover objectionable. The delicate class of cases arising out of our naturalization laws would be seriously affected by its provisions. Suppose a person who, naturalized according to our laws, would prima facie be considered by ninety-nine out of a hundred as a foreigner, to be demanded by a foreign captain as a deserter—he would, on his affirmation, be given up, and thus an American citizen would be subjected to this odious provision. Gentlemen might say, they did not mean to carry the principle so far; but, Mr. C. said, such an interpretation might be given by the magistrate before whom
the seaman was brought. He never could consent, that, in every case of a seaman leaving his ship, or of any other description of persons, because a contract has been alleged to be violated, without enquiry into the ground of complaint, however just it might be, the alleged offender should be surrendered. If the bill was adverted to, it would be found that two facts only were necessary to authorize the surrender: first, that the party should have made a contract, and, secondly, that he should have quitted the service of the master within the limits of the United States. Were gentlemen prepared to say, that in no possible case a seaman might be justified in quitting the merchant service? If there was a possibility of such justification, Mr. C. said, they ought not to give their assent to this bill. He knew, he said, that commerce and navigation, to a certain extent, make slaves; but that slavery should not be made unnecessarily severe. If in every instance we are to follow foreign examples in our statutes and usage, to what lengths may we not go? Impressment of seamen for national ships, said he, is a foreign practice: we may be called upon, on the principles of imitation, to sanction that practice. But, said Mr. C. if our navy could be maintained only by impressment, dear as I consider that navy to the interest and to the glory of the country, I would see it annihilated before I would sanction such a practice. Gentlemen, therefore, he said, would not get his assent to the bill by telling him what was done in foreign countries. Over our country a particular genius of liberty presided: we must take care not to banish it by following, step by step, in the wake of other nations, and justifying ourselves for what we do only by exhibiting a precedent in what they have done before us. Mr. C. had other objections to the bill. If there were cases in which it was found necessary to reciprocate provisions with foreign powers for the security of navigation, and such cases there might be, let them be settled by treaty, by reciprocal stipulation. If they extend in their ports but bare civility to us, let us do the same to them. On what foundation was the House invited to pass a bill involving so many delicate considerations, and objectionable provisions? Why, on the ground of a letter—and, without any disrespect to the author of it, a very loose letter, from the Secretary of State. Mr. C. here read some passages of the letter. The honorable Secretary, he said, had not told the House how far his personal acquaintance with foreign countries extended, nor what was the nature of the provisions in that country, analogous to those of this bill; whether in every possible instance a surrender is to take place; whether in all cases the seaman is inextricably yielded up to the captain claiming him. Mr. C. said he wished, before he could act on this subject, to see
the laws of foreign countries, and not on such a vague indefinite account of them to bottom such severe provisions. We have just learnt, too, said he, that, with regard to that power with which we have had the greatest difficulty respecting seamen, an arrangement has been made, such as to remove all causes of complaint against her.\(^1\) I should like to see that arrangement, and examine its provisions, before acting on this subject. He hoped, he said, the honorable chairman of the committee of Commerce and Manufactures would not hurry this bill to a decision. Let us first know, said he, the provisions of the foreign states with which the honorable Secretary has been personally conversant. Let us, above all, recollect, whatever foreign nations do, that here alone liberty flourishes, and personal rights are fully enjoyed; and that whatever we do should have reference to this peculiarly happy condition of our country, and be conformable to it.

[Whitman defended the bill by pointing out that its provisions had already been in operation in regard to our own seamen for twenty-eight years. The treaty which had reportedly been made with Britain could have no bearing on this question. It had long been supposed that the act of 1790\(^2\) applied to foreign seamen as well as to those of the United States, but of late a different construction had been put upon it. The present bill was, therefore, necessary to supply a defect in the law. Seamen who were naturalized citizens would have only to produce evidence of citizenship to obtain freedom.]

Mr. Clay said he was far from being convinced by the gentleman's argument of the expediency of the provision embraced in the bill. He was exceedingly sorry, he said, to have incurred the reprehension of the honorable gentleman from Massachusetts; and congratulated that gentleman on the philosophical coolness with which he was able to survey what Mr. C. considered an assault meditated on the personal liberty of the citizen. That he could not so calmly contemplate it, might be owing possibly to the difference of their native climate, different modes of thinking, or difference of disposition. The gentleman, Mr. C. said, had not made out any thing like a case.—What was the existing law, to which this bill was likened? It was applicable to our own citizens, to be executed within the territory of the United States, and both parties amenable to the law. But there was a vast difference between this, and a provision for surrendering a person, being a foreigner, to the operation not of our own laws, but of laws we know nothing of. We have laws for the apprehension and punishment of deserters from our army; and it has been a favorite object with the British government to have a treaty stipulation for the reciprocal apprehen-
sion and restoration of deserters of that description: but that we have always constantly and properly refused. The gentleman might reason with the same propriety from our own provision in that case to the expediency of a provision for apprehending foreign deserters from an army or navy; and the gentleman might say, with equal force in that as in the present case, that there was no injury to natural liberty, nor any inconvenience, to be apprehended from it. There was, Mr. C. said, an essential difference between the cases: in the one, said he, the law applies to the captain as well as to the seaman—in the other, we should interpose our power against the seaman, and give him up to the tyranny of the captain, or of laws of which we are ignorant. Such a proposition he could not agree to at all, but, if at all, not in this shape: it should be by treaty stipulation; that we might know what we got for what we granted—on which point, he repeated, the information before the house was too vague. But, (said Mr. C.) now do attend to the gentleman from Massachusetts. He follows the seaman from the time he makes the contract, until he is brought before the magistrate on a charge of having violated it, and asks if there be any hardship in that? No: but what question is the magistrate to ask him? Have you made a contract? he will ask. If so, he is bound to surrender him without the cause of his leaving the ship being enquired into. No matter whether the contract was obtained from the seaman by force, fraud or duress, the magistrate is to restore him to the captain claiming him. Mr. C. said he would admit to the gentleman, that in a case of clear obligation to act as a seaman, during a given voyage, being made out, and no better reason than a caprice of the seaman for violating it, he ought to be made to fulfil it. But the objection to the provision of this bill was, that it did not leave the seaman at liberty to shew the ground on which he had deserted. No principle of comity, to which the gentleman had appealed with so much triumph, would induce him to give his vote for it. That inherent love of liberty which directs my course, (and which I trust, and am quite sure, the gentleman from Massachusetts inherits as well as myself) forbids me to do so. If such a provision actually exists in regard to our own seamen, I regret it: in their case, however, it may be necessary and politic, but cannot be so in the case of foreigners, for reasons already assigned. In regard to the effect of such a provision on the rights of naturalized citizens, let me advert to a case, said Mr. C. which might have occurred at a period of excitement which existed some years back, and in the particular part of the country from which the gentleman himself comes. Let me suppose a certain magistrate, holding certain opinions very popular in that day in the same quarter, to
have the case presented to him, of a seaman deserting the British merchant service. I am a citizen, says the sailor; and here is my certificate of naturalization. What would the magistrate do? Would he not tell you what has been urged again and again, even on the floor of this house, that the duty of allegiance is inviolable and perpetual; that it is contracted by birth, and cannot be shaken off? And would he not determine the seaman to be a Briton, his certificate notwithstanding? Mr. C. said he was not for submitting questions of this importance to the million of civil magistrates in the United States; for, by the amendment which had taken place, every justice of the peace was authorized to adjudicate the question. As to the case of indented servants, which had been referred to as analogous, he doubted whether, in any state in the union, if a servant were to make out a case of a breach of contract on the part of a master, he would be compelled without examination to return to his service. If any magistrate were so to decide, in the state in which he lived at least, the servant would have a clear remedy by writ of habeas corpus. Mr. C. protested, however, against the application of principles, arbitrary and rigorous, to all cases, which are fit only for extreme ones: and against the argument that, because in one case an arbitrary principle might be applicable, it must be equally so in all cases. In conclusion Mr. C. said, he wanted information: he did not know that any information would obviate his objections to the bill; but, at all events, he was clear that it ought not to pass without more distinct information as to the practice of foreign powers. He therefore moved that the committee rise, and ask leave to sit again. 3

Washington National Intelligencer, December 9, 1818. Published also in Annals of Cong., 15 Cong., 2 Sess., XXXIII, 360-62, 364-65; reported in Lexington Kentucky Reporter, January 20, 1819. The House, in Committee of the Whole on a bill to authorize "the apprehension of foreign seamen deserting from merchant vessels in the ports of the United States," had heard the object of the measure explained by Samuel Smith and Thomas Newton, Jr. Newton had also read a letter from the Secretary of State, who wrote that "in all the maritime states of Europe, with which I have been personally conversant, there are magistrates invested with authority to arrest seamen, deserters from foreign merchant vessels in their ports, and to restore them to the masters of the vessels to which they belong, conformably to their contracts in the shipping papers." On motion of Ezekiel Whitman, an amendment had been added to the bill, extending to all civil magistrates the authority to execute the contemplated law. The question on the Committee's reporting the bill was about to be put when Clay took the floor.

1 A convention had been concluded with Great Britain on October 20. While news of its completion had arrived, the document had not yet been received. Washington National Intelligencer, December 5, 1818. Laid before the Senate on December 29, it dealt with fishing privileges, the Canadian-American boundary between the Lake of the Woods and the Stony Mountains, the occupation of Oregon, extension of the commercial convention of 1815, and British restitution for slave seizures; but it contained no clauses relating to impressment or the surrender of foreign merchant seamen. American State Papers, Foreign Relations, IV, 406-407.

2 1 U. S. Stat., 131-35 (July 20, 1790).

3 Whitman again spoke briefly, after which the Committee rose and reported progress. The bill was not again taken up.
To Joseph Milligan

8h. Decr. [1818]

Mr. Clay's compliments to Mr. Milligan, and he accepts with much satisfaction his little book on gardening, 1 which he will carry with him to K. & if on perusal of it he finds it (as he presumes he will) worthy of the public patronage, he will recommend it to his friends.

Mr. Clay will be glad if Mr. Milligan will send him a Copy of Tracy's Political Oeconomy 2 & with it the price of the work.

AN. NjP. Milligan was a publisher and bookseller in Georgetown, D. C.

1 A new edition of The American Gardener had been announced for publication by Milligan in the spring of 1818. Washington National Intelligencer, February 21, 1818.

2 Count [Antoine Louis Claude] Destutt [de] Tracy, A Treatise on Political Economy ... (Trans. from the unpublished French original; Georgetown, D. C., Joseph Milligan, 1817 [i.e. 1818]).

Remarks Relating to Debate on Seminole War

[December 9, 1818]

The Speaker intimated his impression that the whole discussion had been premature, and that the original proposition, being one of mere reference, did not authorise the range which had been taken in debate. Gentlemen on all hands appeared disposed, he thought, to anticipate the debate which would more properly take place at a different stage of the business, after the committees should make their reports.

[Thomas W. Cobb, of Virginia, commented that his views on the latitude of debate were the same as the Speaker's, but that since "a motion for indefinite postponement, which went to the principle of the question, was now made, he thought himself called upon to state why he could not assent to it, and why he wished the inquiry to proceed as proposed." He spoke at some length.]

The Speaker here interposed. He had hoped, he said, at least after the gentleman's concurrence in opinion with the chair, that he would not have gone into a discussion on this collateral question, to which no bounds could be assigned. 1

Washington National Intelligencer, December 10, 1818. Published also in Annals of Cong., 15 Cong., 2 Sess., XXXIII, 373, 375. Soon after the outbreak of hostilities with the Indians on the southern frontier (see above, Speech, March 13, 1818, n.16), General Edmund P. Gaines had been sent to Amelia Island (see above, Speech, December 3, 1817, n.6), and Andrew Jackson had been entrusted with direction of the war against the Seminoles. Authorized to follow the Indians, if necessary, into Spanish territory, Jackson had swept through Florida in the spring of 1818, crushing the Indians, capturing St. Marks and Pensacola, executing two British subjects, Alexander Arbuthnot and Robert C. Ambrister, seizing the Spanish archives, sending the Spanish governor off to Cuba, and declaring the revenue laws of the United States in force in the province.

The President's annual message, read to Congress November 17, had reviewed
these events and added the information that Florida had been restored to Spain. That portion of the message having been referred to a select committee on military affairs, of which Richard M. Johnson was chairman, John Holmes, chairman of the Committee on Foreign Relations, on December 8 had moved that the matter be transferred to his own committee. Johnson had agreed to the proposal but a member of his committee, Thomas M. Nelson, had objected. *Annals of Cong.*, 15 Cong., 2 Sess., XXXIII, 12-15, 292-93, 367-76 *passim*. Argument had resumed the next day, when John Floyd, of Virginia, had moved to postpone indefinitely action on Holmes' proposal.

1 After further scattered remarks, Floyd's motion for indefinite postponement was carried by a large majority. *Ibid.*, 376.

To Horace Holley

Dr Sir

Washington 9th Decr. 1818.

I was very unfortunate not to have met with you on my journey from Lexington to Boston.1 We were in Baltimore on the same day, as I learnt when I got on board the Steam boat, and I should have returned on shore but that I understood you were to have left town & probably had started that morning.

Your journey I find was of considerable duration, and as you took it leisurely I presume your family bore the fatigues very well.2 I perceive that the students gave you a distinguished reception. Not so I apprehend on the part of the Orthodox. As I predicted, shortly after you left K. they began to work against you. Mr. Mason3 came out, and I believe stimulated them. So that I imagine you found them ready to proceed to open hostilities. If not now, I have never doubted that sooner or later they will proclaim them. Our care should be to place them completely in the wrong; & such is their intemperance that there will be no difficulty in doing this with a little prudence on your part and that of the Trustees. In the first place, if you wd. allow me to speak with my accustomed frankness to you, it should never be lost sight of by you, that you have come among us not in the character of a Reformer, but to place yourself at the head of an institution of learning; that your object is not to propagate religious truth, but to capacitate the mind for the acquisition of truth of all kinds. I think, in the second place, that, in conformity to this object, I would not attempt to establish a church, and that in preaching, which I would do but seldom, it should be rather for the purpose of exhibiting to the Community your talents for elocution than for that of propagating any peculiar doctrines. If you could convert every trinitarian in Kentucky to the doctrines of Unity, which you are said to profess, what wd. it amount to? One single man redeemed from vice & made to practice virtue wd be worth more than the whole atchievement. What an immense space is there between such an object, & that of being the father of a great University, which is to endure for ages, and which is
to prepare the minds of millions & millions of youths born & unborn for the comprehension of the great principles of science, of morality & if You please of Religion also!

I should be glad to hear from you, and to know what your own prospects and those of the University are. It was fortunate that you carried out two young gentlemen—and I hope that they are placed, and the Trustees pleased with them.

I was much gratified with my visit to New England. I was everywhere received with the greatest attention. I visited all the objects in Boston & its vicinity which are usually seen by Strangers, except old Mr. Adams, whom I had no particular wish to encounter, and whom I had an apology for not visiting in the recent death of his lady. I found every body in Boston taking the deepest interest in your welfare; And particularly the members of the Friday night club, with which I passed an evening.

With great regard I am faithfy Yr's

H. CLAY

ALS. KyLxT. Addressed to Holley at Lexington.

1 Before returning to Washington for the Second Session of the Fifteenth Congress, Clay went to Boston to visit his son, Theodore. While there he lost a part of his baggage in a fire that destroyed the Exchange Coffee House in early November. Washington National Intelligencer, November 10, 1818.

2 The Holleys had reached Lexington on November 21.

3 John M. Mason.

4 John Everett and P. D. Mariano, the latter an Italian emigre who taught modern languages at the University. In the summer of 1819 Mariano advertised the opening of his own French, Italian, or Spanish School, and in the following November he and Everett launched a short-lived literary periodical, the Journal of Belles Lettres. Lexington Kentucky Reporter, July 14, November 17, 1819.

5 Abigail, wife of John Adams, had died October 28, 1818.

Remarks and Motion Concerning Selection of Cadets to West Point

[December 10, 1818]

Mr. Clay prefaced the motion he rose to make, by observing, in reply to the opponents of the bill, that it was a new thing to hear of an aristocracy of the poor: he should not be sorry to see something like such an aristocracy, but he did not think the bill would be productive of that or any other valuable effect. Believing that the selection might be very well left with the Secretary of War, in whom it was now vested, and, not being able to perceive that any good would grow out of this bill, if passed, he moved that the committee rise, report progress, and then let the House get rid of the whole subject.¹

Washington National Intelligencer, December 11, 1818. Published also in Annals of Cong., 15 Cong., 2 Sess., XXXIII, 389. The House, in Committee of the Whole, was discussing a bill, reported at the last session of Congress, which provided that in admitting cadets to West Point preference should be given to sons of officers and soldiers who had lost their lives in the military service of the United States during the War of 1812 and "to those least able to educate themselves, and best
qualified for the military profession." Opponents of the measure argued that it would "create a privileged order in the country"; its advocates claimed that it would "get rid of a practical aristocracy, instead of creating one."

1 Clay's motion carried, and the bill was tabled.

To Lewis Williams

Sir Washington 14 Decr. 1818

I have to acknowledge the rect. of your letter of the 4th Instant, stating that you have been the subject of detraction in relation to the compensation Law, and requesting information on certain points in regard to the practice under that law. I proceed with great pleasure to comply with your request.

According to the usage of the house of Representatives, the Speaker of that house has the liquidation, in the first instance, of the accounts of its members—His adjustment of them is finally subjected to the review of the accounting officers of the Treasury.—In the discharge of that duty of the Speaker, it became necessary for me to give a construction to the compensation law; which I accordingly did—The law passed in march and comprehended the whole term of the 14th Congress—No difficulty in the interpretation of it arose as to the first year—The Members therefore who served that year, that is to say, all who had served until the 4th March 1816 were entitled to the $1500 allowed by the law: But as to the second year several instances occurred, where a Member having served a part of that year, vacated his seat, and his successor served the residue—In such cases, it was necessary to aportion the compensation between them, and the question was, how it should be done—The rule adopted was, that it should be according to actual service.—That is to say, if in the case supposed, one of the Members had served fifty, and the other one hundred days, the fifteen hundred dollars were divided between them, in the proportion of fifty, to one hundred.—Certainly neither you, nor any other Member did receive both the compensation allowed by that law, and the per diem of Six Dollars—Prior however, to the passage of the law many Members had received the per diem; but when the law passed, all such members were charged with whatever they had so received, as so much on account of the fifteen hundred dollars per annum—so that, in effect, no Member of the 14th Congress did receive a greater compensation than the $3000 for the two years.

I need scarcely add, that the construction given to the law, was uniform, and applied to all Members under similar circumstances. I have the honour to be with great Respect Your Obedient Servant The Honble. Lewis Williams

H. Clay

Copy. NcU-Southern Historical Collection.

1 Not found.

2 See above, Remarks, March 7, 1816, note.
The Rising Statesman

From John Hart

Dear Sir,

Lexington, decr. 14, 1818.

I have made the explanation you wished to Mr. Salomon,¹ and now return the dft, with a receipt for principal, damages, interest, & protest, amounting to $552.92. The remittance promised by Mr. Gales has not yet appeared. When it does, it shall be applied to your use; & should it not, I will not draw, if I can avoid it. I will try to write you more fully in a few days. Your friend, JNO. HART.

You had better send me Gales's check for the amo he may remit, lest I might not be able to receive it without.


To John W. Hunt

Dr Sir

Washington Decr. 18h. 1818.

I recd. your letter of the 4h inst.¹ I always thought the contract made between Thomas P. Hart and his brother and sisters with us a hard one on his part.² How far we as Exors have a right now to cancel it I should not like to decide positively without a view of the papers. I should prefer the exors should get the advice, if necessary, of other Counsel for their government. I believe for one I should be willing to take upon me to cancel it if we can legally do so. I would certainly do so if one arrangement were made, that is if Tom. and Mrs. Hart³ will join in a bond of indemnity to the other Exors for cancelling the contract. Such a bond I think she ought to give 1st. because if any dispute were hereafter to arise it would be a dispute between her children, which her influence would most likely settle. 2dly. because if she could not prevent the controversy she would have in her own hands (in her part of the Estate) the means of establishing an equality between the parties. I might add 3dly. that I believe it was pretty much under her influence that Tom made the agreement proposed to be cancelled. If such a bond be given (and it is thought by counsel that the contract can be annulled) the necessary papers may be executed by the other Exors & I will sign them on my part on my return.

If such an act of the Legislature to authorize a sale of any part of the Estate that the Exors may think proper as you suggest can be procured I think it will be very well.⁴ We may execute the authority or not afterwards as we shall judge best—At all events it can do no harm—

I was much gratified to learn that your bank did not follow the pernicious example of the State bank, in suspending Specie pay-
Remarks and Motion on Massachusetts Militia Claims

[December 18, 1818]

Mr. Clay (Speaker) rose, to make a motion that the committee should rise. He was persuaded, he said, that the house could not have heard what had been stated by the honorable gentleman (Mr. Mason,) who was chairman of the committee who had reported this bill, or it would, on the present occasion, have exercised the courtesy usually shewn to every chairman of a committee who reports a bill, of chusing his own time for calling it up. It might be proper for him to state, Mr. C. said, that his opinion on this subject did not differ, probably, from that of those gentlemen who had chosen to go into committee on the subject. But the chairman having stated to the house that, on a consultation of the delegation of the state, it had been tho't proper not now to go into a committee of the whole on the subject; that he wished to have further communication with the government of the state on the subject, and that he hoped, in the course of the session, to bring the subject fully and fairly before the house, he thought it hardly possible, had his remarks been heard, that the discussion of the subject would be pressed against his wishes. With regard to the merits of this claim, Mr. C. continued, he would only say, that when the facts were all before the House, and the question open for discussion, gentlemen would find him as decided in his opinion, and as firm in maintaining it, as any other opponent of the claim. But, he said, a certain degree of liberality, of courtesy, of calm deliberation on this subject, was due, from the house, no less to itself than to the state whose claims were the subject of consideration. He hoped, when gentlemen were ready, however,
they would enter into a full and fair discussion of the question. Holding the opinions he did, he should not fail to express them at a proper opportunity. But, if the discussion were now to proceed, and the question to be decided, gentlemen would have an occasion for saying that they were hurried into the discussion; that they were taken by surprize: they might, if he were allowed to introduce a forensic term to explain his meaning, say that the decision of the house was a snap judgment, rendered without an examination of evidence, or time given, &c. He hoped, therefore, the committee might rise, to give the gentlemen in favor of the claim time to prepare themselves for the discussion.1

Washington National Intelligencer, December 19, 1818. Published also in Lexington Kentucky Gazette, January 1, 1819; Annals of Cong., 15 Cong., 2 Sess., XXXIII, 419-20. When Clay, as Speaker, mentioned among the orders of the day the bill providing payment for the Massachusetts militia claims (see above, Clay to Otis, January 29, 1818), Jonathan Mason asked that consideration of the message be postponed. Upon motion of another member from Massachusetts, however, the House resolved itself into Committee of the Whole on the subject. Immediately after the bill was read, Clay took the floor.

1 After brief additional discussion, Clay’s motion prevailed, and the Committee rose. Otis’ bill on the Massachusetts claims was never brought to a vote. By act of May 31, 1830, the sum of $430,748.26, approximately half the amount sought, was paid; payment of an additional $678,362.41, in liquidation of the remaining principle and interest, was ultimately authorized under act of July 8, 1870. 4 U.S. Stat., 428; 16 U.S. Stat., 198.

To Caesar A. Rodney

Dr. Sir Washington 22d. Decr. 1818.

I have read with great interest your report.1 It is, I have no doubt, an independent and impartial exhibition of things as they appeared to you. I have heard it well spoken of. Altho’ the information collected by our Commissioners was not necessary, in my judgment, to enable the Govermt. to decide on the question of recognition, since it has been collected, and is favorable to that measure being taken, it must be quite astonishing to the people of the U. States that the President still forbears to act. I do not speak of Judge Bland’s report, which I have not yet read,. [sic] it not being printed.2

I have been written to in behalf of —— White3 an American Citizen in confinement at Buenos Ayres, by order of the Government there. I find from some of the papers transmitted to me that you were induced to address a letter from Monte Video to the Supreme Director4 in his favor. Will you be good enough to inform me what are the causes of his imprisonment, and if you think him unjustly confined? Yr’s faithfully

H. Clay

ALS. DLC-Rodney Family Papers (DNA, M212, R22). Addressed to Rodney at Wilmington, Delaware.

1 Rodney’s report on the mission to South America had been submitted to Congress November 17, 1818. See above, Clay to Brackenridge, August 18, 1818, note.
2 Theodorick Bland’s report went to Congress on December 15, 1818.
3 William P. White, born in Pittsfield, Massachusetts, but resident in South America
for the past decade, had supplied two vessels and stores in aid of the Buenos Aires Patriots under Director Gervasio A. Posadas, who in 1814 were blockading Montevideo. In the course of this campaign the Spanish squadron at the mouth of Río de la Plata was defeated and Montevideo surrendered. White, however, was unable to collect the sums which he claimed to have advanced in the cause. He maintained that his subsequent imprisonment was motivated by the desire of various influential persons in the La Plata regime to obviate payment of these and other obligations. The Buenos Aires Government, in turn, asserted that White's business speculations had made him popularly so objectionable that his imprisonment and banishment were necessary for his own protection. The official representatives of the United States reported his cause “at most only a very equivocal claim on the protection and interference of the Government of the United States.” American State Papers, Foreign Relations, V, 14-16; Levene, History of Argentina, 289-90.

4 Juan Martín de Pueyrredón.

Account with Nathaniel Silsbee

Honble. Henry Clay to Nathaniel Silsbee  [December 24, 1818]  

1818  Dr.

May  
9. To Cash paid his Son. T. W. Clay & Larz  
Anderson,¹ on leaving them at Cambridge—  
10 dollars each . . . . . . . . . . . . . . . . . . . 20.—

July  
1 " Remitted by letter to his Son at Cambridge  
" 30 " paid Theodore & Larz, to buy Cloaths . . . . 60.

Augt. 26 " paid them to pay off bills, to buy Cloaths &c  
20.

Sept 5 " paid them to make purchases & for  
pocket money . . . . . . . . . . . . . . . . . . . . 25—

" " " " Mr Gilmans² for tuition of both . . . . 87.—

14 " sent to Cambridge at their request . . . . 20-

23 " sent to Ditto to pay Steward &c . . . . . 50-

30 " Sundry furniture &c for their use Vitz—  
N Appleton³ for bedstead & Table . . 8.50  
J Mead⁴ for a Table . . . . . . . . . . . . . . 2-

E. Kneeland for Feathers . . . . 21.25
W. Wallis for a pair of Blankets . . 8.
E. Felt. 21 yards Sheating &c . . . 9.93
H. Batchelder for bed tick &c . . . 10.19
W. Dean. Shovel, tongs &c . . . 3.92
7 yards Tow Cloth for Straw Bed . . 1.40
paid for making bed—Sheats, pillows &c 2.63
2 wash basons 1.50—2 Chambers 0.67 2.17
T Delund for Chairs . . . . . . 5.04
R. Manning & Co⁵—for a Carriage to  
Cambridge in May & a Waggon  
to carry furniture &c . . . . . . . 15.— 90.03

Oct. 3 " Remitted to Cambridge to pay quarter bills  
8 " Mr. Sales⁶ bills for board & for French lessons 260.-

19 " remitted to pay balance of quarter bills . . 40.

22 " paid Theodore & Larz to buy outside Coats 35.—
Nov. 2 Cash remitted to his Son, at Cambridge, by request 15-
" R. Manning for expense sending money fm. Boston to Cambridge 3d. Octr. . . . . . . 1.-
Cr. By Cash received at Washington
   in April . . . . . . . . . 300.- 793.03
" a check of the Cashier U. S. Branch Bank at Lexington on U S. Bank at Philadelphia recd. from Mr Clay under cover of his letter of July last 150.-
Dec. 24 " Cash to balance . . . . . . . . . 343.03 793.03
[Endorsement]
Washington 24 Decr. 1818. Received the aforenamed balance in full


D. DLC-TJC (DNA, M212, R15). Silsbee, Boston shipowner and merchant, a director of the Boston Branch of the Bank of the United States, was a member of the United States House of Representatives, 1817-1821. From 1826 to 1835 he was United States Senator from Massachusetts.

1 Son of Richard Clough Anderson and half-brother of Richard C. Anderson, Jr. He became a lawyer in Louisville, represented Jefferson County in the State legislature in 1833-1834, and afterward moved to Cincinnati to practice his profession.

2 Samuel Gilman, tutor in mathematics at Harvard University; later a noted clergyman in South Carolina.

3 Probably Nathan Appleton, a native of New Hampshire, who had settled in Boston, where he became wealthy as a merchant, textile manufacturer, and banker. He was a member of the United States House of Representatives from 1831 to 1833 and for a few months in 1842.

4 Mead and the next six persons cited were probably all local merchants.

5 Operators of stagecoach lines. Management of the firm passed from Richard Manning of Boston to his son, Robert.

6 Francis Sales, a French immigrant who for many years taught French and Spanish at Harvard.

7 AES.

From John C. Calhoun

Honble. Henry Clay, Speaker of the H. Representatives.

Sir,

Navy Department, Decr. 24th. 1818.

In reply to your letter of the 18th. instant,1 in relation to the appointment of Doctor Samuel C. Smith as Surgeon’s Mate in the Navy, I have the honour to inform you, that Doctor Smith will be nominated to the Senate as soon as may be practicable after the arrival of the Secretary of the Navy at the Seat of Government. I have the honor to be, &c

J. C. CALHOUN,
Acting Secty. Navy.—

Copy. DNA, RG45, General Letter Books, vol. 13, p. 248. See above, Homans to Clay, October 8, 1818. 1 Not found.

To William Jones

Dr Sir

Washington 26h. Decr. 1818

I have the pleasure to present to your acquaintance the bearer
Saml. W. Davis Esqr. of Cincinnati. Altho' I have not the advantage of a particular personal knowledge of Col. Davis, I have, from sources of the highest respectability, such an account of him as to entitle him to the greatest confidence. I believe the special purpose of his visit to Philadelphia is to make some arrangement for the ultimate payment to the Bank of the U. States of the balance due to it from the Farmers' and Mechanics Bank of Cincinnati, of which he is Cashier. The actual condition of the State of Ohio, resulting mainly from the great accumulated & accumulating balances due to the Government of the U. S. for the purchase of the public lands, is such as to entitle the fair and well intentioned Banks of that State to the most lenient consideration. The Bank of the U. States is the mere instrument, in the hands of Government, for collecting and afterwards distributing those balances. Much of what has been urged against it in that quarter, therefore, results from circumstances beyond the control of the Bank, and has been unjustly urged. It will give me great satisfaction to learn that Col. Davis shall have effected the object of his visit in a way satisfactory to both parties. And I have ventured to say to him that he will find you disposed to promote this happy issue as far as the paramount duties you owe to the Bank of the U. S. will possibly allow. I remain Dr Sir Faithfully Yrs. H. CLAY Wm. Jones Esqr.

ALS. PHI-Etting Collection.

1 Samuel W. Davies, later mayor of Cincinnati. 2 Organized in 1811.

3 The second Bank of the United States had not been successful in obtaining transfer of public deposits held by western banks. As its own financial difficulties increased, the Bank in July, 1818, had instructed its Cincinnati branch to collect from the banks in that city at the rate of twenty per cent per month. Unable to meet these demands, the Cincinnati banks on August 20 had drawn up a remonstrance against the order; but in October the Bank of the United States had instructed its Cincinnati branch to refuse acceptance of the notes of the Farmers and Mechanics' Bank, the Bank of Cincinnati, and the Miami Exporting Company. This action had precipitated a run on the proscribed institutions, which in early November had been forced to suspend specie payments. American State Papers, Finance, IV, 859-64.

Account with Michael Fishel

[ca. December 28, 1818]

<table>
<thead>
<tr>
<th>Henery Clay Esqr</th>
<th>To M&quot; Fishel</th>
<th>Dr&quot;</th>
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<tbody>
<tr>
<td>1818</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sept. 15 To Mending Gutter on House, pr S&quot; Long, . . . . . .</td>
<td>- 3&quot; 0</td>
<td>$ 50</td>
</tr>
<tr>
<td>Octr. 16 To 48½ feet House gutter @ 2/9</td>
<td>6 - 13&quot; 4½</td>
<td>22 25</td>
</tr>
<tr>
<td>To Repairing Conductor . . . . . . . .</td>
<td>- 12&quot; 0</td>
<td>2&quot;</td>
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<tr>
<td>To 12 Iron Bands for hanging</td>
<td></td>
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</tbody>
</table>
To Soldering Copper on front of house and Furnishing Solder
To Covering platfform on Back of do
To 400 Tind Nails for do
To 6 lbs Soft Solder @ 3/...
To Putting Up Gutters...

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<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
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<tbody>
<tr>
<td>To Soldering Copper on front</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solder</td>
<td>1</td>
<td>10 &quot;</td>
<td>5 &quot;</td>
</tr>
<tr>
<td>To Covering platfform on Back of do</td>
<td>9</td>
<td>0 &quot;</td>
<td>30 &quot;</td>
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<tr>
<td>To 400 Tind Nails for do</td>
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<tr>
<td>To 6 lbs Soft Solder @ 3/...</td>
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<tr>
<td>To Putting Up Gutters...</td>
<td>1</td>
<td>4 &quot;</td>
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| Contra                                    |          |       |        |
| By 4 lb Old Copper @ 1/6                  |          |       |        |

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<tr>
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<tr>
<td>£ 20</td>
<td>15 &quot;</td>
<td>4 1/2</td>
<td>$ 69 25</td>
</tr>
<tr>
<td>Ballance due M. Fishel</td>
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<tr>
<td>£ 20</td>
<td>9 &quot;</td>
<td>4</td>
<td>$ 68 25</td>
</tr>
</tbody>
</table>

[Endorsement] Recl the above for M Fishel 28th Decr. 1818  

JAMES McCauley

Dr Sir

I beg leave to introduce to you my friend James Breckenridge of Kentucky—a gentleman of the first respectability in that State. Any aid you may give him in promoting his views, or attentions you may pay him whilst in your City will oblige Yr’s faithfly

H. CLAY

To Lewis Cass

To John Connell

Dr Sir

I beg leave to introduce to you my friend James Breckenridge of Kentucky—a gentleman of the first respectability in that State. Any aid you may give him in promoting his views, or attentions you may pay him whilst in your City will oblige Yr’s faithfly

H. CLAY

Lexington Kentucky Gazette, February 5, 1819, from the Detroit Gazette. Cass, born in New Hampshire in 1782, had moved at about the age of seventeen to Ohio, where
he had become a lawyer and, in 1806, a member of the State legislature. After brief military service in the War of 1812, he had been appointed Governor of Michigan Territory, a post he held until 1831. He was later Secretary of War (1831-1836), Minister to France (1836-1842), United States Senator (1845-1848, 1849-1857), and Secretary of State (1857-1860).

2 The remains of the Americans killed in the Battle of the River Raisin had been moved on July 4, 1818, from their original graves to the cemetery at Monroe, Michigan, a town located on the battlefield. During the following month they had been again taken up and reinterred in the Protestant cemetery at Detroit. They were twice moved in 1834, once to another Detroit cemetery and, in September, to the State Cemetery at Frankfort, Kentucky.

To Martin D. Hardin

Dr Sir Washington 4 Jan. 1819.

I rec'd your favor of the 19h. Ulto. I perceive that there is great agitation with you on the subject of the Bank of the U.S. A good deal of excitement also existed in Congress, at the commencement of the Session, and a Committee was appointed to investigate the conduct of the Bank, which has just returned from Philada., and whose report we may expect in a few days. Is there not danger that the Legislature, taking counsel from their present feelings, may be hurried into some act of indiscretion? It was right to employ additional Counsel, if needed; because the State having assumed the right to tax the branches it was, I think, quite proper that their power in this respect should be fairly discussed and considered. But would it not be prudent to await the decision of the Supreme Court, which I am told may be expected at the ensuing term, before you proceed to ulterior measures? It would be awkward & might be humiliating to have to retrace your steps. No proposition can be clearer than that, if Congress had the power to make the Bank, the States cannot have the power to break it. The two powers, being incompatible, cannot both exist. But if each State has the power to exile the branch within its limits, Pennsylvania has also a similar power to expel the parent institution, and if all were to exert the authority supposed, the Charter of the Bank wd. be rendered null. I offer no opinion on the question whether a State which imposes a bona fide tax, fairly laid, for the purpose merely of revenue, and not of expulsion, does not exercise a legitimate & constitutional power—That question would not be attended with any difficulty in the solution, if such an exercise of power could be clearly discriminated from that which would have for its object the banishment of a branch, and not revenue.

It is probable that in some material instances there has been maladministration of the affairs of the U.S. Bank. Our Committee's report, we may hope, will develope these, if they exist. And I cannot permit myself to doubt that Congress will exert any power they may possess to correct the evil, if one shall be ascertained. In the mean
time I am inclined to think that the degree of excitement which exists with you has not an adequate cause. I believe you are striking at the shadow instead of aiming your vigorous blows at the substance which throws it off. Depend upon it that our evils, in regard to the circulating medium, lie deeper than the Bank of the U.S. The operation of that machine may manifest it does not create them. What is that operation in regard to the Western Country? It is to collect the debts there due, whether to Government or to individuals, and carry the amount where the creditor wants it, he not wanting to use it with us. Now this is an operation which must take place, if you were to annihilate the Bank of the U.S. This institution, I repeat it, is in the view I am now taking a mere collector for the Eastern merchant and for the General Government. Let us bring the Eastern trader in our debt, and it will operate as a collector for us of him. If it could be shewn that getting rid of the Bank of the U. States, we should get rid of the debt which it collects, or should transfer the amt. to the creditor at less expense, there would be then strong motive for desiring to get rid of it. These ideas must have already occurred to you; & from them you have no doubt traced, which I have not time now to do, the subject into all its consequences.

There is a good deal of feeling in Congress on the subject of Genl. Jackson’s mode of conducting the Seminole War. Whether it will exhibit itself in any act or resolution I am unable at present to say.

Jno. Graham has been nominated to the Senate for minister to the Brazils. Mr. Forsythe is to be appointed to Spain.

The treaty lately negotiated with England has arrived. It is far less comprehensive than was at first imagined. I remain faithfully

Your’s

H. Clay

ALS. ICHI.  
1 Not found.
2 See above, Clay to Jones, March 3, 1818; Clay to Rootes, November 24, 1818.
3 Appointed in the previous November, the committee on January 16, 1819, filed a report censuring the Bank managers for mismanagement, speculation, and violation of charter, notably by permitting too rapid redemption of government stock without a satisfactory alternative investment, by permitting stockholders to evade specie payment on bank stock subscriptions, by payment of dividends to stockholders delinquent in their stock subscriptions, and by fraudulent election procedures in selection of the directorate. The early policy of the Bank in requiring the branches to pay out their own notes in preference to those which they held on the state banks, and to deliver “drafts on the Eastern cities, whenever it could be done, to prevent the remittance of their own notes,” was cited as providing “a temptation, to the Western banks particularly, to extend their circulation of notes....” The notes of the state and local banks, in turn, had been readily received by the offices of the Bank of the United States and retained as a fund on which interest was charged. Subsequently, when efforts were made to collect in specie on these pledges, the local banks had protested bitterly (see above, Clay to Jones, December 26, 1818). The committee criticized the Bank not for its attempts at collection, but for its initial acceptance of the local bank notes, for too great an accumulation of such assets, and then for their too rapid reduction.

Excessive drafts by the Baltimore branch on the offices at New York, Boston, and
Philadelphia, had consistently drained the specie from the northern offices and compelled them to restrict operations. Then in the spring of 1818 a very rapid reduction in the debt of the Baltimore bank to the northern branches had been achieved by increasing the former's account with the parent institution. The Baltimore branch had effected this balance of payments partly by a loan obtained in London and a pledge of bank stock, the parent bank assuming the liability and issuing bills of exchange drawn on the New York branch bank.

The "embarrassments of the Bank of the United States, in receiving the notes of all its offices, did not arise so much from the fair and ordinary balance of trade, which might have been calculated and provided for, as from the excessive discounts granted at some of the offices, particularly Baltimore and Philadelphia. . . ." In a resolution of August 28, 1818, the Bank had instituted a new policy under which notes of the branches were not to be accepted interchangeably by the parent institution or the other branches, except in payment of government debts. This ruling virtually reduced the branches to the status of local institutions, the notes of the western branches being accepted at a discount of as much as five per cent in eastern cities.

The report of the bank committee also attacked directors of the Bank for conducting private speculations in its stock on the basis of manipulations in their official capacity. William Jones, Jonathan Smith, Dennis A. Smith, and James W. McCulloch were particularly censured for such activity. The further involvement of the Baltimore bank officers, including James A. Buchanan, president, and McCulloch, cashier, in fraudulent loan transactions based on bank stock security was sharply criticized, though at the time of the report it was noted that "no loss appears yet to have accrued." American State Papers, Finance, III, 306-15 passim.

This fortuitous condition did not long continue. In January, 1819, William Jones resigned as President of the Bank of the United States; McCulloch was forced out of the Baltimore branch in May; and Jonathan Smith left office in February, 1820. Under tightened administration and fuller investigation the Baltimore officers were forced, on March 16, to confess their inability to meet their obligations. Buchanan, McCulloch, and George Williams, of Baltimore, a director of the Bank, were indicted for conspiracy to defraud. Catterall, Second Bank of the United States, 39-49, 78-79.

5 See above, Remarks, December 9, 1818; below, Speech, January 20, 1819.
6 The nomination of Graham as Minister Plenipotentiary at Rio de Janeiro had been received by the Senate on December 28, 1818, and approved on January 6, 1819.
7 Forsyth's nomination was submitted to the Senate on February 11 and approved four days later.
8 See above, Remarks, December 7, 1818, note.

Remarks on the Military Appropriation Bill

[January 6, 1819]

Mr. Clay (Speaker) said, that, although he approved entirely of the course the House had pursued of taking up the public business of the session, in preference to the tedious sittings they had lately held for the adjudication of private claims, he must confess he was somewhat surprised at the scantiness of the information which he had heard, whilst in the chair, the chairman of the committee of Ways and Means was able to afford to the House on the subjects embraced in the bill.1 He had given notice, he said, yesterday to the gentleman, that he should make the enquiry of him, when this bill came up, as to the amount of money Congress had parted with, and the amount it was now called upon to appropriate, for the purpose of making roads.2 It was with surprize, Mr. C. said, he had heard from the gentleman, after this notice, that he had no information on the subject. He hoped, he said, the gentleman
would refresh his memory, and find under what item of the bill the appropriation was made for extra pay to the army for the purpose of constructing military roads. It was very important that the House should have this information. It would be recollected that, at the last session, this great constitutional question of the power of Congress to make internal improvements had been discussed in this House; it would be recollected that whilst the power of the Executive branch of the government to employ the labor and money of the nation on objects of internal improvement had been strenuously maintained, the same power was as strenuously denied to Congress. Mr. C. said, he had understood, that, in addition to the Northern Road to which the gentleman had alluded, other roads, bearing the denomination of military roads, were making—for example a great and magnificent road from the Tennessee river to Lake Ponchartrain; and that over this military road it was proposed very soon to march a detachment of stage coaches, proposals having been already made to the post office department to avail itself of the services of this new description of military corps. If it be the pleasure of this house, said Mr. C. to fold its arms, and see, one by one, every power of government taken from it—the power to lay taxes—to make war—to apply the sword and purse of the nation, be it so. But for his part, Mr. C. said, he desired information; as that which the house now had was extremely unsatisfactory. He begged the attention of gentlemen to it. Mr. Speaker then read the few first lines of the letter of the Secretary of War to the committee of Ways and Means—until he came to that part of the letter, speaking of the documents being so voluminous as to make it necessary, to save the time required for copying them, to send the originals. Documents so voluminous, Mr. C. said, that notwithstanding the number—How many clerks were there in the War Department? he really could not count them—they could not be copied. These documents, so voluminous that they could not be copied, because there were so few clerks in the War Department, considering that they related to the expenditure of some millions of dollars, afforded yet very scanty information. Sir, said Mr. C. upon my unfortunate friends, the Patriots of South America, we can have whole volumes, nay, whole libraries, copied and printed: but on this very unimportant affair, of appropriating six or seven millions of dollars, some few fragments of paper are thrown into the house, and then we are told the affairs of the country cannot go on, the wheels of the government must stop, unless we forthwith pass the bill. Mr. C. said, he hoped the honorable chairman would look again at his notes, and see in what part of the bill the appropriation for this fatigue money, as the expense of making the road is called, is contained. Mr. C. said he did not so much want the information
for himself, as for the benefit of his honorable friend, who now sat in
the chair, (Mr. H. Nelson) who at the last session so pathetically
deplored that Congress should attempt to appropriate money for
making roads—or for his eloquent colleague (Mr. Barbour) who
had advocated the same side of the question. He hoped one of those
gentlemen would move to strike out that part of the bill when it
was discovered where it was, that the committee might see what it
was doing, and that a clear expression might be obtained of the
opinion of the house, whether the executive was to go on, at its own
will and pleasure, to make roads, without Congress having any
other concern in the matter, than to pass the appropriation bill,
whenever the chairman of the committee of ways and means chose
to call it up.

[Barbour retorted that he believed no department had the right to
make roads, that he would knowingly vote for no appropriation for
that purpose, but that he would not hesitate to vote for the provision
of the bill labeled clearly “For the pay of the army, one million of
dollars.” Samuel Smith then made a detailed statement regarding
the items of the bill; and David Trimble, of Kentucky, a member
of the Committee of Ways and Means, stated that the committee
could not furnish information on the amount expended as extra
pay for fatigue duty, but that such expenditures were probably
covered by the “item of Contingent Expenses of considerable
amount.” Trimble was of the opinion that the use of money for
making roads was illegal unless specifically appropriated for that
purpose, but he did not see how it could be prevented without
striking out the entire item of contingent expenses.]

Mr. CLAY said, he really must profess it was with surprize, as well
as regret, he found that the house could have, from the committee
of Ways and Means, no sufficient information on the subject on
which he had asked for it. I have requested the gentleman to tell
me, said Mr. C. which of the items in this bill comprehends the
appropriation for the expense of making roads, under the authority
of the Executive: instead of answering my enquiry, the gentleman
from Maryland has gone into a general expose of the bill. Is it
possible, that an appropriation bill is brought into this house,
accompanied by all the estimates and statements from the proper
Department—containing, among others, an important appropriation,
because involving a great constitutional question, on which the
Legislature and the Executive are divided in opinion, and yet the
chairman of the committee cannot tell us in which of the several
items of the bill this appropriation is contained? It was true that
another honorable gentleman, his colleague, has given the House
information on the subject, but, said Mr. C. in a way not bearing
the stamp of certainty. He says the appropriation is certainly in the
bill. Yes, sir, we have found the covert in which the game lies: and I wish we could start it. My colleague thinks it is quite likely it is in the item of contingencies. I wish we could be sure of it. Mr. C. said he had yesterday given the honorable chairman (Mr. Smith) notice that he should call on him this day for information on this subject, and he was surprised not to receive it. He should like to know from the honorable chairman, he said, whether the public interest was likely to suffer by one or two days' delay of this bill: it was due to Congress, to the interests which the members of this House represented, not to proceed hastily on it. Unless some reason why the bill should immediately pass could be shewn, he should hope the committee would rise, and, if there were not already clerks enough in the War Department to copy the papers required for the information of Congress, he was willing to vote for more. He submitted, he said, to the gentleman from Virginia (Mr. Barbour) since he conceded the point that he would not vote for money to be applied to what in his (Mr. B.'s) judgment was an unconstitutional purpose, whether the same consideration ought not to restrain that honorable gentlemen from voting to pay for men who are thus to be unconstitutionally employed. If you would not give the money of the nation for a particular purpose, would you give the labor of the nation? For, Mr. C. said, he took it, that the army of the nation, from which the labor on roads was derived, afforded as much the labor of the nation, as the amount paid the soldiers for extra duty in the same vocation was the money of the nation. He was aware it might be said, the responsibility for misapplication of money appropriated by Congress belonged to the respective departments, &c. But what, he asked, was the reason of the constitutional limits to appropriations of money; & what particularly of that clause which provides that no appropriation for the pay of the army shall be for more than two years? Certainly, that this House might hold a control over this sometimes unmanageable machine, a standing army; that it might control it by withholding, in extreme cases, the appropriations necessary to keep it in existence. Was it not known, that, year after year, whilst the Executive too sends a message to Congress expressing the opinion that they had no power to make roads or canals, the Executive employs the army in the very object over which he denied the power to Congress? Was this not one of the cases contemplated by the constitution? At least, for those who held the doctrine of a defect of power in the general government to employ the resources of the nation on objects of internal improvement, here was a case, in which they ought to say, we will no longer continue to appropriate money to be thus misapplied. In answer to the difficulty started by his colleague as to the mode of preventing
this misapplication of public money, Mr. C. said it would be easy to effect that object, if it could be once ascertained under what head was included the appropriation in question. He had heard, he said, an anecdote of a former member of this House, which might furnish the honorable chairman of the committee of ways and means with a clue to find the proper item. Some years ago it had been the custom, now abolished, to use in this House a beverage in lieu of water for those members who preferred it. A member of the House said he was not in the habit of using this sort of substitute for one of nature’s greatest and purest bounties, but would prefer something stronger. The officers of the House said they should be glad to gratify him, but did not know how they could with propriety pay for it out of the contingent fund. Why, said the member, under what head of appropriation do you pay for this syrup for the use of the members? Under the head of stationery, the officer said. Well, replied the member, put down a little grog under the head of fuel, and let me have it. Mr. C. said that, seriously, he did not think the honorable chairman ought to have been so much at a loss. I have asked for bread, said he, and he has given me a stone; I have asked for information on a particular point, and he has given us information on every point but that. Is there or is there not in the bill an appropriation for the expense of making roads by the War Department? One member said he thought it was under one head, but was not certain. If not there, where was it? He hoped the House would delay acting on the bill until they could obtain this information.\(^7\)

Washington National Intelligencer, January 9, 1819. Published also in Lexington Kentucky Reporter, January 27, 1819; Lexington Kentucky Gazette, January 29, 1819: Annals of Cong., 15 Cong., 2 Sess., XXXIII, 451-52, 454-56. Clay was the first to speak after the House, in Committee of the Whole on the appropriation bill for the support of the military establishment for 1819, had heard the reading of the bill.

1 Before the House had gone into Committee of the Whole an exchange had occurred between Samuel Smith, chairman of the Committee of Ways and Means, and other Congressmen concerning the advisability of taking up the measure at that time. Smith had been unable to answer an inquiry put by Henry St. George Tucker relative to the authority under which a military road on the northern frontier of New York (see above, Speech, March 13, 1818, n. 24) had been constructed and was to be continued. Tucker thought it would be well to separate from other items in the bill the sum to be expended for making roads.

2 No record of this notice has been found.

3 See above, Speeches, March 7, 13, 1818.

4 An appropriation of $5000 had been authorized in 1816 “for repairing and keeping in repair” a road from Columbia, Tennessee, to Madisonville, Louisiana. \(^3\) U. S. Stat., §15 (April 27, 1816). The road, begun in June, 1817, was completed in January, 1820, terminating 21 miles north of the Tennessee River, which it crossed at Muscle Shoals. House Docs., 21 Cong., 2 Sess., no. 48, pp. 3, 6 (Appendix A).

5 Printed as “important” in Annals of Cong.

6 Philip P. Barbour.

7 Among the speakers following Clay was Samuel Smith, who informed the Committee that he had just received from the Secretary of War a letter stating that the sum estimated for extra pay to soldiers engaged in labor on roads, barracks, and other public works was about ten thousand dollars. Before the Committee rose Clay made some further remarks, not recorded.
Remarks on the Military Appropriation Bill

[January 7, 1819]

Mr. Clay hoped that this motion would not be insisted on, and, if insisted on, would not prevail. The object in view was to present the simple unmixed proposition, whether the Executive has the power to employ the money of the country in constructing roads; if associated with the company proposed, (the amendment) it would make the sense of the committee equivocal, on the important question presented by the motion of Mr. Trimble. For that motion Mr. C. said he meant to vote. It would declare by a formal act that it was competent, by the grants of power, for Congress to authorize such works. Mr. C. said he thought Congress had been wanting in its duty in delaying so long to legislate on this subject. It was proper to pass a bill, and present it to the President, and if he refused to sanction it, then Mr. C. declared he had no hesitation in avowing he should be ready to proceed to hostilities with the President on this point, and withhold every appropriation until he conceded the point. But, Mr. C. said he should not deem it proper to proceed to extremities with the chief magistrate on this score until he had first fairly presented to him a bill appropriating money for the purpose, and saying to him—here it is; sign it or not sign it. He differed from those who believed the President would refuse to sign such a bill. He regarded the opinion announced by the President, in the Message to Congress at the last session, as an opinion extra judicial. The judge had no right to decide in the matter. Let us make the case, said Mr. C. and present it fairly before him; then, if he says we have not the power, I am ready to reply to him, neither have you. But, Mr. C. repeated, there was little reason to presume, from the opinion he had expressed, that the President would refuse to sanction such a bill, as his conduct had been in direct opposition to that opinion—on the contrary he had acted in exact conformity to the opinion declared by this House in relation to the powers of the general government to construct roads, &c. It was too much to anticipate, that, after this House had exerted its utmost faculties in maturing a bill, the President would refuse to sign it. Mr. C. hoped that a bill making appropriations for internal improvements would be reported; he was willing to take one in the same shape of that which had already once passed this House, and try whether the President would refuse to it his assent, and deny to Congress the power of enacting it. Let us not, said Mr. C. apply to our fears for counsel, but put the question at once fairly and properly to the President.

Mr. C. had yet a stronger reason, he said, for approving the proposition to insert a specific appropriation for this object in the
present bill. He thought the mode of making compensation for this extra labor, by the President or heads of department, at their discretion, however much he respected those men, to be a dangerous mode—an unconstitutional mode, and one, under every view, improper; it taught the army to direct their views elsewhere, instead of to this House, for compensation and reward. This he thought an important consideration. The gentleman from Maryland, (Mr. Smith) must excuse him for differing from him on this subject. The gentleman talks, said Mr. C. of the common law of the army. The common law of the army! This common law, sir, is always resorted to, in extremities: in dangerous times it is resorted to to justify the abuse of power. When a sedition law was to be passed, this common law was the argument for it; now, when it is to justify an allowance of extra pay to the army, the common law is brought up. What common law is it? Is it European—is it English, French, or what is it? Mr. C. said, he knew it not. He had always understood it was proper and legitimate for all armies to make military roads, and it was under that impression he wished the compensation for such labor to be appropriated by law. Allow the President or the head of a department to make this compensation, to apply the public money to this purpose at their discretion, and they may go on to other objects also—There was, indeed, no limit to which they might not go. Mr. C. said he meant no disrespect to the head of the War Department; on the contrary, he entertained for him the profoundest respect. He was, he said, no flatterer—he had not yet learned the practice of courts—the expression of his respect for that gentleman was forced from him by the feelings of his heart and he was proud to acknowledge them. This extra compensation, it seemed, was according to the regulations adopted; but he hoped this would not be contended for as a sufficient authority for it. Extra allowance, Mr. C. said, might be proper, but it ought to be for Congress to make it, and the maximum, at least, if not the object of it, ought to be fixed by Congress. Although the act of 1816 might, in express terms, recognize these regulations, there was no member, he imagined, who voted for it, who thought its exercise was to be unconstitutionally transferred from the Legislature to the Executive. It was far from his intention, Mr. C. said, to enter into the interesting question (the transactions of the Seminole war) touched on yesterday. A proper occasion he hoped would present itself for considering that subject; as he should consider the Legislature wanting in its duty, if it permitted the session to pass without the expression of an opinion on it. But, when it comes before us in the shape of a direct proposition, let us meet it as men, and pronounce on it properly. He had no idea of concurring with the honorable gentleman from Virginia, (Mr. Mercer) as to indicating the opinion of this House respecting the
conduct of a military officer, by withholding his pay;⁶ this course
would be inexpedient also, because it would leave their opinion in
doubt, and the Executive might be at a loss, if the pay of one of the
Major Generals were withheld, to know which to retain. Mr. C.
thought it was proper at least, for Congress to express an opinion
on this subject, if not to legislate on it. He would, he admitted, not
pass a censure on the Chief Magistrate, but he would have the House
to express the opinion, and say, there it is, operate on whom it may.
Would not the course suggested yesterday, he asked, express an
indirect censure on the Executive by withholding the pay of the
officer, and thus compelling the Executive to dismiss him? It cer-
tainly would. But, Mr. C. repeated, this was not the occasion for
going into that question.⁷

Washington National Intelligencer, January 16, 1819. Published also in Lexington Kentucky Reporter, February 3, 1819; Lexington Kentucky Gazette, February 12, 1819; Annals of Cong., 15 Cong., 2 Sess., XXXIII, 472-74. Sitting again in Committee of the Whole on the Military Appropriation Bill, the House had heard speeches by Samuel Smith and others on this measure. The chairman had then begun putting the question on individual items of the bill, and the appropriation of one million dollars for the pay of the Army had been approved. Reference to the next item, an appropriation of $550,000 for the Quartermaster's Department had brought a motion from David Trimble to deduct from it $10,000, the sum to be paid to soldiers for labor on roads, etc. After this motion had been agreed to, Trimble had moved to amend the bill by inserting a provision to appropriate $10,000 specifically for extra pay to soldiers employed in constructing and repairing military roads. Thomas Butler, of Louisiana, had then moved to amend the latter proposal by expanding it to include "barracks and other public works." Clay spoke relative to Butler's amendment.

⁵ Washington National Intelligencer, January 16, 1819. Published also in Lexington Kentucky Reporter, February 3, 1819; Lexington Kentucky Gazette, February 12, 1819; Annals of Cong., 15 Cong., 2 Sess., XXXIII, 472-74. Sitting again in Committee of the Whole on the Military Appropriation Bill, the House had heard speeches by Samuel Smith and others on this measure. The chairman had then begun putting the question on individual items of the bill, and the appropriation of one million dollars for the pay of the Army had been approved. Reference to the next item, an appropriation of $550,000 for the Quartermaster's Department had brought a motion from David Trimble to deduct from it $10,000, the sum to be paid to soldiers for labor on roads, etc. After this motion had been agreed to, Trimble had moved to amend the bill by inserting a provision to appropriate $10,000 specifically for extra pay to soldiers employed in constructing and repairing military roads. Thomas Butler, of Louisiana, had then moved to amend the latter proposal by expanding it to include "barracks and other public works." Clay spoke relative to Butler's amendment.

⁶ See above, Speech, March 7, 1818, n.5; II, 482-86.
⁷ John C. Calhoun.

⁸ The appropriation for repair of the road from Columbia, Tennessee, to Madisonville, Louisiana (see above, Remarks, January 6, 1819), and for work on another authorized under the same statute, had been allotted only generally to administration by the Secretary of War. Later in the session of 1818-1819, a bill was enacted providing specifically the rate of pay for troops on "fatigue duty." 3 U. S. Stat., 488 (March 2, 1819).

⁹ On the preceding day Charles F. Mercer had opposed action on the military appropriation bill prior to the report of two committees enquiring into the subject of the Seminole War (see above, Remarks, December 9, 1818).

⁰ Mercer subsequently said that he had been misunderstood. "He did not intend to say that it was proper to reduce the appropriation for the pay of the army with the view to express an opinion of the conduct of the commander of the army: he had meant only to suggest the propriety of the bill's being allowed to rest on the table until the whole subject of the army to be sustained by the appropriations contained in it should be decided."

¹ After further debate, Butler's motion was defeated. Trimble's was approved by a large majority and became a clause of the act making appropriations for the military service for 1819. 3 U. S. Stat., 480 (February 15, 1819).

To Josiah Meigs

Dr Sir  Washn. 9h. Jan. 19.

Will you be good enough to place the Certificate which may entitle the parties to payment for the inclosed account¹ upon the back of it, and forward it either to me or to the proper officer for liquidation, giving me, in the latter case information thereof,

Yrs respectfully  H. Clay
From [Josiah Meigs]


Sir,

The Printing Accounts of Messrs. Kendall & Russell\(^1\) have been received in your note of this day.

The Register of the Treasury informs me that he cannot pay any more contingent expenses till there is an appropriation, but if an order to the Receiver of Public Monies at Jeffersonville to pay the amount of the above accounts will answer, I will give one.

I am &c.

P.S. Kendall & Russell are not in the list of Printers (authorized to print the Laws) furnished by the Depart. of State to this Office; if the payment proposed will answer, I will send the account to that Office for the necessary Certificate.


\(^1\) In March, 1816, Gervas E. and John B. Russell had purchased and begun publishing the Frankfort Palladium. In October of that year Amos Kendall had moved to Frankfort and become associated with William Gerard in publication of The Argus of Western America. The two papers, under the management of Kendall and the Russells, had been merged in May, 1817, and only the Argus continued. Brigham, History and Bibliography of American Newspapers, i, 151, 155.

To Josiah Meigs

Sir

The printing a/c. of Mess. Kendall & Russell is now presented to you for the second time. It was before you early in the Session & there being some objection to it, in the form in which it was then exhibited, I returned it & it came back to me in the shape in which it now appears. They certainly are authorized to print the Laws &c.—

The order which you propose on Jeffersonville will not do. The account is wished to be paid in money that can be used in the Cities—

Yr's respectfy

H. CLAY

From [Josiah Meigs]

Hon: H Clay House of Representatives

Sir:

General Land Office January 11. 1819

Enclosed you have two accounts certified for Messrs. Kendall &
The Rising Statesman

Russell Printers Frankfort Kentucky, amount $94.86 & 19.75.
I am &c.


From John Bradford

Dr. Sir,

Lexington January 17th. 1819.

On reading the correspondence between the Secretary of State of the U. S. and the Spanish Minister Don Onis respecting the limits of the claim of the U. S. to the West of the Mississippi, it called to my recollection and [sic] old French map of that Country which I had purchased with some books at a Sale in Lexington of the estate of one Archd. Barry1 about 26 or 27 years ago: I hunted up the old Map and it is now before me. The title of the Map is “Carte du Mexique et del Floride des terres Angloises et des Isles Antilles, du cours et des environs de la riviere de Mississippi, Dressee sur un grand nombre de memoires principalement sur ceux de Mr. d'Iberville et le Sueur, par Guillaume Del'Isle, geographe de l'Academie Royale des Scieces [sic], A paris chéz l'Auteur sur le Quade l'Horloge, Privi-lege du Roy p. 1. 20. ans. 1703.”

This Map embraces the countries between the Latitudes 7 and 45 degrees North, and between the Longitude 265, and 317 East (I suppose from Paris) Embracing the whole of Mexico or New Spain, and as far South as Terra Firme,2 including the Gulf of Mexico and all the West India Islands, and to the North so far as to include the whole of the U. S. as now settled or inhabited.

The Boundaries of Mexico or New Spain, on this Map are plainly marked with red, commencing on the pacific ocean in longitude 299 and extending along the pacific and sea of California to the Mouth of the River d'Angouchi,3 in latitude 35 North. Then beginning on the Gulf of Mexico about one degree of Longitude [sic] West from Porto Bello, and extending North Westwardly along the margin thereof to the mouth of the R. del Norte, and up the same to about the 29 deg. of North Latitude. Thence nearly a North course to above the 38 deg. of North Latitude, where the red line ends: From the termination of the red line there commences a deep green line on the east side thereof and extends along it South to the R. del Norte and thence with that River to the Bay of Mexico, and with the margin of that Bay Eastwardly round to what in the map is called “Mer du, Nord” to the Southern Extreme of Caroline (which I suppose included the two Carolinas and Georgia) thence bending on the west side of Caroline, Virginie, Marlyland [sic], Pennsylvanie, New Jersey, New York and Nouvelle Angleterre to
Lake Champlain, which line appears to run along the Appalachian Mountains.

From the Northern extreme of these red and green lines (near R. Rouge, on R. de Maine) there runs a dotted line an eastwardly course to the Mer du Nord, and which strikes it about half a degree south of Cape Henry. On the North of this dotted line is inserted in large capitals “Canada ou Nouvelle France,” and on the south of said line, in similar capitals is inserted “Florida.”

I have given you the names of the Rivers Seas &c. as well as the latitude and longitude agreeably to what they appear in the Map. The North point where the marked boundary between Florida and Mexico ends, is in about the 38 deg. of North Latitude and about 274° East Longitude, agreeably to this Map; and it [sic] at or near the River Rouge. From every appearance this Map was coloured at or about the time it was made; and I have had it in my possession more than 25 years, in which no alteration has been made; and altho’ it cannot be evidenced, yet it may possibly throw some light on the subject. If it is deemed of use, I will, on information thereof, enclose it in a tin tube to the Secretary as it is too stiff (by being pasted to thick paper, to be folded as a Letter.

Yours Respectfully,  

JOHN BRADFORD.


1 Archibald Berry, Lexington carpenter, who had died in 1791. Bradford had been administrator of his estate.
2 See above, Motion and Speech, March 24-25, 1818, n.36.
3 The Santa Maria River, as presently named, flows into the Pacific just south of the thirty-fifth degree parallel.

To William Jones and Jonathan Smith

Sir,  


H. CLAY  
RH: M: JOHNSON

ALS by Johnson, signed also by Clay. CSmH. Addressed to Jones and Smith at Philadelphia.

1 Discount.
2 Lexington rope and bagging manufacturer, a native of Scotland.
3 Of this group only Morrison, Tilford, and Wickliffe were appointed. See below, Clay to Cheves, July 19, 1819, note.
Speech on the Seminole War

[January 20, 1819]

Mr. Clay, (Speaker) rose. In rising to address you, sir, said he, on the very interesting subject which now engages the attention of Congress, I must be allowed to say, that all inferences, drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness to either the Chief Magistrate of the country, or to the illustrious military chieftain, whose operations are under investigation, will be wholly unfounded. Towards that distinguished Captain, who has shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have, any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited, but, so far as it has extended, it has been of the most amicable kind. I know, said Mr. C. the motives which have been, and which will again be, attributed to me, in regard to the other exalted personage alluded to. They have been, and will be, unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing, by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Mr. C. said, little as had been his experience in public life, it had been sufficient to teach him, that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the President, he would precede him, and pick out those, if he could, which might jostle him in his progress—he would sympathise with him in his embarrassments, and commiserate with him in his misfortunes. It was true, that it had been his mortification to differ with that gentleman on several occasions. He might be again reluctantly compelled to differ with him; but he would, with the utmost sincerity, assure the committee, that he had formed no resolution, come under no engagements, and that he never would form any resolution, or contract any engagement, for systematic opposition to his administration, or to that of any other Chief Magistrate.

Mr. C. begged leave further to premise, that the subject under consideration presented two distinct aspects, susceptible, in his judgment, of the most clear and precise discrimination. The one he would call its foreign, the other its domestic, aspect. In regard to the first, he would say, that he approved entirely of the conduct of his government, and that Spain had no cause of complaint. Having violated an important stipulation of the treaty of 1795,1 that power had justly subjected herself to all the consequences which ensued
upon the entry into her dominions, and it belonged not to her to complain of those measures which resulted from her breach of contract; still less had she a right to examine into the considerations connected with the domestic aspect of the subject.

What were the propositions before the committee? The first in order was that reported by the military committee, which asserts the disapprobation of this House of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second, being the first contained in the proposed amendment, was the consequence of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter of any captive, taken by the army, without the approbation of the President. The third proposition was, that this House disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the constitution. The fourth proposition, as the result of the last, is, that a law should pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of Congress, except it be in fresh pursuit of a defeated enemy. The first and third were general propositions, declaring the sense of the House in regard to the evils pointed out; and the second and fourth proposed the legislative remedies against the recurrence of those evils.

It would be at once perceived, Mr. C. said, by this simple statement of the propositions, that no other censure was proposed against General Jackson himself, than what was merely consequential. His name even did not appear in any one of the resolutions. The legislature of the country, in reviewing the state of the Union, and considering the events which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, had taken place near our southern border. He would add, that the House had not sought, by any officious interference with the duties of the Executive, to gain jurisdiction over this matter. The President, in his message at the opening of the session, communicated the very information on which it is proposed to act. He would ask, for what purpose? That we should fold our arms, and yield a tacit acquiescence, even if we supposed that information disclosed alarming events, not merely as it regards the peace of the country, but in respect to its constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of Congress to the subject, the President must himself have intended that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the House upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, he repeated, that there was no censure any where, except such as was strictly con-
sequential upon our legislative action. The supposition of every new law, having for its object to prevent the recurrence of evil, is, that something has happened which ought not to have taken place, and no other than this indirect sort of censure would flow from the resolutions before the committee.

Having thus given his view of the nature and character of the propositions under consideration, Mr. C. said he was far from intimating, that it was not his purpose to go into a full, a free, and a thorough investigation of the facts and of the principles of law, public, municipal and constitutional, involved in them. And, whilst he trusted he should speak with the decorum due to the distinguished officers of the government, whose proceedings were to be examined, he should exercise the independence which belonged to him as a representative of the people, in freely and fully submitting his sentiments.

In noticing the painful incidents of this war, it was impossible not to inquire into its origin. He feared that would be found to be the famous treaty of Fort Jackson, concluded in August, 1814; and he asked the indulgence of the Chairman that the Clerk might read certain parts of that treaty. {The Clerk of the House having accordingly read as requested, Mr. C. proceeded.} He had never perused this instrument until within a few days past, and he had read it with the deepest mortification and regret. A more dictatorial spirit he had never seen displayed in any instrument. He would challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperious Rome, when she was carrying her arms into the barbarian nations that surrounded her; and he did not believe a solitary instance could be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of peace. It consisted of the most severe and humiliating demands—of the surrender of large territory—of the privilege of making roads through even what was retained—of the right of establishing trading-houses—of the obligation of delivering into our hands their prophets. And all this, of a wretched people, reduced to the last extremity of distress, whose miserable existence we had to preserve by a voluntary stipulation to furnish them with bread! When even did conquering and desolating Rome fail to respect the altars and the gods of those whom she subjugated! Let me not be told that these prophets were imposters, who deceived the Indians. They were their prophets—the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek founder of our religion. We leave to
the humane and benevolent efforts of the reverend professors of Christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! Spare their delusions! Spare their prejudices and superstitions! Spare them even their religion, such as it is! from open and cruel violence. When, sir, was that treaty concluded? On the very day, after the protocol was signed, of the first conference between the American and British Commissioners, treating of peace, at Ghent. In the course of that negociation, pretensions so enormous were set up, by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all parties was, to fight until the last man fell in the ditch rather than submit to such ignominious terms. What a contrast is exhibited between the cotemporaneous scenes of Ghent and of Fort Jackson: What a powerful voucher would the British Commissioners have been furnished with, if they could have got hold of that treaty! The United States demand. The United States demand, is repeated five or six times. And what did the preamble itself disclose? That two thirds of the Creek nation had been hostile, and one third only friendly to us. Now, he had heard (he could not vouch for the truth of the statement) that not one hostile chief signed the treaty. He had also heard that perhaps one or two of them had. If the treaty really were made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And, if void, the Indians were entitled to the benefit of the provision of the ninth article of the Treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war, on the ratification of the treaty, and to restore to them their lands as they held them in 1811. Mr. C. said he did not know how the honorable Senate, that body for which he held so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which he hoped to see his country always exhibit, and particularly towards the miserable remnant of the aborigines. It would have comported better with those principles, to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, Mr. C. said, he feared, had been the main cause of the recent war. And if it had been, it only added another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, served but to whet and
stimulate revenge, and to give to old hostilities, smothered, not extinguished, by the pretended peace, greater exasperation and more ferocity. A truce thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief, from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to have granted him liberal conditions in the first instance. This treaty, he repeated it, was, he apprehended, the cause of the war. It led to those excesses on our southern borders which began it. Who first commenced them, it was perhaps difficult to ascertain. There was, however, a paper on this subject, communicated at the last session, by the President, that told, in language so pathetic and feeling, an artless tale—a paper that carried such internal evidence, at least, of the belief of the authors of it that they were writing the truth, that he would ask the favor of the committee to allow him to read it.*

* The following is the letter from ten of the Seminole towns, that Mr. C. read.

To the commanding officer at Fort Hawkins.

Dear Sir: Since the last war, after you sent word that we must quit the war, we, the Red people have come over on this side. The white people have carried all the red people's cattle off. After the war, I sent to all my people to let white people alone, and stay on this side of the river; and they did so, but the white people still continue to carry off their cattle. Barnard's son was here, and I inquired of him what was to be done—and he said we must go to the head man of the white people, and complain. I did so, and there was no white head man, and there was no law in this case. The whites first begun, and there is nothing said about that; but great complaint made about what the Indians do. This is now three years since the white people killed three Indians; since that they have killed three other Indians, and taken their horses, and what they had; and this summer they killed three more; and very lately they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people that were out-laws, and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burnt; but we know of no such thing being done; the truth in such cases ought to be told, but this appears otherwise. On that side of the river the white people have killed five Indians; but there is nothing said about that; and all that the Indians have done is brought up. All the mischief the white people have done, ought to be told to their head man. When there is any thing done you write to us, but never write to your head man what the white people do. When the red people send talks, or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there were some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town is two horses; one of them is dead, and the other was sent back. The cattle that we are accused of taking, were cattle that the white people took from us. Our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting and they were killed: others went to take satisfaction, and the kettle of one of the men that was killed was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing up Americans, and so on: but since the word was sent to us that peace was made, we stay steady at home, and meddle with no person. You have sent to us respecting the black people on the Suwany river; we have nothing to do with them. They were
put there by the English; and to them you ought to apply for any thing about them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also; a great many of them. When we have an opportunity we shall apply to the English for them; but we cannot get them now.

This is what we have to say at present.

Sir, I conclude by subscribing myself your humble servant, &c. September, the 11th day, 1817.

N.B.—There are ten towns have read this letter, and this is the answer.
A true copy from the original.
WM. BELL, Aid de Camp.5

I should be very unwilling, Mr. C. said, to assert, in regard to this war, that the fault was on our side; but he feared it was. He had heard that that very respectable man, now no more, who once filled the Executive Chair of Georgia, and who, having been agent of Indian affairs in that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounced it as his opinion, that the Indians were not in fault. Mr. C. said that he was far from attributing to Gen. Jackson any other than the very slight degree of blame which attached to him as the negociator of the treaty of Fort Jackson, and which would be shared by those who subsequently ratified and sanctioned that treaty. But if there were even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt would serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. He knew, he said, that, when Gen. Jackson was summoned to the field, it was too late to hesitate—the fatal blow had been struck in the destruction of Fowl Town, and the dreadful massacre of Lieut. Scott and his detachment; and the only duty which remained to him was to terminate this unhappy contest.

The first circumstance which, in the course of his performing that duty, fixed our attention, had, Mr. C. said, filled him with regret. It was the execution of the Indian chiefs. How, he asked, did they come into our possession? Was it in the course of fair, and open, and honorable war? No; but by means of deception—by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus ensnared, the Indians were taken on shore, and without ceremony, and without delay, were hung. Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death. And the gallant, and refined, and highminded man, seeks by all possible means to avoid it. But, what cares an Indian whether you hang or shoot him? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is despatched. But, Mr. C. said, he regarded the occurrence with grief for other and higher considerations. It was the first instance that he knew of, in
the annals of our country, in which retaliation, by executing Indian captives, had ever been deliberately practised. There may have been exceptions, but if there were, they met with contemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he pleases, what he pleases about the tomahawk and scalping knife—about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But, I love my country, and its constitution; I love liberty and safety, and fear military despotism more even than I hate these monsters. The gentleman, in the course of his remarks, alluded to the state from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that state, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and clemency towards a fallen foe constitute one of their noblest characteristics. Amidst all the struggles for that fair land between the natives and the present inhabitants, Mr. C. said he defied the gentleman to point out one instance in which a Kentuckian had stained his hand by—nothing but his high sense of the distinguished services and exalted merits of General Jackson prevented his using a different term—the execution of an unarmed and prostrate captive. Yes, said Mr. C. there was one solitary exception, in which a man, enraged at beholding an Indian prisoner, who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man had been handed down to the execration of posterity. I deny your right thus to retaliate on the aboriginal proprietors of the country; and, unless I am utterly deceived, it may be shewn that it does not exist. But, before I attempt this, said Mr. C. allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he had appealed through their representative. During the late war with Great Britain, Col. Campbell, under the command of my honorable friend from Ohio, (Gen. Harrison) was placed at the head of a detachment consisting chiefly, he believed, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is evidence of the manner in which they treated them. (Here Mr. C. read the general orders issued on the return of the detachment.*)

* The following is the extract which Mr. C. read.

"But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude and bravery, would, however, be incomplete, if, in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard, that the most punctual obedience was paid to his orders, in not
only saving all the women and children, but in sparing all the warriors who ceased to resist; and that, even when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band respected the lives of their prisoners. Let an account of murdered innocence be opened in the records of heaven against our enemies alone. The American soldier will follow the example of his government, and the sword of the one will not be raised against the fallen and the helpless, nor the gold of the other be paid for scalps of a massacred enemy."

I hope, sir, the honorable gentleman will be now able better to appreciate the character and conduct of my gallant countrymen than he appears hitherto to have done.

But, sir, I have said that you have no right to practise, under color of retaliation, enormities on the Indians. I will advance, in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage co-eval and co-existent with the subject to which it relates, becomes its fixed law. Such was the foundation of all common law; and such, he believed, was the principal foundation of all public or international law. If, then, it could be shewn that from the first settlement of the colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practised by them towards us, we were morally bound by this invariable usage, and could not lawfully change it without the most cogent reasons. So far as his knowledge extended, he said, that, from the first settlement at Plymouth or at Jamestown, it had not been our practice to destroy Indian captives, combatants or noncombatants. He knew of but one deviation from the code which regulated the warfare between civilized communities, and that was the destruction of Indian towns, which was supposed to be authorised upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them. When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigours of war were mitigated, begin? At a time when we were weak, and they were comparatively strong—when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance, and from the oppressions of Europe, to gain an asylum among them. And, when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic
ocean to almost the base of the Rocky Mountains, and, overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the Mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station, among the first nations of the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity?

Why was it, Mr. C. asked, that we had not practised towards the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It was because it is a principle, proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce effect in the war. Vengeance was a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it, by every consideration of humanity and of justice. Will it, then, produce effect on the Indian tribes? No; they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often mercy to the unhappy captive, to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of the son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words—

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\text{Begin ye tormentors! your threats are in vain:}
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\text{The son of Alknomok will never complain.}^{12}
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Retaliation of Indian excesses, not producing then any effect in preventing their repetition, was condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said; but, as he should possibly again allude to it, he would pass from it, for the present, to another topic.

It was not necessary, Mr. C. said, for the purpose of his argument in regard to the trial and execution of Arbuthnot and Ambrister, to insist on the innocency of either of them. He would yield, for the sake of that argument, without enquiry, that both of them were guilty; that both had instigated the war; and that one of them had led the enemy to battle. It was possible, indeed, that a critical examination of the evidence would shew, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in his trading, without the limits of the United States, with the Seminole
Indians, in the accustomed commodities which form the subject of Indian trade; and that he sought to ingratiating himself with his customers, by espousing their interests, in regard to the provision of the treaty of Ghent, which he may have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be but too much cause to lament his unhappy, if not unjust fate. The first impression made on the examination of the proceedings in the trial and execution of those two men, is, that, on the part of Ambrister, there was the most guilt, but at the same time the most irregularity. Conceding the point of the guilt of both, with the qualification which he had stated, he would proceed to enquire, first, if their execution could be justified upon the principles assumed by General Jackson himself. If they did not afford a justification, he would next enquire if there were any other principles authorizing their execution; and he would, in the third place, make some observations upon the mode of proceeding.

The principle assumed by General Jackson, which may be found in his general orders commanding the execution of these men, is, “that it is an established principle of the law of nations, that any individual of a nation, making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate.” Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous, when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should he have made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers, and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over to the civil authority. But the principle, he repeated, was totally incorrect, when applied to men in their situation. A foreigner, connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbuthnot and Ambrister, by associating themselves, became identified with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions were so obviously correct, that he should consider it an abuse of the patience of the committee to consume time in their proof. They were supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to
Europe, sanctioned by the approbation, express or implied, of this house. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized or unnaturalized, are captured by the navy or the army of France. What is their condition? According to the principle of General Jackson, they would be outlaws and pirates, and liable to immediate execution. Were gentlemen prepared to return to their respective districts, with this doctrine in their mouths, and to say to their Irish, English, Scotch, and other foreign constituents, that you are liable, on the contingency supposed, to be treated as outlaws and pirates?

Was there any other principle which justified the proceeding? On this subject, he said, if he admired the wonderful ingenuity with which gentlemen sought a colorable pretext for those executions, he was at the same time shocked at some of the principles advanced. What said the honorable gentleman from Massachusetts, (Mr. Holmes) in a cold address to the committee? Why, that these executions were only a wrong mode of doing a right thing. A wrong mode of doing a right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world, will he find any sanction for a principle so monstrous? He would illustrate its enormity by a single case. Suppose a man, being guilty of robbery, is tried, condemned, and executed for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do, to ensure his own acquittal, but to urge the gentleman's plea, that he had done a right thing in a wrong way!

The principles which attached to the cases of Arbuthnot and Ambrister, constituting them merely *participes* in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities, be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and to other foreigners, their execution may have a good effect; it would not thence follow that you had a right to execute them. It is not always just to do what may be advantageous. And retalia-
tion, during a war, must have relation to the events of that war, and must, to be just, have an operation upon that war, and upon the individuals only who compose the belligerent party. It became gentlemen, then, on the other side, to shew, by some known, certain, and recognized rule of public or municipal law, that the execution of these men was justified. Where is it? He should be glad to see it. We are told in a paper, emanating from the Department of State, recently laid before this house, distinguished for the fervor of its eloquence, and of which the honorable gentleman from Massachusetts has supplied us in part with a second edition, in one respect agreeing with the prototype, that they both ought to be inscribed to the American public—we are justly told in that paper, that this is the first instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement—of coveting other people's goods. The other is the treatment which we extend to the Indians. Against both these charges, the public servants, who conducted at Ghent the negotiations with the British commissioners, endeavored to vindicate our country, and he hoped with some degree of success. What will be the condition of future American negociators, when pressed upon this head, he knew not, after the unhappy executions on our southern border. The gentleman from Massachusetts seemed on yesterday to read, with a sort of triumph, the names of the commissioners employed in the negociation at Ghent. Will he excuse me for saying, that I thought he pronounced, even with more complacency and with a more gracious smile, the first name in the commission, than he emphasized that of the humble individual who addresses you. {Mr. Holmes desired to explain.} Mr. C. said there was no occasion for explanation; he was perfectly satisfied. {Mr. H. however proceeded to say that his intention was, in pronouncing the gentleman's name, to add to the respect due to the negotiator that which was due to the Speaker of this house.} Will the principle of these men having been instigators of the war, justify their execution? It was a new one; there were no landmarks to guide us in its adoption, or to prescribe limits in its application. If William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him, on the ground of his having notoriously instigated the continental powers to war against France? Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the
unfortunate captive, you miscreant, you monster, have occasioned all these scenes of devastation and blood? What had been the conduct even of England towards the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, was a great blot on the English name. And Mr. C. repeated, what he had once before said, that if Chatham or Fox, or even William Pitt himself, had been prime minister, in England, Bonaparte never had been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not, execute him, upon the ground of his being an instigator of wars.

The mode of the trial and sentencing these men, Mr. C. said, was equally objectionable with the principles on which it had been attempted to shew a forfeiture of their lives. He knew, he said, the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. He wished most sincerely that he could reconcile them to his conscience. It had been attempted to vindicate the General upon grounds which he was persuaded he would himself disown. It had been asserted, that he was guilty of a mistake in calling upon the court to try them, and that he might have at once ordered their execution, without that formality. He denied that there was any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war-making power that Congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It was in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely laid down the principle or rule, and it belongs to the government to constitute the tribunal for applying that principle or rule. There was, for example, no instance in which the death of a captive was more certainly declared by the law of nations to be justifiable than in the case of spies. Congress has accordingly provided, in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The legislature had not left the power over spies undefined, to the mere discretion of the commander in chief, or of any subaltern officer in the army. For, if the doctrines now contended for were true, they would apply to the commander of any corps, however small, acting as a detachment. Suppose Congress
had not legislated in the case of spies, what would have been their condition? It would have been a *casus omissus*, and although the public law pronounced their doom, it could not be executed because Congress had assigned no tribunal for enforcing that public law. No man could be executed in this free country without two things being shewn: 1st. That the law condemns him to death; and, 2dly. That his death is pronounced by that tribunal which is authorised by the law to try him. These principles would reach every man's case, native or foreigner, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he cannot lawfully be punished with death, without the concurrence of the two circumstances just insisted upon. He denied that any commander in chief, in this country, had this absolute power of life and death, at his sole discretion. It was contrary to the genius of all our laws and institutions.—To concentrate in the person of one individual the powers to make the rule, to judge, and to execute the rule, or to judge and execute the rule only, was utterly irreconcilable with every principle of free government, and was the very definition of tyranny itself; and he trusted that this House would never give even a tacit assent to such a principle. Suppose the commander had made reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power, would gentlemen tell him, over the lives of human beings, than over property? The assertion of such a power to the commander in chief, was contrary to the practice of the government. By an act of Congress which passed in 1799, "vesting the power of retaliation, in certain cases, in the President of the United States"—an act which passed during the quasi war with France, the President is authorised to retaliate upon any citizens of the French republic, the enormities which may be practised, in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with stretching the constitution to enlarge the Executive powers. Even during the mad career of Mr. Adams, when every means was resorted to for the purpose of infusing vigor into the Executive arm, no one thought of claiming for him the inherent right of retaliation. He would not trouble the House with reading another law, which passed thirteen or fourteen years after, during the late war with Great Britain, under the administration of that great constitutional President, the father of the instrument itself, by which Mr. Madison was empowered to retaliate on the British, in certain instances. It was not only contrary to the genius of our institutions and to the uniform practice of the government, but it was contrary to the obvious principles on which the general himself had proceeded; for, in forming the court, he had evidently intended
to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that which is detailed in the present instance.—The court proceeded, not by a bare plurality, but by a majority of two-thirds. In the general orders issued from the Adjutant General's office, at head-quarters, it is described as a *court martial*. The prisoners are said in those orders to have been *tried*, 'on the following *charges and specifications*.' The court understood itself to be acting as a court martial. It was so organized—it so proceeded, having a judge advocate, hearing witnesses, the *written* defence of the miserable trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows that all parties considered it as a court martial, convened and acting under the rules and articles of war. In his letter to the Secretary of War, noticing the transaction, the general says: "These individuals were tried under my orders, *legally* convicted as exciters of this savage and negro war, *legally* condemned, and most justly punished for their iniquities."

The Lord deliver us from such legal convictions and such legal condemnations! The general himself considered the laws of his country to have justified his proceedings. It was in vain then to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded, that he was clothed with absolute authority over the lives of these individuals, and that upon his own fiat, without trial, without defence, he might have commanded their execution. Now if an absolute sovereign, in any particular respect, promulgates a rule which he pledges himself to observe, if he subsequently deviates from that rule, he subjects himself to the imputation of odious tyranny. If Gen. Jackson had the power, without a court, to condemn these men, he had also the power to appoint a tribunal. He did appoint a tribunal, and he became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it was with grief and pain he was compelled to say, that he was executed in defiance of all law; in defiance of the law to which General Jackson had voluntarily, if you please, submitted himself, and given, by his appeal to the court, his implied pledge to observe. He knew but little of military law, and he had not a taste, by what had happened, created in him for acquiring a knowledge of more; but he believed there was no example on record, where the sentence of the court has been erased, and a sentence not pronounced by it carried into execution. It had been suggested that the court had pronounced two sentences, and that the general had a right to select either. Two sentences! Two verdicts! It was not so. The first, by being revoked, was as though it had never been pronounced. And there remained only one sentence, which was put aside upon the sole authority of
the commander, and the execution of the prisoner ordered. He
either had or had not a right to decide upon the fate of that man,
without the intervention of a court. If he had the right, he waved
\[sic\] it, and, having violated the sentence of the court, there was
brought upon the judicial administration of the army a reproach,
which must occasion the most lasting regret.

However guilty these men were, they should not have been
condemned or executed, without the authority of the law. He
would not dwell, at this time, on the effect of these precedents in
foreign countries, but he would not pass unnoticed their dangerous
influence in our own country. Bad examples are generally set in
the cases of bad men, and often remote from the central government.
It was in the provinces were laid the abuses and the seeds of the
ambitious projects which overturned the liberties of Rome. He
beseeched the committee not to be taken captive by the charms of
eloquence, and the appeals made to our passions and our sympathies,
so as to forget the fundamental principles of our governments. The
influence of a bad example would often be felt when its authors
and all the circumstances connected with it were no longer remem­
bered. He knew of but one analogous instance of the execution of
a prisoner, and that had brought more odium, than almost any
other incident, on the unhappy Emperor of France. He alluded
to the instance of the execution of the unfortunate member of the
Bourbon house. He had sought an asylum in the territories of Baden.
Bonaparte dispatched a corps of gen d’armes to the place of his
retreat, seized him and brought him to the dungeons of Vincennes.
He was there tried by a court martial, condemned and shot. 22
There, as here, was a violation of neutral territory; there the
neutral ground was not stained with the blood of him whom it
should have protected. And there was another most unfortunate
difference, for the American example. The Duc D’Enghein, \[sic\]
was executed \textit{according to his sentence}. It is said by the defenders
of Napoleon, that the Duke had been machinating not merely to
overturn the French government, but against the life of its chief.
If that were true, he might, if taken in France, have been legally
executed. Such was the odium brought upon the instruments of
this transaction, that those persons who have been even suspected
of participation in it have sought to vindicate themselves, from what
they appear to have considered as an aspersion, before foreign courts.
In conclusion of this part of the subject, Mr. C. said, that he most
cheerfully and entirely acquitted general Jackson of any intention
to violate the laws of the country, or the obligations of humanity.
He was persuaded, from all that he had heard that he thought
himself equally respecting and observing both. With respect to the
purity of his intentions, therefore, he was disposed to allow it in
the most extensive degree. Of his acts, said Mr. C. it is my duty to speak with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of the powers of government.

Of all the powers conferred by the constitution of the United States, not one is more expressly and exclusively granted than that is to congress of declaring war. The immortal convention who framed that instrument had abundant reason for confiding this tremendous power to the deliberate judgment of the representatives of the people, drawn from every page of history. It was there seen that nations are often precipitated into ruinous war from folly, from pride, from ambition, and from the desire of military fame. It was believed, no doubt, in committing this great subject to the legislature of the union, we should be safe from the mad wars that have afflicted and desolated and ruined other countries. It was supposed that before any war was declared the nature of the injury complained of would be carefully examined, the power and resources of the enemy estimated, and the power and the resources of our own country, as well as the probable issue and consequences of the war. It was to guard our country against precisely that species of rashness, which has been manifested in Florida, that the constitution was so framed. If then this power, thus cautiously and clearly bestowed upon Congress, has been assumed and exercised by any other functionary of the government, it is cause of serious alarm, and it became that body to vindicate and maintain its authority by all the means in its power, and yet there are some gentlemen, who would have us not merely to yield a tame and silent acquiescence in the encroachment, but to pass even a vote of thanks to the author.

On the 25th of March, 1818, Mr. C. continued, the President of the United States communicated a message to Congress in relation to the Seminole war, in which he declared that, although, in the prosecution of it, orders had been given to pass into the Spanish territory, they were so guarded as that the local authorities of Spain should be respected. How respected? The President, by the documents accompanying the message, the orders themselves which issued from the Department of War to the commanding general, had assured the Legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that Department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet, on the same 25th day of March, (a most singular concurrence of dates,) when the Representatives of the people receive this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does Gen. Jackson write from his
head quarters, that he shall take St. Marks as a necessary depot for his military operations! The General states, in his letter, what he had heard about the threat on the part of the Indians and Negroes, to occupy the fort, and declares his purpose to possess himself of it in either of the two contingencies of its being in their hands or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, belonging to Congress alone, of determining what should be the effect and consequence of her breach of engagement. Gen. Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever, he asked, the just confidence of the legislative body, in the assurances of the Chief Magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have instructions from his superior officer, and promised to maintain, in the mean time, the most friendly relations. No! St. Marks was a convenient post for the American army, and delay was inadmissible. He had always understood that the Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defence. The threat, therefore, on their part, to seize on St. Marks must have been empty, and would probably have been impracticable. At all events, when Gen. Jackson arrived there, no danger any longer threatened the Spaniard from the miserable fugitive Indians, who fled on all sides upon his approach.

And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of conveniency of the depot and the Indian threat. The first he would not seriously examine and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact, and the bare possibility of its being forcibly taken by the Indians could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country than her seizure of the fleet of Denmark at Copenhagen. And he lamented to be obliged to notice the analogy which existed in the defences made of the two cases. If his recollection did not deceive him, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen and into the small island of Zealand. What then was the conduct of England? It was my lot, Mr. C. said, to fall into conversation with an intelligent
Englishman on this subject. 'We knew (said he) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized.' Every where the conduct of England was censured; and the name even of the negotiator who was employed by her, and who was subsequently the Minister near this government, was scarcely ever pronounced here without coupling with it an epithet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She perhaps was struggling for her existence. She was combating, singlehanded, the most enormous military power that the world has ever known. Who were we contending with? With a few half-starved, half-clothed, wretched Indians and fugitive slaves. And, whilst carrying on this inglorious war—in glorious as it regards the laurels or renown won in it—we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves.

On the 8th of April, the General writes from St. Marks that he shall march for the Suwaney river; the destroying of the establishments on which will, in his opinion, bring the war to a close. Accordingly, having effected that object, he writes, on the 20th of April, that he believes he may say the war is at an end for the present. He repeats the same opinion in his letter to the Secretary of War, written six days after. The war being thus ended, it might have been hoped that no further hostilities would have been committed. But, on the 23d of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprize at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine this proceeding of the Governor, so very hostile and affrontive in the view of General Jackson. Recollect that he was Governor of Florida; that he had received no orders from his superiors, to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that General Jackson, at the head of his army, was
approaching in the direction of Pensacola. He had seen the President’s message of the 25th March, and reminded General Jackson of it, to satisfy him that the American government could not have authorized all those measures. Mr. C. said he could not read the allusion made by the Governor to that message, without feeling that the charge of insincerity, which it implied, had at least but too much the appearance of truth in it. Could the Governor have done less than write some such letter? We have only to reverse situations, and to suppose him to have been an American Governor. General Jackson says, that when he received that letter, he no longer hesitated. No, sir, he did no longer hesitate! He received it on the 23d; he was in Pensacola on the 24th, and immediately after set himself before the fortress San Carlos de Barancas, which he shortly reduced. *Veni, vidi, vici.* Wonderful energy! Admirable promptitude. Alas! that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the Chief Magistrate! It was impossible to give any definition of war, that would not comprehend these acts. It was open, undisguised, and unauthorized hostility.

The honorable gentleman from Massachusetts had endeavored to derive some authority to General Jackson from the message of the President, and the letter of the Secretary of War to Governor Bibb. The message declares that the Spanish authorities are to be respected wherever maintained. What the President means by their being maintained, is explained in the orders themselves, by the extreme case being put of the enemy seeking shelter under a Spanish fort. If even in that case he was not to attack, certainly he was not to attack in any case of less strength. The letter to Governor Bibb admits of a similar explanation. When the Secretary says, in that letter, that Gen. Jackson is fully empowered to bring the Seminole war to a conclusion, he means that he is so empowered by his orders, which, being now before us, must speak for themselves. It does not appear that Gen. Jackson ever saw that letter, which was dated at this place after the capture of St. Marks. He would take a momentary glance at the orders. On the 2d of December, 1817, Gen. Gaines was forbidden to cross the Florida line. Seven days after, the Secretary of War having arrived here, and infused a little more energy into our councils, he was authorized to use a sound discretion in crossing it or not. On the 16th, he was instructed again to consider himself at liberty to cross the line, and pursue the enemy; but, if he took refuge under a Spanish fortress, the fact was to be reported to the Department of War. These orders were transmitted to Gen. Jackson, and constituted, or ought to have constituted, his guide. There was then no justification for the occupation of Pensacola, and the attack on the Barancas, in the message of the
President, the letter to Gov. Bibb, or in the orders themselves. The gentleman from Massachusetts would pardon him for saying that he had undertaken what even his talents were not competent to—the maintenance of directly contradictory propositions, that it was right in Gen. Jackson to take Pensacola, and wrong in the President to keep it. The gentleman has made a greater mistake than he supposes Gen. Jackson to have done in attacking Pensacola for an Indian town, by attempting the defence both of the President and General Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the President immediately to surrender it. We, sir, are the supporters of the President. We regret that we cannot support Gen. Jackson also. The gentleman’s liberality is more comprehensive than ours. I approved, with all my heart, of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the President thought the seizure of the Spanish posts was an act of war, is manifest from his opening message, in which he says, that to have retained them, would have changed our relations with Spain, to do which the power of the Executive was incompetent, Congress alone possessing it. The President has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the constitution of the land. And he defied the gentleman to make good both his positions, that the General was right in taking, and the President right in giving up the posts. (Mr. Holmes explained. We took these posts, he said, to keep them from the hands of the enemy, and, in restoring them, made it a condition that Spain should not let our enemy have them. We said to her, here is your dagger; we found it in the hands of our enemy, and having wrested it from him, we restore it to you in the hope that you will take better care of it for the future.) Mr. C. proceeded. The gentleman from Massachusetts was truly unfortunate; fact or principle was always against him. The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barrancas, none in Pensacola, none in St. Marks. There was not even the color of a threat of Indian occupation as it regards Pensacola and the Barrancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman was in a dilemma, from which there was no escape. He gave up General Jackson when he supported the President; and gave up the President when he supported Gen. Jackson. Mr. C. said he rejoiced to have seen the President manifesting, by the restoration of Pensacola, his devotedness to the constitution. When the whole country was
ringing with plaudits for its capture, he said, and he said alone, in the limited circle in which he moved, that the President must surrender it; that he could not hold it. It was not his intention, he said, to enquire whether the army was or was not constitutionally marched into Florida. It was not a clear question, and he was inclined to think that the express authority of Congress ought to have been asked. The gentleman from Massachusetts would allow him to refer to a part of the correspondence at Ghent different from that which he had quoted. He would find the condition of the Indians there accurately defined. And it was widely variant from the gentleman’s ideas on this subject. The Indians, according to the statement of the American Commissioners at Ghent, inhabiting the United States, have a qualified sovereignty only, the supreme sovereignty residing in the government of the United States. They live under their own laws and customs, may inhabit and hunt their lands; but acknowledge the protection of the United States, and have no right to sell their lands but to the government of the United States. Foreign Powers or foreign subjects have no right to maintain any intercourse with them, without our permission. They are not, therefore, independent nations, as the gentleman supposed. Maintaining the relation described with them, we must allow a similar relation to exist between Spain and the Indians residing within her dominions. She must be, therefore, regarded as the sovereign of Florida, and we are accordingly treating with her for the purchase of it. In strictness, then, we ought first to have demanded of her to restrain the Indians, and, that failing, we should have demanded a right of passage for our army. But, if the President had the power to march an army into Florida without consulting Spain, and without the authority of Congress, he had no power to authorise any act of hostility against her. If the gentleman had even succeeded in shewing that an authority was conveyed by the Executive to Gen. Jackson to take the Spanish posts, he would only have established that unconstitutional orders had been given, and thereby transferred the disapprobation from the military officer to the Executive. But no such orders were, in truth, given. The President had acted in conformity to the constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

He would not trespass much longer upon the time of the committee; but he trusted he should be indulged with some few reflections upon the danger of permitting the conduct, on which it had been his painful duty to animadvert, to pass, without a solemn expression of the disapprobation of this House. Recal to your recollection, said he, the free nations which have gone before us.
Where are they now, and how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng ask a Grecian if he did not fear some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow his liberties? No! no! the confident and indignant Grecian would exclaim, we have nothing to fear from our heroes; our liberties will be eternal. If a Roman citizen had been asked, if he did not fear the conqueror of Gaul might establish a throne upon the ruins of the public liberty, he would have instantly repelled the unjust insinuation. Yet Greece had fallen, Caesar had passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his country! The celebrated Madame de Stael, in her last and perhaps best work, has said, that in the very year, almost the very month, when the President of the Directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and, dispersing, with the bayonet the deputies of the people, deliberating on the affairs of the state, laid the foundations of that vast fabric of despotism which overshadowed all Europe. He hoped not to be misunderstood; he was far from intimating that Gen. Jackson cherished any designs inimical to the liberties of the country. He believed his intentions pure and patriotic. He thanked God that he would not, but he thanked him still more that he could not, if he would, overturn the liberties of the Republic. But precedents, if bad, were fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition was much truer when applied to governments. Precedents were their habits. There was one important difference between the formation of habits by an individual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders, when applied even to prisoners of war, he must enter his protest. It began upon them; it would end on us. He hoped that our happy form of government was destined to be perpetual. But if it were to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the Executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting, said Mr. C. a great moral battle for the benefit, not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest, portion
of it is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Every where the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the West, to brighten, and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in one universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and the liberty of our country. Do you expect to execute this high trust by trampling, or suffering to be trampled, down, law, justice, the constitution, and the rights of other people? By exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstrations of a spirit of injustice and aggrandisement made by our country, in the midst of amicable negociation. Behold, said they, the conduct of those who are constantly reproaching kings. You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate and just course, how they once more lifted up their heads, with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our republic, scarcely yet two score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and, that if we would escape the rock on which they split, we must avoid their errors.

How different has been the treatment of General Jackson, and that modest but heroic young man, a native of one of the smallest states in the union; who achieved for his country, on Lake Erie, one of the most glorious victories of the late war. In a moment of passion he forgot himself, and offered an act of violence, which was repented as soon as perpetrated. He was tried, and suffered the judgment pronounced by his peers. Public justice was thought not even then to be satisfied. The Press and Congress took up the subject. My honorable friend from Virginia, (Mr. Johnson) the faithful and consistent sentinel of the law and of the constitution, disapproved, in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased until the recent atonement, so honorably made by the gallant commodore. And was there to be a distinction between the officers
of the two branches of the public service? Are former services, however eminent, to protect from even inquiring into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? He was not disposed to censure the President for not ordering a court of inquiry or a general court martial. Perhaps, impelled by a sense of that gratitude, he determined, by anticipation, to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us, said Mr. C. not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

He hoped gentlemen would deliberately survey the awful position on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this house. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination—a triumph of the military over the civil authority—a triumph over the powers of this house—a triumph over the constitution of the land. And he prayed most devoutly to heaven, that it might not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.


See above, Remarks, December 9, 1818, note. On January 12, Thomas M. Nelson, for the Committee on Military Affairs, had delivered a report which closed by offering a resolution "That the House of Representatives of the United States disapproves the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister." Richard M. Johnson had then submitted a minority report of the same committee, praising General Jackson's conduct in the campaign. A motion that both reports be referred to the Committee of the Whole on the State of the Union had received support from Johnson, who wished concurrence "If for no other reason than that the Speaker might wish to participate in the debate. . . ." The motion had been agreed to, and debate in Committee of the Whole had begun January 18. Washington National Intelligencer, January 19, 1819; Annals of Cong., 15 Cong., 2 Sess., XXXIII, 515-27, 529, 530, 583.

1 Under which the United States and Spain obligated "themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory: nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of His Catholic Majesty, or his Indians, in any manner whatever." American State Papers, Foreign Relations, I, 547.

2 After the report of the Military Committee had been read, on January 18, the debate had opened with a speech by Thomas W. Cobb, who offered as an amendment to the report the three "propositions" summarized by Clay in the ensuing statement. Washington National Intelligencer, January 23, 1819.

3 Signed, August 9, 1814, by Andrew Jackson and "a number of Creek chiefs, deputies, and warriors." By the terms of this treaty, which ended "an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States," the Indians were forced to cede to the United States a portion of their remaining lands—to promise to have no further communication with the British and Spaniards; to acknowledge the right of the United States to establish military posts, trading
houses, and roads within Indian territory; to restore property taken from citizens of the United States and their Indian allies; to surrender to the United States "all the prophets and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States." In return, the United States guaranteed the integrity of the territory left to the Creeks and promised to furnish them "the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply. . . ." American State Papers, Indian Affairs, I, 826-27.

The preamble and the second through the seventh articles of the treaty were here read by the clerk at Clay's request; five articles begin with the words "The United States demand."

4 See above, I, 1006.

5 Two weeks later George Poindexter accused Clay of charging "the people of Georgia with robberies and murders on their innocent, unoffending neighbors," the Indians. Clay interrupted to explain that "He meant only to express his fears that such was the fact, without intending to use the strong language which Mr. P. had ascribed to him." Poindexter then cited the letter read by Clay and asserted that it had "emanated from the pen of that infamous foreigner, Arbuthnot. . . ." Washington National Intelligencer, March 30, 1819.

6 Probably Jared Irwin, who as Governor of Georgia (1796 and 1808) had attempted to protect the Indians from trespass and who had represented the State in various treaty negotiations. He had died March 1, 1818.

7 See above, Speech, March 13, 1818, n.16.

8 An American vessel, coming into the harbor at St. Marks with supplies for Jackson's army early in April, 1818, had raised the British flag and enticed on board two Creek chiefs hostile to the United States. Jackson had ordered them brought on shore and hanged. American State Papers, Military Affairs, I, 700, 703, 763.

9 John Holmes.

10 During General Benjamin Logan's expedition against the Shawnee at the head of the Great Miami, in October, 1786, an old chief, Moluntha, had been among the prisoners. Shortly after the surrender he had been killed by Colonel Hugh McGary, who in consequence, after the expedition returned to Kentucky, had been court-martialed, convicted, and suspended from service for one year. Draper MSS., 12 S, 133-40.


14 In his letter of instructions to G. W. Erving, American Minister to Spain, November 28, 1818, Secretary Adams had observed: "Yet so it has happened, that from the period of our established independence to this day, all the Indian wars with which we have been afflicted have been distinctly traceable to the instigation of English traders or agents, always disavowed, yet always felt, more than once detected, but never before punished." The letter had been published in the Washington National Intelligencer, December 30, 1818.

15 See above, I, 968-69, 973, 974, 978, 982-84. 16 John Q. Adams.


19 2 U. S. Stat., 829-30 (March 3, 1813).


21 Following Ambrister's trial the court had found the prisoner guilty and sentenced him to be shot; but after reconsideration of the vote on this verdict, the prisoner had been sentenced "to receive fifty stripes on his bare back, and be confined with ball and chain to hard labor for twelve calendar months." General Jackson had approved the finding and first sentence but disapproved "the reconsideration of the sentence of the honorable court in this case." General Orders, April 29, 1818, ibid., 734.

22 Louis Antoine Henri de Bourbon Condé, duc d'Enghien, had been executed March 15, 1804, in the manner indicated.


24 By the British, September 2, 1807. 25 Francis J. Jackson.

26 The documents to which Clay refers in this paragraph are found in American State Papers, Military Affairs, I, 699-701, 712-13.

27 Near the entrance to Pensacola Bay.


29 In the first two instances to which Clay here refers the orders were signed by

30 Holmes had read a paragraph from the letter of the American to the British Commissioners, September 26, 1814, charging British traders and agents with stirring hostility among the Indians against the United States. *American State Papers, Foreign Relations*, III, 719.

31 This stand is emphasized in the communication from the American to the British Commissioners, September 9, 1814. *Ibid.*, 716.

32 Negotiations between Secretary of State Adams and Luis de Onis had been broken off by the latter when he received reports of Jackson's invasion of Florida.

33 *Considerations on the Principal Events of the French Revolution* (Posthumous work of the Baroness de Staël; ed. by the Duke de Broglie and the Baron de Staël and trans. from the original manuscript; 2 vols: New York, 1818).

34 In September, 1816, while commander of an American vessel in the Mediterranean, Oliver H. Perry had angrily struck a subordinate officer, Captain John Heath of the marines. Heath had refused to accept an apology. Both men had been tried by court martial, and both had been found guilty. The sentence, a private reprimand by the American naval commander in those waters, had been widely criticized for its mildness and, on motion of James Johnson of Virginia, had become the subject of Congressional investigation. Perry had been restored to public esteem when in a duel with Heath on October 19, 1818, he had refused to return his adversary's fire.

To John W. Hunt

Dr Sir Washington 22 Jan. 1818 [i.e., 1819]

I have transmitted to you by Mail Copies of the Report of our Bank Committee, and of the Report of the Condition of the Banks of Pennsylvania to the Legislature of that State,¹ which you will find curious.

I am very anxious to know the value of property in and about Lexington, whether it has fallen raised or has remained stationary? I shall wish to sell some to meet my responsibility for the Mess. Harts.² Do you think I could sell any of my town property? Or one half of Ashland, say 200 Acres, lying on the Tates Creek road to be laid off parallel with the Boone's road, and what wd. it command? I shall be obliged by your opinion, and also would be glad to know if you would undertake the agency for me in endeavoring to effect the sale, if I determine to make an effort to accomplish it before my return—

We have been 4 days, and will probably be twice as many more, in discussing Jackson's conduct & the Seminole War.³

Yr's respectfully

H. CLAY


¹See above, Clay to Hardin, January 4, 1819. The Committee on Banks of the Pennsylvania Senate had been called upon to consider a case under which the State Treasurer had refused to accept payment of taxes by one bank in the notes of various other banks incorporated under State law. For this committee, Simon Snyder had reported a bill, subsequently enacted, which provided for revocation of charter in cases where banks established under State law refused to redeem their notes in specie. *Niles' Weekly Register*, XV (January 16, 1819), 385-86; Washington *National Intelligencer*, April 15, 1819.

²John and Thomas P. Hart. See above, Clay to Harts, November 7, 14, 1817; below, Clay to Cheves (2), March 15, 1820.

³See above, Speech, January 20, 1819.
From Joseph Lancaster

WASHINGTON CITY, 1st. Mo. 27th 1819.

HONORED FRIEND—I have been favored with the vote of the house, on the motion of Burwell Bassett, of Virginia, respecting myself; an honor wholly unexpected, and if the house of representatives had not thought otherwise, I should have considered it as beyond any merits of mine: however, I am determined that, by the mercy of my Heavenly Father, according to my ability, it shall not be unmerited in future.

It was put into my hands just as I was about occupying thy chair by thy kind permission, the second time:—I opened it, it overwhelmed my heart, and for some short time I was obliged to hide my eyes—with feeling the most handsome attention paid to a missionary of good—an attention which none but perfect gentlemen could have ever contemplated.—In fact, I accept it as an introduction to your country—a passport to usefulness. I feel your politeness, but when I consider the benevolence of the motive—love to your country—good will to education—patriotic feeling for all children of this great nation—I am doubly grateful.

Under your auspices as a legislature, I trust those measures will be matured which, with the Divine blessing on the wisdom of your councils, will accelerate such a total extinction of ignorance, that not one uninstructed child will in future times be found within your borders.

My exertions require a little repose. At one o'clock to-day I shall avail myself of the privilege conferred—for which I now make acknowledgments, and but feeble ones they are compared with my feelings.

In fact, the manner of my reception at Washington, and by congress, has been such as to endear the country to me, which has given birth to men, who knew so well how to love and befriend its children. I rejoice to see motives in action which give security to its future prospects—which consecrate the atmosphere in which citizens of the world may breathe—or hallow the ground on which he treads.

With high consideration and gratitude to the honorable house, of which, thou art the speaker, and my true respect to thyself,

I remain thy obliged and grateful friend,

JOSEPH LANCASTER.

To Henry Clay, speaker of the House of representatives, in congress.

Niles' Weekly Register, XVI (April 24, 1819), 149. Lancaster, a famous English educator, had come to America after quarrelling with the Royal Lancasterian Society about the business restraints which they exercised over the school he had founded in London. He lectured widely in the United States.

Clay laid this letter before the United States House of Representatives on February 5, when it was read and tabled.

1 On the preceding day the House had adopted a resolution, offered by Bassett,
admitting Lancaster, "the friend of learning and of man, . . . to a seat within the hall of the House of Representatives." Annals of Cong., 15 Cong., 2 Sess., XXXIII, 787.

2 Lancaster had delivered two lectures in Washington, in the hall of the House of Representatives.

From John W. Thompson


Sir


I herein have taken the liberty to Communicate to you, a Circumstance, which has been Sued, and weep.'d for. by mercy, as well as justice, (but in vain)—It relates to the unjust and unprovoked Captivity and Confinement of my Brother William Thompson, who is now a Prisoner Confined in Spain by the Spanish Authority,1 I.cant.for.a moment be otherwise, than Convinced, that your known friendship for. the oppressed as. well as. the American Government, will never Suffer justice or. mercy to appeal in vain, or. any American Citizen to be So. oppressed with impunity. I. am therefore induced to appeal to you in behalf. of. my miserable Brother, to place the Circumstance in a proper light before that Honrbl. body of. which you are a distinguished member as. well for mercy and justice to the oppressed Captive, as. in more important questions—

I. have herewith inclosed a Statement2 of. the facts that relate to his Captivity from the date it took place to the present day, of. which you will be able to judge. whether or not. it will be legal for. the Government to interfere.—For. his Character I. would beg leave to refer you to Colnl. Lane,3 under whom he Served during the War, or. Mr. Richd. Forrest in the Secty States office,4 and at the Same time I. would beg leave to refer you to the National Intel­ligencer of the 26th Inst, where you will See Some remarks relative to his present Situation—5

Should my intrusion not. be too great & my Solicitation meet the views of your better judgement, your interferan[ce] and influence in his behalf, would not only place a lasting obligation on his Friends & Connections, but. perhaps restore the poor miserable Captive to his liberty & his Country—

I. have no doubt Sir, but you will think this addre[ss] Some what Strange, but when I. assure you that it is my misfortune. not to be personally acquainted with an Honrl. member of. the Hs. repre­sentatives, I trust you will Pardon me—

With distinguished respet I. have. the Honr. to be Sr very resply yr etc Servt

JOHN W THOMPSON
lt Lt U S. Ordie.

ALS. DNA, RG59, Misc. Letters. Thompson had been commissioned from Maryland.

1 Thompson was one of several Americans captured and imprisoned by Spain on charges of participating in the rebellion in Mexico in 1817. See John Quincy Adams to Luis de Onis, June 2, 1818, in William R. Manning (arr.), Diplomatic Correspondence
(5 vols.; New York, 1925), I, 71.
2 Not found.
3 Samuel Lane, during the war a major in the Fourteenth Infantry, in which John
W. Thompson had been a second and, later, a first lieutenant, and “W. Thompson” a
third lieutenant.
4 A native of Maryland, Forrest was a clerk in the Department of State.
5 A communication “From the attentive correspondent of the Norfolk Herald at
Gibraltar,” December 8, 1818, describing the prison conditions pertaining to “Lieut.
Thompson” and several other Americans confined by the Spanish authorities, had

To John Q. Adams

Sir

I inclose to you a letter from Mr. Bradford,1 a respectable
Citizen of Lexington, communicating the fact of his being in
possession of a Map which may possibly throw some light on the
pending discussions with Spain—You will see in it that he prefers
[sic] the Map, if it shall be found of any use. Whatever may be my
opinion of the interest of the Country in the adjustment of the
Western limit of Louisiana,2 I shall be happy in being the organ
of any information to those who may take a different view of that
interest—Be pleased to return after perusing the letter—
Yrs, with great respect
H. CLAY

1 See above, January 17, 1819. 2 See below, Speech, April 3, 1820.

Receipted Tax Bill, 1818

[ca. February 1, 1819]

1818        Henry Clay

Dr

To tax on $75.400 at 61⁄4 per hundred & levy on Eight tithes at
$1.25 each  $57.121⁄2

Reed payment WM BARR1 DS.

ADS. DLC-TJC (DNA, M212, R15).
1 A native and for most of his life a resident of Woodford County, Kentucky, but
for a time employed in Lexington.

From Robert Alexander

Henry Clay Washington City         Frankfort 4. Feby 1819
Dr Sir

By a Letter which was received about a fortnight ago from one
of our Directors who at its date was in Washington, we are
informed that the secretary of the Treasury is making arrangements
for the receipt and transmission of the public monies in the Western
States, by the agency of the State Banks; probably from the belief
that the branches of the U S. Bank in this section of the Country
will be soon removed—We are told that one of the Banks in Cin-cinnatte [sic] has made proposals for this purpose; and that the secretary has expressed a Wish to enter into some agreement with this Institution for the transaction of a portion of this business by one of its branches. Louisville was named on account I suppose of its proximity to the Offices of the U S. receivers—

Will you be good enough to inform the Secretary of the Treasury that the Directors of the Bank of Kentucky will think it their duty to facilitate the transaction of the business of the Government so far as they can do so without injury to themselves

That they or any of their branches will receive the public Deposits and pay them here to the order of the Treasurer U S. or transmit them either to N Orleans or one of the cities to the eastward; if the latter should be required considerable time will be necessary to effect it; if the former remittances might be made with very little delay—the Banks whose notes shall be received, should be left to the receiving Bank; for circumstances may occur to deprive paper, now considered good, of its credit; and the moment this is discovered it should be rejected—Details on this subject would at present be premature we should be informed of the wishes of the Secretary of the Treasury as to an agreement and Know what he requires or expects from us an acquantance with his views may enable us to forward to him such proposals as will be satisfactory or induce us to employ an agent who may meet and form an agreement with him in Washington without the delay which a correspondence on this subject would occasion—

I am sensible that your situation leaves you little time for attention to the business of others; the belief however that this will require but little of it, and that you are better acquainted with the business of this institution than any other person in Washington from this State will excuse me I hope for troubling you with this Letter. If I am mistaken and a compliance with the request I have made should be any way inconvenient to you I will beg the favor of you to throw this application into the hands of Mr. Crittenden who before he leaves Washington may find time to communicate its purport to Mr. Crawford & receive his answer.—

I am resfy. yours &c &c R ALEXANDR [sic]

1 See below, Clay to Cheves, April 19, 1819, note.
2 John J. Crittenden, who had been a United States Senator since March 4, 1817.
3 William H. Crawford.

Remarks on the Seminole War

[February 6, 1819]
Cited in Washington National Intelligencer, February 8, 1819. After having refrained
from active participation in the debate, which except for one day had continued at each
meeting of the House since January 20, Clay again “took the floor in defence of the
ground he had already occupied; and had spoken but a short time, when, at a late hour,
a motion to adjourn the debate was made, and carried by a small majority; and The
House adjourned.” His remarks were not recorded.

Remarks on the Seminole War

[February 8, 1819]

Mr. Clay resumed the floor, and concluded the reply which he
commenced on Saturday to gentlemen who had defended the trans­
actions in question.1 In the course of his remarks, Mr. C. suggested
to the mover of the amendatory resolutions (Mr. Cobb) the pro­
priety of such a modification thereof as would, he hoped, unite the
conflicting opinions of members, and enable the House to agree in
its vote.2

Washington National Intelligencer, February 10, 1819. Published also in Annals of
Cong., 15 Cong., 2 Sess., XXXIII, 1104.
1 See above, Remarks, February 6, 1819.
2 Later in the day the debate ended, and the Committee of the Whole rejected the
resolution proposed by the Committee on Military Affairs and the amendments offered
by Thomas W. Cobb (see above, Speech, January 20). The Committee then rose and
reported to the House, which approved its action.

Speech and Motion on General Appropriation Bill

[February 10, 1819]

Mr. Clay moved to insert an additional appropriation of 285,000
dollars for the completion of the road.1

Washington National Intelligencer, February 11, 1819. Published also in Lexington
Kentucky Gazette, February 26, 1819; Lexington Kentucky Reporter, March 3, 1819:
into Committee of the Whole on the general appropriation bill, a debate arose on an
appropriation of “250,000 dollars for the payment of monies due and becoming due on
existing contracts for completing the road from Cumberland, in Maryland, to the
state of Ohio.” Clay’s speech in favor of this measure was not recorded. After the
defeat of a motion to strike out the appropriation, Clay offered his substitute.
1 The motion was agreed to in Committee of the Whole, was accepted in amended
form by the House on the following day, and became a part of the general appropria­

Remarks on Recognition of South
American Independence

[February 10, 1819]

Mr. Clay rose and said, that it had been his settled intention to
renew, pending this bill, the proposition which he had had the
honor of submitting at the last session, having for its object the
recognition of the independence of the United Provinces of S.
America. He was restrained from executing that intention by two considerations: one was his personal indisposition, but another & more important one was, the small portion of the session yet remaining to transact the public business. Whilst he was up, he would say, that so far from his opinions, expressed on the former occasion, having undergone any change, they had been strengthened and confirmed by all the occurrences which had subsequently taken place. He had been anxious, if time had permitted, to examine what appeared to him very exceptional reasons assigned, for declining to recognise our Sister Republic, in a paper entitled to the most profound respect, the message of the President at the opening of the Congress. He was desirous also of noticing the still more exceptional grounds taken in a paper recently transmitted to the House from the Department of State (it ought to be laid upon our table; why it was not he did not know—he hoped our worthy Clerk would in his future contract for the public printing guard against the delay to which we have been so often subjected.) From that paper it appeared that even a Consul could not be received from the southern republic; because the grant of an exequator implied recognition! We receive her flag; we admit her commerce, and yet refuse the Consular protection which that flag and commerce necessarily drew with them! But, to submit his proposition, would be to occasion perhaps a protracted debate. And, considering the few days yet left us, the pressing and urgent, tho' not more important, business yet to be done, he should hold himself inexcusable to the House and to the country, after having himself so materially contributed to the consumption of time in debate, if he were even the unintentional instrument of preventing the passage of what might be thought essential laws. He would like exceedingly to contrast the objections urged against the reception of the Venezuelan Minister with the more forcible and stronger ones that lay to the reception of the present Spanish Minister. But, deep as was the interest which he heretofore had felt, and still felt, in the success of the great struggle to the south, he must, for the reasons assigned, forbear to press any proposition upon the House at present. Should it be necessary at another session, and should he have the honor of a seat on this floor then, he pledged himself to bring up the subject, unless adverse causes should render it highly inexpedient.
mediate, without the use of force, in the conflict, and that the manner and extent of
their intervention was to have been settled at a congress at Aix-la-Chapelle "in
September last." He had then asserted that "there is good cause to be satisfied with
the course heretofore pursued by the United States, in regard to this contest, and to
conclude, that it is proper to adhere to it, especially in the present state of affairs." *Annals of Cong.*, 15 Cong., 2 Sess., XXXIII, 15-16.

3 In response to a resolution adopted by the House of Representatives on January
14, the President on January 30 had sent to that body "a report from the Secretary of
State, concerning the applications which have been made by any of the independent
Governments of South America, to have a Minister or Consul General accredited by
the Government of the United States, with the answers of this Government to the

4 The application of Don Lino de Clemente, December 11, 1818, for recognition as
representative from Venezuela to the United States had been rejected because he had
signed the commission for Sir Gregor McGregor to conduct the Amelia Island operations
against the Floridas in 1817 and because in January, 1818, Clemente had authorized
Vicente Pazos to protest to the United States Government against its seizure of that

**Receipt from William Bobb**

*February 10, 1819*

Attached to Account, ca. August 12, 1817.

**From J[ohn] C. C[alhoun]**

Hon. Henry Clay. H. R.

Sir Department of War 12h February 1819.

I have recd. a letter from John Norvell Esq of Lexington,¹ stating
his wish to be appointed a clerk in the War Department, and asking
the favor of an answer to his application through you.

I regret that there is no vacancy in the Dept. but his application
will be be [sic] put on file & should a vacancy occur will be noticed.

I have &c. J. C. C.


¹ John Norvell, a native of Danville, Kentucky, had been part owner and editor of
the Baltimore Whig (1813-1814) and the Baltimore Patriot (1815-1817). In June, 1817,
he had entered into partnership with Fielding Bradford, Jr., and had become
editor of the Lexington Kentucky Gazette. After remaining in Lexington for about
two years, he moved to Philadelphia and became a partner of Richard Bache in
publication of the Franklin Gazette. Norvell later settled in Michigan, where he prac-
ticed law and held several local offices. He was United States Senator from Michigan,
1837-1841.

**Remarks on Bill for Missouri Statehood**

*February 13, 1819*

Cited in *Washington National Intelligencer*, February 15, 1819; *Annals of Cong.*, 15
Cong., 2 Sess., XXXIII, 1166. The House, in Committee of the Whole on "bills to
enable the people of the territories of Missouri and Alabama to form state govern-
ments," had taken up the measure relating to Missouri. Clay was active in the
discussion. An "interesting and pretty wide debate" rose in connection with an
amendment offered by James Tallmadge, Jr., "substantially, to limit the existence
of slavery in the new state, by declaring all free who should be born in the territory
after its admission into the Union, and providing for the gradual emancipation of
those now held in bondage." Clay spoke in opposition to the proposal, but his remarks were not recorded. Before a vote was taken, the Committee rose, and the House adjourned.

Remarks on Tallmadge Amendment

[February 15, 1819]

Cited in Washington National Intelligencer, February 16, 1819; Annals of Cong., 15 Cong., 2 Sess., XXXIII, 1170. The debate which had begun on Saturday, February 13, was resumed in Committee of the Whole. Again Clay opposed the Tallmadge amendment, and again his remarks were not recorded.

"This debate which was quite interesting, involved two questions; one of right, the other of expediency. Both were supported by the advocates of the amendment, and generally opposed by its opponents. On the one hand, it was contended that Congress had no right to prescribe to any state the details of its government, any further than that it should be republican in its form; that such a power would be nugatory, if exercised, since, once admitted into the Union, the people of any state have the unquestioned right to amend their constitution of government, &c.

"On the other hand, it was as strongly contended that Congress had the right to annex conditions to the admission of any new state into the Union; that slavery was incompatible with our Republican Institutions, &c."

Clay’s views may be in part inferred from statements made by his opponents in the debate. John W. Taylor said:

"Mr. Chairman, one of the gentlemen from Kentucky (Mr. Clay) has pressed into his service the cause of humanity. He has pathetically urged us to withdraw our amendment and suffer this unfortunate population [the slaves] to be dispersed over the country. He says they will be better fed, clothed and sheltered, and their whole condition will be greatly improved." At another point Taylor commented:

"The business in which they [slaves] are generally engaged, be it what it may, soon becomes debased in public estimation. It is considered low, and unfit for freemen. I cannot better illustrate this truth than by referring to a remark of the honorable gentleman from Kentucky (Mr. Clay). I have often admired the liberality of his sentiments. He is governed by no vulgar prejudices; yet with what abhorrence did he speak of the performance, by our wives and daughters, of those domestic offices which he was pleased to call servile! What comparison did he make between the “black slaves” of Kentucky and the “white slaves” of the north; and how instantly did he strike a balance in favor of the condition of the former!" Washington National Intelligencer, March 19, 1819.

The next speaker, Timothy Fuller, of Massachusetts, also referred to Clay’s argument:

"The honorable Speaker (Mr. Clay) has said, that Congress has no right to prescribe any condition whatever to the newly organized States, but must admit them by a simple act, leaving their sovereignty unrestricted. (Here the Speaker explained—he did not intend to be understood in so broad a sense as Mr. F. stated.)

"The Honorable Speaker cites the first clause in the second section of the fourth article: ‘The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States,’ which he thinks would be violated by the condition proposed in the Constitution of Missouri. ‘To keep slaves—to make one portion of the population the property of another, hardly deserves to be called a privilege, since what is gained by the masters must be lost by the slaves.’ Annals of Cong., 15 Cong., 2 Sess., XXXIII, 1180, 1182.

Phillip P. Barbour followed Fuller in the debate, and then the Tallmadge amendment was approved by a vote of 79 to 67.

From James Morrison

Dear Sir,

Lexington 17th. Feby. 1819

Presuming that your official duties, especially towards the close of the present session, would engross all your time—and that you would not remain an hour longer than became indispensably
February 17, 1819

necessary—consequently could not bestow the time necessary to press the Secretary of the Treasury for paymt. of the claim of the late Saline Compy,: for improvements made at the Saline, for which compensation was not received, when Mr. Bates & Co. took possession of that establishment—I say under this opinion, I have written to our friend Colo. Johnson, to unite with you, if you could with draw yourself from official duties, in pressing our claim—and if not to use his best exertions to obtain a decision and payment—I cannot doubt the justice of our claim, because we made the improvements and ought to be paid for them—Our successors [sic] enjoyed the benefit arising from them, and the governmt. received a greater rent—This cannot be doubted, because the improvements for which we claim remuneration were such as enabled our successors to manufacture large quantities of Salt without the expense incident to diging [sic] Wells &c.

Colo. Johnson's aid shall not lessen the sum formerly stated, say 10 PrCt. on whatever you can receive—

Therefore my Good Sir, if within your power, give such time as you may judge necessary to obtain a decision—It is possible Judge Edwards may be opposed [to] our claim, but for what reason none of my partners can devise—

Your late speech on the Seminole war, in which you condemn the conduct of Genl. Jackson, is disapproved of by some—and some of your friends are apprehensive that you may lose friends as a consequence—As to myself, I have the most clear and decided opinion that Genl Jackson exceeded his orders—and committed an act in the execution of the two englishmen for which he is censurable, and for which he will stand condemned by all impartial judges—It was an outrage on our national character from which his character can never be cleansed—

Colo. Johnson's friends are anxious he should be our next Governor—It appears to me very questionable whether he can be elected, and if he should, the theatre is not one on which he has acted—He may lose but cannot gain—Should he fail, his reputation before the nation would sink—I am not sure that you ought to offer, but were you to be a candidate opposition would cease—make no declarations of your intentions until you come home and judge for your self—There will be great exertions made to put you down—and the feds, will do all they can to produce a breach between you & Johnson, "divide and conquer"—Keep a look out where you are—Some of your men high in Office, correspond with your enemies in this State—They may be looking out to the Presidency—I have been pleased to see that you spoke well of the executive in your speech—There is more danger of injuring your standing by identifying your self with his opponents, than there is in condemning the con-
duct of Genl Jackson—But to conclude—efforts will be made by the
friends of Pope and J Q Adams to put you down
I am Dear Sir Respectfully your Obt. Servt
The Honble H. Clay

JAMES MORRISON

Copy. KyLxT. 1 See above, Morrison to Clay, February 17, 1816.
2 Richard M. Johnson. 3 Ninian Edwards.
3 See above, January 20, 1819. 5 John Pope.

To [Samuel Harrison Smith]

Dr Sir H. of R. 18h. Feb. 1819.

My brother at New Orleans,1 under a supposition that Mrs. Clay
was here, has sent a barrel of oranges for her use. Will Mrs. Smith
have the goodness to accept it? She is the friend to whom I know
it will be most agreeable to Mrs. Clay, as it is to me, to turn them
over—The barrel is at Davis's Hotel, where I have left orders to
deliver it to your servant when he may call for it—I have some fears
about the soundness of the oranges, from the mildness of the winter,
though I have not examined them Yrs. faithfy

H. CLAY

P.S. I was too unwell to accept your kind invitation to dinner,2
and had it not in my power to send an apology in time. H C.

ALS. DLC-J. Henley Smith Papers (DNA, M212, R22). Smith, son of a Philadelphia
merchant, after graduation from the University of Pennsylvania had become an ardent
Jeffersonian and a newspaper editor in Philadelphia. Later he had moved to Wash­
ington and in 1800 had founded the National Intelligencer and Washington Advertiser.
He had sold this journal in 1810, because of ill health, and in 1813 had become a
revenue commissioner. In 1828 he became president of the Washington branch of
the Bank of the United States. He was married to his second cousin, Margaret Bayard,
author and long a leader of Washington society.

1 John Clay. 2 None found.

To John Q. Adams


I transmit to you the inclosed letter and statement1 respecting
the confinement of William Thompson, an American Citizen, by
the authority of the King of Spain. I know nothing of the unhappy
man nor his case more than is contained in these papers, which
have come to me exactly in the state in which you see them. The
Department of State, being the regular channel through which the
first effort should be made to effect his liberation, I have no doubt
that the proper steps will be taken to accomplish that object, if,
upon an investigation into his case, he shall be found to be entitled
to the interposition of his Government.

I have the honor to be with great respect Your obedient Servant
The Honble Mr. Adams. &c &c &c.

H CLAY
To John W. Thompson

Sir

Washington 20 Feb. 1819

I received your letter of the 28th. Jan. respecting your unfortunate brother. Supposing the statement of facts which accompanies it to be true, I should think his imprisonment not only unjust but perfidious; and that he was most clearly entitled to his liberation. If all those facts were established by proof it is probable that the interposition of Congress might be afforded. But as there is no evidence of their truth transmitted by you, I have thought it best to send your letter with the statement to the Department of State, the regular organ through which the first effort should be made to liberate your brother, that the facts may be enquired into, and the proper measures pursued to accomplish that object. I most sincerely sympathize with you, and hope that your brother may be speedily restored to his Country & his friends. Yr. obt. Servt. H. CLAY


To Martin D. Hardin

Dr Sir

Washington 21 Feb. 1819.

The H. of R. is now occupied with the B. of the U.S. The general opinion I think is against any measure that will impair or bring into question the validity of the Charter. Such is my own opinion. Opposed in principle to all banks, I think if any exist, a Bank of the U.S. is indispensible. It has been badly administered. But shall we give up the Ship because the crew has misbehaved? The question comes on tomorrow in the Supreme Court as to the power of the States to tax the Institution. I hope that no measure of violence will be resorted to, under the late law of our State, until the decision of the Supreme Court is known. If that decision be favorable to the power of the State, the act of our Legislature, fatal as is the policy on which it is founded, and mischievous as will be the consequences of its enforcement, ought to be acquiesced in.

It is now confidently believed that a Treaty will be concluded, before the adjournment of Congress, by which we shall acquire the Floridas. The act I do not think will pass this Session which proposes the separation of the Supreme Court Judges from the Circuits.
which provides for an augmentation of their Salaries to $4500 has passed.\textsuperscript{6}

I have determined not to be a Candidate for the office alluded to in your letter—\textsuperscript{7} 

I am Dr Sir faithfly Yrs. 

H Clay

ADS. ICHi. Addressed to Hardin at Frankfort.

\textsuperscript{1} See above, Clay to Hardin, January 4, 1819. Attempts to repeal or modify the charter of the bank were debated in Congress and rejected. The only measure adopted in connection with the institution was an act to enforce provisions relating to the election of directors and to provide punishment for bribing or giving presents to bank officials. \textsuperscript{3} U. S. Stat., 508-509.

\textsuperscript{2} The case of McCulloch \textit{vs.} The State of Maryland \textit{et al.}, argued on February 22-27 and March 1-3, was decided on March 7, when Chief Justice John Marshall rendered the opinion of the court. It upheld the propositions that the government of the United States, though limited in its powers, is supreme within its sphere of action, and that the Constitution has no clause excluding incidental or implied powers adequate to carry out the acts which it is authorized to perform. "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional." Accordingly, the Court held unanimously that the act to incorporate the Bank of the United States was made in pursuance of the Constitution and therefore part of the supreme law of the land. The power of the States to tax this Federal instrumentality out of existence was denied: "... if the right of the States to tax the means employed by the general government be conceded, the declaration that the constitution, and the laws made in pursuance thereof, shall be the supreme law of the land, is empty and unmeaning declamation." Furthermore, taxation enacted by a State over the operations of the government of the United States "acts upon institutions created, not by their own constituents, but by people over whom they claim no control. It acts upon the measures of a government created by others as well as themselves, for the benefit of others in common with themselves." Therefore the Court held, again unanimously, "that the law passed by the legislature of Maryland, imposing a tax on the Bank of the United States, is unconstitutional and void." 17 \textit{U. S.} (4 Wheaton) 316-437.

\textsuperscript{3} See above, Clay to Jones, March 3, 1818, note.

\textsuperscript{4} The treaty was signed February 22. See below, Remarks, March 1, 1819.

\textsuperscript{5} A bill "for the more convenient organization of the courts of the United States" had been passed by the Senate, January 18, 1819, but failed to win the approval of the House.

\textsuperscript{6} \textsuperscript{3} U. S. Stat., 484 (February 20, 1819).

\textsuperscript{7} Not found.

\textbf{Memorandum Book}

\textit{[ca. February 22, 1819]}


of Business to be attended to for Constituents and other Kentucky Correspondents.

Dudley's letter inclosing account of Kendall and Russell agt. several departments of Government.\textsuperscript{1} [Marginal note beside this item:] ansd. & remitted the amt. recd.

Duff. Chadwell's letter inclosing power of Atto. to draw his patent and sell his land.\textsuperscript{2}

John Grimes's\textsuperscript{8} petition for pay for a gun &c
E. Goodrich & J. Turner for horses lost in public service\textsuperscript{4}
S. Q. Richardson & J. Halley for do \textsuperscript{5} 
John Morton & Vinson Johnson do. \textsuperscript{6}
John Crutcher & Tho. Rawlings do. \textsuperscript{7}
FEBRUARY 22, 1819

Wm. Robards, admor of Keene do. do 8
Marginal note beside last six items above: forwarded by L. Combs. Write to him the result.

Col. M. Lyon's petition for indemnity for his losses under the sedition law &c. 9 Present
Wilson's 10 Admor arrearage of pay as Soldier Write to D. M. Payne— Marginal note:] Remitted
Write to William C. Prewitt about Mrs. Edmunston's petition —and about her pension if it be rejected 11
D. McC. Payne as guardian of Messmer 12 Send the papers for pension & arrearages of pay to 3d. Audr.

Sent to Mr. Cutting 13 Duff Chadwell's honorable discharge the 31st Decr. 1818.

Sent Jos. & Jno. Davidsons 14 papers to Mr. Meigs 15 for Land patent 31 Decr. Transmitted


Transmitted in a check

Sent 18 Jan. Duff Chadwell's Certificate to Mr. Meigs to get his patent

Sent 22 Feb 19 to Mr Nourse 17 Register Worsley & Smiths accounts

Remitted and returned for $32:12½

for 1 67½,62½

for collection 6 5,18

AD. KyU-Samuel M. Wilson Collection.

1Letter, possibly from Jephthah Dudley, not found. See above, Clay to Meigs, January 9, 11, 1819; Meigs to Clay, January 9, 11, 1819.

2Not found. Chadwell, not identified.

3Of Fayette County. His petition was unsuccessful. U. S. H. of Reps., Journal, 16 Cong., 1 Sess., 142.

4Elizabeth Goodrich and James Turner. Their petition was reported unfavorably in January, 1820. Ibid.

5Their petition, which they were given leave to withdraw, was also reported unfavorably. Ibid., 142, 386.

6The petition of John Morton and Vincent Johnson was reported unfavorably. Ibid., 142.

7Petition reported unfavorably. Ibid.

8Pollard Keene, Nicholasville, Kentucky, merchant, had married a daughter of William Robards, also of Jessamine County. Keene had been Quartermaster of Colonel William Lewis' regiment of Kentucky Volunteers when captured at the Battle of the River Raisin. No record of the petition has been found.

9See above, I, 596. Clay as Speaker presented the petition on November 20, 1818. After having been adversely reported by the House Judiciary Committee, it was referred on November 24, to Committee of the Whole. No further action appears to have been taken on it at this time. Annals of Cong., 15 Cong., 2 Sess., XXXIII, 596-97, 511. Cf. above, I, 596.

10Not identified.

11Prewitt was a son-in-law of Mrs. Margaret Edmiston (Edmunston, Edmonson, Edmonston), widow of John Edmiston, who had been killed at the Battle of the River Raisin. All were residents of Fayette County, Kentucky. On March 2, 1818, Clay had presented her petition for an increase of pension. No reference to action on it has been found.
12 Peter Mesmer, formerly a Lexington blacksmith, a member of the Lexington Light Infantry Company in the War of 1812, had been killed in January, 1813. The Office of the Third Auditor notified Clay on December 29, 1818, that an investigation had shown “nothing due the claimant on a/c of pay,” and that the papers in the case were being “returned with a proper certificate to obtain from the pay master General the half pay pension—” Copy. DNA, RG217, Third Auditor, Misc. Letters Sent, vol. 9, p. 74.

13 Nathaniel Cutting.

14 John Davidson not identified.

15 Josiah Meigs.

16 Probably the firm J. and P. Dudley, composed of Jepththah and Peter Dudley.

17 Joseph Nourse.

18 Several blank pages intervene between this item and five entries, dated December 31, 1818, relating to “Payments made on a/c of Furniture of the H. of Representatives.”

To John Q. Adams


I beg leave to recommend to the President The Honble George Robertson for the appointment of Governor of the new Territory of Arkansas.1 Being well known to yourself and to the President, I will only say, that Mr. Robertson’s good sense, sound judgment and highly respectable character are sure pledges of the ability and judiciousness with which he will administer the Executive affairs of that Territory, if he should be honored with the appointment. Should he meet with the President’s approbation it will be highly gratifying to many of my fellow Citizens and particularly to

Your obedient Servant H. CLAY

The Honble Mr. Adams &c &c &c

ALS. DNA, RG59, Applications and Recommendations for Office. Endorsed: “Reed 24.”

1 Robertson, a member of the United States House of Representatives (1817-1821), had been born near Harrodsburg, Kentucky, in 1790, had attended Transylvania University, and had studied law and been admitted to the bar in Lancaster, Kentucky, where he practised his profession. He was afterward a member and Speaker of the Kentucky House of Representatives, Secretary of State of Kentucky, Chief Justice of the State Court of Appeals, professor of law at Transylvania, and again a justice of the Court of Appeals. On December 16, 1818, he had moved that a committee be established to consider the expediency of establishing a territorial government for Arkansas.

He failed to receive the appointment. He later claimed that President Monroe had offered it to him and that, after first declining, he had accepted. Then Monroe, offended because Robertson had “voted for Mr. Clay’s Seminole resolutions,” had “revoked his invitation on pretence of ineligibility on the ground that I voted to create the office....” [George Robertson], An Outline of the Life of George Robertson, Written by Himself . . . (Lexington, 1876), 53-54.

To John Q. Adams


I unite with the other friends of Mr. Greenberry Ridgely in recommending him to the President for the office of Secretary of the Arkansas Territory. He is the son of Dr. Frederick Ridgely of Lexington in K. a gentleman who served throughout the Revolutionary War as a Surgeon, and who is exceeded in worth and
March 1, 1819

respectability of character by no one. Young Ridgely has had great pains bestowed upon his education, and he has profited by them. Having finished his Law Studies at Litchfield, he has been recently admitted to the Bar. He is moreover entitled to all consideration which is due to the greatest respectability of extensive connexions, his mother being of the family of the Shorts of Virginia,¹ and his father of that of the Ridgelys of Maryland. I will add that I do not know of one member of either of those families who enjoys the favor of Government—

If any arrangement shall have been made incompatible with Mr. Ridgely's success in the present application, I should be glad if his pretensions were considered, in reference to a similar appointment, should one be made, in the Territory recently acquired from Spain—² I have the honor to be With great respect—Your obedient Servant

The Honble Mr. Adams &c &c &c

H. Clay

ALS. DNA, RG59, Applications and Recommendations for Office. Endorsed: “Reed Mar: 1.”
¹ Mrs. Ridgely was Elizabeth, sister of William and Peyton Short.
² Ridgely received neither appointment.

From P[eter] H[agner]

Hon Henry Clay. H R. Sir

25 February 1819.

I have the honor to acknowledge the receipt of your letter of the 23d Inst. inclosing evidence of your authority to receive the pension of the heirs of Hugh Scott, and in answer to state that the applicatn should be made at the office of Discount and Deposite of the Bank U S at Lexington, at which place the pension has been made payable from and after the 4th septemr. 1817—The papers are accordingly returned—

P, H,


To———

Dr Sir

Washn. 27 Feb. 1819.

Will you do me the favor to balance my bank book, which is inclosed and return it by the first mail? Yrs. H. Clay

ALS. Whi.

Remarks on Amendment to Bill for Occupation of the Floridas

March 1, 1819

Mr. Clay expressed great confidence in all the committees of the
House, but desired to make an inquiry of the chairman of the committee of foreign relations, which was, whether the blank in the amendment for the compensation of the commissioners was also proposed in pursuance of the suggestion of the same executive officer, who it seemed had suggested the amendment itself, and if so, what that sum was intended to be? Mr. C. proceeded to remark, in reply to Mr. Hopkinson, that he might spare himself any trouble about interest on these claims; if the claimants should get the principal, they would, in his opinion, do very well, as the amount of the claims probably exceeded the five millions to be paid. But the truth was, Mr. C. said, legislation on this subject was premature, and not justified by the necessity of the case. There was no doubt the treaty would be ratified by the King of Spain, unless on this, as on some other subjects, he should be mad; and when the House had authorised the President, merely to take possession of the territory, there legislation, at present, ought to stop. As, however, Ferdinand might think proper to withhold his assent from the treaty, this government would cut rather a ridiculous figure, if it should now proceed in anticipation to execute its stipulations. Another objection Mr. C. observed was, that these commissioners required the confirmation of the Senate, and no time would be gained by this amendment, unless the commissioners were permitted to act before their appointment should be confirmed by the Senate. But, at any rate very little time would be gained—a month or two at most, before the meeting of the next session of Congress, and he did not think, even if it were proper, that it would be worth while now to act on it.

Washington National Intelligencer, March 3, 1819. Published also in Annals of Cong., 15 Cong., 2 Sess., XXXIV, 1429. Under the Adams-De Onís treaty (see above, Clay to Hardin, February 21, 1819, note) Spain ceded the Floridas to the United States, a boundary line between American and Spanish territories was fixed west of the Mississippi River (see below, Speech, April 3, 1820, n.18), and each party renounced "all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered, until the time of signing this treaty." In connection with the cancellation of claims of American citizens against Spain the United States undertook "to make satisfaction for the same, to an amount not exceeding five millions of dollars." The amount and validity of the claims were to be ascertained by a commission of three citizens of the United States within three years of the time of their first meeting. Miller (ed.), Treaties, III, 3-18.

On February 27 the House had received from the President a message transmitting a copy of the treaty (which had already been ratified by the United States), stating that ratification by Spain might be expected during the recess of Congress, and recommending such legislative action as might be needed to put the treaty into effect. On the same day John Holmes, chairman of the Committee on Foreign Relations, had reported a bill authorizing the President, under the treaty with Spain, to take possession of the Floridas, and providing for temporary government of the territory.

In Committee of the Whole on March 1, Holmes had offered an amendment "to authorise the appointment of commissioners for the adjustment of the claims and of the western boundary, in pursuance of the stipulations of the treaty, and providing the sum of dollars to defray the expenses of the said commission." When making his proposal Holmes admitted that it resulted from a suggestion of the Secretary of State rather than from a belief by the committee in its necessity. Two other speakers had been heard on this amendment before Clay arose.
1 Joseph Hopkinson, who had immediately preceded Clay in the debate, had argued that the treaty would probably be ratified by July, that several months’ delay in the settlement of claims might be avoided by prompt action, and that prompt settlement would save money for the government if interest were allowed on the claims.

2 After further discussion the amendment was rejected. Later in the day the bill was passed in the House and sent to the Senate. With some Senate amendment, it was enacted on March 3, 1819. 3 U. S. Stat., 523-24.

To Langdon Cheves


I offer you the congratulations of a sincere friend upon your recent appointment of President of the B. of the U.S.

I was mortified not to have seen you in your rapid transit through this place. I did not know that you were here until I saw your card upon my table. I inquired but without success that evening where you stopt. The next morning, when I learnt it, you were gone. I wish you great prosperity in your arduous office.

Faithfully yours. H. Clay

ALS. ScHi. Addressed to Cheves at Philadelphia, where he had gone several days earlier “to assume the duties of the office of President of the Bank of the United States in consequence of a unanimous resolution of the Board of Directors to that effect.” Washington National Intelligencer, February 24, 1819, quoting from Charleston Patriot. The formal election of Cheves to the presidency of the bank occurred March 6.

To James Monroe

Sir Washington March 2nd. 1819.

The undersigned beg leave to recommend Greenberry Ridgely Esqr., of Kentucky, as a suitable person to be appointed Secretary in the territorial government of Florida, whenever it shall become proper to establish such government—Mr. Ridgely, is an amiable & an accomplished young gentleman, of liberal education & acquirements—We have the honor to be very respectfully Yr. Obdt: Servts:

The President

H. Clay

R. C. Anderson

Rh: M: Johnson

Isham Talbot

John, J. Crittenden

LS. DNA, RG59, Applications and Recommendations for Office.

1 Richard C. Anderson, Jr. All signers of this letter were members of the Kentucky delegation to Congress.

Resolution of Thanks from the House of Representatives

[March 3, 1819]

Resolved, That the thanks of this House be presented to the
Honorable Henry Clay, for the able, impartial, and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties of the Chair.


Response to Resolution of Thanks

[March 3, 1819]

I beg you to receive, gentlemen, my most respectful acknowledgments for the flattering vote you have done me the honor to pass. Always entertaining for this House the highest consideration, the expression of your approbation conveys a gratification as pure as it is indescribable. I owe it to truth, however, to say, gentlemen, that, but for the almost unlimited confidence with which you have constantly sustained the chair, I should have been utterly incompetent to discharge its arduous duties.

If, gentlemen, in the course of our deliberations, momentary irritation has been, at any time felt, or unkind expressions have ever, in the heat of debate, fallen from any of us, let these unpleasant incidents be consigned to oblivion, and let us recollect, only, the anxious desire which has uniformly animated every one to promote what appeared to him to be for the prosperity of our common country.

One painful circumstance fills me with the deepest regret. It is that, after having co-operated with many of you, with some for years, to advance the public good, we separate to meet, perhaps, no more. I here bear testimony to the fidelity with which you have all labored to fulfil the high and honorable trust committed to us by the nation. And every one of you will carry with you my most ardent wishes for your individual welfare and happiness.


From [ames] L. E[wards]

Hon: Henry Clay, Washington City.
Sir, War Department, Pension Office, March 5th. 1819.

I have the honor to inform you, that it does not appear from the records of this Office, that the papers of Mr. Wm. Palmer, an applicant for pension, under the Law of the 18th. of March, 1818, have been received. The letter from this claimant, is respectfully returned to you. I am &c.

J. L. E.

1 An act under which all who had served in the Revolutionary War, who were yet resident citizens of the United States, and who were or should thereafter become in need of assistance, were to be entitled to a pension—twenty dollars a month during life, for commissioned officers; eight dollars, for non-commissioned officers; musicians, mariners, marines, or private soldiers. 3 U. S. Stat., 410-11.

To [Jonathan Smith]

Dr Sir Washington 8th. March 1819.

Inclosed is a check drawn by the Office of Discount and Deposit here on the Bank of the U. States for Ten thousand dollars which you will be pleased to pass to my credit.¹ I will thank you to say, by a line addressed to me at Lexington, if it come safely to hand. I drew on your Bank for five hundred dollars to day in favor of the B. of Washington; and may draw for three thousand dollars more before my departure, the day after tomorrow. I am Your obt. Servt.

H. CLAY

ALS. DLC-Crossley Autograph Collection (DNA, M212, R20). Recipient doubtful.

1 Probably official business entailed in Clay's role as Speaker. Cf. above, Clay to Jones, December 6, 1817.

From C[harles] C[ruikshank]

Hon. Henry Clay Lexington, Kentucky, Sir 9 March 1819,

In answer to your letter of the 5th Inst.¹ I have the honor to inform you that the claim for the 24$ gratuitous pay of Jeremiah Harbour² will be remitted to you by the Treasurer of the U. S. as requested for which you will please return two receipts one to him the other to this office—The papers in relation to the Bounty in land and pension have been referred to the section of Bounty lands as you requested & you will be informed from that office of the result of the application—

C,C,


¹ Not found.

² Born near Lexington and, in June, 1812, enlisted at Glasgow, Barren County, Kentucky, in Captain William Bradford's Company, 17th U.S. Infantry Regiment, for five years. He had been wounded in action at Fort Erie, Canada, in the fall of 1814 and received a pension dated from the following June.

To Thomas Dougherty

Dr Sir Pittsburg 17th. March 1819.

I arrived here yesterday, after a most unpleasant journey, over
bad roads, in a constant snow storm, and with intense cold. The hills surrounding this place are yet covered with snow, and the mountains which we have left had it on them in considerable depth. I hope to get off tomorrow, if a cold North Wester now blowing should not, by its continuance, render it unadvisable.

Allow me to remind you of the uncertified Copy of the Spanish Treaty which I wished sent to me, and also a Copy of the two resolutions adopted in 1796, on occasion of the debate respecting Jays treaty, asserting the powers of the H. of Representatives respecting Treaties, involving appropriations &c. I remain truly & faithfy Yr. friend.

AL. NN. Addressed to Dougherty at Washington.

1 The Adams-De Onis treaty.
2 Adopted April 7, 1796. In the first resolution the House claimed no part in making treaties but declared that, when Congressional action was necessary in carrying out treaty stipulations, "it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as, in their judgment, may be most conducive to the public good."

The second asserted "That it is not necessary to the propriety of any application from this House, to the Executive, for information desired by them, and which may relate to any constitutional functions of the House, that the purposes for which such information may be wanted, or to which the same may be applied, should be stated in the application." U. S. H. of Reps., Journal, 4 Cong., 1 Sess., 499. Published also in Annals of Cong., 4 Cong., 1 Sess., V, 771-72.

Account with John and Thomas P. Hart

Dr.  Henry Clay  In act. with John & Tho. P. Hart.

1818  [March 30, 1819]

Aug. 15.  To Cash paid for shingles, per reqt. of Thomas 39."

Sep. 26.  To ditto paid tax on the house & lot belonging to the Estate of T. Hart Sr. for 1817 3.37½

Octr. 27. To ditto paid discount at F. & M. Bank 64."

Nov. 13. To 1 Black Silk veil 7.50

16. To Cash paid T. P. Harts expences to Owings ville, to collect Col. Owings's note 5.05

18. To ditto paid Thomas's subscription to a cotillon [sic] party 2.—

28. To ditto paid Mrs. S. Hart 50.—

Decr. 8.  To 2 Barrels of flour 11.—

9. To Cash paid discount at the U.S.B. 106.67

" To ditto paid Winters bill for a suit of clothes for Thomas 25.37½

11. To ditto paid Dr. Fields, per Order, 110.—

14. To ditto paid your dft on Jo. Gales Jr with damages, interest, & protest 552.92
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 30, 1819</td>
<td>To ditto paid J. T. Mason your Subscript. to the road</td>
<td>25.</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mrs. Hart</td>
<td>100.</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mrs. Clay</td>
<td>100.</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To ditto paid M. Fishel’s account</td>
<td>68.25</td>
</tr>
<tr>
<td></td>
<td>To ditto paid disct at F. &amp; M. B.</td>
<td>64.</td>
</tr>
<tr>
<td>Jan.  6</td>
<td>To ditto paid Henley, hire of Aaron</td>
<td>80.</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mrs. Clay</td>
<td>32.</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$1446.14</td>
</tr>
<tr>
<td>Jan.  16</td>
<td>To Cash paid for 2000 shingles to repair Deverin’s Kitchen &amp; back house</td>
<td>10.</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To Ditto paid Mrs. S. Hart</td>
<td>50.</td>
</tr>
<tr>
<td></td>
<td>To M. H. Jouitts order for painting a portrait for Delaplane</td>
<td>100.</td>
</tr>
<tr>
<td></td>
<td>To Cash paid Mrs. Clay</td>
<td>62.50</td>
</tr>
<tr>
<td></td>
<td>To ditto paid disotto</td>
<td>300.</td>
</tr>
<tr>
<td>Feby. 10</td>
<td>To ditto paid disct. at U.S.B.</td>
<td>106.67</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To ditto paid W. Bobb, in full of his act., per rect.</td>
<td>43.75</td>
</tr>
<tr>
<td></td>
<td>To ditto paid disct. on your note at the U.S.B. given to pay one of ours upon which you were Endorser for 2000 $</td>
<td>21.33</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To ditto paid Dishman’s bill of nails to cover Deverin’s house</td>
<td>8.75</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mrs. S. Hart</td>
<td>50.</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Discot on your note at the U.S.B. given to pay one of ours for 5000 $</td>
<td>53.33</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To ditto paid Mrs. Clay</td>
<td>100.</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To ditto paid ditto</td>
<td>75.</td>
</tr>
<tr>
<td>Mch.  6</td>
<td>To ditto paid discot on your note at the U.S.B. given to pay one of ours for 5000 $</td>
<td>53.33</td>
</tr>
<tr>
<td></td>
<td>To ditto paid your Subscription to the free School</td>
<td>20.</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mrs. S. Hart</td>
<td>50.</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$2550.80</td>
</tr>
<tr>
<td>Mch.  30</td>
<td>To Cash</td>
<td>54.</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To Long &amp; Porter’s note due 1 May</td>
<td>100.</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot; To John Bull’s note due 26 Sep</td>
<td>100.</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$2804.80</td>
</tr>
<tr>
<td></td>
<td>To Balance</td>
<td>38.90 1/4</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Oct. 19</td>
<td>By Cash left with us upon your departure for Washington</td>
<td>$140.62</td>
</tr>
<tr>
<td>Nov. 11</td>
<td>By ditto recd. from the U.S.B.</td>
<td>$196.62</td>
</tr>
<tr>
<td>Nov. 16</td>
<td>By ditto recd. for Tho. D. Owings' note</td>
<td>$619.66</td>
</tr>
<tr>
<td>Nov. 27</td>
<td>By ditto recd. from Capt Gains' note</td>
<td>$22.50</td>
</tr>
<tr>
<td>Decr. 2</td>
<td>By ditto recd. from Deverin for 1 Qr rent, due 24 Nov.</td>
<td>$75.62</td>
</tr>
<tr>
<td>Decr. 3</td>
<td>By ditto recd. from W. T. Banton for 1 Qr rent, due 1 decr.</td>
<td>$100.62</td>
</tr>
<tr>
<td>Decr. 7</td>
<td>By ditto recd. from Palmer for 1 Qr rent of Atheneum due 1 decr.</td>
<td>$75.62</td>
</tr>
<tr>
<td>Apr. 18</td>
<td>By ditto recd. for Jo. Taylor's note</td>
<td>$100.62</td>
</tr>
<tr>
<td>Apr. 17</td>
<td>By ditto recd. from E. Salomon, on act. of Jo. Gales Jr.</td>
<td>$502.62</td>
</tr>
<tr>
<td>Apr. 18</td>
<td>By ditto recd. from R. Huston &amp; Co.'s rect. for wheat</td>
<td>$106.23</td>
</tr>
<tr>
<td>Apr. 21</td>
<td>By ditto recd. from Legrand for 1 Qr rent, due 15 decr.</td>
<td>$62.50</td>
</tr>
<tr>
<td>Apr. 28</td>
<td>By ditto recd. for Miss Keiser for 1 Qr rent, due 1 Jan.</td>
<td>$137.50</td>
</tr>
<tr>
<td>Jan. 15</td>
<td>By ditto recd. from Wheeler for 1 qr rent, due the 9 Jan.</td>
<td>$32.50</td>
</tr>
<tr>
<td>Feb. 21</td>
<td>By ditto recd. from Miss Keiser for 1 qr rent, due 1 Jan.</td>
<td>$62.50</td>
</tr>
<tr>
<td>Feb. 27</td>
<td>By ditto recd. from Capt Gains for 1 qr rent, (in part) due 20 Jan.</td>
<td>$100.50</td>
</tr>
<tr>
<td>Feb. 27</td>
<td>By ditto recd. from Deverin for 1 qr rent due 24 Feb.</td>
<td>$75.50</td>
</tr>
<tr>
<td>Mar. 16</td>
<td>By ditto recd. from McCullough &amp; F. for 1 qr rent due 7 Mar.</td>
<td>$62.50</td>
</tr>
<tr>
<td>Mar. 30</td>
<td>By ditto recd. from Palmer for 1 qr rent of the Atheneum due 1 Mar.</td>
<td>$75.50</td>
</tr>
<tr>
<td></td>
<td>By Balance</td>
<td>$38.90</td>
</tr>
</tbody>
</table>

**Total:** $2804.80
Don Vicente Pazos, *Letters on the United Provinces of South America, Addressed to the Hon. Henry Clay, Speaker of the House of Representatives* . . . (Trans. from the Spanish by Platt H. Crosby; New York and London, 1819). The translator's "Advertisement" is dated March 20, 1819. This is a volume of xi, [9]-[260] pp. on the history, geography, industries, people, and life of the United Provinces. It is divided into two parts, Part I consisting of fourteen "Letters"; Part II, of six "Letters." Apart from the title-page, the text is specifically related to Clay only at the opening of the first letter (which is without date or formal signature): "TO THE HONOURABLE HENRY CLAY, &c. &c. SIR." The translator comments on the Clay inscription as follows: "I learn from him [the author], that he was induced to address these letters to the Hon. Henry Clay, from sentiments of private friendship, of respect for his public character as the chief of the popular and representative branch of the government of the United States, and because he was the first to raise his voice in our national Legislature in favour of South American Independence."

Don Pazos (Vicente Pazos Kanki, 1780-1851?), a native of Upper Peru, had been a commissioner on behalf of the forces established at Amelia Island, purportedly as representatives of the Spanish-American republics, and had recently published his *Exposition, Remonstrance and Protest . . . Presented to the Executive of the United States on the Ninth Day of February, 1818* (Trans. from the Spanish; Philadelphia, 1818).
Clay of the County of Fayette and State of Kentucky of the one part and Robert Wickliffe and John W. Hunt of the same County of the other part witnesseth that for and in consideration of the sum of five Shillings to the said Clay in hand paid by the said Wickliffe and Hunt the Receipt whereof he doth hereby acknowledge, and for the further Consideration of the undertaking of the sd Wickliffe and Hunt as the securities of the said Clay in the Bond hereafter mentioned to John Jacob Astor—he the said Clay hath granted, bargained and sold and by these presents doth grant, bargain and sell unto the said Robert Wickliffe and John Hunt the following parcels or tracts lying and being in the aforesaid County and near the town of Lexington to wit, One parcel Containing two hundred and fifty five acres . . . 1 conveyed to the said Clay by Wilson C. Nicholas of Virginia and Samuel Smith of Maryland by Deed bearing date the 16th of November 1811 and Recorded in the Office of the Fayette County Court: 2 Also one other piece or parcel of Land adjoining the above . . . 3 Containing one hundred & twenty three acres which said piece or parcel of Land was conveyed to the said Clay by Thomas Bodley and wife by deed bearing date the 11th day of October 1811 and recorded in the Office of Fayette County Court: 4 And also one other piece or parcel of Land adjoining the two aforesaid tracts Boons [sic] Road and the tract of Land belonging to the heirs of Geo: Trotter [sic] deceased Containing about twenty five acres and purchased by the said Clay of John Murphay. [sic] 5 which said three tracts or parcels of Land constitute the entire survey made on the 9th day of January 1783 in the name of Jane Todd 7 for four hundred acres and form together the tract of Land on which the said H. Clay at present resides with all and singular the appurtenances to the said three parcels of Land or either of them belonging. To have and to hold the said parcels of Land with the appurtenances, to the said Robert Wickliffe and John W. Hunt ther [sic] heirs & assigns forever upon this Condition nevertheless, that whereas the said Henry Clay, with the sd Robert Wickliffe and John H [sic] Hunt his securities has this 10th day of April 1819 Executed to John Jacob Astor of New York a Bond 8 in the penalty of forty thousand Dollars Conditioned for the payment to the said Astor of the sum of twenty thousand on the 1st day of August 1822 the sum of fourteen hundred Dollars on the first day of August 1820, the further sum of fourteen hundred Dollars on the first day of August 1821 and also the further sum of fourteen hundred Dollars on the aforesaid 22 of August 1822 which three latter sums of fourteen hundred Dollars each are the Interest according to the laws of New York—upon the said principal sum of twenty thousand Dollars, Now if the said Henry Clay shall well & truly pay and discharge the said Bond and save harmless and indemnify his said securities from all
loss, Costs and damages in Consequence of their Executing the same 
than this Deed shall cease determine & be Void—

And the said Henry Clay doth Covenant & agree to and with the 
said Robert Wickliffe and John W. Hunt that he will Execute any 
other or further Conveyances better to accomplish the objects of 
these presents or to carry the same into effect which counsel shall 
recommend or advise, whereof the said Henry Clay hath hereunto 
set his hand and affixed his seal the day and year first written.

Signed Sealed &. delivered In presence of H. CLAY {l.s.}
the quantity of the second parcel interlined before signing

PHIL. R. THOMPSON 10
D. COLEMAN 11
ROBERT HUGHES 12

1 Boundaries omitted by editors. 2 See above, I, 596-98.
3 Boundaries omitted by editors. 4 See above, I, 592-93.
5 George Trotter, Jr. 6 See above. Property Deed, July 2, 1816.
7 Mrs. Thomas Irwin. 8 AL copy. DLC-TJC (DNA, M212, R16).
9 The first parcel in this version.
10 Philip Rootes Thompson, of Jefferson County, Kentucky.
11 Probably Daniel Coleman, of Shelby County, Kentucky.
12 Probably of Jefferson County.

Receipted Bill from Joseph and George Boswell

Mr H Clay Bot of Joseph & Geo Boswell Lexington Apr. 13 1819
2½ yds Super Blk Cloth @ 13$ 27.63
Recvd Pay J & G Boswell Pr J W COLEMAN 1

ADS. DLC-TJC (DNA, M212, R15).
1 Probably John Winston Coleman, who later married a daughter of David Sutton 
and became a farmer and hemp manufacturer in Woodford County, Kentucky.

To Langdon Cheves

My Dr Sir Lexington (K) 19. Apr. 1819.

Considerable solicitude is felt here to know the determination 
of the Bank of the U.S. in regard to the Western branches. Appre­
hensions are entertained, from the omission, to appoint the new 
direction, that it is intended to withdraw the branch from here. It 
is, from participating, in some degree, in those apprehensions, 
that I am principally induced to trouble you with this letter—Such 
an event would be calamitous in the extreme, if it were to be su­
ddenly done, or even in two or three years. Whatever may be the 
cause, there is undoubtedly a general pressure felt throughout the 
greater part of the U.S. This section of the Country sustains an 
equal portion of it. But besides that, it has a peculiar cause of 
distress, which is not only not felt to the Eastward, but which tends
to alleviate the distress that prevails there—I mean the continual withdrawal of balances created against us by the sales of the public lands. The annual amount of these, from this section of Country, is alone so great as, at once, to account for very great pecuniary embarrassment. It is perhaps one fifth of the whole circulation of the W. Country. It is a great mistake to suppose that the money is supplied by emigrants from the Eastward wholly to purchase the public lands. Kentucky Ohio & Tennessee are and long have been parent states. The first mentioned State supplies to the new states and Territories a greater portion of inhabitants than any one State on the Atlantic, I believe than any two. I do not believe therefore that the debtors to the Branches in this quarter could pay their debts suddenly, without absolute ruin to many of them; nor that they could do it in two or three years without infinite distress.

It is very desirable that the Board here should be filled up. There are so many vacancies that I understand it is sometimes difficult even to make a board, and there is a natural diffidence on the part of the gentlemen who remain in, arising from their not knowing whether they are to continue, and their daily expecting the new direction.

Does the Bank intend to assign to its respective branches a specific Capital? Such an arrangement it has been supposed would result from the cessation to redeem everywhere its paper. 2

As I shall probably be absent from home some weeks 3 I will not trouble you with a reply to this letter—On my return I shall be enabled to learn, through Col. Morrison, 4 whatever it may be proper for me to know on the subjects to which it relates.

With great regard I am faithful Yrs.

H. Clay


1 Cf. above, Alexander to Clay, February 4, 1819. The new directors of the Lexington branch were announced the next month. See below, Clay to Cheves, July 19, 1819, note. 2 Soon after assuming the duties of president of the Bank, Cheves inaugurated a program designed to relieve the distress suffered by the institution. The southern and western branches were forbidden to issue notes, and the parent bank "ceased to purchase and collect exchange on the south and west." Remittances to the eastward were, therefore, restricted to specie or bills of exchange on Europe or the North. Since the capital of the parent bank was deemed already disproportionately dispersed to the southern and western branches, allotment of a fixed capital to those institutions was deferred pending readjustment of the balance. Reform in the management of the Bank and its branches, with a general revision of the directorates, was a part of Cheves' program. He also believed there were too many branches and in November, 1819, recommended a gradual reduction in the number of "offices of discount and deposites"; but closing of the Cincinnati branch in October, 1820, was the only action taken. Catterall, Second Bank of the United States, 70, 78, 79-80. 3 To visit New Orleans. 4 James Morrison.

Receipt from Ozborne Henley

19h. Apl. 1819.

Received of H. Clay One hundred dollars for two hundred and
fifty loads of manure hauled for him during the last winter & this Spring—Recd. also the further sum of eighteen dollars and fifty Cents being the bal. due me for some joint Stock Cattle sold Hull¹ respecting which there was a mistake in said Clays settlement & mine in October last.²

OZBORNE HENLEY

D8, in Clay's hand. DLC-TJC (DNA, M212, R15).

¹ Either John or Peter Hull, both of whom were Lexington butchers. They were probably sons of John and Catherena Hull.

² Dated October 9, 1818.

To Joseph Cabell Breckinridge

Dr Sir

[ca. April 21, 1819]

I have to ask for my treacherous memory your pardon for keeping this letter in my pocket a week—I hope your earlier receipt of it was not absolutely necessary—

Will you have the goodness to prepare a letter for your uncle¹ by tomorrow, when I shall go to Louisville? Yrs H. CLAY

ALS. DLC-Breckinridge Papers (DNA, M212, R20). Addressed: "J C. Breckenridge Esq."

¹ Robert Breckinridge.

Receipted Bill from Abigail Watson

Mr Clay to Abigail Watson Dr April 21 1819 to two months washing four dollers Reciev d payment ABIGAIL WATSON

ADS. DLC-TJC (DNA, M212, R15). Abigail Watson was probably a resident of Washington, D. C., where payment must have been made by an agent.

To John Hart

[April 22, 1819]

Mr Campbell,¹ the Collector of the Town Tax, applied to me for the tax which is due on your mother's² house. I thought the house assessed to almost double its value, and told him that I would endeavor to get some abatement from the Trustees, but that if I did not do it in ten days, the tax should be paid. Will you comply with my promise to him? I think the Trustees ought to reduce it. If the lapse of time be urged it may be repelled by my absence—

The Napoleon³ will leave here tomorrow morning at 10 OClock.

Yr's faithfly H. CLAY


¹ Alexander Campbell.

² Susannah Hart.

³ A steamboat, 332 tons, built at Shippingport, Kentucky, in 1818.
Receipted Bill from William Leavy and Son

Mr. Henry Clay To Wm. Leavy & Son Drs [sic] [April 26, 1819]
1819

April 26. To Carriage 55 lbs from Phila —— 10 cts. $5.50
Recd. Payment
Wm. Leavy & Son
By Standish Forde

ADS. DLC-TJC (DNA, M212, R15). Leavy had taken his son, William A., into partnership in 1817. Standish Forde, probably a son or grandson of the Philadelphia merchant, was a resident of Lexington, where in 1820 he was a dealer in real estate.

Memorandum of Lease

[May 1, 1819]

I have rented from Henry Clay, my office, next door to Shreve & Combs,¹ for at least one year, at the rate of one hundred & fifty dollars per annum, payable quarterly,—And am to have the exclusive use of the cellar under it: (& the back yard in common with the other Store Rooms) adjoining—

Witness my hand this 1st day of May 1819.— Leslie Combs

ADS. KyLxT.
¹ The co-partnership of Leven L. Shreve & Company had been dissolved on January 20, its affairs being settled by John and Thomas P. Hart. The new firm of Leven L. Shreve and Leslie Combs, auctioneers and commission merchants trading under the name Shreve and Combs, was organized shortly thereafter.

To Horace Holley

My Dr Sir

New Orleans 6h. May 1819

I find that Transylvania University has attracted much attention in this Country and many parents, with whom I have conversed, express a most decided preference for its locality, and their belief that it will be the general resort of the youth of this Country, if it should continue to merit its present respectable name. This is, you know, what we hoped. It has many warm friends here, and I have not failed to extend and confirm, as much as I could, the favorable impressions which exist.

I learnt, on my arrival, that several students have gone up lately, and that they may probably reach Kentucky about the time that this letter does. A Mr. Allaim [sic] accompanies some of them, and is taking his own son up.¹ He is, I learn, a most respected man, whose connexions among the creoles are numerous and opulent. It is desirable therefore that he should not leave the town dissatisfied. Tell Col. Morrison, and Mess Hunt and Wickliffe² that I should be glad, if they would pay some attentions to him. He bore
May 18, 1819

letters to me but I shall hardly meet with him when I get back. This place is not free from the distress which is everywhere else felt & complained of. A fall in the produce of agriculture of all kinds is the consequence, and I fear that ruinous losses will be sustained by the upper Country.

I shall so soon have the pleasure of seeing you that I will not now say anything about this extraordinary Country, or rather river, which, in itself, and in all its relations, commands our admiration and fixes the attention of the most inquisitive—

With respectful Compliments to Mrs. Holley I remain

Faithfully Yours

H. Clay

ALS. CShM. Addressed to Holley at Lexington.

1 Vallerian Allain and his son, Vallerian, who was graduated from Transylvania University with the A.B. degree in 1821.

2 James Morrison; John W. Hunt; Robert Wickliffe.

3 Not found.

From Joshua Lewis and Others

May 18, 1819.

sir—In testimony of the high regard entertained for you by your fellow citizens, as well as their just sense of your distinguished public services—the undersigned, (a committee appointed for the purpose) for and on behalf of a number of the citizens of New Orleans and its vicinity, request the pleasure of your company to a public dinner at Davis's hotel, on Wednesday next, at 4 o'clock, P.M.

Hon. H. Clay.

J. Lewis, Delachaise, Henderson, Mazureou, Fortier, J. H. Hawkins

Lexington Kentucky Gazette, June 11, 1819. Published also in Lexington Kentucky Reporter, June 16, 1819.

1 Joshua Lewis, formerly a member of the Kentucky House of Representatives from Jessamine County, appointed in 1806 as one of the judges of Orleans Territory.

2 Probably P. A. Delachaise, Collector of the Second District.


4 Probably Etienne Mazureau, a French émigré who had settled in New Orleans in 1804, had been admitted to the bar, and in 1815 had become Attorney General of Louisiana. He was active in politics and subsequently served two terms in the State legislature.

5 Possibly Michael Fortier, prominent business and professional man of New Orleans.

6 Joseph H. Hawkins.

To Joshua Lewis and Others

New Orleans, May 18, 1819.

Gentlemen—I have the honor to acknowledge the receipt of your
note of today, inviting me, in behalf of a number of the citizens of this city and its vicinity, to a public dinner, given on account of the favorable opinion which they are pleased to entertain of my public services. I accept, with much pleasure, the invitation; and I beg you and them to believe, that I shall always retain the most grateful recollection of this flattering proof of friendly regard, proceeding from a source so highly respectable.

I offer you, gentlemen, severally, assurances of the very great esteem with which I am, faithfully, Your obedient servant,

H. Clay.

Messrs. Lewis, Delachaise, Henderson, Mazureau, Fortier, and Hawkins, committee, &c. &c.

Lexington Kentucky Gazette, June 11, 1819. Published also in Lexington Kentucky Reporter, June 16, 1819.

Toast and Speech at New Orleans

[May 19, 1819]

12. Our Guest, Henry Clay—Firm in the cause of freedom, able in the councils of the nation—he is entitled to the nation's confidence.

[CLAY rose and spoke.] I do not know, Mr. President, if, in presuming to address a few words to the gentlemen here assembled, I shall not, in conforming to a usage in the state to which I belong, violate that which prevails here. If I do, I must seek an apology in your hearts, which will be able to estimate the feelings of mine, filled as it is with gratitude for the honor which has bro't me in your presence.

My visit to this state has no public object, but has been made from private considerations solely. It has been undertaken from a wish long entertained again to see some highly esteemed relations and friends, from some of whom I have been separated for years, and to gratify a desire to trace the noble stream which adorns and fertilizes and enriches your fine country.

The honorable notice you have been pleased to take of me was most unexpected.

If there be any part of my public conduct which can be supposed to merit the sentiment just drank, and for which I pray you to accept my most profound acknowledgments, it was, perhaps, my humble participation in the negotiation which terminated the late war. Our country certainly wanted peace; and the causes of the war had moreover expired by occurrences in Europe. It was the duty of the American negotiators to act in reference to the actual state of things. Their merit, if they had any, was of a negative kind. It consisted in repelling, I hope with sufficient firmness and dignity, the extrav-
agent demands set up by the other party. But to make the peace of Ghent acceptable, an event was wanting which should efface the sad recollection of the disastrous scene at Washington;¹ an event which should manifest to the nations, that whilst we were ahead of them in the excellency of our free institutions, we were not behind them in determined valor & skill to defend these institutions, our firesides & our altars. An event, finally, which should proclaim to the world, that our hardy and undisciplined sons, fighting in the noble cause of their country, were equal, if not superior to the conquering legions of Europe. You, brave Louisianians! aided by the patriotic men from Tennessee and Kentucky, and led on by the gallant JACKSON, furnished this glorious event on the ever memorable 8th January.² That illustrious day left the acceptance of the peace, which would otherwise have been cold and cheerless, without a regret, without mortification. And we now enjoy in the happy understanding which exists, and which I hope will long continue, with our late enemy, the fruits of your victory.

New Orleans, destined by the undisputed branches of trade which it must enjoy, by the immense concentration of riches which must here take place, whatever diversity of opinion there may exist as to the other branches, to be the first city in the American republic in commercial importance, has the proud pre-eminence of being first also in the roll of fame.

I shall quit your state, gentlemen, carrying with me the conviction that its population, whether Creole, American or Europeans, is surpassed by that of no state of the Union in all the qualities of liberal, enlightened, and good citizens. And I shall also carry with me determination, whether in public or private life, to support, by the utmost of my humble exertions, the interest of your state.

If I were not impelled in this course by the intimate connexion between your prosperity and that of the section of the country to which I belong, I should derive abundant motive in being so urged, by the hospitality, the urbanity and the honorable manner with which you have received me.

Lexington Kentucky Gazette, June 11, 1819. Published also in Lexington Kentucky Reporter, June 16, 1819.
¹ See above, I, 982n, 989. ² See above, Clay to Crawford, March 23, 1815.

Bill of Lading from James Rogers

[ca. May 26, 1819]

SHIPPED in good order and well-conditioned, by H. Clay, on board the Steam Boat called the Neapoleon [sic] whereof Rogers is master, now lying in the port of New Orleans and bound for Louisville, Ky¹
To Say: Fifteen Hhds Sugar being marked and numbered as in the margin, and are to be delivered in the like order and condition, at the port of Louisville (the dangers of the seas only excepted) unto H. Clay or to his assigns, he paying freight for the said sugar Three Cents P pound with primage and average accustomed. In witness whereof, the master or purser of the said vessel hath affirmed to Bills of Lading, all of this tenor and date; one of which being accomplished, the others to stand void.

Dated in the day of 18

By A Gray

Receipted Bill from Nathaniel Cox

New Orleans 27 May 1819.

The Hon Henry Clay Bought of Nathaniel Cox

To 15 Hogsheads Sugar Viz'. . . .

15155

Tare 10 p Ct. 1515 13640 " 10 $1364."

Cash Paid Cartage to Steam Boat 5.62

1369.62

Received payment NATH. COX

Bill from John Clay

New Orleans May 29th. 1819

Dr Henry Clay Esqr in Account Current with John Clay Cr.

1819

May 29 To amount of annexed Invoice $1051:02

$ 1051.02

1819

May 29 By this amount recd. from you $1000.
June 7, 1819

Discount 1 per cent

By Balance due me

" To Balance, Brot down, as per Contra

Errors excepted—J. Clay pr T. Lee

[Enclosure]

Invoice of 10 Casks Sugar Shipped by J. C[lay] on board the Steam Boat Napoleon Capt. Rogers, for Louisville /Ky/ & consigned to J. Berthoud [&] Son for account & Risk of Mr Henry Clay—

8721 lbs @ 12c $1046.52

Charges

pd Drayage 4.5

New Orleans 29 May 1819  

John Clay

Order from Maury County, Tennessee, Circuit Court

[June, 1819]

[In a suit in chancery, brought in the Maury Circuit Court by James T. Sandford and Anthony J. Turner against the heirs of Thomas Hart, Sr., Clay, “one of the defendants in this cause, who at the last term of this court, was appointed guardian of the infant heirs of Thomas Hart Jr. dec’d. and the infant heirs of Nathaniel G. S. Hart, decd. . . . not having filed his answer for the infants aforesaid,” is required to appear at the next term of this court, to be held in Columbia on the third Monday in December “to answer the bill of the complainants, otherwise said bill will be taken pro confesse, and this cause set for hearing ex parte.” This order had emanated from the Court at the December Term, 1818, but, not having been published at the proper time, was revived at the June Term, 1819.]

Lexington Kentucky Reporter, September 29, 1819.

Received Bill from Lawson McCullough

H. Clay

Apl. 10"1819 To L. McCullough

To Making & Trimming black coat

June 7" 1819 Dr

$13.50

Red1 payt L. McCULLOUGH
To Young Ewing and Others

GENTLEMEN—I have this moment received the note which you have done me the honor to address to me, inviting me in behalf of the citizens of Hopkinsville to a public dinner on the 3d instant. I accept of the invitation with great pleasure; and I pray you to communicate to them my most respectful acknowledgements for the expression of their favorable sentiments towards me, and for the prompt and distinguished attention which they have thus shewn me.

I have had much satisfaction in recognizing in you gentlemen, some of my earliest and best friends, and I tender you severally,
assurances of the very high regard and esteem with which I am, your faithful servant,

Young Ewing,
Charles Caldwell,
J. H. McLaughlin,
John Bryan,
N. L. [sic] Dallam,
Wiley Campbell,

Esquires.

Lexington Kentucky Reporter, July 21, 1819. Published also in Lexington Kentucky Gazette, July 23, 1819.

Toasts and Speech at Hopkinsville Dinner

[July 3, 1819]

8th, Our Honourable Guest, Henry Clay, His eminently useful public services deserve the highest gratitude of a free people.

Mr. Clay rose and begged permission to avail himself of this occasion to tender to the president and gentlemen here assembled, his thanks for the prompt, distinguished, and unexpected (but not less gratifying) attention shewn him, during his visit at this place. His friends who accompany him, and himself, had thought themselves very unfortunate, when they were stranded, if he might say so, at the mouth of the Cumberland river; but since that event has afforded him the opportunity of experiencing so much kindness, and has allowed him to see so many of his old friends, and to renew and strengthen ancient friendship, as well as to form valuable new acquaintances, he was disposed to regard it as a happy occurrence.

For the sentiment just drank, in which his services were too highly estimated, he begged the company to accept his profound acknowledgments: If the approbation of any portion of one's countrymen, even though entire strangers, communicates a high degree of satisfaction, how much higher must it be when that approbation is bestowed by those, to whom he has been long and intimately known, and with some of whom he has had the honor to serve in the councils of the state: He would consider himself extremely happy if he should continue to meet their good opinion, which he would always seek to do, by dedicating his best exertions, to advance the prosperity, preserve the liberty, and support the constitution of the country.

By Mr. Clay, The best remedy for hard times, Increased production—diminished expenditures.

Lexington Kentucky Reporter, July 21, 1819. Published also in Lexington Kentucky Gazette, July 23, 1819.

1 See below, Clay to Butler, July 19, 1819.
Following Clay's remarks, numerous other toasts, scheduled and volunteer, were offered before Clay presented one as a volunteer.

From [Samuel Smith]

Sir

Baltimo 9 July 1819

In my miserable situation¹ I find myself under the necessity of drawing on you/to pay Col Morrison² for five hundred dollars being a balance due him for taxes &c &c on my land. I have no other means of payment, I therefore intreat you to honour the Bill Honble Henry Clay your distressed friend

Copy, ViU-Samuel Smith Letterbook. Cf. above, Smith to Clay, June 25, 1818.

¹ A run on the Baltimore branch of the Bank of the United States following the Congressional disclosure of the speculative activities of its officers (see above, Clay to Hardin, January 4, 1819, note) occasioned failure of the firm of Smith and Buchanan and loss of Smith's personal fortune.

² James Morrison.

To Thomas Butler

Dr Sir

Lexington 19h. July 1819.

Your obliging letter of the 4h. June¹ addressed to me at New Orleans did not reach me at that place, from which I had taken my departure, prior to that date, but was forwarded on here.² It was a source of much regret with me that I had not the pleasure of meeting with you, during my visit to Louisiana. When I despaired of seeing you at the City, I was in hopes that I should have been able to see you at your own house; but having put myself on board a Steam boat for the upper Country I was not enabled to realize that wish, without danger of losing a passage. As it was, the Season proved rather too far advanced, since I was obliged to abandon the Steam boat, at the mouth of the Cumberland, in consequence of the want of water to admit of her ascending higher.

I was much delighted with your State. It is full of resources, and industry properly applied there cannot fail to enrich him who exerts it.

I hope your son is recovered;³ and should I return to Washington it will give me great pleasure to meet you there.

I am Dr Sir Faithfly Yr. obt. Servt. H. CLAY


¹ Not found.

² Clay had arrived home on July 10. Lexington Kentucky Gazette, July 16, 1819.

³ Butler had four sons, Pierce, Richard, Thomas, and Edward. Thomas died young, whether at this time is not known.

To Langdon Cheves

My Dr Sir

Lexington 19h. July 1819.

Upon my return home I found here your obliging letter of the
7th. Ulto.\(^1\) and I thank you for the communications which it contains of which no injurious use shall be made.

Our banks generally continue to pay specie. One or two of the petty tribe which the Legislature created the Session before the last have stopt;\(^2\) and one or two others of them have determined wisely not to begin business. Whether we shall be able to maintain ourselves erect, when to the North and to the South of us they are giving way, remains to be decided. It was to be feared that the interest of the Banks coinciding with a recent great but interested effort to induce the public to sanction a general suspension, would have produced that result; but the appeal to the people has not had the success which those who made it anticipated; and if the banks do stop they will not only not have public sanction, but they will be in direct opposition to the general opinion.

The constitution of the new board here was not satisfactory. It was thought strange that out of a population three fourths of which was of one description of politics, nine or ten out of 13 of the Directors should have been selected from the minority; especially when that minority does not possess more than its fair proportion of wealth, or talents. Several of those nine or ten were moreover particularly obnoxious to the community generally \& of some of them very few here could have ever thought as Bank directors. If exclusion, for political opinions, of one class be wrong, it was thought that exclusion for the same cause of the other class must be equally wrong: and yet it looked as if there had been selection from the one party to the exclusion of the other.\(^3\) No liberal or candid person here suspects the parent board of having entertained any design, in giving such a character to the new board. The most that I have heard is that concert and management elsewhere have been practised to deceive the parent board—

The new president,\(^4\) altho always a decided \& thorough going federalist, is a respectable \& highly honorable man, whose appointment will not I believe be complained of—Having always stood in the most amicable relations to him, for one, I was not displeased with the appointment, if Col. Morrison were to go out.

With great esteem \& regard I am faithfly Yrs. H. CLAY

Langdon Cheves Esqr.

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1 Not found.
2 See above, Clay to Jones, March 3, 1818, note. At a meeting in Glasgow, Kentucky, November 23, 1818, representatives of ten of the "Independent Banks" had resolved to recommend that their institutions suspend payment in specie, notes on the Bank of the United States, or notes on the Bank of Kentucky. Subsequently, however, it was reported that all but the Bank of Green River had refused to ratify the action of their representatives. Lexington Kentucky Reporter, December 9, 18, 23, 1818.
3 The appointees were James Morrison, Charles Wilkins, Samuel Trotter, John Tilford, Alexander Parker, Robert Wickliffe, John S. Snead, Englehart Yeiser, William Leavy, William W. Blair (Lexington lawyer, son of Samuel Blair), Thomas E. Boswell, John D. Clifford, and David Castleman. Morrison and Wickliffe refused to serve, and
To Langdon Cheves

Dr. Sir


I am not sure that you may not be already acquainted with Mr. Norvell,¹ who will present you this letter; but whether you are or not I take great pleasure in saying that he is an intelligent honorable and independent man, whose loss from our society here, is much regretted, and who I have no doubt will make a valuable addition to that of Philadelphia²—I should be happy that you would render him any attentions or services that may be convenient.

Langdon Cheeves [sic] Esqr

Yr’s faithfly

H. Clay

ALS. ScHi.

¹ John Norvell.
² See above, Clay to Calhoun, February 12, 1819, note.

To Joseph Gales, Jr.

Dr. Sir


Upon my return from N. Orleans a few days ago I found at home your letter of the 11th. March addressed to me at Philadelphia,¹ which did not overtake me there, as you had anticipated, only because I happened not to have gone there. Upon my return from Washington, after remaining a very short time here, I determined to take a trip to the lower Country, which I long wished to visit. The rapidity of my movement and the change of scenes and of subjects put the Seminole war and the speeches about it so entirely out of my head that I omitted to write out the Speech to which you refer;² and even now I cannot repair the neglect, for I find I have lost or mislaid my notes. I shall regret it very much if it will tend (as I hope however, it will not) to derange in any degree your plans or to subject you to any sort of convenience [sic]. As for myself I care very little about it.

I lamented my absence from this place when the Chief Magistrate did us the honor to visit it. It would not have happened if he had performed the whole of the tour that he had marked out, or if I had not encountered unusual delay in my returning voyage. I saw him however at a watering place, about 30 miles South of this place, where he was very wisely endeavoring to recover health and strength, both of which were much impaired by the civilities and crowds which every where awaited him.³

The times continue to be complained of in this quarter as hard. Two or three of our petty Independent banks have stopt,⁴ and one or two others have wisely decided not to begin. I think others will
JULY 27, 1819

701

quit business, as being unprofitable to pursue. I hardly believe
that there will be a general suspension of specie payments, and yet
it will be difficult for our Banks to stand erect, whilst those on both
sides of us are giving away—not their cash, which they hold fast
enough, but their credit.

I will thank you to make my respects to Mr. Seaton.5

J Gales Jr. Esqr. I am faithfy. Yrs. H. CLAY

ALS. NcD. 1 Not found. 2 See above, January 20, 1819.
3 President Monroe had left Washington March 30 on a tour through the South
and West, had reached Nashville, Tennessee, early in June, and, accompanied by
Andrew Jackson, had entered Kentucky later in the month. He had dined at the
home of Richard M. Johnson in Scott County on July 1, and on the following day his
party, which now included Johnson and Isaac Shelby, had been enthusiastically
welcomed by the citizens of Lexington. A public dinner in his honor had been held
Monday, July 5, and on the following morning he had begun his return journey to
Washington by way of Harrodsburg (where Clay had visited him at the Greenville
Springs), Isaac Shelby’s residence in Lincoln County, and “the old wilderness way, to
Abington, in Virginia.” William Penn Cresson, James Monroe (Chapel Hill, N.C.,
[1946]), 334-37; Lexington Kentucky Gazette, July 2, 9, August 20, 1819.
4 See first letter of Clay to Cheves, this date, note. 5 William W. Seaton.

To Vicente Pazos

Lexington, K. July 27, 1819.

Dear Sir—A voyage to New Orleans, from whence I have just
returned, has prevented my earlier acknowledging the receipt of your
obliging letter,1 of the third of April last, and of the book which
accompanied it.2 You have done me much honor in addressing your
letters to me. I have read them with the deep interest which I take
in every thing connected with your country, and with the great
cause in which it is engaged. They supply a great deal of valuable
information, particularly in regard to Upper Peru, which was not
before sufficiently known in this country. They have been very
much read in this quarter of the country. I saw the book at New
Orleans, on board the steam boat, and several other places—and I
trust that it will contribute more and more to enlist the feelings
and affections of the people of this country, in behalf of their
suffering brethren of South America.

The present is a moment for you of the greatest importance.
Spain is making her last effort. If the army which she is now pre-
paring at Cadiz3 (and which I suspect is much larger on paper than
in fact) shall be successfully repulsed, South American Independence
is secure for ever. It augurs favorably for such an happy event that
Gen. Artigas has become reconciled with Buenos Ayres.4 I con-
gratulate you on that fortunate occurrence. With the most ardent
wishes for your country’s prosperity, I am dear sir,

Faithfully your obedient servant, H. CLAY.

Vicente [sic] Pazos, Esq.
Lexington Kentucky Gazette, September 10, 1819, reprinted from Baltimore American.

1 Not found. 2 See above, Pazos to Clay, ca. April 1, 1819.

3 For months during the spring and summer of 1819 reports were current of “the grand expedition” mustered at Cádiz by which Spain hoped to quell the revolt in her American provinces. The number of troops was estimated at 10,000 to 50,000. France and England were to have cooperated in supplying transport. In September some 2500 to 3000 troops were added to the forces of General Pablo Morillo in Venezuela, but the remainder of the expedition was dispersed—partly as a consequence of military revolt and desertion, partly because of heavy casualties in a yellow-fever epidemic at Cádiz during the fall. Niles’ Weekly Register, XVI (March 20, April 3, July 17, 24, August 7), 78, 110, 345, 365, 399; XVII (September 11, 18, October 2, November 27, 1819), 30, 42, 79, 205.

4 After a preliminary armistice signed on March 5, the Buenos Aires government and the leaders of the rebellious provinces of Santa Fé and Banda Oriental (see above, Brackenridge to Clay, March 3, 1818) on April 16 had agreed to an indefinite truce. Niles’ Weekly Register, XVI (July 10, 24, 1819), 355, 366. This harmony was disrupted by the separatist activities of José Miguel Carrera in the autumn. Levene, History of Argentina, 336-37.

Bond from William Foley

[August 11, 1819]

Whereas John Clay about the year 1800 gave to my brother Elijah Foley a bond or note for Three hundred and ten dollars, which he has placed in the hands of Joseph H. Hawkins Esqr. for collection, and of which he retained a Copy that is now mislaid: And whereas my said brother sold the said bond to H. Clay on yesterday and payment is this day received therefor; and he was this day also to have produced the said Copy and given an assignment thereon; and whereas I was interested with my brother in the said bond Now I do hereby bind and oblige myself that my said brother shall stand to the said sale; that he shall make any further assignment of the said bond or note which it may be necessary to entitle the said H. Clay to the contents thereof; and that when recovered he shall produce and assign the aforesaid Copy thereof; but I am not to be bound or any way responsible on account of the said John Clay proving insolvent.

Witness my hand & Seal this 11 Aug. 1819.

Teste WILLIAM FOLEY {l.s.}

THOS ROBERTS

DS, in Clay’s hand. DLC-TJC (DNA, M212, R15).

1 Probably of Jessamine County.

Assignment from Jane Foley

[August 11, 1819]

As Executrix of John Foley deceased I assign the within to H. Clay for value received but without recourse 11 August 1819.

Teste

JANE FOLEY

T H CLAY
Assignment from Jane Foley

[August 11, 1819]

ES, in Clay's hand. DLC-HC (DNA, M212, R1). The assignment, worded exactly like that above of the same date, is endorsed on a note, dated May 12, 1800, by which John Clay had promised to pay to John Foley the sum of $81.33 by the ensuing July 1. In an undated endorsement Jane, widow of John Foley, had requested John Clay to pay to Ignatius Palmer (not identified) the amount of the obligation.

Property Deed to John Lyons

[August 13, 1819]

[Whereas Thomas Hart, Senior, on August 17, 1799, executed bond to Robert Armstrong of Fleming County for £120, current money of Kentucky, to sell Armstrong 200 acres on Locust Creek, in the aforesaid county, part of Lot no. 7 of the 30,000-acre tract patented in the name of Littleberry Mosby, heir at law to John Mosby, deceased; and whereas this bond has been transferred to John Lyons—Now in consideration of payment of five shillings Henry Clay as Hart's executor conveys the 200 acres to Lyons. Signed by Clay as surviving executor of Thomas Hart, Senior; witnessed by William P. Fleming1 and James Stockwell.2 Deed certified and recorded June 2, 1840, by Samuel E. Cassidy, Deputy Clerk, Fleming County.]

Fleming County Court, Deed Book V, 422-23. Lyons was a resident of Bourbon County, Kentucky.

1 Of Fleming County, a member of the Kentucky House of Representatives, 1814-1815, 1816-1818, 1819-1820, and of the Kentucky Senate, 1818-1819, 1827-1835.
2 Also of Fleming County.

Advertisement of Services of Bull

The Imported Bull August 18 [1819] AMBASSADOR,1

Is now at Ashland, and will be let to Cows at ten dollars each.

Robt Grimes,2 for H CLAY.

Lexington Kentucky Reporter, September 1, 1819.

1 The Herefordshire bull imported by Clay two years earlier. See above, Irving to Clay, February 12, March 22, 1817. At the annual fair held by the Kentucky Society for Promoting Agriculture, September 30, 1819, Clay exhibited Ambassador but failed to win the premium for "best imported bull." Clay and Daniel Harrison, of Clark County, exhibited calves got by Ambassador, and Harrison's was awarded the premium for the class. Lexington Kentucky Gazette, October 8, 1819.
2 Clay's overseer since November 2, 1818.
Agreement with Robert Wickliffe

[August 24, 1819]

To Henry M. Brackenridge

My Dr Sir


My trip to Louisiana prevented me from answering in time the letters which you did me the favor to write to me, politely requesting the suggestion of any questions that might occur to me respecting the political, religious, or commercial condition of the United provinces of South America. I regretted it the less because I was quite sure that your own good sense would have pointed out all the topics on which information might appear to me to be desirable.

I am now happy to learn, by your favor of the 5th. inst. and by the public prints, that the first volume of your work is published. I am eager to see it, and doubt not that I shall derive much pleasure and instruction from the perusal of it. That of Mr. Pazos I have seen. Although it contains some needful information respecting the Upper provinces, it has left to you an extensive field wholly unoccupied. I am truly rejoiced at the formation of a Constitution at Buenos Ayres—I have not seen it entire, but from the parts which I have seen I should think it justly entitled to the commendation you give it. I congratulate you upon the progress of the Great Cause of South America, and upon the increased interest which the people of this Country are taking in its final success, notwithstanding the efforts to produce a contrary sentiment. I learn, from authentic intelligence which I have received from Spain that there is but little expectation, among the well informed, that the Grand Armament will ever leave the port of Cadiz, at least in any formidable condition, and that in the mean time it is still more impoverishing the exhausted Treasury of the Kingdom—Such is my confidence in the patriot struggle, that I think it rather to be desired that it should proceed to South America than deprecated.

There is much speculation about the Treaty—Its fate will be known to you by the time this letter reaches you. As for me, its rejection or ratification will not excite one single emotion of pleasure or regret. Whether the one or the other takes place, Spain will have effected the main object of her policy as it regards us, which was to amuse us by negociation, and to prevent any demonstrations, on the part of our Government, of interest in the Patriot success.

With great regard I am faithfy Yrs. H. CLAY

H. M. Brackenridge Esqr
From Humphrey Marshall

Sir,

If it is within my power, & probably it will be, to pay Priestmans demand before the middle or even the 20th of Octr. I will do it, without suit—And as there will be time enough to sue at the next Novr. term I wish you to suspend the Suit to the latest period, at which you can have it brought to the next term in Bourbon It is decidedly my attention [sic] to pay if practicable—

Your humble Servt. H. MARSHALL

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay at Lexington. See above, I, 587.

To John C. Calhoun

Dr Sir Lexington 6th. Sept. 1819.

William N. Wickliffe Esq. is desirous of a Commission in the Yellow Stone Expedition.1 He is a young gentleman of good education & much promise. His connexions are numerous respectable and influential, and will be much gratified at his success in this application, to which I will add the satisfaction that it will give to Mr. Calhoun Yr. obt. Servt. H. CLAY

Secy of War.

ALS. DNA, RG94, Letters Received, 1819, no. 14053.

1 Wickliffe was appointed a second lieutenant, Sixth Infantry, on September 20, 1819, and remained in the Army until 1837, when he retired with the rank of captain.

From William Garrard, Jr.

Sir Paris Septr 15th 1819.

Mr. Martin Baker of Millersburgh informs me that he intends making proposals to supply with provisions &c. some one, or more of the Military Posts on the Mississippi1—It gives me great pleasure to say that from a long acquaintance with Mr Baker, I consider his Character, and his qualifications as a man of business, such as to place his pretensions, on an equal footing with any other person who may make application for the contract to supply those Posts. He is and has been engaged for several years in the exportation of the produce of the Country, particularly of Flour to the N Orleans Market, and is well acquainted with the trade from this to the lower Country which combined with his general standing & knowledge of
business as a Merchant must peculiarly qualify him for the performance of the undertaking he offers for.

I am respectfully Yo. Mo. Obt. Servt. 

Honble Henry Clay.

WILL: GARRARD JR

ALS. DNA, RG45, Navy Commissioners’ Misc. Letters Received. Similar letters recommending Baker were written to Clay by William Brown on September 17, by Thomas Metcalfe on September 18, and by John Fowler on September 22 (all ALS. DNA, RG45, Navy Commissioners’ Misc. Letters Received).

1 See above, Clay to Calhoun, September 16, 1818, note.

To John C. Calhoun

Dr Sir Lexington (K) 17 Sepr. 1819

Majr. William Trigg, who will present you this letter, informs me that he intends applying, in conjunction with some of his friends, for a contract for supplying some part of the Military Establishment. I have known him intimately for a great number of years, and take great pleasure in saying that he is a gentleman of the most perfect honor and integrity, in whose compliance with any contract he may make with government entire confidence may be placed.

Any attentions you may shew him, during his visit to the City, will oblige 

Yr’s faithfiy H. CLAY

The Honble J. C. Calhoun Secy of War.

ALS. Owned by Thomas D. Clark, Lexington, Kentucky.

Account with John and Thomas P. Hart

Henry Clay Dr. Lexington, Sept 20, 1819. 

In accot. Curt. & Interest acct. with John & Tho. P. Hart.

<table>
<thead>
<tr>
<th>1819</th>
<th>Interest to 20 Sept. 1819.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mch 30 To Balance, per acct. rendered . . . . .</td>
<td>38 90¼ 1 12</td>
</tr>
<tr>
<td>April 9 To Cash . . . . . . . . . . . . . . . .</td>
<td>$140.—</td>
</tr>
<tr>
<td>&quot; To ditto paid your note to Ja. Overton for the hire of Randall¹ last year, given for 90$ upon which there was a credit of 18$ for 2 mo. time . .</td>
<td>72.—</td>
</tr>
<tr>
<td>&quot; To ditto paid Worsley &amp; Smiths acct. . . . .</td>
<td>21.87½</td>
</tr>
<tr>
<td>&quot; To ditto . . . . . . . . . . . . . . . .</td>
<td>31.12½ 265 &quot; contra</td>
</tr>
<tr>
<td>13 To ditto . . . . . . . . . . . . . . . .</td>
<td>32 &quot; contra</td>
</tr>
<tr>
<td>19 To ditto . . . . . . . . . . . . . . . .</td>
<td>97 50 Contra</td>
</tr>
<tr>
<td>&quot; To ditto . . . . . . . . . . . . . . . .</td>
<td>80 &quot; 2 01</td>
</tr>
</tbody>
</table>

¹ Note: Randall is not specified.
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sep 27</td>
<td>To ditto removing Counter &amp;c. out of the room rented Combs²</td>
<td>75</td>
</tr>
<tr>
<td>May 1</td>
<td>To ditto warrant against Banton³</td>
<td>12½</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Levy⁴ carriage of a box from Phila.</td>
<td>5 50</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mrs S. Hart</td>
<td>22 50</td>
</tr>
<tr>
<td>June 1</td>
<td>To ditto paid Mrs Clay</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mc.Cullough &amp; Foster's bill</td>
<td>13 50</td>
</tr>
<tr>
<td></td>
<td>To ditto paid H. Durell⁵ for 6 last vol. Shakespear</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Shreve &amp; Co for a bbl whisky pr. bill</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>To ditto paid dist. at U.S. Bank</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>To ditto paid dist. on 115$ Md. notes exchanged for Bank mony to pay dist.</td>
<td>6 90</td>
</tr>
<tr>
<td></td>
<td>To ditto paid dist. at U.S. Bank</td>
<td>106 67</td>
</tr>
<tr>
<td>July 1</td>
<td>To ditto paid Mrs S. Hart, in full of her annuity from the Estate T. Hart, due 22 June</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Ditto 21 Apl on act. of Ditto</td>
<td>43 50</td>
</tr>
<tr>
<td></td>
<td>To ditto paid town taxes for Said Estate for 1818</td>
<td>16 50</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Mrs Clay</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>To ditto paid you</td>
<td>216 67</td>
</tr>
<tr>
<td></td>
<td>On this day the act. was again balanced &amp; Rendered.⁶</td>
<td></td>
</tr>
<tr>
<td>Aug 15</td>
<td>To Cash from Deverin</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>To ditto &amp; Layton's⁷ bill for repairing cellar door &amp; the money recd. from Legrand</td>
<td>17 50</td>
</tr>
<tr>
<td></td>
<td>To ditto from Gains</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>To ditto from Combs</td>
<td>37 50</td>
</tr>
<tr>
<td></td>
<td>To ditto from M. Smith⁸</td>
<td>57 50</td>
</tr>
<tr>
<td></td>
<td>To ditto paid Porter⁹ for offering Darkey at auction</td>
<td>1</td>
</tr>
<tr>
<td>Sep  4</td>
<td>To ditto from Palmer</td>
<td>75</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Total</th>
<th>$ 1586 51¾</th>
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</table>

Interest to 20 Sep 1819

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1819</td>
<td>To Cash, a warrant against Banton</td>
<td>25</td>
</tr>
<tr>
<td>Sep 10</td>
<td>To Cash, a warrant against Banton</td>
<td>75 51¾</td>
</tr>
</tbody>
</table>

Interest to 20 Sep 1819

Total $ 1586 51¾
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>To ditto from Banton . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .</td>
<td>50</td>
<td>Contra</td>
</tr>
<tr>
<td></td>
<td>a contra due 30 Sep. $175</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a Contra &quot; 4 novr. 1300. (9.75)</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a Contra &quot; 12 &quot; . 1000</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>To Balance of Interest to Contra . . . . . . . . . . . . . . . . . . . . .</td>
<td>417</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>To our note, bearing interest from this day . . . . . . . . . . . . . . . .</td>
<td>16,474</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>08 1/4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$18,110</td>
<td>$44,863</td>
</tr>
<tr>
<td>Apl</td>
<td>9</td>
<td>By Cash from Shreve &amp; Co due 1 apl</td>
<td>$80.</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>By ditto &quot; Legrand . . . &quot; 15 Mch</td>
<td>60.</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>By ditto &quot; Worsley &amp; Smith &quot; 7 &quot;</td>
<td>125.</td>
</tr>
<tr>
<td></td>
<td>13</td>
<td>By ditto &quot; Wheeler &quot; 9 Apr .</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>19</td>
<td>By John Bull's note returned . . . . . . . . . . . . . . . . . . . . . .</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td>By Cash from Miss Kieser [sic] due 1 apl</td>
<td>$40.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>By ditto &quot; Shreve &amp; Co &quot; 1 &quot;</td>
<td>57.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>By ditto &quot; Legrand . . . &quot; 15 Mch</td>
<td>250</td>
</tr>
<tr>
<td></td>
<td>29</td>
<td>By ditto 2 checks on F. &amp; M.B. to pay reduction &amp; disct. of our note</td>
<td>713.87</td>
</tr>
<tr>
<td></td>
<td></td>
<td>at Lex. B. B. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .</td>
<td>16.90</td>
</tr>
<tr>
<td></td>
<td>May</td>
<td>7</td>
<td>By ditto check on Do. to pay do.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>at F. &amp; M. B. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .</td>
<td>11.39</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>By ditto from M. Smith, due 16 May</td>
<td>62.50</td>
</tr>
<tr>
<td></td>
<td>June</td>
<td>1</td>
<td>By ditto from the Sheriff, G. Morton, in part of 1 qr. rent due by</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Banton 1 Mch . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .</td>
<td>Contra</td>
</tr>
<tr>
<td></td>
<td></td>
<td>By ditto from McCullough &amp; F. due 7 June . . . . . . . . . . . . . . . . .</td>
<td>62.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>By ditto &quot; Deverin due 24 May . . . . . . . . . . . . . . . . . . . . . . .</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>By ditto check on F. &amp; M. B. to pay disct. in part, per Contra . . . . . .</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25</td>
<td>By ditto from Clifford &amp; others due 1 June . . . . . . . . . . . . . . . .</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>By ditto &quot; Miss Kieser due 1 Apl . . . . . . . . . . . . . . . . . . . . .</td>
</tr>
<tr>
<td></td>
<td>July</td>
<td>5</td>
<td>By ditto &quot; Shreve &amp; Co due 1 July . . . . . . . . . . . . . . . . . . . . .</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9</td>
<td>By ditto check on F. &amp; M. B. to pay reduction and disct. of our note there</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
<td>By ditto from Banton due 1 June . . . . . . . . . . . . . . . . . . . . . .</td>
</tr>
</tbody>
</table>
## SEPTEMBER 20, 1819

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 32</td>
<td>By ditto, Wheeler due 9 July</td>
<td>$32</td>
</tr>
<tr>
<td>37</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 June</td>
<td>By ditto, Legrand due 15 June</td>
<td>$45</td>
</tr>
<tr>
<td>51</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Here the act. was again balanced &amp; Rendered.</td>
<td></td>
</tr>
<tr>
<td>$2572 40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41 45</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 Sep. 1819</td>
<td>Interest to up $ 2572 40— 41 45</td>
<td></td>
</tr>
<tr>
<td>1819</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 29</td>
<td>By Cash, check on F. &amp; M. B. to pay disct. on J. Hart’s note at Lex. B.B.</td>
<td>$33 60— 29</td>
</tr>
<tr>
<td>Aug. 15</td>
<td>By ditto from Deverin due 24 Aug.</td>
<td>$75— Contra</td>
</tr>
<tr>
<td>15 June</td>
<td>By ditto, Legrand due 15 June</td>
<td>$17 50 Contra</td>
</tr>
<tr>
<td>75</td>
<td>By ditto, Combs due 1 Aug.</td>
<td></td>
</tr>
<tr>
<td>37 50</td>
<td>By ditto, M. Smith due 16 Aug.</td>
<td></td>
</tr>
<tr>
<td>5$</td>
<td>Being abated for glazing done by him</td>
<td>$57 50 Contra</td>
</tr>
<tr>
<td>Sep 2</td>
<td>By ditto to pay disct. on our note at Lex B B.</td>
<td>$13 87— 04</td>
</tr>
<tr>
<td>4</td>
<td>By ditto from Palmer due 1 Sep</td>
<td>$75— Contra</td>
</tr>
<tr>
<td>10</td>
<td>By ditto check on F. &amp; M. B. to pay reduction and discount of our note there</td>
<td>$210 67— 35</td>
</tr>
<tr>
<td>18</td>
<td>By ditto from Banton due 1 June</td>
<td>$50— Contra</td>
</tr>
<tr>
<td>13</td>
<td>By ditto paid our note at U.S.B. 13 feb. last</td>
<td>$2000— 72 33</td>
</tr>
<tr>
<td>17</td>
<td>By ditto paid do. do 24</td>
<td>$5000— 172 50</td>
</tr>
<tr>
<td>161 67</td>
<td>By ditto paid do. do 6 Mch</td>
<td></td>
</tr>
<tr>
<td>161 67</td>
<td>By amount of our note at Lex.B.B. due 30 Sep. which you are to pay</td>
<td>$175— a contra</td>
</tr>
<tr>
<td>1300</td>
<td>By amount of our do at which you are also to pay, due 4 novr.</td>
<td>$1300— a contra</td>
</tr>
<tr>
<td>1000</td>
<td>By amount of our do at F. &amp; M. B. which you are also to pay, due 12 novr.</td>
<td>$1000— a contra</td>
</tr>
<tr>
<td>417 81</td>
<td>By Balance of Interest per Contra</td>
<td></td>
</tr>
</tbody>
</table>

$18110 85 $ 448 63

E.E. JOHN & THO. P. HART.

---

1 Probably a slave owned by Dr. James Overton.
2 Leslie Combs.
3 William T. Banton. A fragment of a fee bill, date missing, by M. D. Richardson, Deputy Sheriff, for J. C. Richardson, Sheriff of Fayette County, lists charges of $3.75,
To John C. Calhoun

Sir

Lexington (K) 22d. Septr 1819

Martin Baker Esqr. informs me that he intends to apply for a contract with the Department of War to supply the provisions required for the Military service on some of the posts upon the Mississippi or its waters. I have known him for many years past and entertain the same favorable opinion of him as is expressed in the letters of The Honble Mr. Brown, Capt. Garrard, Capt Fowler and The honble Mr. Metcalfe, which accompany this. Two of those gentlemen are members elect of the H. of Representatives, and the other two are among our most respectable Citizens. Their opportunity of intimately knowing Mr. Baker having been, for some years past better than my own, is the cause of the letters being addressed to me. With great respect Yr. obt. Servt.

H. Clay

The Honble Secy of War—

ALS. DNA, RG45, Navy Commissioners’ Misc. Letters Received.

1 See above, Garrard to Clay, September 15, 1819.

To Langdon Cheves

Dr Sir

Lexington (K) 25 Septr. 1819.

I have been requested to recommend to the Board at Philadelphia two gentlemen as suitable persons for directors of the office of Discount and Deposit at Louisville. Col. George R. C. Floyd, one of those persons, is a gentleman of property, integrity, and connected with the most opulent and influential families in and about Louisville. He is a man of great personal worth and of great decision of character.

With the circumstances of the other gentlemen [sic], Majr. Anderson Miller I am not at present so well acquainted. I have known him however for many years and have always considered him a man of good sense and of high respectability.. He has acquitted himself, I understand, very well as a director of the Bank of Kentucky.

I am dear Sir with high regard Faithfully Yrs. H. Clay

Langdon Cheves Esq. President of the B. of the U.S.

ALS. ScHi.

1 Neither of Clay’s nominees was appointed. See Lexington Kentucky Reporter, November 17, 1819.
From John Winn

Dr Sir

Champaign Cty. Ohio Sepr. 30th. 1819

I recd. a Memd.\(^1\) from you by Mr. Stockwell,\(^2\) who again, I hope, will call on you to Obtain four deeds, One to Joseph Emmons for 13 Acres 60 poles, One to Elisha Vanzandt for 6 Acres 100 poles, One to Elias Davis for 100 Acres & the other to Saml. Filson for 100 Acres,\(^3\) the two last mention'd Deeds is the two hundred Acres sold by Colo. Hart to Henry Small [sic].\(^4\) & you may easily discover from Colo. Harts letter that he has recd. payment for the Land, the two first mention'd deeds is the Twenty acres mention'd in Colo. Harts bond to me, the Tract of 108 Acres & that of 672 Acres, Colo. Hart convey'd to the persons I sold them to, I gave Colo. Hart A Negro boy by the name of Andrew for the three Tracts of Land & at the Expiration of the time I sold him for Emancipated him so that he recd. paymt. for the Land at the time the purchase was made. & I woud heartily thank you to convey it to the different persons mention'd. I am getting old & it will save me a great deal of fatigue—the Courses of Joseph Emmons's 13 Acres 60 poles are as follows, Begining at the North West Corner of 100 Acres of Land belonging to Elias Davis thence North 10 poles to A stake, thence West with Emmons's line 214 poles to a stake Corner to said Emmons's Tract, thence South 10 poles to A stake in Mr. Roberts's\(^5\) line thence along said line East 214 poles to the begining—For Elisha Vanzandt, Begining at A Stake in Mr Roberts's line Corner to Joseph Emmons, thence West 106 poles to A Stake thence North 10 poles to the N. W. Corner of Lott No. 7.—thence along the line of said Lott East 106 poles to A stake thence South 10 poles to the begining—For Elias Davis, Begining at A Corner honey Locust, Oak & Sugar Tree in the line between Lott No. 6 & No. 7 thence with said line East 126\(\frac{1}{2}\) poles to A corner Oak, hickory & Water Beach, thence South 126\(\frac{1}{2}\) poles to two Sugar Trees & a dogwood, thence West 126\(\frac{1}{2}\) poles to an Oak & two small Sugar Trees, thence North 126\(\frac{1}{2}\) poles to the begining—The Courses for Samuel Fillsons [sic] Hundred Acres, I think is mention'd on the back or in the face of Small's bond to him for A title. I survey'd the whole of the Land agreeable to Colo. Hart's request, wrote the bond from Small to Filson & have directed Mr. Stockwell to take it with him to you: You are seldom at home being a publick Character, & I hope you will make the different conveyances agreeable to my request & Oblige

Your Most Obdt Servt

JOhN WINN

ALS. DLC-TJC (DNA, M212, R12). Addressed to Clay at Lexington.

\(^1\) Memorandum not found. \(^2\) James Stockwell. \(^3\) Emmons, Davis, and Filson were all residents of Fleming County. See below, Property Deeds, October 26, 1819. Vanzandt was probably also of Fleming. \(^4\) Henry Snell, of Fleming County. \(^5\) Not identified.
Report of Committee of the Kentucky Society for Promoting Agriculture

[September 30, 1819]

The committee appointed to report on the specimens of domestic fabrics exhibited for premiums, reported as follows:

That they have awarded a premium of a silver cup for the best piece of carpeting to Mrs. E. Warfield. Several pieces were exhibited by different persons of excellent carpeting. Mrs. John Hart's had the superiority in point of texture, but taking into consideration all the circumstances, particularly the important one of coloring, Mrs. W's. was preferred.

The best piece of Flax Linen was exhibited by Lewis Sanders, unbleached, spun by Mrs. Gillespie and wove by Mr. Gillespie, for which the premium of a silver cup was awarded. Mrs. John Hart offered a piece beautifully bleached.

To Mrs. John Hart was adjudged the premium of a Silver Cup for the best piece of Table Linen. It was beautifully bleached.

Several pieces of Janes and Cassinets were exhibited. The premium of a Silver Cup was awarded to Mrs. McKinney Jun. for the best piece of Jeans. Mrs. John Hart's was deemed the next best.

Several samples of excellent Cheese were exhibited. The premium of a Silver Cup was awarded to Mrs. E. Warfield for the best. Mrs. Joshua Brown had the next best.

The premium of a Silver Cup for the best Wheat was awarded to John Stark.

H. CLAY,
D. HARRISON,
R. FRAZER,
J. BRAND.

* This lady deserves the highest praise for the fine spirit which she manifested on this, as well as former occasions.

Lexington Kentucky Gazette, October 8, 1819. Cf. above, Advertisement, August 18, 1819, note.

1 Either Mrs. Ruth Warfield, wife of the elder Elisha, or Mrs. Maria Warfield, wife of Dr. Elisha Warfield.
2 Probably Mary Irvine Hart (Mrs. John Hart, Sr.).
3 There were several Gillispie families in Fayette County at this time.
4 Probably Mrs. John McKinney, Jr.
5 A resident of Fayette County, north of Lexington.
6 Of the northern district of Fayette County.

To John C. Calhoun

Lexington (K) 7th Oct. 1819.

Understanding that Col. Charles Todd will apply at your office for some Contract to furnish military supplies, I take great pleasure in saying that he combines all the qualities of integrity capacity and
activity, which are necessary to assure a faithful compliance with any engagement he may make. Col. Todd is a gentleman of great worth & highly esteemed. He served his Country with zeal and fidelity in the Military department, during the late War. He is the son of the honble Judge Todd of the Supreme Court and the son in law of Govr. Shelby. With much respect I am Yr. ob. Servt.

H. CLAY

The Honble The Secy of War. or The Commissary General.

ALS. Owned by Thomas D. Clark, Lexington, Kentucky.

1 Charles Stewart Todd, son of Thomas Todd, born near Danville, Kentucky, had attended Transylvania University and been graduated in 1809 from William and Mary College. After studying law under his father and in Litchfield, Connecticut, he had been admitted to the bar in 1811 and had begun practicing in Lexington. During the War of 1812 he had held several positions of responsibility in the army and emerged with the rank of colonel. Upon the return of peace he had resumed the practice of law. In 1816 he had been Secretary of State of Kentucky until the death of Governor George Madison, and had represented Franklin County in the State legislature for two sessions, 1817-1819. He was appointed diplomatic agent to Colombia in 1820 and served for three years. From 1841 to 1845 he had been United States Minister to Russia and in 1850 was a member of a commission to treat with the Indian tribes on the Mexican border. He died in 1871 at the age of 80.

2 In 1816 Todd had married Letitia, youngest daughter of Isaac Shelby.

To Charles S. Todd

Dr. Todd Lexn. 7 Oct. 1819.

I send you according to promise a letter to the Secy of War or to the Commissary respecting your proposed contract. I also send you an introductory letter to Mr. Calhoun. I hope they will come in time. And I wish you much success. Yr. friend

H. CLAY

ALS. KyLoF. 1 Above, same date.

From E[ward S.] L[ewis]

Hon Henry Clay Lexington Kenty. 7 October 1819, Sir I have the honor to acknowledge the receipt of your letter of the 17 ultimo with it [sic] enclosure—As the late Lt T Overton stands charged on the books of this office with a balance of monies recd by him on a/c of the public service, no payment can at present be made of any claim exhibited on behalf of his estate The enclosed communication on the subject I request the favor of you to forward to Mr Overton

EL.

Copy. DNA, RG217, Third Auditor, Misc. Letters Sent, vol. 13, p. 102. Lewis was a clerk in the Office of the Third Auditor.

1 Not found.

2 Thomas J. Overton, appointed First Lieutenant, 17th U.S. Infantry Regiment, in March, 1812, and killed in the Battle of the River Raisin, January 22, 1813.

3 Waller Overton, a native of Virginia, had been a pioneer settler in Fayette County, Kentucky. He was the father of Thomas J. and Dr. James Overton.
Rental Agreement with Nelson Nicholas

[October 11, 1819]

An agreement between H. Clay and Nelson Nicholas. The said Clay leases to the said Nicholas, for one year, commencing the 9th. instant, the house which he at present occupies, belonging to the said Clay, on Main Street.

In consideration whereof the said Nicholas agrees to pay the said Clay one hundred dollars, in equal quarterly payments. The said Clay reserves the right of distress & of re entry—

Witness the seals of the parties the 11th. day of October 1819.

H. CLAY {L.s.}  
NELSON NICHOLAS {L.s.}

ADS by Nicholas, signed also by Clay. KyLxT. Nicholas, a son of George Nicholas, had apparently recently arrived in Lexington. In 1825 he founded the Lexington Kentucky Whig, which was discontinued shortly after his death the following year.

To John C. Calhoun

Dr Sir  
Lexington (K) 11h. Octr. 1819.

I understand from Mr. Claxton,¹ the bearer hereof, that he intends to apply, in conjunction with Majr. Trigg & some other gentleman for a contract to supply provisions for the Army.²

Mr. Claxton is a young gentleman of great promptitude, and of much merit and respectability. He has had the advantage of some experience in Military affairs during the late War. I should entirely confide in any engagement he may make. Yr. obt. Servt.

H. CLAY

The Honble Secy of War Or the Commissary General.

ALS. Owned by Thomas D. Clark, Lexington, Kentucky.

¹ Cassius Claxton of Franklin County, Kentucky, who had served as a private in Captain Lyddell Bacon's Company of the Kentucky militia during the War of 1812.
² See above, Clay to Calhoun, September 17, 1819.

To George Gibson

Sir  

Narbonne B. Beale Esqr. applies for some contract to supply provisions for the U. States at New Port or some other point. He is a gentleman of wealth, intelligence, honor and probity; and may be entirely relied upon for the fulfillment of any engagement he may enter into. With great respect I am Yr. obt. Servt.  

H. CLAY.

Geo. Gibson Esqr. &c &c &c

ALS. Owned by Joseph C. Graves, Lexington, Kentucky. Gibson, a native of Pennsylvania, had entered the United States Army in 1808 as a captain in the 5th Infantry. Now a colonel, he had been appointed Commissary General of Subsistence on April 18, 1818.
Rental Agreement with Bernard Gaines

[October 20, 1819]

An agreement entered into this 20th day of October 1819 between H. Clay and Bernard Gaines.

The said Clay covenants hereby to rent to the said Gaines the same premisses [sic] in the town of Lexington which the said Clay heretofore leased to him,¹ and which he now occupies, for the term of one year commencing on the 20th day of October 1819.

In consideration whereof the said Gaines covenants to pay to the said Clay the sum of Three hundred dollars payable in equal quarterly payments.

And he further covenants to surrender the demised premises to the said Clay at the end of the year aforesaid in as good order and condition as they now are, natural decay and inevitable accidents excepted.

The said Clay reserves the right of distress in case of default in payment of the rent or any part thereof.

Witness our hands & seals the day and year first mentioned.

Teste H. Clay {L.s.}

B. Gaines {L.s.}

[Endorsements on verso]²

The within named parties do hereby agree to extend the lease within written for the term of six months from the 20th. Oct 1820, and with the priviledge, on the part of the said Gaines, of extending it for one year, if he chooses, upon the same terms & conditions within specified. If the said Gaines determines to continue a year instead of six months longer, he is to notify the said Clay of such his intention in the month of April next; and if he fails to give such notice he is to be considered as electing to continue the year.

Witness our hands and seals this 30th. Octr. 1820

H. Clay {L.s.}

B. Gaines {L.s.}

Recd first quarters rent on the above 18h. Nov. 1820

H. Clay

ADS, signed also by Gaines. KyLxT.

¹ See Rental Agreement, July 8, 1817.

² AES, signed also by Gaines; AES.

Property Deed to Elias Davis

[October 26, 1819]

[For the sum of one dollar, paid and acknowledged, Henry Clay as executor of Colonel Thomas Hart, deceased, conveys to Elias Davis of Fleming County 100 acres on Locust Creek, in the aforesaid county, part of a tract purchased by Hart out of 30,000 acres
patented in the name of Littleberry Mosby, heir of John Mosby, and sold by Hart to Henry Snell and by Snell to Davis. Signed by Clay as executor of Thomas Hart, Senior; witnessed by James Stockwell and Thomas Bodley. Recorded on proof supplied by Stockwell on November 17, 1819, and by Bodley on June 5, 1820, before James Crawford, Deputy Clerk, Fleming County.]

Fleming County Court, Deed Book I, 426-28.

1 Later a member of the Kentucky House of Representatives for two terms, 1821-1823.

Property Deed to Samuel Filson

[October 26, 1819]

[For the sum of one dollar, paid and acknowledged, Henry Clay as executor of Colonel Thomas Hart, deceased, conveys to Samuel Filson of Fleming County 100 acres on Fox’s Creek, in the aforesaid county, part of a tract purchased by Hart out of 30,000 acres patented by Littleberry Mosby, heir at law of John Mosby, and sold by Hart to Henry Snell and by Snell to Filson. Signed by Clay as executor of Thomas Hart, Senior; witnessed by James Stockwell and Thomas Bodley. Recorded on proof supplied by Stockwell on November 17, 1819, and by Bodley on June 5, 1820, before James Crawford, Deputy Clerk, Fleming County.]

Fleming County Court, Deed Book I, 432-33.

Property Deed to Joseph Emmons

[October 26, 1819]

[For the sum of one dollar Henry Clay as executor of Colonel Thomas Hart, deceased, conveys to Joseph Emmons of Fleming County 13 acres and 60 poles of land on Locust Creek, in the aforesaid county, being part of Lot no. 7, purchased by Hart from a tract patented to Littleberry Mosby, heir of John Mosby, and sold by Hart to John Winn and by Winn to Emmons. Signed by Clay as executor of Thomas Hart, Senior; witnessed by James Stockwell and Thomas Bodley. Recorded on proof offered by Stockwell on November 17, 1819, and by Bodley on June 5, 1820, before James Crawford, Deputy Clerk, Fleming County.]

Fleming County Court, Deed Book I, 434-35.

Property Deed from John Hart and Bank of Kentucky

[November 1, 1819]

[Whereas “by deed of Trust or mortgage” dated January 2, 1816,
November 1, 1819

John Hart has conveyed to the President, Directors, and Company of the Bank of Kentucky one house and lot at the corner of Second and Mill streets, opposite the house of John Bradford, as security for a debt of $4,000; and whereas at a public sale of the property held on October 26, 1819, Thomas Smith, acting for Henry Clay and assigning to Clay the benefit of the purchase, was the highest bidder "at the price and sum of fourteen hundred dollars, payable sixty days thereafter"—

Now this indenture between the Bank of Kentucky and John Hart of the first part and Henry Clay of the other part transfers the property to Clay, in consideration of a negotiable note for $1400 which the latter has executed. Signed by R. S. Todd, attorney in fact for the Bank of Kentucky, and by John Hart. Recorded on November 2, 1819, on acknowledgment of signature by Todd and Hart before J. C. Rodes, Clerk of Fayette County.

Fayette County Court, Deed Book T, 88-89. ¹ Robert Smith Todd.

Rental Agreement with Richard Hawes, Jr.

[November 1, 1819]

An agreement entered into this 1st. Novr. 1819, Between H. Clay and Richard Hawes.

The said Clay rents to the said Hawes for the term of one year commencing on this day the front room in his corner House at the junction of Market Street and Short Street in Lexington.

In consideration of which the said Hawes covenants to pay to the said Clay one hundred dollars in equal quarterly payments.

It is further agreed between the parties that the said Clay is at liberty to determine this lease at any time during the year, by giving two weeks previous notice, and thereupon the said Hawes shall surrender the premises and be accountable for the rent, after the rate aforesaid, up to that time of the lease being so determined.

The said Hawes covenants to surrender the demised premises on the first day of Novr. or upon the cessation of the lease as afo. in as good order and condition as he receives them, natural decay and inevitable accidents excepted—

The said Clay reserves the right of distress.

Witness the hands & seals of the parties the day and year first mentd.  

H. Clay {L.s.}

[Endorsement on verso]¹

Recd. the rent up to the 1st. August 1821.  

H Clay

ADS: Hawes' signature removed. KyLxT. Hawes, then twenty-two years old, was a native of Virginia who had been brought to Kentucky by his parents in 1810. After attending school at Transylvania University and in Jessamine County, he had read law and had been admitted to the bar in 1818. For a time he was associated with
Robert Wickliffe, with whom he had studied; but in 1824 he moved to Winchester, Kentucky, to practice his profession. He represented Clark County in the State legislature in 1828-1830 and 1834-1835, and was a member of the United States Congress for two terms (1837-1841). In 1843 he moved to Paris, Kentucky, where he practiced law until the outbreak of the Civil War. He served as a commissary in the Confederate Army and in 1862 was chosen Governor of Kentucky by the Confederate Provisional Government. After the war he returned to Paris and served two terms as judge of the Bourbon County Court.

1 AES.

Receipt from Robert Grimes

[November 3, 1819]

Recc. 3 Novr. 1819 of H. Clay Two hundred dollars on a/c. of my wages as his overseer for the year ending yesterday.

Teste Susan Clay

ROBERT GRIMES

DS, in Clay's hand. DLC-TJC (DNA, M212, R15).

Bond from John and Thomas P. Hart

[November 9, 1819]

Know all men by these presents that we John Hart and Thomas P. Hart are held and firmly bound unto Henry Clay in the just and full sum of Thirty three thousand dollars; to be paid to the said Clay his heirs executors administrators or assigns; to which payment well and truly to be made we bind ourselves, jointly and severally, our joint & several heirs executors and administrator[s] by these presents. Witness our hands and [seals] this 9th. day of November 1819.

The Condition of the above obligation is such that if the said John Hart and Thomas P. Hart or either of them, shall well and truly pay to the said H. Clay his heirs executors admini[trators] or assigns, on demand, the sum of Sixteen thousand four hundred and seventy four dollars and eight and a quarter Cents, with interest there after the rate of six per Centum per annum fr[om] the twentieth day of September last until paid, then this obligation is to cease and be void.

NO. HART. {L.s.}

THOMAS P HART {L.s.}

Sealed & Delivered in presence of Wm. W. Worsley

DS, in Clay's hand. DLC-TJC (DNA, M212, R10). MS, torn; parts of several words obliterated. Cf. below, Clay to Cheves (2), March 15, 1820, note.

Rental Agreement with Archibald Campbell

[November 9, 1819]

An agreement between H. Clay and Archibald Campbell.

The said Clay hereby rents to the said Campbell for one year the
field next to Mrs. McNair, part of his Ashland farm, possession of which is to be delivered to the said Campbell as soon as the said Clay feeds off the Corn now standing in shocks thereon—

In consideration whereof the said Campbell agrees to pay to the said Clay three barrels of Corn per acre, the quantity of acres in the said field to be ascertained by admeasurement and the said Corn to be delivered from the heap in the month of November next. Witness our hands & seals this 9h. Novr. 1819.

H. CLAY {l.s.}
A. CAMPBELL {l.s.}

Assignment from John Hart

Novr. 10, 1819.

For value received, I assign the within to H. Clay, subject to a credit for fifty dollars and 16 cts, for which W. S. Dallam holds my receipt.

JNO. HART.

[Endorsements on supplementary sheet]¹

Recd 18h. July the quarter due the 1st June 1820

H. CLAY

Recd. 9 August 1821 (with what was heretofore received) the rent in full up to the first of June 1821.

H. CLAY

Settled all accounts up to this day 1st. Septr. 1822. and a balance was then due Majr. Dallam of $53,69. which is to be credited against the rent from that day.

H.C.

AES. DLC-TJC (DNA, M212, R10). The second endorsement on verso of an agreement dated November 9, 1819 (DS, in Clay’s hand), by which Susannah Hart rents to William S. Dallam the house and lot on Poplar Row, Lexington, “late her residence,” at the rate of $200 for the first year and $250 for each succeeding year. In the first endorsement, also dated November 9 (ES, in John Hart’s hand), Mrs. Hart had assigned the agreement to John Hart.

¹ The first two, AES; the third, AEI.

To Nicholas Berthoud

Dr Sir
Lexn. 14 Nov. 1819.

Being about to set out for Washington¹ I address you on the subject of my property on board the Napoleon and Paragon² which have been unfortunately so long delayed in ascending the river.

On board the Napoleon I have fifteen hogsheads of Louisiana sugar and ten hogsheads or casks of Havana sugar, the bills of lading for which have been forwarded to you.

On board the Paragon I have one barrel of loaf sugar and Coffee put up together, one case of wine (another having been consumed on my passage up) and a box of sweat meats. I send you
enclosed a bill of lading for these articles, which also includes some belonging to my brother Porter Clay, which I believe he has sold to Richard Steele Esqr.\(^3\) who is to pay the freight theron \[sic\]. I have also on board the Paragon a fig tree (the largest of all that were on board) which I wish to be forwarded to me here.

For all the above articles, I was to pay freight at two & a half Cents per pound, except those on board the Paragon for which I was to pay three Cents. You will observe that one of the bills of lading given by Capt. Rogers specifies three Cents, but it was with an express understanding that if he afterwards took freight at a lower rate, mine was to be so reduced also. He afterwards did take at \(2\frac{1}{2}\) cents and Capt. Rogers understands that I am not to pay more than that for any of my property.

I wish the barrel of sugar and coffee, the box of sweat meats and one hogshead of the Louisiana Sugar and one Hogshead of the Havanna \[sic\] sugar and the fig-tree forwarded to Mrs Clay, directed to the care of Thomas Smith Esqr. Editor of the Reporter, Lexington

With respect to the residue of the sugar (say twenty three hogsheads) I wish you to observe such directions in regard thereto as Mr Thomas Smith may give you concerning it, having left with him instructions accordingly.

Be pleased to draw upon him at sight for the amount of freight and charges. With great respect I am your obt Servt.

Nicholas Berthoud Esqr.

P. S. I understand that you cannot draw upon Lexington. Be pleased therefore to inform Mr Smith upon the arrival of the Sugars or when they may be certainly expected of the amt. of freight and charges and he will remit it to you.

Upon further reflection, you will be pleased to send five hogsheads of the Louisiana Sugar to Mess. J & P. Dudleys Frankfort—Send the two hogsheads and other articles as within directed, and send the residue of eighteen as Mr. Smith directs.

H C

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Copy (postscript written and initialed by Clay). DLC:TJC (DNA, M212, R12).

2 See above, Bill of Lading, ca. May 26; Invoice, May 29, 1819.
3 Of Louisville.

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To Langdon Cheves

My Dr Sir

Lexington 14th. Nov. 1819.

I found upon my return from Frankfort your agreeable favor of the 28th. Ulto.\(^1\) I had been to that place to argue, in behalf of the Bank of the U.S. before the Federal Court, a question of jurisdiction which has been raised in the several actions brought in its favor in
that Court, and which if decided against it would in effect not only
defeat all those actions but prevent any for the future from being
instituted in that Court. The question is, whether the clause in the
Judicial act of 1789 preventing assignees from bringing suits in the
Federal Court in cases where the assignors could not have done it
applies to the Bank? Decided affirmatively, and you will at once
perceive that the effect will be to shut the Federal Court against you
in almost every case. Now if a decision given here by the State
Court should also be sustained (which however I do not apprehend)
you would be left without judicial remedy. We argued the ques-
tion, but it is not yet decided. I am sanguine of success, but you
know that I am apt to be.

I greatly regret the conduct of the officers in Ohio. The honor
and character of that State require from the Legislature a disavowal
of it and the return of the money. But I greatly fear, from the
unhappy temper prevailing there, that this will not be done. Should
it not, I am afraid that you will be without other redress than that
which is to be obtained from the trespassers. You intimate I observe
a different opinion. But how is the State to be coerced? It is all
important I think that the General Government should not move
in the affair without it most clearly has the Constitution in its
support. It is to be regretted I think also that any intemperance
should have been manifested towards the State of Ohio on your side
of the mountains. Should that State ratify—should it not disown the
conduct of its officers it will stand condemned by every thinking &
considerate man. It would then be clearly in the wrong; and we
should take care not to enable it to change that position.

I have thought of the alteration in the charter, suggested by you,
to relieve the Government from the obligation to receive every
where the notes every where issued by the Bank. But I confess that I
entertain doubts of its utility. The wants of our country require
its circulating medium to possess three qualities 1st. Soundness.
2. General credit or circulation. 3. A form rendering it easily
transmissible. The first is the most essential quality, and if it be
incompatible with the other two they ought to be sacrificed. I
comprehend most clearly how, in the existing state of things, all
the paper emitted by the Bank immediately finds its way to the
great Cities. That arises from the balance of trade and of revenue
being against the South and the West. But let that balance be
shifted, and the current would also shift. As it regards the West I
fear that, owing to the public domain being situated here, the
balances must be permanently against us. I should think otherwise
in regard to the South, and that those alternations of which you
speak would recur.

But the question is, supposing the alteration to be made in the
Charter, and that the branches should be as they would then become, mere local institutions, could they supply in a quantity commensurate with the wants of society, a sound local medium? I fear not; the same cause that now pushes your paper from the South and West into the great Capitals, would restrain the branches from issuing paper to any amount. The debt due to commerce and to Government must be paid by us. It is now paid in your paper. Render that paper local, and it must be paid in specie. And the transmission of specie to the Eastward to pay it, draining the Country of that article, would disable the Branches from issuing paper to any considerable amount. The fact is according to this theory. Our good banks, which are now what your’s would be, after the proposed change, dare not issue paper. The notes of good banks are rarely seen; those of the doubtful institutions constitute almost our sole circulation. My reflections have brought me to rather a discouraging conclusion. I fear that, whilst each State claims and exercises, concurrent with the Govt. of the U.S., the power of chartering banks, there is no effectual remedy in the hands of either of the two systems. I have not time, being in the midst of preparations for my journey, which I commence tomorrow, to pursue this subject or to methodize my ideas. We can take it up hereafter if it should be thought worth while.

You have forbidden the Western branches from issuing paper, even for specie. If you are obliged to do this, in consequence of the uniform direction which that paper takes, I think you ought not at least to put us so far out of the pale of your operations as to deprive us of the benefit of your late arrangement respecting five dollar notes. It would be a great convenience to travellers. In this and indeed in all other respects I have found the branches always accommodating to me personally—Indeed it has unfortunately for me been too accommodating to some of my friends.

What I think you ought to insist upon with the Treasury is that it ought no longer to receive at the Land Offices any paper but yours. This would create a Western demand for it that would mitigate if it did not entirely countervail the embarrassing effects of the Eastern demand. The measure ought not to be suddenly adopted, and it would be at first unpopular—But I think it right.

With great regard I am faithfly Yrs. H. CLAY

Langdon Cheeves [sic] Esq.

P.S. Our Legislature consists almost entirely of new members. And there is much prejudice existing against the U.S. Bank. But still I think that there will be no measure of violence adopted. There will be a growling acquiescence in the decision of the Supreme Court. The leading men are averse from any harsh act. H.C.
In the case of The President, Directors, & Company of the Bank of the United States vs. Thomas Q. and Henry H. Roberts before the United States Circuit Court, Kentucky District, the plaintiffs sought to collect on an assigned bill of exchange. The defendants had entered a demurrer denying that the statute establishing the Bank could properly authorize federal courts to exercise original jurisdiction in such suits when neither the Constitution nor the various judiciary acts made this provision. The court concluded that since the act establishing the Bank had been deemed constitutional by the Supreme Court and the statute was explicit in its assignment of jurisdiction, the federal circuit courts were competent to act. The demurrer was overruled. Lexington Kentucky Reporter, December 8, 1819, reprinting decision from Frankfort Argus.

In the case of The President, Directors, and Company of the Bank of the United States vs. Joshua Norvell, decided at the Fall Term, 1819, the Kentucky Court of Appeals upheld a ruling of the Fayette Circuit Court that the Bank was not authorized by its charter to purchase a promissory note which had been assigned, such notes not having the character of bills of exchange until they had been discounted by a bank whose charter contained express provisions which placed them on such footing. 9 Ky. Reports. (2 A. K. Marshall) 101-106. Cf. below, Clay to Cheves, November 5, 1820.

In February, 1819, Ohio had adopted a tax to be collected annually on September 15 from the various branches of the Bank of the United States operating within the State. The branches having failed to pay the tax by the appointed date, State officials had determined to enforce the law, in spite of the decision in the case of McCulloch vs. Maryland (above, Clay to Hardin, February 21, 1819, note). On September 15, Ralph Osborn, the State Auditor, had been served with a subpoena to appear in federal court some three months later to answer a petition in chancery requesting that an injunction be issued enjoining collection of the tax. This subpoena had carried both an endorsement giving notice that a temporary injunction would be issued after posting of security and a memorandum certifying that the bond had been furnished. Subsequent ruling of the Federal Circuit Court held that these papers constituted a legal injunction (Washington National Intelligencer, October 7, 1820), but the Ohio Secretary of State at the time had given Osborn a contrary ruling. Ernest L. Bogart, “Taxation of the Second Bank of the United States by Ohio,” American Historical Review, XVII (January, 1912), 323. According to September 17, under Osborn’s orders, a sum of $120,000 ($20,000 of it subsequently returned as excess) had been forcibly seized from the vaults of the branch at Chillicothe in payment of the tax due for that branch and the one at Cincinnati. A few days afterward a second federal court injunction, which was reinforced by a similar enjoinder by the Supreme Court two months later, had been issued to bar disposition of the money collected. Subsequently the Bank brought actions for contempt, trespass, and recovery of the money, which carried the case to Supreme Court decision in 1824 (see below, Clay to Biddle, February 17, 1824, note).

Cheves had long been urging such a policy on William H. Crawford: and when he protested that it was illegal, Cheves in January, 1821, appealed to Congress for legislation altering the bank charter to permit such restriction. Meanwhile, he effected the same end by prohibiting note issues from the western branches. Catterall, Second Bank of the United States, 75; American State Papers, Finance, III, 586-87.

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Power of Attorney to Thomas Smith

[November 15, 1819]

I do hereby authorize and empower Thomas Smith of Lexington to receive and by all lawful ways and means to collect, during my absence from Kentucky, any rent or rents that now are or hereafter

ALS. Phi-Etting Collection. Addressed to Cheves at Philadelphia.

1 Not found.

5 In the case of The President, Directors, and Company of the Bank of the United States vs. Joshua Norvell, decided at the Fall Term, 1819, the Kentucky Court of Appeals upheld a ruling of the Fayette Circuit Court that the Bank was not authorized by its charter to purchase a promissory note which had been assigned, such notes not having the character of bills of exchange until they had been discounted by a bank whose charter contained express provisions which placed them on such footing. 9 Ky. Reports. (2 A. K. Marshall) 101-106. Cf. below, Clay to Cheves, November 5, 1820.

6 The board of directors of the Bank had ruled that as of October 16, 1819, notes of this bank and its branches of the denomination of five dollars would be received and paid on demand without reference to the bank of origin. Niles' Weekly Register, XVII (October 23, 1819), 115.

7 Cheves had long been urging such a policy on William H. Crawford: and when the latter protested that it was illegal, Cheves in January, 1821, appealed to Congress for legislation altering the bank charter to permit such restriction. Meanwhile, he effected the same end by prohibiting note issues from the western branches. Catterall, Second Bank of the United States, 75; American State Papers, Finance, III, 586-87.

8 See above, Clay to Hardin, February 21, 1819. No further action relative to the Bank of the United States was taken by the Kentucky legislature at this time.
may become due and payable to me for property leased out by me
in the town of Lexington or which he or I hereafter may lease out.
And I do moreover empower and authorize my said Attorney to
lease out for me, upon such terms as he may think proper, not
exceeding three years, any property of mine in the said Town not
already leased out, or the leases for which may expire in my
absence: Hereby ratifying and confirming whatever my said Attorney
shall do in the premises.

Witness my hand & seal this 15h. Novr. 1819. H. CLAY {L.s.}

MEMORANDUM OF LEASES

Memo of Leases left with Mr. Smith. [ca. November 15, 1819]

No. 3. Clifford, Thom. & Palmer 1 1st. quarters rent due
    after my departure on the 1st. Decr. . . . . .  $75.
No. 1. McCullough & Foster do. do. do. 7 Decr. . . . . .  62:50
*No. 4 Mr. Deverin 2 . . . . . . . . do. do. do. 24 Novr. 75:
No. 7. A Legrand . . . . . . . . do. do. do. 15 Decr. . . .  62:50
No. 2. Worsley and Smith two quarters . . . . 7 Decr. 125:
No. 9. William T. Banton first do. do. . . . . 1 Decr. . . . . 100:
**No. 5. Bernard Gaines do. do. . . . . . . . 20. Jan. . . 75:
No. 8. James Cowan 4 . . . . . . . . do. do. do. 1 Feb. . . . 25:
No. 10. Richard Hawes Jr. do. do. do. 1 Feb. . . . 25:
No. 11. Nelson Nicholas do. do. do. 9. Jan. . . 25:
No. 12. Leslie Combs do. do. do. 1 Novr. 37:50
No. 13. William S. Dallam (first being paid) second 2d.
    March . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 50:

Dr. Caldwell Novr. 15. ................................. 255

* In consideration of several circumstances, I told Mr. Deverin
that for this year I would deduct fifty dollars [from his] rent. Be
pleased to make an abatement accordingly.

** Thomas 6 boards with Mr. Gaines at the rate of one hundred
and fifty dollars per annum from the commencement of the present
Session of the University. A deduction is to be made accordingly.

I leave Joseph Taylor's note (near Frankfort) for collection with
you—And I have written to him that by giving a similar note for the
hire of Cuthbert he may have him another year—

Glazing Caldwell's room, & locks, Cr. 7

AD. DLC-TJC (DNA, M212, R15). See above, Power of Attorney, November 15, 1819.
1 John D. Clifford, Isaac Thom, James W. Palmer.
2 John Deverin.
3 Lexington iron merchant. No rental agreement with Whaley has been found.
4 No rental agreement found.
5 This entry is not in Clay's hand. Dr. Charles Caldwell, born in North Carolina,
a graduate of the Medical Department of the University of Pennsylvania, already a
physician of prominence in Philadelphia, and in 1812 editor of the magazine *Port Folio*, had on November 8, 1819, begun a course of lectures as one of the founders of the Medical Department of Transylvania University. He remained on the faculty of this institution until 1837, when he became the first professor of the Louisville Medical Institute (now the University of Louisville). He continued there until his retirement at advanced age, in 1849.

6 Clay's son.

7 This entry is not in Clay's hand.

Order to Thomas Smith

Thomas Smith Esq.  
Be pleased on the first Feby next to pay to Tho. E. Boswell & Co. 
Two hundred & twenty dollars in full of the above account1

[Endorsement]2

H. CLAY

$220 = February ¼

pd. Feb. 4

ADS. DLC-TJC (DNA, M212, R15). Endorsed (AES): "accepted Thos. Smith."

1 Not found.

2 E, in strange hand.

Account with Nathaniel Silsbee

[ca. November 22, 1819]

The Honble Henry Clay to Nathl Silsbee ... ... ... ... Dr. 1819

April 15. To $360 paid for the use of his Son, T. W. Clay, by my Agent, from Novr 4h. 1818 to March 20h. 1819, being a portion of $642 paid to him & L. Anderson & adjusted by them . . . . . . . . . . 360.—

" 15. Paid T W. C, at Boston, for the purpose of paying bills & to defray his expences to Kentucky . . 300.—

June 4. P'd L. Anderson, to pay bills agt. T.W.C, at Cambridge . . . . . . . . . . . . . . . . . . . . . . . 25—

" . 29. paid D. L. Pickman, by request of B. Stille of Philadelphia1 for that sum advanced T W. C, at that place . . . . . . . . . . . . . . . . . . . . . . . 50.—


Novr. 22. p'd. College-bills-viz for the quarter ending 30 June . . 24.44

" ... " ... " 1 Octr . . 17.94 42.382

817.38.

By Cash rec’d fm. Mr. Clay, at Washington, on the 3d. of March '19 . . . . . . . . . . . . . . . . . . . . . . . 300.

Balance due NS . . 517.38

[Endorsement]3

Washington 22 Feb. 1820 Received the above balance in full

NATHL SILSBE

AD by Silsbee. DLC-TJC (DNA, M212, R15).

1 Probably Dudley L. Pickman, of Salem, Massachusetts, and Benjamin Stillé.
Speech Accepting Speakership

Gentlemen. [December 6, 1819]

Again called, by your favorable opinion, to the distinguished station to which I have been frequently assigned by that of your predecessors, I owe to you the expression of my most respectful thanks; and I pray you to believe that I feel inexpressible gratitude, as well for the honor itself, as for the flattering manner in which it has been conferred. In our extensive Confederacy, Gentlemen, embracing such various and important relations, it must necessarily happen that each successive Session of the House of Representatives will bring with it subjects of the greatest moment. During that which we are now about to open, we have every reason to anticipate that the matters, which we shall be required to consider and to decide, possess the highest degree of interest. To give effect to our deliberations; to enable us to command the respect of those who may witness or be affected by them; and to entitle us to the affection and confidence of our Constituents, the maintenance of order and decorum is absolutely necessary. Being quite sure that your own comfort, your sense of propriety, and the just estimate which you must make of the dignity which belongs to this House, will induce you to render to the Chair your cordial co-operation, I proceed to discharge its duties, with the sincere assurance of employing my best exertions to merit the choice which you have been pleased to make. And it will be to me the greatest happiness, if I should be so fortunate as to satisfy, in this respect, your expectations.

AD draft. ICHi. Published in Washington National Intelligencer, December 7, 1819; Lexington Kentucky Reporter, December 22, 1819; Lexington Kentucky Gazette, December 24, 1819; Annals of Cong., 16 Cong., 1 Sess., XXXV, [702]-703. In the balloting for Speaker, on the first day of the Session, Clay received 147 of the 155 votes cast. He was thereupon conducted to the Chair, took the oath of office, and addressed the House.

To Benjamin Watkins Leigh

Sir Washington 7h. Decr. 1819.

I wish to obtain your advice on a legal question, and if necessary your assistance in prosecuting the action to which it may lead.

You will observe by the inclosed will of my father, John Clay, that he devises to his wife a plantation in Henrico, called Euphraim, during her life; and the question on which I wish to consult you arises about that plantation. My mother did not abide by the
provision made her by the will but resorted to that which the Law
prescribes. 2 Richard Chapman was the only executor that qualified;
and, after his death, Henry Watkins, having in the mean time
intermarried with the widow, obtained letters of Administration,
with the will annexed. In 1791 Nathl. Wilkinson, who had never
qualified as an executor, and Mr. Watkins, acting as the Admor,
sold the plantation Euphraim, and by the inclosed deed conveyed
it to Richard Cocks. 3 Three children only remain of John Clay 4
and the youngest is in his forty first year. They all removed out of
the Commonwealth of Virginia before either of them had attained
full age, and have resided out of it ever since.

Is the sale to Cocks valid?

If it be not can the land be recovered from him prior to the
death of the widow of Jno. Clay, and by what remedy?

You will be pleased to communicate to me, as soon as convenient,
your opinion on this case, and at the same time to inform me your
fee for advice, or in the action, as may be.

I will thank you also to preserve the inclosed papers, or transmit
them to me, if your opinion should be against us.

With great respect I am Sir Yr. ob. Servt. H. CLAY

Watkins Leigh Esq.

ALS. ViU-Alderman Library. The enclosures have not been found. Leigh, a native
of Chesterfield County, Virginia, had begun the practice of law at Petersburg and
served in the House of Delegates, 1811-1813, after which he had moved to Richmond.
Outstanding as a lawyer and speaker, he was active in local and state politics. He sat
in the United States Senate from 1834 to 1836 and was reporter of the Virginia
Supreme Court of Appeals, 1829-1841.

1 John Clay had willed that his estate be kept together until his eldest son, George,
reached the age of twenty, except that if his wife should remarried before that time the
estate should be turned over to his executors. He further stated: "I lend to my loving
wife, Elizabeth Clay, after my son arrives to the age above mentioned, or the time
she does intermarry, if before, the use of my plantation at Euphraim, in Henrico
County, . . . and after her decease, all the above lent to be sold and equally divided
among all my children alive that day, and to their heirs forever." Elizabeth Clay was
named executrix and Nathaniel "Wilkerson," of Henrico County, and Richard
Chapman, of Hanover County, executors of this will. Smith and Clay, The Clay Family,
55-57. Elizabeth Clay married Henry Watkins within two years after her first husband's
death. Ibid., 88.

2 Under Virginia law a widow, dissatisfied with provision made for her in her
husband's will, might within nine months after the husband's death refuse to accept
the legacy made to her and renounce any benefit she might claim under the will.
She could then recover one third of her husband's slaves for use in her lifetime, and,
in addition, receive outright one third of his "goods, chattels, and personal estate,
other than slaves," after payment of "debts, funeral, and other just expenses." Hening,
Statutes at Large, V, 444, 447.

3 Of a family long resident in Henrico County.

4 John, Henry, and Porter. On George Clay's death, see below. Clay to Leigh,
December 26, 1819; January 5, 1820.

To William H. Crawford

Sir. Washn. 9h. Decr. 1819.

Mr. Burwell Randolph, 1 the bearer hereof, is desirous of obtaining
a Clerkship in some of the public offices, and has requested a letter from me, to you. I have not an extensive personal acquaintance with him, but he has been recommended to me from a highly respectable quarter; and I know his family to be amongst the most respectable in Virginia. From their situation and from what I believe as to his merits, I feel solicitous that he may succeed in his application. With great regard I am faithfully Yrs. H. CLAY
The Honble Mr. Crawford

ALS. CtHi.

1 Youngest son of David M. and Mary R. Randolph. Born in Richmond in 1800, Burwell had been commissioned a midshipman in the United States Navy in 1815 and pensioned two years later because of injuries while on duty. Both legs had been broken and never entirely healed. His brother, William B. Randolph, was already a clerk in the Treasury Department; Burwell, however, did not receive an appointment. House Docs., 16 Cong., 1 Sess., no. 44, p. 12.

To Langdon Cheves

Dr Sir

Washington 13 Decr. 1819.

I believe that Mr. Torres,1 who will deliver you this letter, 'though at present a resident of Philadelphia, is not personally known to you. Under that impression, I have great pleasure in presenting him to you, as a South American of very extensive information both in regard to general subjects and to matters relating peculiarly to that interesting quarter of the globe, as one anxiously devoted to the Independence and Liberty of his Country, and as a gentleman of honor and of probity. I believe he is desirous of making some arrangement with the Bank of the U. States concerning the precious metals, with the details or precise nature of which I am not acquainted; and all, on that subject, that I would say is that I should have great confidence in the faithful fulfillment of any such arrangement, to which he would give his sanction. With great regard I am Dr Sir faithfully Your obt. Servt. H. CLAY
Langdon Cheves [sic] Esq.

ALS. ScHi. 1 Manuel Tórres.

To Langdon Cheves

My Dr Sir

Washn. 13h. Decr. 1819.

The bustle incident to the assembling of the H. of R. has delayed my acknowledgment of your favor of the 29h. Ulto.1

The exceptions which you propose to the rule, that the paper of the bank shall be only receivable where issued, render the suggested alteration less objectionable. Still, I must freely confess, I doubt its advantages. It is to be considered in two points of view 1st. As it
DECEMBER 13, 1819 729

regards the Government. And 2. The Bank. I will only now notice
the latter, and that in its relation to the West.

I must begin by correcting what, I apprehend, is an erroneous
impression you have of the state of the circulation in the West.
Paper inconvertible into Specie does not circulate at all in K. The
moment a bank stops its paper is thrown out of the circulation. It
is mostly the same case in Ohio and in Tennessee, except at Cin-
cinnati and Nashville. The paper, therefore, which constitutes the
greater part of our circulation, is specie paper, enjoying however
different degrees of the public confidence. The paper of the Banks
at Cincinnati & Nashville not paying specie was rapidly depreciating,
and, unless those banks should be countenanced by a general
suspension of specie payments, I have no doubt that their paper will
cease to circulate altogether in a few months.

If the paper issued by the U. S branches in the West is limited to
payments made to Govt. there, the question is, could you supply
us with a sound and sufficient circulation? I fear you could not;
and I think both experience and theory tend to discourage the
expectation.

The truth is we have several very good Banks, in which the public
has great confidence, and yet they cannot keep out their paper at
all. Why wd. your branches do more when they shall become, in
effect, merely local institutions? The bank enjoying the greatest con-
fidence keeps out the least paper. It is a strange but true assertion.
The Farmers and Mechanics bank of Lexington cannot keep out one
tenth in paper of their actual amt. of specie. To give out their notes
is equivalent to paying out their specie; and accordingly they would
as soon pay the one as the other—I mention this bank as an example;
for as far as my information extends it is the case with every other
good bank. It would be the case with yours', after they shall have
been rendered local; to say nothing of the same difficulty of getting
out your paper then existing as at present—that is increasing a debt
already too large.

I think the cause of this inability of good banks to issue much
paper may be assigned. When a paper currency is based upon specie
it is liable to all the fluctuations of plenty and scarcity to which the
metallic basis is liable. Plenty of specie, plenty of paper. Scarcity of
specie, scarcity of paper. This is the great defect of our paper system.
But specie (and consequently the paper which it sustains) becomes
scarce when there is a great foreign demand for it, or when upon one
part of the same Country there is a great demand for it to be
transported to another part. The former has been the condition of
the Atlantic States in relation to foreign Countries; the latter is the
condition of the Western section in relation to the Eastern. Now I
agree with you that the B. of the U.S. has mainly performed this
operation, by means of its paper &c, of transferring specie from the West to the Atlantic. But, my dear Sir, relieve the bank tomorrow from that onerous burthen, and the operation must still be performed, in some other way. What causes the operation? the payment of debt to Government and to commerce, but principally the first. This must be paid. If the Bank no longer furnishes its instrumentality, some other agency must be employed. Let me state (which I do from conjecture, that will not be found wide of the truth) that the annual receipts of Government in the West exceed the disbursements by about 1½ million. Suppose Govt. were to forbear transferring this balance to points where it is wanted for only two years, it wd. be three millions. But it cannot so forbear for a long time. And this transfer produces all the phenomena that we witness in the West. No modification of the paper system which you can make will enable us to keep our money in the West, unless you would contrive that we should not pay our debts. If the paper of the Bank of the U.S., as it is now every where receivable, can be got hold of in the West to pay those debts, it is accordingly sent, and then either the Western banks or the Western people (as was too much the case on the first establishment of the branches in the West) become indebted to the Bank of the U. [sic] That is to say one debt is paid by contracting another. If that paper cannot be got hold of, nor any other paper having the same qualities, depend upon it the specie itself wd. be transported from the West to the East. And such would be the demand for specie, now become the only instrument for extinguishing the debt of the Western Citizen due to the Eastern creditor (public and private) that the Banks could not in the West (neither your branches nor other local banks) issue their paper, for which specie wd. be demanded the moment it is put out. All this our good banks are now experiencing. And if I am not deceived you also experienced it at Boston, owing to the foreign demand there for specie, if you do not now. If I am right in this view of the subject, your branches would do no business, until the current shall shift back upon the West from the East; and then you would not want the change.

This is a hopeless picture for us beyond the mountains. For it is not likely that that current will shortly so change its course.

If indeed the Bank means to adhere to its resolution to issue no paper, not even five dollar notes, at the Western branches, as it respects us its sole operation will be that which arises out of the relation of debtor and creditor in which, I agree with you, unfortunately, we stand towards each other. Perhaps as to us the modification in the charter would not render our situation worse than it is whilst that resolution continues, if it did not improve it. I must
think however that the effect wd. be scarcely felt, because you could not issue paper—

I understand there is a very strong report from the State Bank of South Carolina agt. the B. of the U.S. in the City— I have not yet read it. I lament that these attacks, from so many quarters, are made on you—Patience, and Prudence and Time must help us out of our present difficulties. I think your Bank a necessary part of the system of relief. And any thing is to be regretted which threatens its existence or tends to circumscribe its utility—It is an affair of some little consolation to have heard, as you will have done, that the decision in Kentucky has been favorable to the interests of the institution—If the case shd. be brought up to the Supreme Court I will, as desired, argue it with pleasure for the Bank—

I give you a strong proof of my friendly regard in than [sic] unreasonable length of this letter— And yet your's and the interesting subject of which it treats deserves many more observations. I have not left myself any room for politics, if indeed you longer take much interest in them—Poor Forsythe! he has made out badly in the correspondence at Madrid, which proves that the eagerness manifested to the Court of Spain to obtain the ratification of the treaty has probably tended to produce its rejection—I remain my dear Sir with the sincerest esteem Faithfully Yrs.

H. CLAY

Langdon Cheves Esqr.

P.S. Five shares stand in my name in the stock of the bank of the U.S. If it occurs to you, will you just inclose to me a blank power (I suppose they are printed) and may I ask you to be my proxy? H.C.

ALS. PHi-Etting Collection.

1 Not found.
2 Cf. policy under the resolution of August 28, 1818, above, Clay to Hardin, January 4, 1819, note.
3 See above, Clay to Cheves, November 14, 1819, n.2.
4 The report has not been found. The South Carolina legislature, probably as a consequence of the report, investigated the State Bank, reported its administration sound, and sharply criticized the actions of the Charleston office of the Bank of the United States which had forced the local banks "to withdraw their paper from circulation, thereby creating a void in the circulating medium of the state, which it has not supplied by an issue of its own." Niles' Weekly Register, XVII (January 29, 1820), 365.
5 See above, Clay to Cheves, November 14, 1819. The case was not appealed.
6 The sentence was first written as follows, and the bracketed words then deleted: I [could not] give you a [stronger] proof of my friendly regard than [that which is furnished by the] unreasonable length of this letter—
7 Irritated by John Forsyth's impatience and use of imprudent language in official communications when the Spanish Government failed to ratify the Florida treaty within the period allowed for that purpose (which had expired August 22, 1819), the Spanish Minister of State had returned Forsyth's note of October 18 and transferred negotiations to Washington. The correspondence through October 8 had been presented to Congress in papers accompanying the President's message of December 7, 1819, published in Washington National Intelligencer, December 10-11, 13-14, 1819; House Docs., 16 Cong., 1 Sess., no. 2. The later correspondence, as well as the earlier, may be found in American State Papers, Foreign Relations, IV, 654-76.
8 See above, Clay to Jones, December 17, 1816; March 7, 1817.
Hon Henry Clay Speaker of the H R.

Sir I have the honor to acke the rect. of your letter of the 9th Inst. with its enclosures. The a/cs. referred to by Wm Peacock,¹ require additional vouchers; the particulars of which will be made known to him & when the defects are remedied & the a/cs. returned to this office the amount admissible will be payable to the order or on the power of atty properly executed by the claimant.

As payment on a/c as the present application would be if the a/cs were admissible could not be made; when the a/cs are settled the whole amount found due must be paid—The papers are retd—P.H.


¹ Possibly the resident of Tennessee who in 1813 had been appointed a major in the 39th U.S. Infantry Regiment.

To John J. Crittenden

My dear Sir

Washington 14 December 1819

We have just heard of your resignation,¹ which has occasioned general regret here. On the public account, I regret, it—on yours, I do not! Tell my friend Mrs Crittenden² that I congratulate her, on the just triumph she has obtained over you. You will have seen the correspondence, respecting the Florida Treaty, & you will have read it as I did, with mortification³ For, with the worst cause the Spaniards came off victorious in that correspondance. Forsyth has acquitted himself very badly. he appears to me to have been furnishing evidence, at Madrid, & certainly not of the most courtly kind, to refute an insinuation I once made at Washington against him of partiality to the King of Spain.⁴ I think our eagerness to get the ratification has probably lost it; What shall we do? These people will put me in the opposition whether I will or no! I wanted to go with them respecting our Spanish affairs, but how can I join in such a foolish course? Instead of resorting to the natural expedient of taking possession of our own, they ask us to take, (on the ground too, of right), what does not belong to us,⁵ Thus in regard to the Patriots—all the premises of the President point to the conclusion of recognizing them & yet strange to tell he concludes by recommending further laws to enforce our neutrality!⁶ in other words, further laws against the Patriots I shall be glad to hear from you & remain faithfully yours

HENRY CLAY

P S. Tell Bibb⁷ that he & you must make out your joint instructions to me, relative to Floridas; which, as I acknowledge the right of instruction I shall of course obey, or disobey under my responsibility.
DECEMBER 22, 1819


1 The Lexington Kentucky Gazette on November 26, 1819, had reported that Crittenden was about to resign as United States Senator from Kentucky, and Governor Gabriel Slaughter on December 7 had informed the legislature that he had received, "since the commencement of the present session" (which began December 6), Crittenden's resignation. Ky. H. of Reps., Journal, 1819-1820, pp. 27-28.

2 The former Sarah (Sally) Allerton Lee of Woodford County, sister of Mrs. Andrew F. Price.

3 See above, Clay to Cheves (2), December 13, 1819, note.

4 See above, Remarks, March 19, 1818.

5 In his annual message to Congress, December 7, 1819, President Monroe had submitted the proposition that since the Spanish Government had failed to ratify the treaty, which its authorized Minister had negotiated strictly within the letter of his instructions, it might "be proper for the United States to carry the conditions of the treaty into effect, in the same manner as if it had been ratified by Spain; claiming, on their part, all its advantages, and yielding to Spain those secured to her." Annals of Cong., 16 Cong., 1 Sess., XXXV, 15.

6 In his message Monroe had also adverted to the war between Spain and the Spanish provinces (the progress of which had "operated manifestly in favor of the colonies") and to the sympathy of the United States for the Patriot cause. Nevertheless he had urged the necessity of preventing violations of American neutrality and suggested that Congress consider the advisability of revising our laws "with a view to this desirable result." Ibid., 16-17.

7 George M. Bibb.

To [Benjamin W. Leigh]

Sir Washington 18th Decr. 1819.

I have received the letter which you did me the favor to write communicating your opinion on the case I submitted to you.1 Perceiving that you lay considerable stress on the fact of my mother having renounced the benefit of the provision for her, made in my fathers will, I have written to Hanover to obtain a Copy of the act of her renunciation, or whatever other evidence of it the records may furnish. As soon as I receive a reply I will again trouble you—In the mean time with much respect I am yr. ob Servt— H. Clay

ALS. ViU. See above, Clay to Leigh, December 7, 1819. 1 Not found.

To Smith Thompson

Sir Washington 22d. Decr. 1819.

I recommend John M. Luckett, now a MidShipman, in the Navy, for the appointment of Purser. I do not know Mr. Luckett personally, but from the information I have received in regard to him, I entertain no doubt of the sufficiency of his qualifications. His connexion, several of whom I do know, are respectable. I have the honor to be with great regard Your obedient Servant.
The honble Mr. Thompson.

H. Clay

ALS. PHC-Charles Roberts Autograph Collection. Thompson, a native of New York, where he had practiced law and had been successively associate justice and chief justice of the State Supreme Court, had been appointed by President Monroe in November, 1818, to succeed Benjamin W. Crowninshield as Secretary of the Navy.
He held that office from January 1, 1819, until August 31, 1823, when he resigned to accept an appointment as Associate Justice of the United States Supreme Court.

From Joseph Lancaster

Washington, 22nd of 12th mo. 1819.

Niles' Weekly Register, XVII (January 15, 1820), 322-26. In the form of a lengthy and impersonal letter to Clay, Lancaster argues the desirability of universal education in the United States. His essay was apparently one of a series, the first of which had been addressed to Burwell Bassett. To Clay, Lancaster states his intention of further developing his ideas in a second letter to Bassett.

Remarks on Bill to Provide Accommodations for the Circuit Court of the District of Columbia

[December 23, 1819]

Mr. Clay (Speaker) said, it was no doubt proper that a place should be provided in which the Court should hold its sittings; but it was worth enquiry whether this accommodation ought to be provided at the public expense, or at that of the people of the county of Washington. He was indisposed, at least, to vote for this bill, until an examination was made, whether the necessary accommodation could not be obtained in some one of the Public Buildings. In this splendid, this imperial city, said Mr. C. in which there are such extensive buildings belonging to the United States, are we to be at the further expense of 800 dollars per annum to provide a building for the Court of the District—a sum which would purchase the fee-simple of very many of the county court-houses in some of the states? Is it possible that no provision can be made for the sittings of the court, without renting for its use the house lately occupied by Congress?1 He trusted the honorable gentleman under whose auspices this bill was now called up, would favor the House with information whether, in the building occupied by the General Post-Office, or some other public building, the requisite accommodation could not be obtained without this expenditure of public money.2

Washington National Intelligencer, December 28, 1819. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXV, 781. The House, in Committee of the Whole, had just heard a report from the Committee on the District of Columbia relative to a bill, which had already passed the Senate, to provide funds to rent a building where the Circuit Court of the District might hold its sessions.

1 Following the destruction of the Capitol during the British occupation of Washington (see above, I, 988-90n), Congress had at first met in apartments “fitted up, under the direction of the superintendent of the city, in the public building heretofore allotted for the post and other public offices.” James Madison to the President of the Senate, September 17, 1814, in U. S. Sen., Journal, 12th and 13th Congresses, 523-24. By act of December 8, 1815 (3 U. S. Stat., 251), however, the President had been authorized to lease a new, privately owned building on Capitol Hill, “on square seven hundred and twenty-eight, with the adjoining buildings and appurtenances,”
December 26, 1819

at a payment of $5,000 down and $1,650 in annual rent. Congress had returned to
the reconstructed public buildings on December 6, 1819.

2 After further discussion, during which it was explained that the Court had been
ousted from its previous meeting place in "the apartment provided for the use of the
Supreme Court," the bill was reported, amended, and rejected.

To -----

Washington, 24th Dec. [1819]

I am extremely gratified to receive the favorable account you
have given of the condition of the University. Even here, amidst
the high and animating concerns of the State, it engages no incon­
siderable share of the public attention and frequently forms an
interesting topic of conversation. All whose eyes are turned to the
West, regard it as a distinguished object; and those, who wish for
the welfare of that rising portion of our confederacy, feel the deepest
solictude for the growth and prosperity of Transylvania University.
The legislature of Kentucky, it is believed, cannot fail to foster and
support an institution which is not merely destined to shed peculiar
lustre upon that State, but which holds the torch of science and
literature to all the States and Territories around that senior member
of the western family.

Lexington Kentucky Reporter, January 19, 1820. Printed as an extract from a letter
by "a distinguished member of congress, to a gentleman in this town." Possibly to
Horace Holley.

To Benjamin W. Leigh

Sir

Washington 26h. Decr. 1819.

I have received, and now transmit to you, the evidence of my
mother's renunciation of the benefit of the provisions for her con­
tained in my father's will. The act appears to have been full and
explicit. I will thank you to bring the Ejectment, or any other
action that you may advise, for the recovery of the Land; and I have
written, by this mail,1 to my friend Edmund W. Rootes to call on
you and take under your directions the measures necessary for its
successful prosecution.

George Clay, the eldest son of my father, died in 1796 or 1797,
ever having been married. Whether, therefore, our claim is to be
asserted as his heirs or the heirs of my father is not, I apprehend,
material. The only surviving children are John Clay of Louisiana,
and Henry Clay and Porter Clay of Kentucky. All the other
children are dead without issue. John Clay has conveyed his
interest in the land to Porter Clay, by a deed which I have trans­
mitted to Mr. Rootes. There may be some doubt whether the land
is sufficiently described, or the deed properly authenticated. You
will be pleased to decide whether it be best to bring the suit in the
names of all three, or in those of the two only; and, in the former case, you will be pleased to direct Mr. Rootes if the deed ought to be recorded. I should, if there be no reason with which I am unacquainted for preferring a State tribunal, think it best to bring the cause in the Federal Court. I will thank you to advise Mr. Rootes or me when there is a probability of the trial coming on, and what proofs, in addition to those with which you are already furnished, may be needful. I am Sir with great respect Yr. obt. Servt.

H. Clay.

Mr. Leigh.

ALS. ViU. See above, Clay to Leigh, December 7, 18, 1819.

1 Letter and accompanying document not found.

Speech on Navy Appropriation Bill

[December 28, 1819]

Mr. Clay rose. He said he had entertained the hope that the gentleman from New York, who had first spoken on this subject, would have moved that the committee should rise, for the purpose of having the papers, which had been laid on the table, ordered to be printed; for, unquestionably, they disclosed a state of fact very contrary to any he had supposed to exist, and which, in his judgment, demanded the interposition of the House. 1 Whilst on the subject of laying papers before the House, he would remark, by the way, that a looseness of practice prevailed, which he regretted to see. An honorable gentleman from Tennessee, the other day, did us the favor, said he, to read to us a communication which he had occasion to make to an officer of the government, with the answer he had received: and the House must recollect the monosyllabical replies to the long interrogatories put to him. To one question, the answer is Yes! to another, No! and, again and again, Yes and No; and this is the sort of communication laid before this House for it solemnly to legislate on. 2 It was proper to say, in justice to that officer, however, that he had not probably contemplated the exhibition of the document to the House—but it was read: and, to-day, the honorable gentleman from Maryland, (Mr. Smith) had laid before the House several documents, one of which was an argument, without date or name, for the guidance of the House in deciding a question of great public interest. 3 This, he repeated, was a looseness of practice, which ought to be corrected. He hoped the committee would rise, that the papers might be printed, as they disclosed facts perfectly new to him, and unexpected. The law of the land, he said, required, in regard to appropriations, that those which remained unexpended for two years, should be carried to the credit of the surplus fund, and thus be brought again within the power
of the Legislature. Was it ever contemplated, he asked, by the Congress who passed that law, or in the expectation of any member of the House, that this law would be evaded, by withdrawing the fund from the power of the Treasury, and placing it in the hands of the Treasurer, and thus reserving to a particular department, or to the Executive branch of the government, the power to apply this money at its pleasure, within the limitation only that it be applied to some object consonant to the character of that for which it was originally appropriated? But was it not more strange, if possible, that whilst, by this transfer from the Treasury to the Treasurer of the Fund, it was withdrawn from the former, still, under another provision of law, it is yet in the power of the Treasury department, and by a transfer is subjected to its disposal? By being withdrawn from the Treasury under one statute, it would have been thought to have been equally taken out of its reach under the provisions of any other statute. But this, it appeared, was not the practice of the Treasury. He was far from intimating, or thinking, that any serious abuse existed, except that of the statute, which certainly ought to be repealed or modified.

But we are told, said Mr. C. by the worthy gentleman at the head of the committee of ways and means, that Congress is, session after session, regularly notified of these transfers. I protest against the conclusion, because Congress have been silent on the subject, they have assented to the practice in question; when perhaps not ten members of this whole body knew of it. There was one conclusion, he said, to which the mind was drawn on the subject: that men should not be too confident of their fellow-men in their use of power: they should, on the contrary, be watchful, and particularly on the all-important points which relate to the sword and the purse of the nation. With respect to the practice which appeared to call for the reprehension of Congress, Mr. C. said, he knew of no mode but one for remedying the evil, which he hoped the proper committee would hasten to lay before the house in the shape of a bill—and that was, to prohibit the practice for the future.

This, however, Mr. C. continued, was not the only topic which he thought demanded the attention of the house. He referred to another practice, at least equally worthy of reprehension—the exceeding of appropriations; the going beyond the expressed will of the Legislature, as to the amount of expenditure. Had it occurred but in a single instance, he should not perhaps have taken notice of it; but there was a habit, arising under the government, of transcending the law, which called on Congress to protest against this abuse of power. The convention which framed the constitution, in order to guard against the abuses to which all history shews us that governments are prone, intended to put into the hands of Congress two
securities—the one the power over the sword, the other over the purse of the nation. What has become of the first of these powers, said Mr. C. let the doctrines asserted on this floor, at the last session, attest.\textsuperscript{5} Are we also to lose our rightful control over the public purse? It is daily wrested from us, under high-sounding terms, which are calculated to deceive us, in such manner as appears to call for approbation rather than censure of the practice. So extended was the practice, he said, that there is scarcely an officer, from the youngest menial in the service of the government upwards, that does not take upon himself, to act upon his responsibility. Mr. C. said, he admired the assumption of responsibility; but it was of responsibility within the constitution. That which exceeded all authority, which prostrated at will the laws of the land, he confessed did not suit his taste. Reverting to the power given to this body by the convention, over the purse of the nation, he said it was remarkable that, so anxious had the framers of the constitution been on that subject, they had inserted in it not a single provision, but two clauses respecting it. The first was, that no money should be drawn from the Treasury, without previous appropriation by law; the other was, that all bills having for their object to lay a tax on the people, should originate with the representatives of the people.\textsuperscript{6} Now, let me ask, said Mr. C. where is the difference between drawing money from the Treasury, and making an unauthorized expenditure, which imposes on Congress a moral obligation to appropriate money to pay it? The difference, he said, was in name only. He called upon members to say, when an expenditure had been made by the government, even though they would not have previously authorized it, if they did not feel themselves bound to make good the deficiency—to pay for the supplies purchased, or money anticipated, merely because the expense had been incurred. If this habit of unauthorized expenditure was persevered in by those who have the care of the public moneys, Congress and the nation would entirely lose the benefit of the constitutional provision, that no money shall be drawn from the Treasury without previous appropriation by law.

Again: if, by a previous expenditure, there was devolved upon Congress a moral obligation to pay away the public money, he asked where was the difference between the making such expenditure and imposing taxes on the people of the country? The one necessarily involved the other. Let me refer, said he, to the honorable gentleman from Pennsylvania, the Representative of what has been frequently and not improperly called the Birmingham of America,\textsuperscript{7} to say, whether a member does not feel himself constrained to vote for appropriations where the money had been expended, which he would not have previously authorized to have been expended. For abuses of this description, he knew not what remedy to suggest.
He had thus adverted to them for the purpose of entering the protest of at least one individual against them.

It behoves us well, said he, and especially after the deficiency in the Revenue of which we are apprized, to take care of our expenditures for the future. Our purse is reduced to rather a melancholy condition: having parted with all the big notes and large money, we have gotten down to the tattered rags and fourpence-halfpenny bits. It was true, that Congress had in some degree participated in the large expenditures which had caused the present deficit—but such appropriations had been generally made on Executive recommendations—for there was no resisting them. For example, the Revolutionary Pension Bill, which had introduced an annual expenditure of three millions of dollars.\(^8\) The honorable gentleman from Massachusetts, (Mr. Lincoln) who addressed the House the other day on the subject, fervently, and he might say piously, expressed a wish, in regard to the soldier of the Revolution, that he might live \textit{for ever}.\(^9\) I wish, sir, said Mr. Clay, that he may live as long as it may please God to let him live; but I hope the gentleman would consent to compromise for the term of nine hundred and ninety-nine years for the duration of his existence. These expences shew a want of forecast amongst our predecessors, and I take to myself my share of the blame: it becomes us to guard against it for the future, by every examination and detection of abuses; by every corrective and every preventive which the Constitution has furnished Congress the power of applying. He wished, he said, the House could have an opportunity of deliberately examining the papers: but, fearing he might obstruct the passage of this bill, for the appropriation of only half a million of dollars for the excess of expenditure in one department of the government, he should not himself move that the committee should rise. But, said he, it is proper, before we take a leap in the dark, to know on what ground we stand.\(^10\)

\(^8\) On December 23, following Smith's explanation, Henry R. Storrs had asked for reading of a warrant, drawn by the President several months earlier to transfer to another fund certain unexpended balances of former appropriations. He desired an explanation of the authority by which the President had acted in this instance.

\(^9\) On December 22, during debate on a bill to provide payment for losses suffered during the Seminole War, Newton Cannon, of Tennessee, had read to the House a communication composed of "direct, but brief answers" to questions he had addressed to the Paymaster General. \textit{Ibid.}, January 4, 1820.
3 Smith had opened the discussion by attempting to show that since 1809 the uniform practice had been for the President to transfer any unexpended balance in a specific departmental appropriation to another fund within that department. In proof he submitted three documents: "The direction of the Comptroller for the War and Navy Departments, relative to their conduct under the act of 1809; Remarks by the Secretary of the Navy; and a letter from the Secretary of the Treasury." Ibid., January 6, 1820.

41 U. S. Stat., 437 (March 3, 1795). Under the terms of an act approved March 3, 1809, however, the President during a recess of Congress was authorized, "on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the monies appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department, in which case a special account of the monies thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session." 2 U. S. Stat., 535-36.

5 In connection with the debate on Jackson's invasion of Florida (see above, Speech, January 20, 1819).

6 Article I, Sections 9 and 7. 7 Henry Baldwin.

8 See above, Edwards to Clay, March 5, 1819, note.

9 Enoch Lincoln had spoken on December 20, during the discussion of Revolutionary pensions.

10 After further discussion and unsuccessful efforts to amend, the bill was passed by the House on December 30 and became law January 14, 1820. 3 U. S. Stat., 540.

Speech on the Admission of Maine

[December 30, 1819]

Mr. Clay (Speaker) said, he was not yet prepared for this question. He was not opposed to the admission of the state of Maine into the Union. The intelligence and numerical strength of her population, her extent of territory, her separation from Old Massachusetts by intervening territory, her position in relation to the other members of the confederacy, all concurred to recommend the measure now proposed. But, before it was finally acted on, he wished to know, he said, whether certain doctrines of an alarming character—which, if persevered in, no man could tell where they would end—with respect to a restriction on the admission into the Union of states West of the Mississippi, were to be sustained on this floor. He wished to know what was the character of the conditions which Congress had a right to annex to the admission of new states; whether, in fact, in admitting a new state, there could be a partition of its sovereignty. He wished to know the extent of the principles which gentlemen meant to defend, in this respect; and particularly the extent to which they meant to carry these principles in relation to the country West of the Mississippi. On this subject, he said, there should be a serious pause; the question should be maturely weighed before this new mode of acquiring power was resorted to, which was proposed in regard to the state to be formed out of the present territory of Missouri. Heretofore, when the population and extent of a territory had been such as to entitle a territory to the privilege of self-government and the rank of a state, the single question had presented itself to admit or reject it, without
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qualification. But new doctrines had sprung up on this subject; and, said he, before we take a single step to change the present relations of the members of the confederation, there should be a distinct understanding between the Representatives from the various parts of the country, as to the extent to which they are to be carried. If beyond the mountains Congress can exert the power of imposing restrictions on new states—can they not also on this side of them? If, there, they can impose hard conditions—conditions which strike vitally at the independence and power of the states—can they not also here? If, said he, the states of the West are to be subject to restrictions by Congress, whilst the Atlantic states are free from them, proclaim the distinction at once; announce your privileges and immunities: let us have a clear and distinct understanding of what we are to expect. He would not, however, he said, press this part of the subject, but proceed to notice another point which presented itself in respect to this bill; wishing the honorable gentleman, under whose auspices this bill had been introduced into the house, distinctly to understand, that he had not the slightest indisposition to the reception of Maine into the Union on the footing of the other states of the Union.

Mr. C. then adverted to the section which had been stricken out of the bill respecting the representation of Maine on this floor. Looking back to 1791, what then took place on a similar subject with this? The state of Kentucky, if he was not egregiously mistaken in the history of the times, was delayed eighteen months before she was permitted to come in, until Vermont also was ready; and the two states would be found connected together in the act providing for their representation in Congress. He asked whether this precedent from the statute book might not be advantageously followed in regard to the two states now claiming admission into the Union; one being from the North-East, the other from the West, as was the case in 1791? This, he said, was worthy of consideration. The precedent was from the early, and, as far at least as regards the construction of the constitution under which we act, the best times of the Republic. Whether such an union of the two states took place now, or not, Mr. C. said he wished to know what was to be done on the subject of the representation of Maine? Did the gentleman mean to follow up this bill by another, providing specially for that object? The committee, he thought, ought not to rise and report the bill in its present shape, without satisfactory information on that point.

[Holmes replied that the admission of Maine "was a distinct subject presented to the consideration of the committee." He was ready also to discuss the other question, concerning apportionment of representation between Maine and Massachusetts, and had wished
to strike out of the bill the section relating to representation only because he had discovered that there was uncertainty as to pre­cedents. He added that the separation of Maine from Massachusetts was contingent upon Congressional action by March 3. With regard to the question of admission he said: "Will any one say, we ought not to be admitted to the Union? we are answered, Yes; and that, unless we will agree to admit Missouri into the Union unconditionally, we ought not to be admitted! I hope the doctrine did not extend quite as far as that. {Mr. Clay here said, in an undertone, Yes, it did.}" Holmes denied that there was any connection between the question of admission of Maine with that of the admission of Missouri.

[Arthur Livermore, also arguing that the two questions were not connected, added that "it was very well known, that every one who contended for the restriction on the new States, beyond the Mis­sissippi, had gone on the ground that the territory acquired by pur­chase from France stood on a distinct footing, and not on the same footing as the old States."]

Mr. Clay remarked, that, since the question was put, he would say at once to the gentleman from Massachusetts, and his worthy friend the Chairman of the committee on the Post Office and Post Roads, with that frankness which perhaps too much belonged to his character, that he did not mean to give his consent to the admission of the state of Maine into the Union, as long as the doctrines were upheld of annexing conditions to the admission of states into the union from beyond the mountains. Equality, said he, is equity. If we have no right to impose conditions on this state, we have none to impose them on the state of Missouri. Although, Mr. C. said, he did not mean to anticipate the argument on this subject, the gentle­man from New Hampshire would find himself totally to fail in the attempt to establish the position that, because the territory of Missouri was acquired by purchase, she is our vassal, and we have a right to affix to her admission conditions not applicable to the states on this side of the Mississippi. The doctrine, said Mr. Clay, is an alarming one, and I protest against it now, and whenever or wherever it may be asserted, that there are any rights attaching in the one case which do not in the other; or that any line of distinction is to be drawn between the Eastern and the Western States. It is a distinction which neither exists in reason, nor can you carry it into effect in practice. But, Mr. C. said, he did not mean to go into this subject. It was proper and fitting, however, in his opinion, that this bill should be delayed; that the House should not act on the one bill until it could also act on the other for the admission of a State in the West. But it seemed there was a particular aversion to the connection of Maine and Missouri. If he was not much mistaken, Mr. C. said,
those who now objected to such an alliance, were the advocates of the alliance in the case which he had quoted as a precedent, and had succeeded in keeping Kentucky out of the Union for some twelve or eighteen months, because Vermont was not ready to come in—and, when ready, connected them in the same bill. I am glad to hear, said he, from the gentleman from Massachusetts, that that old and venerable Commonwealth has given to Maine till the 3d of March to come into the Union, or rather has allowed to Congress till the 3d of March to admit her. It is a good long time to the 3d of March—at least 60 days—and in that time much light may be shed on the principles which are to govern us in the admission of new states into the Union. What occasion, then, for haste? The gentleman from Massachusetts, Mr. C. said, was not unwilling to follow a part of the precedent of 1791; but, when the other part of it was suggested for his imitation, it was most unreasonable! The gentleman had himself shewn that it was not now proper to act conclusively on this bill; for, has he not told the House, asked Mr. C. that he has not prepared a proposition respecting the representation of Maine? When will he do it? Supposing we have a right to take seven Representatives from Massachusetts, and give them to Maine, what will be the condition of the gentlemen who now represent those seven districts of Massachusetts? But, it was a question, he said, whether it was in the power of Congress to disfranchise Massachusetts, by taking from her seven, or any other number, of her Representatives. These matters ought to be duly considered; and gentlemen should be prepared to act on them. Why pass this bill with such speed, and, after it passes, proceed to consider the difficulties respecting the subject which gentlemen acknowledged to exist? Suppose, after the law was passed, and difficulties respecting the representation in Congress should be discovered to be so insuperable, that Maine could have no representation. Mr. C. said he presumed she would not be willing to come into the Union on that footing, whilst her present situation was different, that portion of Massachusetts having in fact seven Representatives in Congress. Suppose, said he, I was mistaken in my doctrine respecting restrictions on new states, and that you have a right to measure justice by different standards: why do not the friends of restriction come forward, and propose a restriction on Maine, if not the same as that proposed to be imposed on Missouri, on some other point? To pass this bill in its present shape, he said, would be an act of half-legislation; and it ought not to be sent to the other branch of the Legislature, without giving to the state of Maine (what was of essential importance,) the representation in the Union which was due to its numbers, and required by its interests. If the gentleman wanted time to prepare the necessary amendments on this subject, Mr. C. said, he would give
him time, by postponing the bill—at the same time, repeating, that he was not desirous to defeat the admission of Maine into the Union.

[Ezekiel Whitman argued further against uniting the questions of Maine and Missouri and “was apprehensive that the hon. Speaker might have been misinformed” regarding the admission of Vermont and Kentucky. Whitman declared that he had never heard before that these two states “had been tacked together” and that objections to the admission of Kentucky had come from the East and North. Holmes also pointed out that Clay was mistaken “with respect to the union of Kentucky with Vermont, in their admission.” He “hoped that the subject of the representation of Maine in Congress would not be connected in the bill with that of her admission into the Union; neither, he hoped, would the Maine question be connected with that of Missouri.”]

Mr. CLAY said that, with respect to uniting the two states of Maine and Missouri in one act, he had not intimated any intention at present to connect them. But, in reference to the case which he had referred to as a precedent for such a connection, the gentleman from Massachusetts had professed his ignorance of it. The gentleman, Mr. C. said, might never have heard of it, and, as he had so said, doubtless never had heard of it; but, if the gentleman was not informed on the subject, he (Mr. C.) hoped he would allow to him the benefit he had derived from having participated, in some degree, in the transactions of that day. I can assure him, said Mr. Clay, that the proposition came from the North, to delay the admission of Kentucky into the Union, until Vermont was ready to come in. But the gentleman perceived great injustice in such a proceeding on the present day; on that head, Mr. C. said he would recommend to his recollection the old anecdote of the parson and the bull. He professed that he could not see the great injustice of a proposition, if now made, to connect the admission of the two states together. A state in the quarter of the country from which I come, said Mr. Clay, asks to be admitted into the Union. That say the gentlemen who ask the admission of this state of Maine into the Union? Why, they will not admit Missouri without a condition which strips it of an essential attribute of sovereignty. What then do I say to them? That justice is due to all parts of the Union; your state shall be admitted free of condition: but, if you refuse to admit Missouri also free of condition, we see no reason why you shall take to yourselves privileges which you deny to her—and, until you grant them also to her, we will not admit you. This notion of an equivalent, Mr. C. said, was not a new one: it was one upon which commonwealths and states had acted from time immemorial. But he did not mean to press this part of the subject—he would put it aside, and confine himself to the single point, whether it was proper to pass this bill, without incorporating
in it some provision on the subject of the representation of Maine? This was the point on which he desired a decision before the bill passed. Were he to permit himself again to glance at the case of Missouri, he would say, there was a wide difference, in one respect, between that case and the case of Maine; and that the former most urgently required the attention of the house. The one was in the actual enjoyment of the advantages of self-government—was already in the confederacy as a component part of a highly respectable state—was heard and represented by a phalanx of seven members on this floor. Whilst Missouri was subjected to arbitrary government—for he held that, whenever a people are subject to a government under an authority which is as to them foreign, they being unrepresented, that government is arbitrary, whatever be the character of its measures—no boon from Heaven, in his estimation, being more inestimable than the privilege of a people to govern themselves—and no political state more intolerable than that of having laws, and those most solemn of all laws, constitutions, imposed upon a people without their consent. Precedents might be found for such proceedings, but happily for the new world, not in this part of the globe, but in the other hemisphere, and recently too, at the close of one of the most memorable struggles in which any portion of the human race had ever been engaged. Missouri was unheard on this floor; she had not twenty votes to spring up in vindication of her rights and defence of her interests; this infant, distant territory, without a vote on this floor, was in no condition comparable to that in which Maine now stood. But, he said, he would not press this subject further.

There were difficulties, it was admitted, in regard to the representation of Maine; and it was questionable, at least, whether, under the Constitution, Congress could subtract from the number of Representatives Massachusetts now has, any portion of them. Could any state by her consent, grant to Congress the power to do so? If in relation to one of its Representatives, can it in relation to the whole of them? If not, in relation to what part? If by the consent of the state this may be done, how is that consent to be given—by the Legislature or by the whole People? If by the whole People, have the People of Massachusetts been consulted on the subject in the present instance? The Legislature, it was true, had passed an act on the subject; but had the Legislature competent authority to do so? Mr. C. did not say that these difficulties were insuperable; he hoped they could be gotten over. But he thought the House ought not to be hurried; that they should take time to consider all the consequences of what they were about to do—the more, as there was no great urgency in the business. He thought he said, that Maine ought to be admitted into the Union: he thought the same of Missouri; and although he might be forced to withhold his assent to the
admission of Maine, if a majority of this House should (which he trusted they would not,) impose unconstitutional restrictions on the admission of Missouri, he should do it with great reluctance. But, in any event, this question respecting the representation of Maine ought to be understood; it ought to be understood which of the Representatives of Maine were hereafter to be Representatives of Massachusetts. There was nothing in the Constitution of the United States which required that a person should represent the district in which he resides; and the gentleman from Boston was as much the Representative of the Maine part of Massachusetts, as he who lived in that district of country. It would be seen, then, that if the difficulties surrounding this subject were not insuperable, they were yet of some magnitude. He therefore moved, that the committee rise, report progress and ask leave to sit again.

[Holmes in reply "said, that until the honorable Speaker disclosed the whole extent of his objections to the bill, it was impossible, either by argument or amendment, to obviate them; and the Speaker had not yet disclosed them." He asked whether the objection relating to representation was the only objection to passage of the bill or if, once that question should be settled, Clay would "make the admission of Missouri a condition of the admission of Maine." Following additional discussion concerning apportionment of representation between Massachusetts and Maine, Holmes concluded by asking "whether the honorable Speaker meant to make it a sine qua non to the admission of Maine, that Missouri should previously be admitted without condition?"]

Mr. CLAY said, he had always the greatest disposition in the world to oblige the gentleman from Massachusetts, and had no objection to be interrogated by him as long as he pleased. The gentleman had asked him to make objections—against what? The gentleman had brought forward no proposition to which to state objections; and the objection was, that there was no such proposition before the house. The bill, as reported, did contain a provision that Massachusetts should have hereafter thirteen, and Maine seven representatives, but which of the present twenty were to be assigned to Maine, and which to Massachusetts, it did not provide. Mr. C. said it did not belong to him, but to the gentleman from Massachusetts, to prepare an amendment on that subject. After these difficulties were gotten over, Mr. C. said he could satisfy the gentleman on the other point. If he had not already, however, been sufficiently explicit, he was afraid he should not be able to satisfy the gentleman on that head. The only question now was on the subject of the representation, which certainly ought to be adjusted by this bill. Mr. C. said he found the gentleman was throwing out his net: it was quite evident he was not satisfied himself what was to be the rule on this head;
and his colleague had acknowledged that it was a matter of some difficulty, but thinks that an amendment will put it all right. Well, Mr. C. said, if that was the matter, let the amendment be prepared; and let the committee rise to give the gentleman an opportunity of preparing it.

[During the discussion that followed, Samuel A. Foote, of Connecticut, "rejoiced that the question on this bill was now narrowed down to one point—a difficulty in respect to the representation," and argued that the matter should be left to the two states, Massachusetts and Maine, for settlement. "He could see no necessity for stumbling here for hours over this objection. He was happy, he remarked, that the question was now stripped of every exterior consideration, and the House had to decide only on the plain question, whether Maine should be admitted or not.”]

Mr. Clay said he was glad the gentleman from Connecticut had furnished the House with some light, to shew where they were. But there was before the House no proposition on the subject of representation: it was that, which he wished to see—and, if the gentleman from Connecticut would prepare one, the committee would probably be obliged to him for giving them something definite to act on.⁷

Washington National Intelligencer, January 13, 1820. Published also in Lexington Kentucky Reporter, February 2, 1820; Annals of Cong., 16 Cong., 1 Sess., XXXV, 831-33, 835-36, 840-42, 843, 844. On December 8 John Holmes had presented the petition of a convention recently held in that part of Massachusetts called "the District of Maine," asking Congress for admission into the Union before January 31, 1820. The select committee to which the petition was referred had reported a bill on December 21, and nine days later the House had resolved itself into Committee of the Whole on the measure. On motion of Holmes a provision relating to representation had been stricken out, and the question was then stated "that the Committee do rise and report the bill.”

³ See above, Remarks, February 13, 15, 1819. ² The section had provided "That until the next general census and apportionment of Representatives, the State of Massachusetts shall be entitled to, and may continue to have, thirteen Representatives, and the State of Maine seven Representatives, in the House of Representatives of the United States.”
³ The date set for the admission of Kentucky, June 1, 1792, had been the date specified in the resolution adopted by the Kentucky Convention, July 28, 1790, and submitted to Congress December 9, 1790. The bill admitting Kentucky had passed the Senate January 12, 1791, the House on January 28. It had been signed by the President on February 4, 1791.
A request for the admission of Vermont had reached Congress February 9, 1791, a bill had passed both houses by February 14, and the President had signed the measure February 18. The only apparent connection between the admission of the two states was an act, approved February 25, 1791, which authorized each to choose two representatives to Congress until the whole number of representatives in that body should be apportioned according to a census of the United States. Annals of Cong., 1 Cong., 3 Sess., II, 1729, 1731, 1742, 1745, 1755, 1756, 1757, 1862, 1885, 1960, 1962, 1966; 1 U. S. Stat., 189, 191.
⁴ Livermore.
⁵ Clay had been not quite fourteen years old at the time.
⁶ The story involving a parson has not been found: it was probably a variant of Aesop’s fable of The Partial Judge, whose ox had gored a bull. Before learning the identity of the parties, he ruled that the offending ox should be given to the owner of the injured bull. Told that the ox was his, the judge observed that the case was altered. Martin Luther had alluded to the tale with the comment, "It depends on whose ox is gored.” The story had been told by Benjamin Franklin in Poor Richard's Almanac and by Noah Webster in the American Spelling Book.
Foote replied that he was ready to act on the bill before the House, no action being necessary on the "matter which it would be properly left to Massachusetts and Maine to determine. This solution of the difficulty would happily relieve the subject from the perplexity under which the honorable Speaker had seemed so much to labor during his addresses to the House." After "some other good-natured remarks" had been made, the Committee rose and the House adjourned.

On the next day the House again resolved itself into Committee of the Whole on the bill. No further debate arose, and the Committee reported the measure without the section on representation. Further efforts to add amendments failed, and on January 3 the bill was passed by the House. On February 18 the Senate approved the measure with various amendments designed "to authorize, by the same bill, the people of Missouri to form a State government, without the slave restriction, but containing a clause to exclude slavery from all the territory west of the Mississippi which lies north of thirty-six degrees thirty minutes north latitude, except the proposed State of Missouri." The House rejected these amendments on February 23, and the measure was sent to conference committee. Under the report, accepted on March 3, the Senate withdrew from its amendments and adopted a further amendment, which dated Maine's admission as of March 15, 1820. The House accepted the final Senate amendment and the measure became law March 3, 1820. 3 U. S. Stat., 544. This agreement hinged upon correlative action on a separate bill for admission of Missouri (see below, Remarks, January 26; Clay to Hardin, February 5; Speech, February 8; Clay to Holley, February 17; Clay to Beatty, March 4—all in 1820).

From J—B—

Dear Sir [ca. January, 1820]

I have not forgotten the promise which I made you last summer of giving you my ideas in writing, in answer to the argument said to be used before the supreme Court of the U. S. at their last term, to prove that a law of a State, which discharges a debtor from his contract, on condition of his giving up his effects in compliance with the requisitions of the Law, was, in its operation upon a contract made after its passage, a violation of that clause of the constitution of the U. S., which declares that "no State shall pass any law impairing the obligations of contracts." 1

When I made this promise, I had no very distinct view of the subject, but confident that the argument was fallacious, and unsound, I expected, a little time for reflection would suggest the reasoning, necessary to prove it so, and time sufficient for that purpose has elapsed, but various circumstances, which I need not mention, have occur'd to prevent any portion of it from being bestowed by me upon the subject. What I shall now say, therefore, must be view'd rather as loose and disjointed suggestions, than as a regular and logical discourse upon the subject. 2

1 The case referred to is probably McMillan vs. McNeill, 17 U. S. (4 Wheaton) 209-13 (1819), which had been appealed from the District Court of Louisiana. In his opinion on this case Chief Justice Marshall had declared that the passage of a state bankruptcy law prior to the time a debt was contracted did not alter the principle that such a law in discharging a contract is a violation of the Constitution.

2 The statement continues with an argument of eleven manuscript pages in opposi-
tion to the view of the Court. At one point, the only other personal reference to Clay, the writer comments: "But admitting the distinction to exist between the contract and its obligation, still you say the argument, used in the Supreme Court, will apply by substituting the term obligation instead of contract where the latter occurs in the argument."

To Benjamin W. Leigh
Dr Sir Washington 5 Jan. 1820.
I received your favor of the 29h. Ulto.¹ I had not, as you supposed, sufficiently attended to that part of the opinion with which you obliged me that related to the statutory provision in regard to Estates held pour autre vie. I have looked at the statute itself and it seems to me that the conclusion you draw from it is correct, unless the first words in the clause, "Where any person shall die seized of lands held for life of another such person"² &c which I take it control the subsequent provisions, mean an actual seisin. Prior to your statute of wills, if I am not mistaken in my recollection of the Common law, one could not by his will devise an estate of which he had not possession. The first clause of your statute remedies that defect of the common law and gives the power to devise whatever interest one holds whether in possession or not reversion &c.³ Subsequently, in the same statute, the Legislature take up the subject (which I suppose it presumed was not sufficiently provided for in the first section) of estates held for life of another, and enact the provision in question. Will not the words employed limit the right to the case of actual possession? If so, George Clay never having had that, would not the interest which vested in him, by the widow's renunciation of the provision made for her, pass, upon his death, to his heirs? I confess that in suggesting these enquiries I am somewhat influenced by the wish of avoiding the trouble incident to the obtaining of letters of administration. The death of Geo. Clay was in Henrico, the same County in which Euphraim is situated. Is it possible to procure a grant of the administration, without the presence of the admor in Court to take the oath &c &c?

With great respect I am Your obt. Servt. H. CLAY
B. W. Leigh Esqr.

¹ Not found.
² "Where any persons [sic] shall die seized of lands held for life of another, such person may, by his or her last will and testament, in writing, . . . devise all his interest in such lands, which shall, if necessary, be assets in the hands of such devisee. And if no such devise be made, such lands for the residue of the term, shall be assets in the hands of the heir, if it shall come to him by reason of a special occupancy, in the same manner as lands descending in fee simple: and if there shall be no special occupant, it shall go to the executors as administrators of the person so dying seized, and be assets in their hands, subject to debts, legacies, and distribution." Hening (comp.), Statutes at Large, XII, 152 (enacted October, 1785, to become effective January 1, 1787).
³ Ibid., 140.
Remarks on Bill Providing for Census

[January 6, 1820]

Mr. Clay observed that the amendment had been offered partly on his suggestion, and he could see no possible mischief in the provision. As to its policy, it would effect more completely one of the objects of taking a census, which was to shew the comparative increase in all classes of our population, and enable the government to carry into effect more perfectly the purposes of the periodical enumeration. There was no part of the United States in such a condition, as related to this class of people as to render any mischief possible from such a provision.¹

Washington National Intelligencer, January 7, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXIV, 880. During consideration in Committee of the Whole on a bill providing for taking the fourth census, Charles Rich had “moved that free colored persons be enumerated, and returned separately, with their ages classed in the same manner as slaves.” Samuel Smith had then “wished to know the policy of thus informing, by official enumeration and publication, that class of population of their strength and numbers. What good was to grow out of it?”¹ A motion by John W. Campbell, of Ohio, “to render the amendment more minute by distinguishing those under ten years of age” was opposed by Clay and William Lowndes “as useless, in as much as the returns would be very uncertain.” Campbell’s motion was rejected and Rich’s was approved.

Remarks and Motion on Bill Granting Land to the New York Deaf and Dumb Asylum

[January 7, 1820]

Mr. Clay, (Speaker,) said he regretted, exceedingly, that he felt himself obliged to object to a bill which was recommended to the consideration of the House by the worthy gentleman from New York, (Mr. Meigs,) and especially as it was a bill with such a benevolent object. Waiving the question, whether, after the liberal endowment by Congress of the Connecticut Asylum, the wants of society required (which he doubted) another institution for the deaf and dumb; he must think that, if we made any grant, it would be better to make it directly in money rather than land. It was desirable that Congress should retain the monopoly of the sale of the public lands, because they could better regulate the manner in which they should be brought into the market, and could count with more certainty upon the produce of the revenue from that source. It was particularly desirable to avoid the competition of large land-holders, whether corporations or individuals. This bill proposes a grant of a township, with certain privileges of selection and location. It might be fairly estimated, considering those privileges, as worth about one hundred thousand dollars. The object, no
doubt, of the New York institution, was, to bring it into market; and it would consequently tend to supply the demand for public land to the amount of the grant. It would abstract so much from the public revenue; and ought therefore to be considered, as in effect it was, a grant of so much money. And he hoped, if the honorable gentleman pressed the passage of the bill, that he would move an amendment, to substitute money for land. Mr. C. really thought that it was high time that we should begin to husband the public resources. With an empty exchequer, we ought to review the causes which have led to it, and examine if there had been no extravagant profusion on the part of Government. He thought the House was imperiously called upon to pause. He repeated the expression of sincere regret which he felt in interposing any objection to the bill; but he must move to strike out the first section of it.

[Several other members opposed the bill, and Meigs spoke again in its defense.]

Mr. Clay, rose again to remark, that the whole of the deaf and dumb in the United States, at least all those incompetent to support themselves at an asylum by their own estates, might be educated at the Connecticut asylum, now in successful operation. He therefore did not think an additional asylum for the deaf and dumb necessary; but even supposing that another institution were necessary for the American community, was it proper that it should be fixed at New York, which was not more than one hundred miles from the asylum at Hartford; and least of all would it be proper to locate it in a place so expensive as New-York? If another institution was to be encouraged, let it go, Mr. C. said, into the interior, amongst a class to which the gentleman from Pennsylvania (Mr. Forrest, a member of the society of Friends,) belongs, whose frugal, regular, and industrious habits, and simplicity of character, suited them to the management of such things; but not, he repeated, establish it in a large city remarkable for its expensive, and luxurious habits, &c. These reasons, Mr. C. thought, might fairly be adduced in addition to the others which had been justly urged against the bill; and he must still hope, notwithstanding the eloquent manner in which the bill had been supported by the gentleman from N. Y. (Mr. Meigs,) that his own motion would prevail, and the first section be stricken out.

Washington National Intelligencer, January 28, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXV, 883-84, 889-90. In Committee of the Whole on a "bill granting a donation of one Township (36 square miles) of the Public Land to the Asylum for the Deaf and Dumb, at New York," Henry Meigs, of New York, who had reported the measure for a special committee, had described the work of the Asylum and referred to the grant, made by Congress during the previous year, to the similar institution at Hartford, Connecticut.

1 Representative Thomas Forrest, of Germantown.
2 Two additional participants joined the debate, after which Clay's motion was adopted in Committee and by the House.
From "Fabius"

[ca. January 7, 1820]

[Noting reports that Clay will leave the House of Representatives to run for the Governorship of Kentucky, the writer protests that Clay's services belong on the national scene. "Shall you, sir, who have made yourself a master workman in politics quit your elevation and become a prentice boy! shall you, whose honors are about to burst their bud, to unfold themselves in full bloom to the admiration of the world, suffer themselves to be uprooted from the soil in which they have flourished—removed from the mount whence their brilliancy shines forth to all the world, to be transplanted into the sickly and confined soil of a flour pot, to ornament a private chimney-piece!"

Frankfort Argus of Western America, January 7, 1820. Addressed: "To HENRY CLAY."

The Argus, December 24, 1819, had carried a short note commenting: "It is the wish of many, that HENRY CLAY shall be elected, as the next GOVERNOR OF KENTUCKY."

The Lexington Kentucky Reporter on December 20, mentioning several other candidates for the office, had observed: "It has also been suggested that Mr. Clay would probably be a candidate."

To Amos Kendall

WASHINGTON, 8th Jan. 1820.

Dear Sir: I duly received your obliging favor of the 24th ult. The day before it arrived, I had written to Bibb and to Mr. Smith of the H. of R. authorizing them to give any publicity to the fact that they might think proper, that I did not wish to be considered a candidate for the next Governor. It would have been gratifying to me to have been able to comply with the wishes of those estimable friends who urged me to offer; but it appeared to me that the same considerations which I think require me to leave Congress, are equally opposed to my acceptance of the office of Governor of K.

The Missouri question is that which engrosses most of the thoughts and attention of the members at present. There is a profound interest felt on that question here. The subject has been started, it is believed by many, for the purpose of arraying one portion of the U. States against another; and there is some reason to apprehend that this sinister design may be effected.

Our Spanish affairs have given rise to many diversified views of the course which this government ought to adopt; and I have never seen less coincidence in opinion among the members of Congress. At the commencement of the session, I do not believe there were ten members who concurred in the recommendation of the President. Even yet, I do not think the number great. Still, the influence of the Executive is almost irresistible, and it is possible that it may ultimately persuade a majority to believe that the treaty is binding,
and even that it is for our interest to execute it. With regard to the Patriots, all the premises of the President pointed to one conclusion; that is, a recognition of them; yet he recommended the passage of further laws to enforce our neutrality; in other words, further laws against them. I am anxious to know what our Legislature will do to relieve the country.

With great regard, I am cordially yours,

H. Clay.

P. S. Do not publish this letter.

Frankfort Argus of Western America, July 16, 1828. 1 Not found.

2 George M. Bibb; probably John Speed Smith, a member of the Kentucky House of Representatives from Madison County and long a prominent lawyer in eastern Kentucky. Smith had served as aide-de-camp to General William Henry Harrison during the War of 1812, was elected to Congress in 1821, subsequently represented Madison County for many years in both houses of the State legislature, and from 1828 to 1832 was United States District Attorney for Kentucky. The letters to Bibb and Smith have not been found.

3 See above, “Fabius” to Clay, January 7, 1820.

4 See above, Clay to Crittenden, December 14, 1819.

To Martin D. Hardin

Dr Sir


Prior to the receipt of your favor of the 25th. Ulto. I had written to two or three other friends at Frankfort 1 communicating my wish not to be considered a Candidate for the office of Governor. I do not think that any circumstances which I can anticipate would induce me to change this determination. At the same time, if I felt an inclination to become a Candidate I should not feel myself restrained by the consideration of a prior announcement, even if that were, as in the instance of Judge Logan 2 it is, by one for whom I entertain very high respect. If one man induces another to become a Candidate, by any assurance of support &c., it would then be dishonorable to oppose him. But I do not think the mere circumstance of previous occupation of the field is an adequate ground to prevent another from coming out.

You have, I am aware, in the friendly letter which you have written me, said nothing contravening these ideas. And I communicate them only to prevent the possibility of misinterpretation.

I do not know whether I feel most anxiety about the measures which are likely to be adopted at Frankfort or here. In one respect, judging by what I have heard from your town, there is a striking similarity in the state of things at the two places, that is to say, it is extremely uncertain what will be done. I have never before experienced so strongly the truth of this remark here. On no one of the interesting questions which must arise is it possible to predict what will be the final determination of Congress. There is (and this is...
all that can be affirmed) a strong disinclination to War, and a disposition to retrench as much as possible. With great regard I am Cordially Yrs.

H. CLAY

Genl. Hardin.

ALS. IC

1 See above, Clay to Kendall, January 8, 1820.
2 The Lexington Kentucky Reporter, December 20, 1819, had announced the candidacy of William Logan.

From William Warren

Dear Sir

Prospect. 1 Jany 12th. 1820

My boy Ant: informs me, that he lost on his way to Lexington, my note addressd. to you, respecting his hire age the present year; In that note I informed you, and I again repeat it, that the proposition made by you, was acceded to, that is $100, in the currency of the Country, and the Customary clotheing—I have the honor to be with great respect Your Obt. Sevt.

W. WARREN

The Honble H. Clay.

ALS. DLC-TJC (DNA, M212, R12). Endorsed by Clay: "Warren William (Anthony's hire)." Warren was probably either the Scott County, Kentucky, lawyer and judge of that name or the Woodford County planter who had owned eleven slaves in 1810.

Receipt from Benjamin W. Leigh

Richmond, Jan. 14. 1820

Recd. of Henry Clay Esq. by the hands of E. W. Rootes Esq. fifty dollars fee for a suit to be brought in the federal court at Richmd. for a tract of land called Ephraim 1 in Henrico County—

B: W: LEIGH

DS. DLC-TJC (DNA, M212, R15). See above, Clay to Leigh, December 7, 1819.

1 Euphraim.

From James L. Edwards

Hon: H. Clay.

War Department, Pension Office, Speaker of the House of Reps. January 15th. 1820.

Sir,

To your note of yesterday, 1 in the following words, I am somewhat at a loss to reply:

"Thomas Church, the guardian of the heirs of John Gardner, 2 who are one [sic] the pension list, desires the pension made payable at the office of Discount and Deposit in Lexington (K.) Will you be good enough to have the transfer made, and inform me if all arrearages will be paid there?"

As the names of the heirs of John Gardner are already on the roll
of Kentucky, and as funds have been regularly transmitted to the
U.S. Branch Bank at Lexington, since April, 1818, to pay Mr.
Church, as guardian, I am unable to ascertain the nature of the
transfer required. I am apprehensive that there must be some
mistake relative to the business. If you desire it, I will write to the
Agent at Lexington, on the subject. All arrearages will be paid at
that place. I am &c. J. L. E.

1 Not found. 2 Probably the son-in-law of Church.

From Jonathan Russell

Mendon 16h Jany 1820

My dear Sir,

Your letter of the 27 ulto has given me real satisfaction & you may
rest assured that the unshaken friendship which you have so kindly
expressed is most sensibly felt & most fully reciprocated. I should
have written you immediately after my return to this country &
assured you of my sentiments had I not been persuaded you could
not doubt them & somewhat afraid to tax the time of a man so
pressed by the most important business with reading the communi­
cations of an Idler—Encouraged by your letter I should have replied
sooner but I wished first to examine the documents which you sent
me—I have now examined them & although I cannot say that I am
surprized at their contents I am certainly grieved & mortified—There
has evidently a blunder been committed by a secretary of State, in a
transaction of the highest importance, of which a dunce in the little
affairs of common life would have been ashamed, and a preposterous
attempt is made, not merely to excuse this blunder but almost to
boast of it, by a perversion of public law & fact & by a violation of
all diplomatic decorum—of the comity & good faith due to foreign
governments & of our own constitution—A perversion of law, by
citing Vattel & Martens as authority to prove that a treaty is obliga­
tory without being ratified, when both those authors most explicitly
declare that a treaty is not obligatory until it be ratified—A per­
version of fact, by asserting that Don Onis considered the three
grants to be null & void whatever might be the date of those grants
when Don Onis precisely declares that he considered them as null &
void solely because he believed them to be dated after the 24h of
Jany 1818, & had it appeared to him that any of those grants were
made prior to the date above mentioned he should have insisted on
their recognition—A perversion of fact also, by asserting that because
Don Onis had acted within his instructions in forming the treaty
that his government was obliged to ratify it notwithstanding a
declaration that more was understood than was expressed,
withstanding that Don Onis denies such an understanding & even if admitted, the proof that he confessed the instructions covered the treaty as he signed it, would be no proof that they covered this understanding contained in the declaration which was no part of that treaty. Indeed the belief that those grants were dated after the 24h of Jany 1820 so far from being authorized by his instructions implies their silence on the subject, for it cannot be supposed that a date of those grants mentioned in the instructions could have been different from the actual date in the grants themselves—That our Secretary knew the instructions of Don Onis at the time of the negotiation, as he pretends, or that he knows them now, with any certainty or precision, I do not believe, however he may affect from such knowledge to claim the merit of moderation & generosity in the terms actually exacted by him of the Spanish government or to insist on the obligation of the Spanish monarch to ratify. How can he answer to the American people for having sacrificed their solid interests to such a bubble & for having neglected to avail himself, for their benefit, of the knowledge which he possessed. Moderation & generosity towards Spain, however amiable, can hardly excuse infidelity to his own Country. Besides, had he really possessed this knowledge he ought to have communicated it to the Senate when the treaty was submitted for their examination & approbation. Without this knowledge they could not have judged fairly of the merits of that instrument & I very much doubt if they would have approved it with the knowledge that a more advantageous treaty might, by the mere asking, have been obtained. I hold it evident therefore that the Secretary did not know the instructions of the Spanish minister at the time & that his pretensions to moderation & generosity towards Spain, derived from that circumstance, are false & unfounded. Neither do I believe that he now has any authentic copy of those instructions, or that he is acquainted with the whole of the details or even with the substance & import of their principal heads. After the negotiation & after the arrival of Don Onis in England Mr. Rush thought it important to communicate & our secretary thought it important to publish “that he (Don Onis) when there affirmed in the most unequivocal manner that, in signing the treaty, he stood strictly & fully justified by his instructions.” Mr. Erskine said as much when he executed the arrangement with our government which his constituents refused to ratify because he had exceeded his instructions. Mr. Erskine received his pension & he has not been since known to differ with the ministers in the interpretation of these instructions. No minister will confess a violation of his instructions after a negotiation which he has not avowed pending the negotiation—A respect to his own character forbids such a confession—I have no doubt that Don Onis might have assured our
Secretary that he was justified by his instructions & if he did not expressly give this assurance the fact must necessarily have been presumed from his saying *nothing to the contrary*. The declaration, therefore, of Don Onis in England can furnish no additional proof of the fact but it does furnish some proof, by the manner in which it is presented to the public, that our secretary has no other proof to exhibit. If he has he certainly would have produced it, not only to satisfy the American public but to support his defiance to the government of Spain to deny that Don Onis' last instructions authorized him to concede much more than he did, both in relation to grants of lands in the Floridas & to the western boundaries—Can it for a moment be believed that with the knowledge of such instructions our Secretary could be duped by a pretext to save the honour of a King, which would thus have been already forfeited, to lend himself to a pitiful artifice & to trust to an informal & ex parte declaration that which might have been so easily & which certainly ought to have been expressed in a solemn stipulation of the treaty. Something indeed appears to have happened within the first eighteen days which succeeded the signature of the treaty to alarm the sapient secretary & to put him on seeking for an apology, if not for the justification of the folly which he had committed. But it is evident that he could have had, at that time, no knowledge of the last instructions of Don Onis, for he makes not the slightest allusion to them. The Spanish Minister, so far from being intimidated at the daring of our Secretary, communicated under his instructions, has declared it impossible to admit the truth of his assertion on this point & he very charitably soon found it also to be impossible that a virtuous government should degrade itself by resorting to the oblique & vicious by which the fact, on which such an assertion should be founded, could be obtained. I blush for the Secretary, who has thus puzzled us to decide whether he has resorted to such means or is guilty of falsehood. I believe the truth to be that our Secretary had no knowledge of the secret instructions of Don Onis until the return of the Hornet, in July last, from Cadiz—not only because before that time he has pretended to no such knowledge but because, being myself at Cadiz about the time she left it, I was *well informed* that Mr. Mead, whose memorial to Congress you will remember, & who has deservedly the reputation of being a shrewd & artful man, had recently written to his correspondent there that he had just discovered, by *his address* & his acquaintance with the keepers of the Spanish archives that Don Onis had not only not *transcended* his instructions but that he had been authorized by them to cede much more than he had actually ceded & of course much more than the diplomatic skill of our Secretary had obtained. I am entirely persuaded that it was through the discoveries thus
made by Mr Mead, & communicated by him to our minister at Madrid, that our Secretary has obtained all the knowledge that he possesses; & surely the knowledge thus obtained must be too imperfect & too unauthentic to sanction his official assertion or his daring the Spanish government to contradict him. All that this knowledge, acquired at that time & in that way, can prove, is that our secretary had not sufficient skill & ability to push his adversary to the confines of his instructions as he ought, though ignorant of them to have done, and thus to have obtained all that this adversary was authorized to yield. It is the talent to do this which alone distinguishes the able negotiator from the common herd of diplomatic dullards—Our Secretary must indeed be hard pressed when he avows his own disgrace for the purpose of extenuating the consequences of his blunders & solemnly parades a fact that proves his imbecility, in not exacting more, in order to confirm that little which he erroneously imagined he had obtained. The evidence which he thus parades, & on which he relies, to compel Spain not only to ratify the treaty which she did make but to admit a declaration that varies the obvious meaning of that treaty, is such as would not be admitted in the least enlightened tribunal on the most insignificant subject. So much for the perversion of facts. With regard to the violation of diplomatic decorum & of the comity which ought, even in war, to subsist between governments, & which in this instance the Spanish Government, notwithstanding all the provocation which we have given, has observed towards ours, I need say nothing. No man of the least delicacy who reads the dispatches of our Secretary & the communications, made in conformity them [sic], but must revolt at the undignified & vulgar invective which characterises them. The language of Citizen Genet, for which we insisted on his recal [sic], & the language of Mr. Jackson13 for which we refused thereafter his communications, were, both, decent & respectful compared with the language of those productions—It ought to have been enough to have blighted our pretensions to skill—to talents & to common discretion, without destroying, at the same time, our claims to taste & good breeding—& thus degrade us at once from the rank of statesmen & gentlemen. We have not, however, disregarded the laws of diplomatic decency & national courtesy only but we have violated good faith. The declaration, which was to have been delivered at the exchange of ratifications, of the treaty & which made no part of the treaty but, as has justly [sic] been observed, totally annulled one of its most clear, precise & conclusive articles, was nothing less than a premeditated violation of that treaty. A declaration that should mean nothing more than the treaty had expressed would be worse than useless, but a declaration, insisted on by one party to take from the other more than the latter had
agreed to grant & more than the former had agreed to take, by the treaty, & thus to abrogate the act of both by the act of one only, is certainly a very impudent way of trifling [sic] with good faith & common honesty: and our Secretary could not have been ignorant of the character of such a proceeding. For I will tell you, that in a letter to me, of the 10th of October 1815, speaking of the commercial convention with Great Britain, signed on the 3rd of the preceeding July, he says, of a similar proceeding on the part of a British Minister "but as if it were decreed that the British were never to make a bargain with us but with a formal & avowed determination to break it, Lord Bathurst has sent me an official circular notification that the allies have determined that General Napoleon Bonaparte shall be kept in custody at the Island of St Helena & that all foreign vessels are to be excluded from that Island while he shall be so kept—In the convention St. Helena had been named as a place where our vessels should be allowed to touch for refreshments."14 How will he distinguish between the notification of Lord Bathurst & his own declaration & pronounce the one to be a formal & avowed determination to violate a treaty & the other to be a simple act of good faith. Whatever distinction, indeed, might be drawn, either from the respective motives or objects of the two acts is entirely in favour of the notification & against the declaration—But it now seems we are not only to construe—to annul or to alter an article of a treaty, according to our own interests & good pleasure, but we are also to consider the whole as binding on our adversary, without his ratification, & to execute it for ourselves, without his consent. I suppose too that it is meant, in thus executing it to model it first by our own declaration, or in any other way that may suit our convenience. It would, should this principle be adopted, be a great saving of time, expense and discussion to form & execute hereafter singly & exclusively, by our own wisdom alone such treaties as may accommodate us without permitting the impertinent intervention of foreign ministers in the transaction.—And now with regard to the constitutionality of this mode of proceeding—Our Secretary has discovered that there is no national pledge to ratify a treaty formed within the limits of the full powers of the President because the approbation of the Senate is required to sanction such ratification.15 I differ with him, indeed, in this exposition of national law, but whether this exposition be correct or not, there can be no doubt that no treaty nor any part thereof can be constitutionally made & become obligatory without the advice & consent of the Senate. Whatever the President may add to or detract from a treaty by his own act, without the advice & consent of the Senate is a manifest infraction of the constitution & destitute of all force or obligation—Such an act I consider to be the declaration in question. To that declaration it has been
attempted not only to give the force of a treaty stipulation, without the advice & consent of the Senate, but to employ that force for the purpose of effecting an essential change in an important article which had been duly ratified by & with the advice & consent of the Senate. Nor is this all. That executive & unauthorized declaration has not only been devised to annul, without the sanction of the Senate, that article, but it has the effect, by preventing the ratification of the other party, to annul a whole treaty which had been solemnly sanctioned by that body. It is no justification of this declaration to say that its import was entirely in our favour & therefore that it may be presumed that had it been submitted to the senate it would have been there approved. In answer to that I would say that the constitution does not allow executive presumption to supply the place of Senatorial approbation—and it is not a fair presumption that the Senate would, in any case, deliberately violate the agreement which it had approved & rendered obligatory—This executive assumption of power has, indeed, not only disregarded the treaty rights of Spain & the constitutional prerogatives of the Senate but discovers a disposition to exercise the functions of the whole Congress, for allow a president, by his Secretary of State, to present such arbitrary & absolute declarations to Foreign Governments & you may as well invest him at once with the prerogative of declaring war, because by allowing him by his own proper motion to give a just cause of war to others would in effect, be equivalent to the prerogative of declaring it—Our constitution ought to be sacred & guarded by ever waking vigilance—The declaration, in question, is without precedent [sic] under that constitution since its adoption & whatever is analogous to it must be sought for in the diplomatic history of regal & imperial governments—God forbid that an American Secretary of State should be allowed to seek his justification there—The simple summary of this strange business is that our Secretary having been duped to agree to an epoch, with regard to Spanish grants which in fact annulled none of them—and hence left us no vacant lands in the Floridas for the indemnification of our merchants, felt himself obliged to resort to an arbitrary, executive declaration to annul the grants which the treaty had confirmed, & thus at once to to [sic] trample on good faith & the constitution. The remedy certainly appears to be more grievous than the disease—for the loss of wild lands, although estimated, at least, at five millions of dollars, is a much more tolerable evil than the loss of national character & constitutional security—How easy would it have been for our shrewd & prudent secretary, who, according to his own confession, was well acquainted with the instructions of his adversary, to have taken care, while from moderation & generosity he forbore to ask for all that under those instructions might have been accorded,
to have expressed distinctly in the treaty what he did ask for & what he is now so anxious, by extraneous evidence, to prove was actually accorded. To effect this he had nothing more to do than to add to the 18th article something like the following-viz—"it being clearly understood that all grants made to the Duke of Alagon, the Count of Punoornostro & Mr Vargas, or to either of them, whatever may be the dates of said grants or the date of either of them, or at whatever time they or either of them may have been made, are hereby, in like manner, declared & agreed to be null & void"—Don Onis to be sure said he should have insisted, as it seems he does insist, on their recognition had he known that they had been made prior to the 24 of Jany 1818 & might therefore have objected to the additional clause just just [sic] suggested. The experiment ought, however, to have been made & if it had been successful the grants would have been unequivocally annulled—& if it had been unsuccessful, which by the way I do not believe, the treaty ought not to have been executed by us, for we ought not to have accepted that treaty without such an express stipulation. In either event, therefore, the experiment would have saved us from the disgrace of this absurd & extraordinary declaration—

I cannot conceive it possible that Congress will approve the gross blunders of our secretary & make war, or do an act tantamount to war, for his vindication—I am really grieved that the President should have been betrayed into so awkward & unpleasant a situation by a weak & headstrong adviser.—Had he listened to the warning voice of friendship he would not have been 16—The fairest way to get out of this embarrassing predicament is to consider the whole transaction as null & of no effect, to put the negotiation into other hands & to begin de novo. I much fear, however, that the golden opportunity for a favourable arrangement with Spain has been lost by ignorance & incapacity—Indeed professors of belles lettres have not always the purest taste & very rarely the greatest political wisdom—17

If I had not written to you already a letter of such fearful length I would state to you the facts—the law & the arguments which convince me

1st That the full powers of the authority competent to grant them, equally pledges the faith of the nation to ratify whatever may be the form of its government—

2 That this pledge to ratify is always with the understanding that what is done by the agent of his government, without such full powers, shall equally be approved by the competent authority, whether this authority be exclusively the same that granted the full powers or not—

3 That republics or limited monarchies where the treaty making power is not vested exclusively in the executive chief but vested
jointly in him & the senate or representatives of a people, have thereby no additional rights in relation to foreign nations nor thence allowed to refuse the ratification of a treaty for causes which would not justify a sovereign, absolute in this respect—

4. That the authority cited from Vattel, by the Secretary, to prove that we, by the nature of our constitution, may, with propriety, take liberties in ratifying a treaty, made under the full powers granted to our ministers, beyond what can, with equal propriety, be taken for the same end by an absolute sovereign, was written to prove no such thing, but merely to show that a foreign government ought to place no reliance on a treaty that is not ratified by the power capable, by the fundamental laws of the country, of contracting valid engagements with foreign States—18

5. That a treaty is absolutely without all obligation on both sides until ratified by both, whether the cause for refusing to ratify be good or bad—if bad, indeed, it does an injury—but any injury arising from a refusal to give force to a treaty cannot be used by the opposite party to give that force which is thus refused—

6. That it is good cause & without wrong to refuse to ratify a treaty which the opposite party has already declared his intention of not observing, although ratified by him, & insists on annulling beforehand one of its most important articles—

7. That a treaty is obligatory by what is expressed in it & not by what is understood out of it or by any thing which may have been said or written—or promised or refused, pending the negotiation which led to it, or at any other time—

I think I could support these positions, & if permitted, may do so, in order to prove that a mere understanding however declared or proved extraneously cannot be admitted in interpretation of the express stipulations contained in the treaty & that the liberty which we have occasionally taken to modify the ratification of treaties, duly made, affords precedent in point for the justification of Spain in refusing to ratify, independently of our Secretary's extraordinary declaration—Whether Don Onis had exceeded his instructions or not—faithfully & cordially Your friend—J R.
the law of nature, concerning things performed by commission, are here applicable. The rights of the agent are defined by the authority given him. From this he must not depart, but whatever he promises within the terms of his Commission, and according to the extent of his powers, is binding upon his constituent.

At this time, to avoid all danger and difficulty, Princes reserve to themselves the right of ratifying that which has been concluded by their minister, in their name. The full power is merely a commission, cum libera. If this commission were to have its full effect, it should be given with the utmost circumspection. But, as Princes can be constrained to fulfil their obligations, only by force of arms, the custom has arisen, of relying upon their treaties, only after they have sanctioned and ratified them. Whatever the minister has concluded, remaining ineffectual, until the ratification of the Prince, there is less danger of giving him a full power. But to refuse, with honor, to ratify that which has been concluded in virtue of a full power, the Sovereign must have strong and solid reasons for it, and, particularly, he must show that his minister transcended his instructions. Vattel, Book 2, Chap. 12, §156.

"Every thing that has been stipulated by an agent, in conformity to his full powers, ought to become obligatory for the state, from the moment of signing, without even waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim, that public conventions do not become obligatory till ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, except when he who is charged with the negotiation, keeping within compass with respect to his public full powers, has gone beyond his secret instructions, and consequently has rendered himself liable to punishment, or when the other party refuses to ratify. Martens' Summary, Book 2, chap. 1 §3." House Docs., 16 Cong., 1 Sess., no. 2, pp. 71-72.

The Spanish King had made large grants of Florida lands on December 17, 1817, to the Duke of Alagón and the Count of Puñonrostro, and on January 25, 1818, to Don Pedro de Vargas. Adams had learned of these cessions on March 8, 1819, less than three weeks after the Florida treaty had been signed, when Clay had informed Monroe that the grants, supposedly annulled by the eighth article of that document, had actually been made on January 23, one day before the stipulated date after which all grants were nullified. Adams, Memoirs, IV, 287.

In regard to the grants, Adams had written in his letter of August 18, 1819, to Forsyth: "Mr. Onis knows that the whole of the eighth article was finally drawn up, as it stands, with the express intention, declared by me, and agreed to by him, to exclude them from confirmation, whatever might be their dates." House Docs., 16 Cong., 1 Sess., no. 2, p. 73.

Earlier, on March 10, 1819, he had informed De Onis that the United States considered the grants, regardless of date, annulled by the treaty. In his reply of the same date, requested by Adams "To avoid any possible misconception," De Onis had said that if it had appeared to him that any of the grants had been made prior to January 24, 1818, "I would have insisted upon their recognition, as the honor of the King, my master, and the unquestionable rights of his sovereignty of his possessions, and the disposal of them, obviously required." He had added that he would hasten to submit the matter to his Government, which, he believed, would admit "the explicit declaration which you have requested of me." Ibid., 63-64.

For the purpose of guarding against "the possibility of any future question" with regard to the land grants, Adams on March 10, 1819, had forwarded to Forsyth a "Declaration" with instructions to deliver it to the Spanish Minister upon exchanging ratifications of the treaty. In this declaration the United States asserted that in agreeing on January 24, 1818, as the date after which Spanish grants in Florida were to be considered null and void "it was with a full and clear understanding between the Plenipotentiaries of both the high contracting parties, that, among the grants thus declared null and void, were all those made, or alleged to have been made, in the course of the preceding winter, by H. C. M. to the Duke of Alagon, the Count of Puñon Rostro, and Mr. Vargas, and all others derived from them. And the ratifications of the treaty are exchanged under the explicit declaration and understanding that all the said grants are null and void, and will be so held by the United States." Ibid., 65-66.

Adams had said to Forsyth that the Spanish Government could not "allege . . . that Mr. Onis transcended his secret instructions . . . . It is too well known, and they will not dare to deny it, that Mr. Onis' last instructions authorized him to concede much more than he did: . . . that, both in relation to the grants of lands in Floridas [sic], and to the western boundary, the terms which he obtained were far within the limits of his instructions." Ibid., 72-73.

Rush to Adams, September 15, 1819. Ibid., 96.

David M. Erskine.

The Duke of San Fernando and Quiroga, in a communication to Forsyth,
October 8, 1819, had attributed the delay in ratifying the treaty, not to lack of good faith or to artifice, but to "the declaration now demanded by you, and previously announced by your Government, after having signed and ratified the Treaty; a declaration which, by annulling one of its most clear, express, and conclusive articles, seemed much more likely to give room for a similar charge, in opposition to yours."

Ibid., 93-94.

11 Forsyth had urged the Spanish Government to act in time for the ratified treaty to be sent to the United States on the **Hornet.** Ibid., 78-79.

12 Richard W. Meade, a native of Pennsylvania, had since 1804 resided in Cádiz, Spain, where he operated a commercial house and, from 1806 to 1816, had served as naval agent of the United States. In 1811 he had been appointed by local authority to settle the affairs of an insolvent English firm doing business in Cádiz. Apparently through no fault of his own, he became enmeshed in legal difficulties and was imprisoned for almost two years, beginning in 1816, despite efforts by the United States Minister in Spain to obtain his release. In response to a Congressional resolution, adopted on December 23, 1817, President Monroe on January 29, 1818, had submitted to the House of Representatives the correspondence relating to the case. Later in the year Congress had received from citizens of Philadelphia a memorial relative to the case, and a committee in each house had reported resolutions suggesting retaliation against Spain if Meade were not released. On April 9, the House of Representatives had approved the report of its committee. U. S. Senate, *Journal*, 15 Cong., 1 Sess., 203, 268; U. S. H. of Reps., *Journal*, 15 Cong., 1 Sess., 293, 419, 442; *Annals of Cong.*, 15 Cong., 1 Sess., XXXII, 1834-40.

13 Francis James Jackson.

14 See above, Commercial Convention, July 3, 1815, note.


16 Apparently a reference to Clay’s conversation with Monroe on March 8, 1819. See above, this document, note 5.

17 See above, Russell to Clay, October 15, 1815, note.

18 In a footnote to his comparison of the authority of the President of the United States and the King of Spain in the ratification of treaties, Adams had quoted the following: "The sovereign who possesses full and absolute power has undoubtedly the right to treat, in the name of the state which he represents, and his engagements bind the whole nation. But the rulers of nations have not all the exclusive power of making public treaties: some are under the restriction of taking the advice of the Senate, or of the representatives of the nation. It is in the fundamental laws of each state that we must look for the power capable of contracting valid engagements in the name of the state. *Vattel, Book 2, chap. 12, §154.*" *House Docs.*, 16 Cong., 1 Sess., no. 2, p. 72.

To John Q. Adams

Sir


I understand that both of the two Judges, Letcher and Jouitt, appointed for the Arkansas Territory, have resigned or intend to resign.¹ Upon that supposition, and without interfering with the recommendation which I have heretofore had the honor to make to the President of Hubbard Taylor Esq.,² I beg leave to add to the list of applicants for those offices the name of James Blair Esq for the consideration of the President.³ He has been, I believe upwards of fifteen years, Attorney General of Kentucky, and is a man of amiable & conciliatory manners, and very generally esteemed. I have the honor to be with great respect Your obedient Servant

The Honble Secretary of State

H. Clay

ALS. DNA, RG59, Applications and Recommendations for Office.

¹ Robert Perkins Letcher, born in Virginia in 1788, had been brought to Kentucky about 1800 by his parents, who settled in Garrard County. He had studied law under the direction of Humphrey Marshall and had sat in the State House of Representatives in 1813-1816 and 1817-1818. On March 3, 1819, he had been appointed a judge for
the Arkansas Territory but before the end of the year had expressed his intention to give up the post. His resignation became effective March 29, 1820. Two years later he was elected to the first of six terms in Congress. After serving again in the State legislature (1836-1839), he was elected Governor of Kentucky in 1840. From 1849 to 1852 he was United States Minister to Mexico.

Charles Jouett, of Michigan, also appointed a judge for the Territory of Arkansas on March 3, 1819, had submitted his resignation effective July 4, 1820.

2 Hubbard Taylor, Jr., son of Hubbard Taylor, was a veteran of the War of 1812 and a lawyer in Clark County, Kentucky. Clay's recommendation of Taylor has not been found.

3 Neither Blair nor Taylor was appointed.

To Smith Thompson

Sir

I am requested by Mess Holderman and Wilkins,1 Iron masters of Kentucky, to enquire if the Navy Department would contract with them for the delivery, on the Ohio river, of 200 or any other number of Cannon, or a quantity of Cannon ball, on the same terms as those on which Government has contracted for them at Pittsburg?

The favor of an answer is requested.

With great respect I am Your obedient Servt. H. Clay

Honble Mr. Thompson

ALS. DNA, RG45, Misc. Letters Received, 1820, vol. 1, p. 48. Endorsed on cover: "... Send it to the Commissioners."

1 Charles Wilkins and Jacob Holderman were partners in the operation of Aetna Furnace in Hart County, Kentucky. Holderman, a Pennsylvanian, had moved to Kentucky before 1815, had first settled in Clark County, and for a time had manufactured iron in Estill County. O. M. Mather, "Aetna Furnace, Hart County, Kentucky (1816-185-)," Kentucky State Historical Society, Register, XXXIX (1941), [96]-105.

From Robert Taylor

Sir:

Norfolk January 20th 1820.

Your letter of the 17th. Jany. 1819, on the subject of Bressie's claim, has hitherto remained unanswered.1

Mrs Lewis2 has to-day called on me, and I hope her solicitude to get the money, will be my excuse for again addressing you,3 on the subject: The footing upon which you so frankly put the claim of paying the money; if I think you ought to pay it to Mrs. Lewis' as Bressie's administratrix, forbids my expressing any opinion upon it; least I should lead you into difficulty. If, however, you are still unwilling to pay it to her, she requests, that you will place the papers into the hands of some attorney, whom you may select, in order that a friendly Suit may be brought in Mrs. Lewis' name, and by settling the conflicting right, free you from any responsibility.

I am very Respectfully Yr Obt Servt. ROBERT TAYLOR

P.S. I inclose the letters of administration to Mrs. Lewis on Bressie's Estate.
To Adam Beatty

WASHINGTON, January 22, 1820.

DEAR SIR,—I received your obliging favor of the 10th inst., 1 from Frankfort, and thank you for the friendly feelings toward me of which it furnishes the evidence. On the subject of the next Governor I had communicated my views, prior to the receipt of your letter, to several friends at Frankfort, 2 from whom you must have learned them before you left that place. I have regretted exceedingly my inability to conform to the wishes of those whose kindness has made them look to me for that office.

I am glad to find that the course which it seems to me fitting for this country to pursue, in respect to Spanish affairs, meets with your concurrence. The extraordinary one recommended by the President excited much surprise in Congress, and has, I think, very few of that body disposed to adopt it. 3 The general embarrassments throughout the country, the deficit in the Treasury, and other causes, have communicated their influence to Congress, and produced the effect of great repugnance to war and to any augmentation of the national expenditure. Add to which the various alternatives which the failure of Spain to ratify the treaty presents to our choice, and I should not be surprised if the result should be that Congress will do nothing on Spanish affairs, but leave them where it found them. I should regret this very much, because I think it would be precisely the result most gratifying to Spain.

At present Spanish affairs, manufactures, and every other matter of public concern, have given way to the Missouri question, 4 which engrosses the whole thoughts of the members, and constitutes almost the only topic of conversation. It is a most unhappy question, awakening sectional feelings, and exasperating them to the highest degree. The words, civil war, and disunion, are uttered almost without emotion, and a Senator of the United States, in his place, as I understand, said the other day that he would rather have both than fail in the resolution. 5 I witnessed yesterday a display of astonishing eloquence, in the Senate, on the part of Mr. Pinkney of Indiana 6 against the restriction. In that body the majority is with us; in the House of Representatives it is doubtful.

I think nothing will be done by Congress respecting the currency.

Colton (ed.), Private Correspondence of Henry Clay, 61.  
1 Not found.  
2 See above, Clay to Hardin, January 8, 1820.
JANUARY 25, 1820

See above, Clay to Crittenden, December 14, 1819, note.

In a speech on January 20, Walter Lowrie, of Pennsylvania, had referred to Southern Senators' warning of disunion and bloodshed and said: "If the alternative be, as gentlemen thus broadly intimate, a dissolution of the Union, or the extension of slavery over this whole Western country, I, for one, will choose the former."

Clay probably wrote "Md.," which Colton read, "Ind." William Pinkney had taken his seat as Senator from Maryland on January 4, replacing Alexander C. Hanson, deceased. The content of Pinkney's speech of January 21 was not reported.

From Smith Thompson

Honble. Henry Clay Speaker of H.R. U.S.

Sir


Your letter of the 20th. inst. was referred to the board of Navy Commissioners and I the [sic] honor to inclose you a copy of their answer in reply to the same.—

I have the honor &c

SMITH THOMPSON


1 In the letter addressed from John Rodgers to Smith Thompson, January 22, 1820 (Copy, DNA, RG45, Navy Commissioners' Letters to Secretary of Navy, I, 407-408), the Commissioners observe that they "do not perceive any occasion, at this time, to enter into any Contracts for additional supplies—" They note furthermore: "The terms asked by Messrs. Holderman & Wilkins, if the Commissioners correctly understand them, would forbid our contracting with them—for instance the price paid at Pittsburgh, under the only contract known to the Commissioners & which was formed prior to the establishment of their Office, for a 42 pd Carronade was $225. whereas we procure them near the sea board delivered either at a navy yard. or at places whence they can be transported at an inconsiderable expense. by water to a navy yard for $185.—so that without taking into view. the great additional expense of transporting Cannon from the Ohio to New Orleans. and thence to our building yards, there appears in the first cost so great a difference in the price. that it would not appear expedient to draw any of the supplies of Cannon &c required for our sea board from the Western Country—"

From Edmund W. Rootes

Dear Sir

Richmond 25 Jany 1820

Yours of the 18th covering a check for fifty Dollars as a fee to Mr Leigh was regularly reed—you have enclosed his Receipt therefore

Meeting accidentally with Colo Tinsley the other day, I mentiond to him, that you had instituted Suit for a tract of Land, which render'd it necessary that some person should attend to it in its progress through the Court—and suggested that his Son Garland should be the Man, (in which he agreed with me,) as being better calculated to attend to the taking depositions & [sic] than either himself or myself—vouching at the same time, for Garland's paying the necessary attention with great pleasure on his part

Yours ever

E.W.R.

1 The letter, probably dated December 18, 1819, has not been found. See above, Receipt, January 14, 1820.

2 Probably Thomas Tinsley.
Remarks on Bill to Admit Missouri

[January 26, 1820]

Cited in Washington National Intelligencer, January 27, 1820; Annals of Cong., 16 Cong., 1 Sess., XXXV, 940. On motion of John Scott a select committee had been appointed on December 8, 1819, to consider memorials presented to the House at the last session, relating to the admission of Missouri to statehood (see above, Remarks, February 13, 15, 1819). The following day Scott had presented the committee report in the form of a bill authorizing the formation of a constitution and State government. During debate "of a desultory character" in Committee of the Whole on January 26, Henry R. Storrs had proposed an amendment, to bar slavery from the territory "north of the 38th degree of north latitude, and west of the river Mississippi, and the boundaries of the state of Missouri." Clay spoke on it, but his remarks were not recorded. The amendment was rejected.

Receipted Bill from Samuel Long

Henry Clay  To Saml Long Dr.  28th. Jany 1820 1819

Decr To 39 feet ash Floring furnished @ 350c. ........ $1 36 1/2
" 19—" Cedar Scantling .................. 5c. ...... 95
" 5—"—Oak Scantling .................. 4 ...... 20
" Lintle (Locust .......................... 50
" Hauling the above .......................... 25
" Making & Hanging Cellar Door for the House occupied by L Mc.Cullough .................. 6 —

$9 26 [sic]

Wingates¹ Bill for Spikes &c. .......

$10.51

Recd. the above Sum of Ten dollars & 51c—from Jas. Morrison

SAML. LONG

ADS. DLC-TJC (DNA, M212, R15). ¹ Joseph Wingate.

To John J. Crittenden

Dr Sir  Washington 29 Jan. 1820

I received with very great pleasure your favor of the 9th. inst.¹ and thank you for the valuable information which it contains. I think Tennessee ought to give us an equivalent beyond the Tennessee river for our Land which she holds on this side.² Yet it is so important to have the dispute settled, as well for its own sake, as in order to enable the Legislature to dispose of the Land south of that river that I shall not regret a determination to accept of the proposition of their Commissioners; especially as, if we were to obtain the equivalent, it may be questionable whether we should acquire more than the naked sovereignty.

Your friendly advice is received in the same spirit of kindness
which dictated it. I came here anxious to agree with Administration whenever I could, and particularly desirous to concur with them in regard to Spanish affairs. This wish sprang from that retirement on which I had determined, and to which I still look forward. But how is it possible for one to lend himself to such a crooked, unnatural, and untenable course as that recommended in the Message?

To give up what we have a good right to for the purpose of seizing that to which we have none! And this too when what we propose thus wantonly to sacrifice is confessedly, of more intrinsic value than that which we have after! To consider a treaty as obligatory which has been executed by one of the two parties only! To limit the measure of our redress to that Treaty when the American negociator of it acknowledges that Don Onis was authorized, by his instructions, to grant us more than we got! And to do this when, if the views of the President be correct, Spain, by her failure to ratify the treaty, has taken a position most decidedly disadvantageous to her!

If, as you seem to suppose, it was contemplated to take Florida without the abandonment of Texas, one could consider of the scheme; possibly unite in it. But that is not the intention of the President. He wishes us to take the former and to renounce the latter, and moreover to assume the payment of five millions of dollars to our Citizens. Should we adopt this course and seize Florida what would be the nature of our title to it—would it be conventional or one of conquest? Now I cannot in my conscience go along with the President in these his views.

I mean to propose the recognition of the Patriots and the Seizure of Texas. Those two measures taken, and Florida is ours without an effort. I might indeed be induced to comprehend Florida also in the self redress which I think we are authorized to take. But if I am reduced to the alternative of subjecting ourselves to the obligations of the Treaty, whilst Spain remains free from them, or taking Texas, I must prefer the latter—

The Missouri subject monopolizes all our conversation, all our thoughts and for three weeks at least to come will all our time. Nobody seems to think or care about any thing else. The issue of the question in the H. of R. is doubtful. I am rather inclined to think that it will be finally compromised.

No idea exists here of any issue or modification of paper being made to relieve the Country—The prevailing opinion is that the only effectual relief for its embarrassments is in the hands of the people themselves—we regret very much the measure to which you have thought yourselves constrained to resort at Frankfort. The Secretary of the Treasury said to me that he thought, from the exhibit which he had of your affairs, there was no sort of necessity
for it; and he added that he could no longer give any sort of credit to your paper. I should be obliged to you to inform me (if not contrary to the rules of the bank) what amount of paper you may issue? what is the price of stock since the suspension? and whether any period is thought of when a resumption of specie is contemplated? Your paper has no doubt instantly depreciated. To give us even as much money as we had before in circulation, you must put out an amount equivalent to that depreciation, which again will occasion further depreciation & so on ad infinitum.

Tell Bibb8 he is a lazy fellow; but lazy as he is I nevertheless must subscribe myself his and your faithful friend

H. Clay

J. J. Crittenden Esqr.


1 Not found.
2 A boundary dispute of long standing between Kentucky and Tennessee had resulted from an inaccuracy in Dr. Thomas Walker's survey of latitude 36° 30', which was supposed to be the division between Virginia and North Carolina west of the mountains. Walker's line, lying north of 36° 30' and running to the Tennessee River, had been accepted by Virginia, but after achieving statehood Kentucky had from time to time attempted to have the boundary established on the basis of an accurate survey. Since the purchase of the Indian lands west of the Tennessee River by the United States in 1818, Kentucky had become more determined to settle the boundary controversy. Early in 1819 the Kentucky legislature had authorized the Governor to appoint commissioners to survey the line 36° 30' west of the Tennessee River. Tennessee, invited to co-operate by the appointment of a like number of commissioners, had taken no action until November, 1819, after the Kentucky survey had been made. Following the appointment of Tennessee commissioners, Kentucky on January 1, 1820, had named Crittenden and John Rowan to work with them toward a settlement of the problem. The Kentuckians offered two lines, both proposing to retain the old Walker line in large measure but seeking equalization of territory elsewhere. As finally settled in February, 1820, after the replacement of Rowan by Robert Trimble, the boundary was established along Walker's line to the Tennessee River, southward up the river to 36° 30', thence westward along this line to a point on the Mississippi River below New Madrid, Missouri.

3 See below, To the Electors, April 12, 1820.
4 See above, Clay to Crittenden, December 14, 1819.
5 See above, Clay to Russell, December 14, 1819.
6 See below, Resolutions, March 28, April 4, 1820.
7 Crittenden was at this time a director of the Bank of Kentucky, which after resuming specie payments in November, 1818 (see above, Clay to Hunt, December 18, 1818, note), had again suspended on January 4, 1820.
8 George M. Bibb.

To Jonathan Russell

My Dr Sir


I recd. your very agreeable favor of the 16th. inst. and I am much obliged by the favor of your views on the interesting subject of which it treats. They accord very much with my own. On one topic, that of the negotiator of the Florida treaty having seen the instructions of Don Onis, prior to the conclusion of the treaty, you are not far from what was the real fact, and yet it is a little different from your supposition. For it is rumored here, in the circles, that he did know that the Spanish Minister was authorized to grant us more
than we obtained, and that he consented to take less, because it was pretended, on the part of Onis, that if he gave all that his instructions permitted him to cede, he would be in personal danger on his return home. That is to say, to save a Foreign Minister from punishment, for conforming to his orders, we consent to take less than a just indemnity and equivalent! In some other Countries such a proceeding on the part of a Minister of State would bring him to the block. I shall endeavor to have the truth thoroughly sifted, whenever we take up the subject. In the mean time I wish you to consider this communication confidential. The temper here favors peace. I accord with it. Still I think that something ought to be done to strengthen the Executive; otherwise we shall play into the hand of Spain. What we ought to do is the question? Two measures appear to me to be the most eligible 1st. To recognize the patriots; and 2dly. to authorize the occupation of Texas. Can the latter be done without its being considered War? If our forces, in the course of executing that duty, come into collision with those of Spain, it is War. But the Country is almost unoccupied, and it seems to me that, in virtue of the Louisiana treaty, we may take post in it, without the act assuming the character of hostility. The conduct of Spain would justify us in the eyes of the world. On this point as well as on the others which you suggest, at the close of your letter, I should be glad, at your leisure, to hear from you.

For the present we think here of nothing but Missouri, and I doubt whether we shall find time, during the Session, to march upon either Texas or Florida. That subject absorbs all attention, and we have just opened a debate upon it which three weeks will hardly close. I think the Constitution perfectly clear against the proposed restriction; and I was happy to learn, through our mutual friend Mr. Morton, that you concur in this opinion. The issue of the question in the H. of R. is doubtful—I incline to believe that it will yet be arranged by a compromise—At all events you know I never despair of the Republic.

How do you come on with the Scripture's first command? I presume by this time you count at least one. That you may have many more and every other blessing that you desire is the ardent wish of Your faithful friend

Jonathan Russell Esqr.

H. Clay

ALS. RPB-Russell Papers.

1 In a conversation with John Quincy Adams on February 15, 1819, Hyde de Neuville had reported that De Onís was anxious about the article limiting the United States Government's assumption of the claims of its citizens against Spain. De Onís was reportedly "fearful that he would be blamed in Spain for having sold the Floridas for five millions of dollars." The influence of the clerical group in Spain was described as so powerful that De Onís' instructions were repeatedly altered by "successive and contradictory resolutions of the Royal Council." Adams had replied that De Onís himself professed to hold "unlimited powers—that he could, if he chose,
cede to the United States the kingdom of Mexico without transcending them." Adams had agreed, however, to reconsider the offensive article with President Monroe. Adams, Memoirs, IV, 258-59. In the final treaty, however, the limitation was retained.

2 See below, Speech, April 3, 1820.

3 Marcus Morton.

To Josiah Meigs

29 Jan. 20

Mr. Clay’s Compliments to Mr. Meigs and he will be obliged to him to cause the patent described in the inclosed letter\(^1\) to be transmitted either to Versailles to [sic] sent to Mr. C.

\(^1\) Not found.

From Job H. Pike

Hon: Henry Clay

Lexington Jany 29th. 1820—

Sir

I humbly Solicit your Indulgence for a few Moments respecting My Certificate for a Pension for services in The revolutionary War—as therein Stated my necessitous situation In Lexington Ky. will be a Sufficient [sic] Apology for troubling you again on the Subject\(^1\)—it is my wish to have a special Petition [sic] laid before The house in hopes that the Case will be taken into Consideration As I never receiv’d any wages for the twenty one Months Service (twelve of which was on the Continental Establishment) perhaps On a reconsideration I may be Allow’d some benefit from The late Act of Congress intituled an Act to Provide For Certain persons engaged in the Land & Naval Service of the United States\(^2\) my Presant Circumstances—Being Such as to preclude any Application to a Person Capable of drawing a Petition for-me—and feeling it A duty owing to Myself & family to Use evry means in My Power to Obtain a Pension if Possible. I hope will be a sufficent Excuse for my Presuming to Make this Application—If you will have the Goodness to do this for Me—or give me further Advice on the business—It will Confer an Obligation On Sir Your Most obedent Humble Servt

Job H Pike

ALS. DLC-TJC (DNA, M212, R12). Pike, formerly of Providence, Rhode Island, was at this time a resident of Lexington.

1 No earlier letter has been found.

2 See above, Edwards to Clay, March 5, 1819.

To John Q. Adams


Mr. Clay presents his Compliments to Mr. Adams, and he has been requested by W. T. Barry Esqr. and Elisha I. Winter Esqr. respec-
tively to obtain their Copies of the edition of the Laws of the U. States, published by Duane &c. The former was a member of the Senate and the latter of the House of Representatives in the 13th. Congress. Mr: C. will be obliged by having them sent to his lodgings.

AN. DNA, RG59, Misc. Letters. 1 See above, Speech, March 28, 1818, n.8.

Promissory Note from Oliver Hart

$141 52/100

[January 31, 1820]

Three months after date, I promise to pay Henry Clay or order, One hundred & forty One dollars & 52c. with interest from the 8th. of Octr. 1818, for value received—Witness my hand and Seal this 31st. Jany 1820. OLIVER HART {Seal}

ADS. DLC-TJC (DNA, M212, R15).

To Langdon Cheves

[ca. February, 1820]

Dr Sir

What will the Bank of the U.S. do with its branches in the Western Country? It is not, I fear, for its interest that they should remain there; and the misguided temper which unhappily prevails in that quarter is such as not to make the Bank disposed to let them remain, contrary to its interest. That temper I cannot, however, but suppose will finally yield to the suggestions of wiser and juster considerations. If the Bank should adopt the resolution to withdraw them, I think its true interest will recommend the extension of the greatest indulgence, taking care in all cases that the debt is perfectly secured. Your experience at the Bar, I am persuaded, must concur with mine, that debts are some times lost by a rigorous pressure of their recovery, which would have been saved, if lenity, accompanied by precautions to obtain guaranties, had been observed.

I am led to these observations by having learnt that suits have been instituted against the Cols. Johnsons for a large sum, at the instance of one of the offices in K. I ought to say that I know very little about their affairs, less even than you do, in all probability. Although I have known them long and intimately I have had no transactions with them, of a pecuniary nature, of any consequence, and am alike ignorant of their means and of their engagements. I have seen them, as zealous and enterprising men, apparently some times struggling with great difficulties, but always maintaining their honor unsullied, and the affection, confidence and good wishes of the Community. Their integrity is so strongly impressed on my mind, that it would require the force of irresistible evidence to eradicate it. From my general knowledge of the condition of K.
I am persuaded that it is quite possible to subject them to great sacrifices, if not ruin, without substantially subserving the interests of your institution. Would it not be the most prudent course to give them time, upon the ample security of the debt, if it be not already secured? With great respect I am faithfully yours,

H. CLAY

P.S. Genl. Preston, though disappointed in the object of his visit to Philadelphia, spoke to me in the highest terms of you, and of your polite & kind treatment of him—. Do not trouble yourself to answer this letter.

H. C.

Langdon Cheves Esq.

ALS. PHI-Etting Collection.

1 Cf. above, Clay to Cheves, April 19, 1819. Again in February, 1820, rumor circulated in the West that the branches of the Bank in Lexington, Chillicothe, Cincinnati, and Pittsburgh would be closed. Niles' Weekly Register, XVII (February 19, 1820), 440.

2 See below, Clay to Cheves, November 20, 1820, note. 3 Suits not found. 4 Probably Francis Preston of Abingdon, Virginia, a lawyer, major-general of militia, former member of Congress (1793-1797), and at this time member of the Virginia Senate.

Tax Bill, 1819

[ca. February 1, 1820]

1819

Henry Clay

To Tax on $59600 at 6½ per 100

& Levy on 12 tithes at $1— each

Dr

$51.75

Rec'd payment W, BARR DS

ADS. DLC-TJC (DNA, M212, R10).

To Leslie Combs

WASHINGTON, Feb. 5, 1820.

Dear Sir: I have to acknowledge the receipt of your obliging letter of the 24th ultimo, and to thank you for the friendly feelings which dictated it. . . .

We are in the midst of the discussion of the Missouri restriction. It has, as yet, been free from the irritation which was anticipated. What will be the final disposition of it no one can yet venture to say. I hoped it would pass off with a compromise, and yet cherish that hope. If it be not settled this session it will lead to the construction of the worst of all parties. (Sectional parties.) Even now, it is this day rumored (I hope without foundation) that a caucus is to be convened of members of Congress to recommend for the next Presidential term some persons other than the present incumbent. Every other subject of foreign or domestic concern is put by or suppressed by this momentous question. . . .

Yours, with great regard,

H. CLAY.
FEBRUARY 5, 1820

Louisville Journal, January 8, 1861, reprinted from Washington National Intel­ligencer, no date given.
1 Not found.
2 No such action occurred. Rumblings of dissatisfaction with James Monroe were heard from the South as well as the North, but no real opposition materialized.

To Martin D. Hardin

Dr Sir

I recd your favor of the 23d. Ulto.1 It is important to the State in many points of view to have the unpleasant controversy with Ten­nessee arranged; and altho' I think the principle of an equivalent South of the Tennessee river, for what we lose North of it, just, rather than not terminate it, I would accede to the terms proposed.2 If you have unpleasant scenes to contemplate at Frankfort (and I have had some painful reflections in consequence of some of them, particularly the measure of suspending specie payments) we are not here without abundant cause of deep regret. The Missouri subject, though decided in the Senate by a very encouraging majority,3 is yet under discussion in the House, where a different issue is to be anticipated. It has happily so far been unattended, during the debate, by the irritation which was apprehended; but should it not be compromised or otherwise satisfactorily adjusted, it will form the basis of the most alarming parties that ever distracted this Country. It is rumored even now (on what authority I know not) that a Caucus is to be held from the non-slaveholding States to put in nomination for the next presidential term some person in opposition to Mr. Monroe. I hope there is no foundation for it; but if the question remains open I shall not be surprized at all at such an event. I think we may compromise it, by agreeing on a line in the unin­habited territory which shall separate the Slave from the Free region. To such a compromise I shall give my assent, but the practicability of effecting it is far from being certain. We have Ultras on both sides. Aut Cesar [sic] aut nul us is the maxim of many. Mine is The Republic one and indivisible. Yr's with great regard H. CLAY

M. D. Hardin Esqr.

P.S. On the subject of the next Govr. my determination has been communicated to several friends besides yourself4—With respect to the views of others I know nothing more than what I casually learn—

H C.

ALS. ICHI.

1 Not found.
2 See above, Clay to Crittenden, January 29, 1820. The terms proposed by Tennessee were accepted.
3 A motion having been made in the Senate to amend the Maine enabling bill so as to include Missouri (see above, Speech, December 30, 1819), Jonathan Roberts, of Pennsylvania, on January 17 had moved to insert a proviso that slavery “be absolutely and irrevocably prohibited.” This proposal had been defeated on February 1 by a vote of 27 to 16. On February 3, Jesse B. Thomas, of Illinois, had offered the compromise amendment which barred slavery north of latitude thirty-six degrees
thirty minutes in the Louisiana Purchase, excepting the part included within the limits of the proposed State of Missouri. The vote on this amendment, in Committee of the Whole on February 17, was 34 ayes to 10 nays. *Annals of Cong.*, 18 Cong., 1 Sess., XXXV, 119, 359, 428, 430.

*See above, Clay to Beatty, January 22, 1820.*

**Receipted Bill from Daniel Layton**

[February 7, 1820]

Henry Clay Esqr.  
To D Layton — Dr.  
1819

Decr. 21st. To 100 paving Brick for yr. Cellar Doore [sic] . . . $0.90  
1820

Jany 10—  
400 Common Brick @ 60c . . . . . . . . . . . . . . . . . . . 2.40

Recd—payment 7th. Feb 1820  
DANL. LAYTON


**Speech on the Missouri Bill**

[February 8, 1820]

Cited in *Washington National Intelligencer*, February 9, 1820; *Annals of Cong.*, 16 Cong., 1 Sess., XXXV, 1170. On the preceding day Clay had stated a wish to address the Committee of the Whole regarding a proposal, offered by John W. Taylor on January 26, to amend the bill for the admission of Missouri by a provision excluding slavery. In view of the late hour, however, he moved that the Committee rise. When the House returned to consideration of the subject in Committee of the Whole, Clay spoke for “nearly four hours against the right and expediency of the proposed Restriction.” The speech is not recorded, but something of its content may be inferred from the following paragraphs of a speech by John Sergeant on the next day:

“Another member, the gentleman to whom the Committee lately listened with so much attention, (Mr. Clay) after depicting forcibly and eloquently, what he deemed the probable consequences of the proposed amendment, appealed, emphatically, to Pennsylvania, ‘the unambitious Pennsylvania—the keystone of the Federal arch,’ whether she would concur in a measure calculated to disturb the peace of the Union.”

“An argument urged by the member who last addressed the committee, (Mr. Clay,) I mean the argument derived from that part of the constitution which denies to Congress the power of imposing a duty upon exports from any of the states. . . .”

“Most of those who opposed the amendment, have agreed with us in characterizing slavery as an evil and a curse, in language stronger than we should perhaps be at liberty to use. One of them only, the member from Kentucky, who last addressed the committee, (Mr. Clay) rather reproves his friends for this unqualified admission. He says, it is a very great evil indeed to the slave; but it is not an evil to the master, and he challenges us to deny that our fellow citizens of the south are as hospitable, as generous, as patriotic, as public spirited, as their brethren of the north or east.”

“By enlarging the limits for slavery, you are thus preparing the means for its indefinite increase and extension, and the result will be to keep the present slave-holding states supplied to their wishes with this description of population, and to enable them to throw off the surplus, with all its productive power, on the west, as long as the country shall be able and willing to receive them. To what extent you will in this way increase the slave population, it is impossible to calculate; but, that you will increase it, there can be no doubt, and it is equally certain that the increase will be at the expense of the free population.

“The same gentleman to whom I have several times referred before, (Mr. Clay,) insists that this will not be the case. He says, that the ratio of increase of slave population shows, that its activity is now at the maximum; and, as this implies the
existence of the most favorable circumstances, you cannot, by any change, accelerate the increase. He therefore infers, that if from twenty slaves in an old state you take two, and transfer them to a new one, it is an actual diminution in the state from which they are taken, to that amount, and putting the two states together, you simply change the place, but do not alter the quantity."

"But, we seem to forget, altogether, that while the slaves are spreading, the free population is also increasing, and sooner or later, must feel the pressure, which it is supposed may at some time be felt by the slaves. Where you place a slave, he occupies the ground that would maintain a freeman. And who, in this code of speculative humanity, making provision for times afar off, is to have the preference—the freeman or the slave?

"In this long view of remote and distant consequences, the gentleman from Kentucky (Mr. Clay) thinks he sees how slavery, when thus spread, is at last to find its end. It is to be brought about by the combined operation of the laws which regulate the price of labor and the laws which govern population. When the country shall be filled with inhabitants, and the price of labor shall have reached a minimum (a comparative minimum I suppose is meant) free labour will be found cheaper than slave labour. Slaves will then be without employment, and, of course, without the means of comfortable subsistence, which will reduce their numbers, and finally extirpate them. This is the argument, as I understand it."

"It is, then, the utmost perversion of language to say, as the honorable Speaker, (Mr. Clay,) does, that, if she [Missouri] accepts these terms she becomes a vassal and a slave: or, to argue, as he has, that this restriction is unjust, because it deprives her of the rights of self-government and internal police."

"The very word state, says the Speaker, (Mr. Clay,) implies a political community, possessing exactly the same rights and powers, and in all respects resembling the parties to the original compact."

"Slavery has hardly yet taken root in that fruitful soil; and, therefore, what is to be tolerated in the old states, only because it cannot there be avoided, is unnecessary, and of course criminal, in Missouri: criminal alike in those who establish it, and in those who, having the power to prevent, yet suffer it to be established there. I should enlarge, sir, upon this topic, but I perceive that it is one which excites no very pleasant feelings in our southern brethren: and I am driven from it by the stern tones and the repulsive gesture with which the honorable Speaker (Mr. Clay) has warned us not to obtrude upon him with our New England notions."

"The Speaker, (Mr. Clay,) has told us, that, if asked his opinion by the people of Missouri, he would advise them not to establish slavery among them."

"Washington National Intelligencer, April 29, May 1, 2, June 28, 29, 1820; Annals of Cong., 16 Cong., 1 Sess., XXXV., 1173, 1197, 1206, 1210, 1211.

**Receipted Bill from Joseph Day**

Henry Clay Esqr To Jos. Day—Dr. [February 8, 1820]

1819

Decr. For the following to the Cellar occupied by L McCullough viz

Hauling Brick .......................... $-5.50
Mortar furnished & Brick & Stone work done ...... -5. -

$ 5.50

Recd; paymt; 8 Feby. 1820 JOSEPH DAY


**To Waller Overton**

Dr Sir Washn. 14 Feb. 1820.

I recd. your letter respecting your son's accounts with its enclosures, which I sent to the office of Mr. Hagner the third Auditor.
His reply is inclosed; from which you will perceive that the account cannot be closed upon any documents that have been yet submitted; and that even if a Law were passed similar to such as have been passed in other analagous [sic] cases that officer thinks he wd. not be able to close the accounts. Under these circumstances I hardly know what to advise. If there be no security in the case I would say let the matter stand as it is, presuming that your son left no property. Should you desire however an application to be made to Congress it will be necessary for you to forward a petition signed by the Admor or heir at law of your son. My best exertions shall be employed to promote the object of such a petition, if presented. I cannot however dissemble that this is a most unfavorable session, on many accounts, for success in such an application.

W. Overton Esqr. With great regard I am Yrs. H. CLAY

ALS. Owned by J. Winston Coleman, Jr., Lexington, Kentucky. See above, Lewis to Clay, October 7, 1819.

1 Thomas J. Overton.
2 Peter Hagner.  
3 Not found.  
4 No such petition has been found.

From [Jonathan Russell]

My dear Sir

Mendon 14th Feby 1820

Being permitted, I shall now state to you as concisely as the time & the subject will allow, the law & the facts relative to the points men—[sic] in the conclusion of my last letter—Several of those points are so intimately connected together that I shall, to avoid repetition, treat them in that way. Where my authorities, such as Vattel or Martens, may be presumed to be within your reach I shall, for the most part, simply give you marginal references. Where I may quote an author, not so generally known, I shall copy from him, into a separate sheet, what I may believe to be interesting or in point. On that sheet also I shall throw such notes as may appear necessary to explain the text. I shall not, however, unnecessarily trouble you either with references or notes, confining myself to those only which may be indispensable for proof or illustration. Thus much by way of preface, and now we will proceed to the three first points, treating them together—

2

From the whole view of this extraordinary transaction I do verily think that Spain might with a better grace than Mr Adams talk of requiring in future negotiations, pledges of security, from a nation degraded by flagrant & notorious perfidy when she is presented, by him, with a declaration announcing a determination to disregard the express & precise stipulations of a treaty before even the conventional period had expired for the exchange of ratifications—
To [John C. Calhoun]

Sir

I beg leave to transmit the inclosed letters\(^1\) recommending Capt. James L. Herron for a military appointment.\(^2\) They are from gentlemen of the first respectability, and who were high in command in the Militia from K. in the Campaign of 1813 under Genl. Harrison.\(^3\) Genl. Lewis\(^4\) greatly distinguished himself in the action which preceded the fatal battle of Raisin. I unite my wishes to them in behalf of Capt. Herron. I have the honor to be with great respect Yr. ob. Serv.

H. Clay

The Honble Secy of War.

ALS. NeD. 1 Not found.

\(^1\) James L. Heran, who operated a hatter’s shop in Lexington, had served as an ensign in Captain Nathaniel G. S. Hart’s Company in the War of 1812. He did not receive the appointment.

\(^2\) William Henry Harrison. 4 William Lewis.
To Leslie Combs

Dr. Sir: Washington, 15 Feb., 1820.

I am sorry to have to communicate to you that the Committee of Claims has repeated [sic] unfavorable reports in the cases in which you are concerned, ment’d in your letter of the 23 Dec.¹ The deficit in the treasury; the pressure of the times; the profusion in the grant of pensions, and a persuasion that there has been prodigality in the disbursement of the public monies altogether render this the most unfavorable session I have ever seen. At present there is no possibility of getting any business whatever done, owing to the agitation of the Missouri question. When it will be decided is uncertain. I think we have near three weeks’ debate yet to get through. The question daily assumes more importance, and certainly is most fearful in its consequences. The subject of disunion is discussed in the circles with freedom and familiarity. In Richmond we are told they are all in a flame; indignant at the idea of any compromise—the only way as some think of disposing of the question to the satisfaction of both parties. Yours, H. Clay.

L. Combs, Esq.

Wheeling (W.Va.) Register, October 12, 1893. ¹ Not found.

From Alexander D. Orr

Washington Feby. 15th. 1820.

[Orr states to Clay, as executor of Colonel Thomas Hart, that Thomas Robb, of Adams County, Ohio, wishes to purchase or rent half of a tract of 666²⁵ acres of land on Eagle Creek in that county, part of the Virginia Military tract north of the Ohio River, entered and surveyed for Daniel Ball and patented to Hart and Cuthbert Banks. Orr also conveys information, obtained from Robb, that “the neighbours are destroying the timber on the land.”]

ALS. DLC-TJC (DNA, M212, R12). Postmarked at Washington, Kentucky.

To Horace Holley


I this day received your obliging favor of the 4h. inst.¹ and thank you for the information which it contains. I had learnt from Frankfort the probability of the failure of any exertions in the Legislature to procure assistance for the College. The times are unfavorable to success, and we must not therefore be discouraged by not obtaining it. We should, on the contrary, redouble our efforts to deserve it, and it must come at last. The foolish scene in the House of Repre-
sentatives, in which your name was involved, has reached us here through the newspapers, and has done you no injury here, as I venture to think it has not there.\(^2\) Wanton and wicked attack always recoils on the assailant; and its tendency is to interest the sympathies and good feelings of the mass of the Community (which is always well intentioned) in favor of its object.

We have had Mr. Everet\(^3\) here from Harvard College, and he preached last Sunday in the Hall of the H. of R. His subject was the employment of time. He possesses wonderful powers of imagination and interested his audience extremely by the display of them. His voice is good and his personal appearance favorable. I do not like his gestures. They are too studied, too ambitious of the graces. But he is young and will doubtless improve in that respect. Upon the whole he is an extraordinary young man and communicated rare delight to those who heard him.

The Missouri restriction has exclusively occupied us for several past weeks, and will continue to employ our time in the House for some days to come. The Senate disposed of it this day, by passing to the third reading a bill which unites Maine and Missouri and contains a compromise, by which Missouri and Arkansas, and the Country South of the parallel of 36:30 are to be open to slaves, and they are to to [sic] be excluded from all the Country North and West. At present there is no prospect of this arrangement succeeding in the House of R. where it is known there is a decided majority friendly to the restriction. Still I am inclined to think that some such arrangement will be finally made. It is a most unhappy subject, and has given occasion to allusions to separation, even in debate, which some years ago would have been thought criminal. In the private circles the topic of disunion is frequently discussed and with as little emotion as an ordinary affair of legislation! It has called forth (I mean the restriction) a vast display of talent. Mr. Pinckney of Md. has increased very greatly his previously high reputation. I witnessed a few days ago, in the Senate, a victory which he obtained in argument over Rufus King as thorough and complete as ever was achieved by one man over another.\(^4\)

This Missouri subject has disqualified Congress for all sorts of other business; and if it should not be happily disposed of, I am inclined to think that there will be an unconquerable repugnance to acting upon any of those other great matters which it was expected would earnestly engage the attention of Congress.

I pray you to offer my respectful compliments to Mrs. Holley and believe me Faithfully & Cordially Yrs. \(\text{H. Clay}\)

The Revd. H. Holley.

P. S. I have written to Thomas,\(^5\) and I hope my letter will have a good effect with him. \(\text{H.C}\)
MY DEAR SIR, 

Mendon 17th Feby 1820

I should certainly apologize for the length of the letter which accompanies this did I believe you to be under the indispensable obligation to read it. I have been, however, discreet enough to suppress, for the present, the notes, but may venture to send them by another mail when you shall have recovered a little from the shock which my presumption may have given on the present occasion—

I am, I assure you, most sincerely mortified at the awkward and contemptible figure we must make, by the strange conduct & strange doctrines of the Secretary of State, in the eyes of the civilized world. I fervently hope that the culpable alone may be made responsible & that the country may escape the disgrace of such a complication of diplomatic fatuity & moral iniquity—The life of Don Onis must have been much more precious to the secretary than the lives of his fellow-citizens, when he gave whole degrees of territory to save the former from doubtful danger & is now anxious to devote thousands of the latter to certain destruction to vindicate a title to some vacant acres to which he has solemnly signed a quit-claim. Although Mr. Adams appears now to have worked his courage up to the sticking point & recommends an act, equivalent to war, yet I very much doubt if his prowess can be brought into action for any other object than to animate his abortion. In relation to all others he will be satisfied with empty bullying, for which he appears to conceit that he has a very brilliant talent & he will most philosophically, as in 1818, make a merit of forbeance [sic] & avow a disposition “to wait so much at longer”—Besides you know that he is never the advocate of a proposition of which he is not the mover. I am afraid, therefore, that any manly & honorable course which may be recommended for the vindication of our real rights will meet with no support from him or those who consult him. Still, however, if we do not mean eventually to abandon our claims I should think the present time to be propitious to their successful assertion—Spain is completely prostrate & has neither the spirit or the force to re-
sist—If we merely take possession of Louisiana, according to the
utmost limits which we have assigned to it, I believe we might do so
without the danger of a war; for I do not believe that Spain would
embark, single handed, against us for such an object or that she
would find an ally in such a quarrel. We should still, however, have
our account for indemnities to settle.

The only ally which Spain will have, in any war with us, is
England, & notwithstanding all the affected indifference of the
British ministry with regard to the Spanish treaty, I do believe that
they alone, notwithstanding all the blunders of our Secretary, have
presented the real obstacles to its ratification—They have not done
this by remonstrating against the treaty but by insinuating that the
security of the British possession in the Gulph of Mexico required,
should the treaty have effect, the cession of Cuba to Great Britain
—If we, therefore, absurdly attempt to execute the treaty & under it,
to take possession of East Florida I believe we shall not only have
war with Spain but that England will, openly or covertly, both
courage & support it. If we take possession of the country which
belongs to us, west of the Sabine, we ought to do it with a dash.
Should we decide on this step would it not be better, for the
present, to defer the recognition of the Patriots, as such a recognition
added to the occupation just mentioned, might provoke a war,
when that occupation alone might be acquiesced in—Should such
occupation alone provoke war we shall be more united in its
prosecution as it will have been caused not only in the pursuit of
our obvious rights but for the attainment of immediate & important
interests—I am, with you, opposed to war, but I would not be
frightened out of our rights by every shadow of it. We must dare to
face these phantoms if we will do ourselves justice—Let us be careful
at all events to keep our adversary notoriously in the wrong & we
need not dread the issue—At any rate, Spain will not be long
ignorant of the true state of our nerves & she will act accordingly.
Mere bullying has no other effect than to provoke her & disgrace
ourselves.

I give you my opinions with much diffidence as your judgment &
information much better qualify you, than I am, to decide correctly.

I have many reasons to distrust the candour & disinterestedness
of Great Britain in her professions relative to the Spanish treaty.
I saw, in my travels many Englishmen of high rank, after the treaty
was known, who I am convinced spoke the feelings, tho’ not the
language of their government & they uniformly deprecated the
ratification of that instrument unless an ample equivalent could be
obtained, from the same quarter for the supposed injury to Great
Britain.

France, I believe, sincerely wished us well & cordially lent us her
influence, & Mr. Gallatin, you know, has been authorized to thank
the French King, officially, for his friendly interference—How
mortifying that a negotiation entertained under such favorable
auspices should have been so wretchedly conducted—

I was very honestly in favour of admitting Missouri on an equal
footing of the old States—both from principle & expediency & the
quibbling with which such admission has been opposed has con­
vinced me that I was right—

I thank you, with all my heart for your kind enquiries after my
observance of the first command of the Scriptures & I am happy to
tell you that my pious labours have been rewarded with two fine
little girls—one born at Stockholm & the other since my return to
Mendon. faithfully & cordially yours JONa. RUSSELL
The Honble Henry Clay

& & &

ALS. DLC-HC (DNA, M212, R1). Draft copy available in RPB.

1 See above, Russell to Clay, February 14, 1820.

2 See above, Clay to Crittenden, December 14, 1819, note.

3 See above, Remarks and Motion, March 18, 1818, n.16.

4 Hyde de Neuville had been active as an intermediary during the negotiations on
the Adams-De Onis treaty. In a written statement dated March 18, 1819, De
Neuville had supported Secretary Adams' contention regarding the understanding with
De Onis on the disputed grants of Florida lands (see above, Russell to Clay, January
16, 1820, note). House Docs., 16 Cong., 1 Sess., no. 2, p. 67. On December 9, 1819,
President Monroe had discussed with Adams the advisability of instructing Albert
Gallatin to ask that the French Government use its good offices to induce Spanish
ratification of the Florida treaty; Adams, however, had recommended that the matter
continue to be urged through De Neuville rather than by "direct instruction to Mr.
Gallatin." Adams, Memoirs, IV, 474. No such instruction has been found.

5 See above, Clay to Russell, January 29, 1820.

Receipt from Nathaniel Silsbee

[February 22, 1820]

Attached to Account, ca. November 22, 1819.

Explanation of a Call for the Previous Question

[February 25, 1820]

Mr. Clay (Speaker) observed that the previous question would
not effect the object of the gentleman who moved it; because its
effect would be to put aside the question on the amendment alto­
gether; and though that might be a very happy effect, yet it was not,
he presumed, desired by the committee, and he thought it fair to
warn gentlemen of an effect that he supposed was not anticipated.1

Washington National Intelligencer, February 26, 1820. Published also in Annals of
Cong., 16 Cong., 1 Sess., XXXVI, 1539-40. John W. Taylor’s amendment for a restric­
tive clause in the Missouri bill (see above, Speech, February 8, 1820, note) had
brought on long debate, which many Representatives found frustrating. Following
earlier attempts to bring a stop to the discussion James S. Smith, of North Carolina,
had now in Committee of the Whole “moved the previous question” on the amendment. The Chair ruled the motion out of order, and, after brief remarks by John Randolph, Clay gave his interpretation of the effect of the call.

In view of Clay’s remarks, Smith withdrew his motion. Taylor’s proposed restriction was then adopted.

To Thomas Jefferson

Dr Sir  
Washington 26 Feb. 1820.

Mr. Horace Gray of Boston, who will present you this letter, is making a tour of the Southern States, and is desirous of visiting that spot which to the stranger, the curious and the philosopher is the most attractive in Virginia, in order that he may present in person his respects to you. May I ask the favor of your kind reception of him? He is the son of Mr. Gray of Boston so well known every where for his merits and enterpriz.¹

With the strongest wishes for your health & prosperity I am Cordially & faithfully Your obedient Servant  
H. CLAY

ALS. NNPM. Endorsed: “... recd Mar 5. by Mr Gray.”

¹ William Gray, father of Horace, had been highly successful as a merchant and ship owner. Formerly a Federalist, he had become a Republican and had been elected Lieutenant-Governor of Massachusetts in 1810 and 1811. He was now president of the Boston branch of the Bank of the United States.

To Josiah Meigs

Dr Sir  
28 Feb. [1820]

I will thank you to have made out and sent to me a copy of a patent which issued for land between the Scioto and Miami on entry No. 746, entered and surveyed for Danl. Ball. The patent issued either to Cuthbert Banks and Thomas Hart or to John Fowler. With great respect I am Your obt. Servt.  
H. CLAY
J. Meigs Esqr.

ALS. DNA, RG49, Misc. Letters Received, C. Endorsed on cover: “28. feby. 1820. Honble. Henry Clay writes for a Copy a patent which was sent as requested—” See above, Orr to Clay, February 15, 1820.

Remarks and Amendment to the Missouri Bill

[February 28, 1820]

Mr. Clay seconded the motion, and, with the mover, zealously urged the adoption of the amendment.

[After animated debate, Storrs withdrew his amendment because of some doubt whether it was in order.]

Mr. Clay renewed the amendment in substance, but so changing the manner of inserting it in the bill as to avoid the objection as to the point of order.¹
Clay had already spoken on this day (his remarks not recorded) in opposition to amendments to the Missouri bill offered by John W. Taylor. He now rose to support an amendment, offered by Henry R. Storrs, which would “transfer the restrictive amendment already adopted [see above, Speech, February 8, 1820, note], to the sixth section of the bill, ... and so modify it as to make it a recommendation for the free acceptance or rejection of the convention of Missouri, as an article of compact, to exclude slavery, instead of enjoining it as an absolute condition of their admission.”

The debate was renewed as Clay supported his proposal, which was finally rejected, and Taylor, John Sergeant, John Randolph, and Daniel P. Cook, of Illinois, opposed it. The speeches were not recorded.

Remarks on Conversation with David Walker

[March 1, 1820]

The Speaker rose and observed that, as he was referred to in the resolutions, he would ask leave of the House to state what had passed between the deceased and himself on the subject. The Speaker then briefly recapitulated the conversations which had taken place between himself and the deceased, which corroborated and supported the statement contained in the resolution.1

Washington National Intelligencer, March 2, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1571-72. Shortly after the House convened on this day, Tunstall Quarles, of Kentucky, had risen to announce the death of David Walker and to offer three resolutions, the second of which follows: “Resolved, That the said David Walker having communicated to the Speaker of this House, and the Hon. James Barbour, of the Senate, shortly before his death, his wish that he might be buried without pomp or parade, attended by a few only of his friends, in compliance with his wish, the House will, on this occasion, not conform to the practice which has heretofore prevailed, of adjourning, to attend the funeral of a deceased member.”

1 After brief remarks by other members of the House, the resolutions were adopted.

Rental Agreement with Wilkins, McIlvaine and Company

[March 1, 1820]

An agreement entered into this first day of March 1820, between H. Clay, by his atty in fact, Thomas Smith, and Mess. Wilkins, McIlvain & Co.

The said Clay hereby covenants to lease to the said Mess. Wilkins, Mc.Ilvain & Co. for the term of one year, commencing this day, the front and counting rooms of the tenement on Short Street, lately occupied by Mess Shreve & Combs.

In consideration whereof, the said Mess. Wilkins McIlvain & Co. covenant to pay to the said Clay Two hundred dollars, in equal quarterly payments. They further covenant to surrender the demised premises to the said Clay on the first day of March, 1821, in as good order and condition as they now receive them, natural decay and inevitable accidents excepted.
The said Clay reserves the right of distress, in case of default in payment of the rent or any part thereof. And it is further agreed between the parties, that the said Clay is at liberty to determine this lease in case of sale at any time during the year, by giving one month’s notice, and thereupon the said Mess. Wilkins, McIlvain & Co. shall surrender the premises, and be accountable for the rent, after the rate aforesaid, up to that time of the lease being so determined.

Witness the hands and seals of the parties, the day and year first mentioned

THOS. SMITH, atty in fact for H. CLAY

WILKINS, McILVAINE & CO

ADS by Thomas Smith, signed also by Wilkins, McIlvain and Company, a firm composed of Charles Wilkins and B. Reed McIlvaine. DLC-TJC (DNA, M212, R15). McIlvaine had come to Lexington from Burlington, New Jersey, and a few years later moved to New York.

Remarks on Order of Business

[March 2, 1820]

Mr. Clay (Speaker) explained the reasons for the change in the practice of the House, by which the orders were called regularly as they followed on the docquet of the House. He then expressed his hope that the committee would rise; the Missouri bill in fact was not yet disposed of, and until it was, he for one, was unwilling to go into any other important business. The bills before the committee were those, on which the great question was to be decided, of how the deficit in the Treasury, whether by taxes, loans, or otherwise, was to be supplied. The House was not now in a moral condition for the consideration of such questions. He not only wished the Missouri Bill to be first finally disposed of, but really he wanted a day's rest for the body as well as the mind, after the settlement of this agitating and laborious subject. He hoped, therefore, the committee would rise, with an understanding that it would take up the appropriation bills on Monday.

1 The Missouri bill had passed the House on the preceding day.
2 When Clay ended his remarks, Smith acquiesced in Randolph’s motion. The Committee then rose, and the House turned its attention to the Missouri bill, which had been returned from the Senate with an amendment. See below, Clay to Beatty, March 4, 1820, note.
To Adam Beatty

Dr Sir

Washn. 4 March 1820.

I have reed. your favor of the 20h. Ulto.;¹ and I am happy to inform you that an arrangement has been made of the Missouri subject which accords very much with the just views which you have done me the favor to present. Missouri comes in unrestricted, and the introduction of slaves is interdicted in the uninhabited territory west of the new state & north of the parallel of 36½. I gave my consent to and employed my best exertions to produce this settlement of the question,² and I shall be rejoiced if the community will sanction it. The question thus put at rest will I hope leave no bad consequences.

The Session ought to be considered as now just begun; for that single subject has consumed all the time past. I think we shall retrench; do something for manufactures; and either authorize Texas or Florida or both to be occupied. The latter is however doubtful. There is no disposition for War.

You will excuse the brevity of my letter; and do not consider it as at all evidencing any want of the very high esteem & respect with which I am faithfly Yrs.

H. CLAY

The Honble Mr Beatty.

ALS. NHi. ¹ Not found.
² On March 2, after long debate, the House had accepted Senate amendment changing the Missouri bill as indicated here by Clay, and the measure had been passed. At the beginning of the next day's session John Randolph, who had voted with the majority to accept the Senate action eliminating the restrictive clause, had moved reconsideration of the vote in this instance. Clay had ruled "the motion out of order until the ordinary business of the morning, as prescribed by the rules of the House, should be disposed of," and his decision had been upheld by the House. Randolph had then moved that the Missouri bill be retained by the House until the time when a vote to reconsider would be in order, and Clay had declared this motion out of order. Later, when Randolph had again proposed his motion to reconsider, "The Speaker, having ascertained the fact, stated to the House, that the proceedings of the House on that bill yesterday, had been communicated to the Senate, by the Clerk, and that the bill not being in possession of the House, the motion to reconsider could not be entertained." Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1588-90.
³ The measure finally became law with the President's signature on March 6. 3 U.S. Stat., 545-48.

Remarks and Motion on Navy Appropriation Bill

[March 6, 1820]

Towards the close of the Debate, Mr. Clay moved that "it be recommended to the House to recommit to the committee of Ways and Means the bill entitled, &c. (the appropriation bill) with instruction to prepare the same in reference to an occasional instead of a permanent employment of the squadron in the Mediterranean."¹
WASHINGTON National Intelligencer, March 7, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1595. The House, in Committee of the Whole on the bill for the support of the navy for the current year, engaged in “a rather interesting but desultory debate,” not recorded, in which Clay participated.

1 After some additional debate, the motion was defeated.

To Henry M. Brackenridge

Dr Sir Washington 7h. March 1820.

I recd. your favor of the 4th. inst. 1 I am in hopes that the news from Buenos Ayres will not turn out as bad as you imagine. 2 It is, at all events, counterbalanced by that recd. from Spain. 3

The settlement of the Missouri question I think a happy thing; and I believe the arrangement which has been made a very good one. Yet there are some persons on each side of the question extremely dissatisfied with it.

We shall now proceed to the other business of the session, which I hope we shall do well, without regard to our bickerings and the loss of time.

Yr’s respectfully H. CLAY

H. M. Brackenridge Esqr.

P.S. I do not think the pamphlet 4 does you the least injury.

ALS. PpiU. 1 Not found.
2 Fanned by the hostility of José Miguel Carrera against the Buenos Aires Government, the revolt of the interior provinces had broken out again in October, 1819, after the truce of the previous summer (see above, Clay to Pazos, July 27, 1819, note). Government troops sent to quell the uprising had also rebelled, at Arequito, and set up Córdoba as another independent province. The combined provincial forces then marched against those of the Buenos Aires Government and defeated the city army at Cepeda on February 1, 1820. Levene, History of Argentina, 336-38. Word of the approaching battle was published in Niles’ Weekly Register, XVIII (March 11, 1820), 25.

3 During the first week in March journals published in the United States had carried reports of the revolution in Spain, which had begun in January, 1820, among troops assembling at Cádiz for an expedition against the rebellious American provinces (cf. above, Clay to Pazos, July 27, 1819, note). Niles’ Weekly Register, XVIII (March 4, 1820), 1-2. Ferdinand VII was imprisoned and the liberal constitution of 1812 restored until French forces under authorization of the Allies intervened in 1823.

4 Brackenridge’s Voyage to South America (see above, Clay to Brackenridge, August 18, 1818, note) had been attacked by a “pretentiously titled and vituperative pamphlet,” Strictures on a Voyage to South America . . . (Baltimore, 1820), written “By a Friend of Truth and Sound Policy.” Authorship of the pamphlet was claimed by Baptis Irvine, who had recently returned to the United States from a mission to Venezuela. Keller, The Nation’s Advocate, 232-33, 405n.

Remarks and Motion Relating to a Bill on the Military Establishment

[March 8, 1820]

Mr. Clay avowed himself to be in favor of reducing the Army, in preference to resorting to taxes, loans, or to an invasion of the sinking fund, to meet the expences of the government—if, on the
report of the committee of foreign relations, the attitude of the country should not be changed to that of war, or to that which should menace war. Meanwhile, he was disposed not to act on the bill now before the committee, but to defer it for the present, for the purpose of acting on the military appropriation bill. If, after the report of the committee on foreign relations should be made, it should be thought expedient to reduce the Army, the appropriations would shape themselves to what should be the actual force and condition of the Military Establishment. He therefore moved to lay this bill on the table, with a view to take up the appropriation bill.  

Washington National Intelligencer, March 9, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1602-1603. Summarized in Lexington Kentucky Reporter, March 29, 1820. Having passed the bill for the support of the Navy, the House had now resolved itself into Committee of the Whole on a bill for the support of the military establishment. To this Committee had also been referred a bill "respecting the Military Establishment," which was first taken up. Clay rose following a speech by Newton Cannon, who had offered an amendment to the bill.  

1 See below, Remarks, March 9, 1820.  
2 The motion was adopted.

Remarks on the Military Appropriation Bill  

[March 8, 1820]  

Mr. Clay said a few words expressive of his hope that this bill would be permitted to take its course. These broken efforts, he said, of the friends of a reduction of the Army, would have the effect to weaken their strength. For himself, he could not vote to reduce a man of the army in the present posture of our affairs. Even if the army were to be reduced, he did not know that he should vote against this item of appropriation, as it might yet be necessary to have such an appropriation, let the force of the army be greater or less. In relation to all expenditures already authorised by law, he thought the House should go on and make the appropriations: in relation to the items of appropriation not previously authorised by law, such as that for fortifications, &c. the House was at full liberty to use a discretion, &c.  

[After some additional debate Samuel Smith moved to fill the blank in the bill with the sum of $800,000. Henry Baldwin wanted to know, if the appropriation should be limited to this sum, "what was to be done with the contracts which had been made, and under which a larger sum would be necessary. Unless it could be shewn, that contracts made by the Executive are not binding on the government, he should be in favor of filling the blank with the sum estimated by the proper authority to be necessary. To bring this question fairly before the House, he moved to fill the blank with that sum, viz. 1,500,000 dollars." ]  

Mr. Clay did not concur, he said, in the idea that any contract
made by an officer of the government was binding on Congress. If contracts were made, for example, for the erection of fortifications where they were not wanted, was the government bound to execute the work? Certainly not. They might take back the contract, paying the other party all damages & cost he may have sustained by the annulment of the contract. So far from enlarging the appropriation, he would rather diminish it. The better way, he thought, would be to fill up the blank with four or five hundred thousand dollars: if, in the course of the session, the state of the Treasury, or the aspect of the times, should justify the appropriation of a larger sum, a supplemental appropriation might be made. The contractors, he said, gentlemen might rely on it, would not throw up their contracts because a less amount was allowed to be expended within a given period. They would be content with half a million of dollars. Let us, said Mr. C. hold on to the purse-strings until we get farther into the session, and see what is to be done in respect to the ways and means.\footnote{Shortly afterward the Committee rose and obtained leave to meet again.}

Washington National Intelligencer, March 11, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1611, 1616. Published in part in Lexington Kentucky Reporter, March 29, 1820. Following Clay's motion, above, same date, the Committee turned to the bill for the support of the military establishment. The several speakers who preceded Clay in the debate had referred to possible reductions in the Army.

Remarks on the Military Appropriation Bill

[March 9, 1820]

Mr. Clay said, it must be quite obvious to every one, from daily experience, that the practice of exceeding appropriations was one which called loudly for the interposition of Congress. This excess was not confined, he said, to one Department of the government, but the disease seems to have pervaded all the branches of the Executive Department; and, unless the House should, on some occasion, withhold an appropriation in some case wherein an expenditure had been made without authority, he had no doubt the evil would go on to the utter subversion, if not of the constitution, of all law on the subject. The sum of 500,000 dollars, which he had proposed for this object,\footnote{Shortly afterward the Committee rose and obtained leave to meet again.} he said, he considered sufficient. It was at least as much as could be expended before the end of the present session; and, if, after the Ways and Means for the current year were provided, it should be thought proper to appropriate more money for this object, it would be completely within the power of Congress to do so. With regard to retrenchment, Mr. C. said he knew that Congress had much difficulty to encounter. All the heads of Department would agree that there ought to be a retrenchment of the expenses of the government; but none of them would agree that
his particular Department should be the object of it. We, said Mr. C. have to perform all the ungracious offices of the government: we have the painful duty of imposing taxes—they the pleasure of recommending their repeal; we have the labor and responsibility of raising money—they the gratification of spending it. Mr. C. said, he was therefore disposed to take care that there should not be a wasteful expenditure of the public money. With regard to Mobile Bay, Mr. C. said the House were at last presented with the report of the committee of foreign relations; and, if that committee could succeed in persuading the House, that we may take pacific possession of Florida with or without a Treaty, the fortifications of Pensacola would perhaps afford a sufficient protection to Mobile Bay. On the subject of fortifications generally, Mr. C. said, there had been, hitherto, he would not say a wasteful extravagance, but an improvident profusion. We were making fortifications every where, and a large amount of money had been expended on one fortification (Rouse's Point) which was understood to be actually within the British line. He concurred with the gentleman from South Carolina, that two or three great points ought to be fortified; but he would not therefore expend such sums of money on points which were not so important.

[Lowndes stated that the contracts, to which reference had been made, were “founded on a rational expectation of appropriations being made by Congress—an expectation justified [by] the sanction given by previous appropriations to the prosecution of these works.” As an analogous case, he referred to the Cumberland Road for which “contracts had been made involving the expenditure of money beyond the amount appropriated by law, and depending on future appropriations for their fulfilment.”]

Mr. Clay again spoke upon the subject. If, he said, the Executive was authorized to make contracts, relying on appropriations usually made, what ought, in this case, to have been its guide? The appropriation of last year—amounting to 500,000 dollars, the sum with which it was proposed to fill this blank. Between the present case and the Cumberland Road; he said, there was no analogy. There was a positive law authorizing the road, and a certain sum appropriated: under that law contracts had been made, under which the expenditure had exceeded the amount appropriated. The case now under consideration was that of an attempt to expend the public money without the authority of any law.

[During the exchange of views that followed, Henry Baldwin suggested that, if money were needed, the Government might sell its stock, amounting to $7,000,000 in the Bank of the United States, which “yields no dividend this year, and but little in the last.”]
Mr. Clay repeated the idea, that the money appropriated ought to be considered the limitation of the power of the Executive to make contracts. With respect to the deficiency in the revenue, so far from taking hold of the stock of the Bank of the United States, he had been in hopes, as there seemed to be great difficulty what to do with the Sinking Fund, that Congress would have consented to appropriate it to the payment of the debt which we owe to the Bank of the United States for that stock, having due regard to the 5 per cent. interest which only we had stipulated to pay on that part of the public debt. 6

Washington National Intelligencer, March 11, 1820. Published also in Lexington Kentucky Reporter, March 29, 1820; Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1621-22, 1623, 1624-25. The House, again in Committee of the Whole on the bill for the support of the military establishment, had already heard several members discuss fortifications and the procedures of the Government in relation to contracts.

1 See above, Remarks (on this bill), March 8, 1820.
2 The report, submitted to the House earlier in the day, had been accompanied by a bill authorizing the President to take possession of East and West Florida and to employ any part of the armed forces that might be needed.
3 It had been discovered that the northern boundary of the United States between the Connecticut and St. Lawrence rivers, to run along the $45^\circ$ parallel, had been inaccurately surveyed and lay too far north. The fort, mentioned by Clay, at the outlet of Lake Champlain was located in the disputed zone. The boundary in this area was not fixed until 1842, when the Webster-Ashburton Treaty confirmed the line of the inaccurate survey.
4 William Lowndes.
5 This word inserted in Annals version.
6 The blank was eventually filled with the sum of $800,000.

Amendment to Military Appropriation Bill

[March 9, 1820]

Mr. Clay, in offering the following amendment, briefly adverted to its importance and interesting nature. There were, he said, 11 states, (counting Missouri and Arkansaw,) more or less interested in it. Many steam boats were employed in this navigation, and many more would be: and he did verily believe, that, by an expenditure of a hundred or a hundred and fifty thousand dollars, & an annual expenditure thereafter of 10 or 15 thousand dollars, the navigation could be made perfectly safe. He hoped, as this appropriation was analogous to one or more contained in the bill, there would be no objection to it.

"For making a survey, maps, and charts of the Ohio and Mississippi rivers, from the Rapids of the Ohio at Louisville, to the Balize, for the purpose of facilitating and ascertaining the most practicable mode of improving the navigation of those rivers, five thousand dollars." 1


1 "The motion was agreed to, without a division."
Resolution Concerning Military Academy

[March 10, 1820]

Mr. Clay submitted a resolution, "that it is inexpedient at this time to abolish the Military Academy at West Point." 1


The House, in Committee of the Whole on the Military Appropriation Bill, had just heard Newton Cannon argue for a proposal, which he had earlier introduced, "to enquire into the expediency of abolishing the Military Academy."

1 After prolonged debate (not recorded), in which Clay participated, the motion was adopted.

To Langdon Cheves


I received the letter which you did me the favor to write on the 11th. inst. 1 communicating the wish of the Bank of the U. States to engage my professional services, in the endeavor to sustain its rights, in the unfortunate controversy which subsists between it and the State of Ohio; 2 and stating the terms on which it wished to employ me. I will engage, in its service, in the case in question, with great pleasure; and I beg you to inform the Board that I am very sensible of the honor which it does me by this manifestation of its confidence. In reference to any duty, which is likely to be incident to my appearing in behalf of the Bank, the compensation which is proposed is liberal and perfectly satisfactory. Nevertheless it may, possibly, happen that the contest may be protracted; and may involve a degree of anxiety and labor altogether unanticipated. In that case, I shall depend upon the justice and generosity of the Board for such further allowance as, in its judgment, and in that only, may be considered as deserved.

I shall expect to receive such information, in regard to the rise and progress of the contest, and such instructions of the Board as it may be thought proper to give me. And I shall enter upon the service with the utmost zeal to vindicate its rights and interests. I have the honor to be, with great respect, Your obedient Servant, Langdon Cheves Esqr. P. B. U. States.

H. Clay

ALS. PHi-Etting Collection. 1 Not found.

2 See above Clay to Cheves, November 14, 1819, note.

To Langdon Cheves

My Dr Sir (Private) Washn. 15th. March 1820.

It is my intention to resign my seat in Congress, after my return home, upon the close of the present Session. 1 In this I shall execute a resolution which I had formed several years ago, and which I have
delayed carrying into effect, in consequence of the inordinate excitement produced by the Compensation law, and of other causes. What was resolved, in conformity with inclination, has become necessary, in compliance with duties. For I have not escaped the ravages of the pressure of the times. Some connexions of Mrs. Clay’s, in whom I had great confidence, which is yet unimpaired, have involved me, by indorsing for them, in a considerable sum; one, however, which I should not care for, if it were not attended with reduction of rents and a still greater depression in the value of all property than that of which I recollect to have heard you complain, in your own instance, about the commencement of the late War. The obligations, imposed on me by this unexpected creation of debt and by the relations in which a parent and a husband stands, have determined me to recommence the practice of the Law. My present intention is to engage in it in the Supreme & Federal Courts of Kentucky, and in the Circuit Court of Ohio. I have made these explanations to you, because I am persuaded you will take some interest in what so intimately concerns me, and because they have a connexion with my engagement for the Bank, which has proceeded in some measure from your friendly regard for me.

In announcing, as I purpose to do, my intention to practise in the Federal Court of Ohio, my espousing the particular cause of the Bank will appear less invidious to the Bar and to the Public of that State. I presume, of course, that some one or more of the local Counsel of Ohio will be retained in the cause.

I am Dr Sir Cordially & faithfully Yrs H. CLAY

L. Cheves Esqr.

ALS. Schi. 1 See below, To the Electors, April 12, 1820.
2 See above, Clay to Field, March 25, 1816, note.
3 See above, Clay to Harts, November 7, 14, 1817. A statement of “John and Thomas P. Hart’s notes in Bank, endorsed by H. Clay, & of his notes given on their account” shows $2000, dated February 13, due 14/17 April; $5000, dated February 24, due 25/28 April; and $5000, dated March 6, due 5/8 May, all listed with the Bank of the United States and the first, only, identified as “a real transaction, which has been continued”—also $2000, dated February 25, due 26/29 April; $400, dated February 16, due 17/20 April; and $8150, dated March 25, due 24/27 May, all with the Lexington Branch, Bank of Kentucky, and the first identified as “a real transaction continued” —and $1800, dated March 5, due 4/7 May, with the Farmers and Mechanics’ Bank (Lexington). AD by John Hart. DLC-TJC (DNA, M212, R15).

From John C. Calhoun


Sir, War Department March 17th. 1820.

I have caused a careful examination to be made in the case of James Cooper1 who applies for a pension under the act of the 18th. of March, 1818,2 whose papers are herewith returned; and have to state, in reply to your letter, that it is very doubtful whether he
served in the continental Army. It is certain that no officer named John Bird (under whom he states to have served) ever commanded a regiment on the continental Establishment: now [sic] was Capt. Nathaniel Guest, to whose company he states to have belonged, in the continental army at the time Cooper was in the service. By referring to Washington’s Letters, p. 18. Vol. 2. you will perceive that Capt. Guest was appointed by Genl. Washington in February 1777. to command a regiment. The only officer named Bird in the Virginia Line was Otway Bird, a Cornet. and aid de-camp to General Washington: from holding the latter situation he acquired the title by courtesy of Colonel. From the circumstance of the applicant’s name not appearing on the Virginia Continental Lists, and the above mentioned facts, the claim is of too doubtful a nature to be admitted without further proof.—

J. C. C.


1 Probably at this time a resident of Clark County, Kentucky. Several men of this name had served in Virginia military units during the Revolution.

2 See above, Edwards to Clay, March 5, 1819, note.

3 Nathaniel Gist, appointed Colonel, Additional Continental Regiment, January 11, 1777. John Hastings Gwathmey, Historical Register of Virginians in the Revolution; Soldiers, Sailors, Marines, 1775-1783 (Richmond, 1938), 310.


5 Francis Otway Byrd, Aide-de-camp to General Charles Lee, 1775-1776; Lieutenant-Colonel Third Continental Dragoons, 1777 until his resignation July 15, 1778. Gwathmey, Historical Register of Virginians in the Revolution, 118.

To Benjamin W. Leigh

Dr Sir

Washn. 21 March 1820.

Will you do me the favor to inform me if you finally adhere to your first suggestion that it is necessary to sue out letters of Administration, upon the Estate of my deceased brother, to maintain the Ejectment for Euphrain? I took the liberty of making an observation, on the statute of Va. to which you had refered me, in a letter which I last addressed to you, and I have not had the pleasure since to hear from you. I wished also to know, if there were any mode, in which the administration could be obtained without the personal presence of the Admor, by power of Atto. or otherwise.

With great respect I am Your obt. Servt. H. Clay

Mr. Leigh

ALS. ViU. 1 Not found.
2 George Clay. 3 Dated, January 5, 1820.

To Thomas L. McKenney

[March 24, 1820]
To Jonathan Russell

My Dr Sir Washington 24 March 1820.

During the pendency of the Missouri question it so fully engrossed all our feelings and thoughts that I had very little disposition to attend to any other matter. Since it has been settled (and I think happily settled) 1 I have perused attentively the letter which you did me the favor to write on the 17th. Ulto. with the accompanying essay. 2 I am greatly indebted to you for the valuable fruits of your labor and investigation. They would have saved me much trouble, and I agree entirely in almost all your conclusions. But, you have seen from the Report of the Comee. of Foreign relations, 3 that it is now proposed to place the occupation of Florida upon ground entirely independent of the Treaty. The treaty is abandoned; and it is proposed to seize on Florida, in the nature of a reprisal, in other words to make War in fact, if not in form. I am inclined to think, speaking from general recollection, that the idea of making reprisals upon the Territorial possessions of an aggressor is almost as new as that of considering a treaty ratified by one party only as binding upon both. But the truth is that there is no temper in Congress at present to place the Country in a posture of actual or menaced War; and the prevailing opinion is that we shall do nothing, leaving the Executive to Skuffle out of their difficulties as well as they can. This I think unfortunate; for I do believe that it is encumbent upon us to do something to assist them out of a dilemma into which they have put themselves by the blunders of a most ill conducted negotiation, whether we look to Madrid or Washington.

I yet think that the best course for this Country to pursue would be that which should assert our claims to Louisiana, in its full extent; and a recognition of the Patriots. 4 On this latter subject it appears to me to be doubly recommended to us 1st. Because it is just and right in itself; and 2dly. It is the most effectual mode of touching the fears and sensibilities of Spain, without giving just cause of War. Unfortunately, however, as I think for this Country, that portion of its foreign policy which respects Spain and her Colonies has been regulated by a single expression of My Lord Castlereah, made to Mr. Adams, more than three years ago “Don’t aggrandize yourselves at the expence of your neighbours to the South,” 5 which has been interpreted to mean whatever suggests itself to the fears of active imaginations. Now, whilst I am quite ready to admit, that, in judging upon any measure of foreign policy which it is proposed to
us to take, it is very fitting to consider what will be the view and action of other Governments concerning it, I cannot allow that we are to give the direction of our Foreign affairs or any portion of them wholly to any Foreign Government.

I took the liberty of showing (in entire confidence) to two friends your last essay, one of whom was Lowndes, who returned it to me saying that he concurred with you in all your positions. With very great esteem I remain faithfully & Cordially Yrs H. CLAY J. Russell.

26 March.

I began this letter two days ago and owing to perpetual interruptions to which I am exposed by the constant calls, of one sort or another, which are made upon me, I have this moment only finished it. I have just heard that a recommendation is to come in from the President, in the course of the present week, to postpone acting during this Session, on our affairs with Spain, founded in fact upon the advice of both Russia & France, or one of them; a further evidence of the preceding remarks. I have no doubt of the truth of the communication made to me.

H.C.

ALS. RPB-Russell Papers.

1 See above, Clay to Beatty, March 4, 1820.
2 See above, Russell to Clay, February 14, 17, 1820.
3 See above, Remarks, March 9, 1820.
4 See below, Resolutions, March 28, April 4, 1820.
5 John Q. Adams recorded (Memoirs, III, 289-90) that in an interview on January 25, 1816, Castlereagh had assured him that Great Britain held no designs on Florida or any other Spanish territory and added: "Do you only observe the same moderation. If we should find you hereafter pursuing a system of encroachment upon your neighbors, what we might do defensively is another consideration."
6 William Lowndes.
7 On Monday, March 27, Congress received from the President a message of that date, transmitting certain documents and stating that "the Governments of France and Russia have expressed an earnest desire that the United States would take no step, for the present, on the principle of reprisal, which might possibly tend to disturb the peace between the United States and Spain." Citing also "The distress of that nation, at this juncture" (cf. above, Clay to Brackenridge, March 7, 1820, note), Monroe concluded by recommending postponement until the next session of "a decision on the questions now depending with Spain." Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1688.

Rental Agreement with Richard Hawes, Jr.

[March 25, 1820]

An agreement made this 25th day of March 1820 between H. Clay by his Atty in fact, Thomas Smith, and Richard Hawes, Jr.

The said Clay rents to the said Hawes for the term of one year, commencing on the 25th day of March, the Dwelling House and Lot in the town of Lexington opposite the residence of John Bradford esq. This Lease to be determined by either party giving one month's notice—
In consideration whereof, the said Hawes covenants to pay to the said Clay, one hundred and eighty dollars, payable in equal quarterly payments. And he further covenants to surrender the demised premises to the said Clay on the 25th. day of March next, in as good order and condition as they now are, natural decay and inevitable accidents excepted.

The said Clay reserves the right of distress in case of default in payment of the rent or any part thereof.

Witness the hands and seals of the parties, the day and year first mentioned.

H. CLAY, by T. SMITH {Seal}
RICHD. HAWES JR. {Seal}

[Endorsements on verso]²
Paid up to the 25 Septr 1820. H CLAY
Recd. the bal. in full 10. Aug. 1821 H CLAY
Recd. Seventy dollars in July 1822. H. CLAY

DS. KylxT. See above, Rental Agreement, November 1, 1819. ¹ See above, Property Deed, November 1, 1819. ² All AES.

To Richard M. Johnson

My Dr. Col. Washn. 28h. March 1820.

I have looked over the papers relative to your brother’s affair with Government (including the statements of McGonnigle & Hempstead)¹ and I send you here with such a view of the case as they appear to me to authorize.² Its force is less strong than it would have been, owing to the incessant interruptions to which I have been exposed, during the preparation of it. Such as it is, I shall be very glad if it will contribute, in any degree, to obtain for him that justice to which I think him fairly entitled.

With great regard I am faithfully Yrs. H. CLAY
Col. R. M. Johnson.

ALS. DLC-Calhoun Papers (DNA, M T-16, R6).
¹ Captain James McGunnigle, of Pennsylvania, assistant deputy United States Quartermaster General; and Thomas W. Hempstead, Military Storekeeper at St. Louis—their statements are in DLC-Calhoun Papers (DNA, M T-16, R6).
² See below, Statement, this date.

Statement on Claim of James Johnson

[March 28, 1820]

Copy, interlineations in Clay’s hand. DLC-Calhoun Papers (DNA, M T-16, R6), Clay’s presentation of the “Case of Col. James Johnson to be submitted to the Arbitrators appointed to decide the difference between him and the Quarter Master General” concerning compensation to Johnson in connection with the Yellowstone expedition runs to twenty-nine manuscript pages. The original draft of the document (AD), of which this is a revision, is also on this film.
Resolutions on Transfer of Territory to a Foreign Power

[March 28, 1820]

1. Resolved that the Constitution of the U. S. vests in Congress the power to dispose of the Territory belonging to them; and that no treaty, purporting to alienate any portion thereof is valid, without the concurrence of Congress.

2. Resolved that the equivalent proposed to be given by Spain, to the U. States, in the treaty concluded between them, on the 22d of February, 1819, for that part of Louisiana lying West of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any Foreign power, or to renew the aforesaid Treaty.

AD. DNA, RG233, HR16A-B3. Published in Washington National Intelligencer, April 4, 1820; Lexington Kentucky Gazette, April 14, 1820; Lexington Kentucky Reporter, April 19, 1820; Frankfort Argus of Western America, September 30, 1829; Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1691; Swain, Life and Speeches of Henry Clay, I, appendix p. vi; Mallory, Life and Speeches of the Hon. Henry Clay, I, [448]; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 206. Clay laid his resolutions on the table immediately after the House had considered certain resolutions from the Committee of the Whole on the state of the Union and ordered that they "severally lie upon the table." See below, Speech, April 3, 1820.

1 Printed "2d" in Intelligencer and Annals of Cong.; corrected in other versions.

From Richard M. Johnson

Dr. Sir, City of Washington 29 March 1820

In consequence of accidents which would occasionally interrupt [sic] the steam boats furnished by James Johnson for the Missouri under Contract with the Government I have considered it due to the interests of my Brother—to request you to communicate to me Such remarks & observations as you made last Summer in descending & ascending the Ohio & Mississippi Rivers from Louisville to New Orleans & back again—also your knowledge of the character & standing of Ruggles Whiting Esq. With sentiments of high consideration & respect your ob servt.

RH: M: JOHNSON
Honble Henry Clay Speaker of the H. of Rep.

ALS. DLC-Calhoun Papers (DNA, M T-16, R6).

1 See below, Clay's reply, same date. Whiting at one time had been associated with Charles Wilkins and Jacob Holderman in the operation of Aetna Furnace but had sold his interest to his partners in 1818. For several years then he and William Stackpole (formerly of Boston) had been manufacturing steamboats at Louisville, Kentucky. They had held numerous contracts with James Johnson, including one to increase the engine power of a vessel used on the Yellowstone expedition. Stackpole and Whiting to John C. Calhoun, November 24, 1819 (DNA, M T-16, R6).

To Richard M. Johnson

Dr Sir [March 29, 1820]

In reply to your note of to day I have to state, that I descended the
Ohio and Mississippi last Spring in the Steam boat Napoleon, having embarked at Shipping port, the foot of the Rapids of the former, about the 20th. of April. At that time your brothers fleet, as it was called, intended for the Missouri, lay moored in the port, evincing a great deal of activity in preparations for its departure. The Napoleon was a boat of good character, and her commander bore a high reputation for enterprise and vigilance. In the course of the voyage, a part of her machinery got disordered, which retarded somewhat our progress. We passed on the Mississippi two, if not three, Steam boats which were lying by, having broken their cranks. Such incidents are frequent; indeed I doubt whether any boat, that has been a year or two on those waters, has escaped them. When they occur, the Boat is subjected to a detention of from thirty to fifty days, depending on the distance, where the accident occurs, from Louisville, to which place resort is usually had to supply the loss.

On my return, I ascended the Mississippi in the Paragon, a beautiful boat, built at Cincinnati, under the eye of one of her owners. It was her first voyage, and she broke her Lever beam, a most essential part of her machinery, about 30 miles below Natchez. They had to make one, to supply its place, out of the Bastard Live oak, which occasioned several days detention.

I have known Ruggles Whiting Esqr. for several years. He came from Boston, and he is distinguished for his enterprize, experience & practical good sense. He is very conversant with the subject of building and navigating Steam boats; and enjoys in a very high degree the confidence of all who know him. I have understood that prior to his settlement at Louisville, he was held in much consideration at Boston, as a judicious & respectable man.

With great regard I am Yours

H. Clay

Col. R. M. Johnson.

ALS. DLC-Calhoun Papers (DNA, M T-16, R6).

From Jonathan Russell

Mendon 30 March 1820

My dear Sir

I know not whether I ought to apologize for sending the inclosed so late or for sending it at all—it was already written at the time of my last communication but if worth copying I believed it not to be worth postage—upon refection I consider it in fact worth neither & transmit it now without the former & now exempt from the latter by a late law extending your franking privilege—I hope indeed you will not consider me as abusing that privilege—You will see at any rate that I have not been discouraged by your silence but which I
had rather you would ascribe my assurance to my friendship than to my vanity—Since I wrote you last the situation of Spain has changed somewhat & presents less danger of war from the assertion of our rights—To avail ourselves of this circumstance for such a purpose I regard as perfectly direct just but to profit of it that circum the confusion & weakness to exceed the exact limits which justice prescribes would be mean & injurious—Justice carries our limits much farther west than the treaty & would sanction our recognition of the independence of that portion of the Patriots [sic] who are obviously qualified to maintain it—So far I think we may safely & justly go & so far I think we ought to go—The occupation of the Floridas, the bombast & quibbles of pedants & pettifoggers to the contrary notwithstanding would not only be just cause of war to Spain & forlorn as she is provoke it, but place us in the wrong with those whose good opinion we have a higher interest to conciliate—We need not abandon our claims for indemnity but we had better still keep them alive by negotiation than to abruptly attempt to liquidate them by war—an A claim more just on Spain because she is weak than on other nations because they are strong.

I have an old friend in your house whom I early requested to say to you that he was so—Mr. Eddy 4 of Rhode Island—He is a plain man but most worthy of strong mind well informed & true—but he has a little of what the French call mauvaise honte—He wrote me very frankly that he was afraid of you & I suspected he might also have been prepossessed a little against you so I have not hitherto mentioned him to you—I will tell you in confidence that his last letter of the 20 inst. has given me much pleasure—He then says “I like your friend Clay better & better & regret extremely that he is about to leave Congress He is now the Soul of the House of Representatives”—I should not be surprised if after this he were to venture to approach you—In that case I hope you will consider him as my friend, for such he really is, & not make him again afraid of you—I should with him regret your leaving Congress if it be not for an object more accordant at least, with your wishes—Wherever you are

Cordially yours

J R

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1 Possibly the notes attached to the draft letter, Russell to Clay, February 14, 1820.
2 Above, February 17, 1820.
3 By an act approved March 13, 1820, “all letters and packets to and from the President of the Senate pro tempore, and the Speaker of the House of Representatives” were during sessions of Congress to be transmitted by mail free of postage. 3 U. S. Stat., 548. Before passage of this act the franking privilege had been limited to that extended to all members of Congress, which covered letters and packets not to exceed two ounces in weight during a period from thirty days before to thirty days after a session of Congress. Ibid., 265-66 (April 9, 1816).
4 Samuel Eddy, later Associate Justice (1826-1827) and Chief Justice (1827-1835) of the Supreme Court of Rhode Island.
Mr. Clay said, that, whilst he felt very grateful to the House for the prompt and respectful manner in which they had allowed him to enter upon the discussion of the resolutions which he had the honor of submitting to their notice, he must at the same time frankly say, that he thought their character and consideration, in the councils of this country, were concerned in not letting the present session pass off without deliberating upon our affairs with Spain. In coming to the present session of Congress, it had been his anxious wish to be able to concur with the Executive branch of government in the measures which it might conceive itself called on to recommend on that subject, for two reasons, of which the first, relating personally to himself, he would not trouble the committee with further noticing. The other was, that it appeared to him to be always desirable, in respect to the foreign action of this government, that there should be a perfect coincidence in opinion between its several co-ordinate branches. In time, however, of peace it might be allowable to those who are charged with the public interests to entertain and express their respective views, although there might be some discordance between them. In a season of war, there should be no division in the public councils; but an united and vigorous exertion to bring the war to an honorable conclusion. For his part, whenever that calamity maybefal his country, he would entertain but one wish, and that is, that success might crown our struggle, and the war be gloriously and honorably terminated. He would never refuse to share in the joys incident to the victory of our arms, nor to participate in the griefs of defeat and discomfiture. He [concurred] entirely in the sentiment once expressed by that illustrious hero, whose recent melancholy fall we all so sincerely deplore, that fortune may attend our country in whatever war it may be involved.

There were two systems of policy, he said, of which our government had had the choice. The first was, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of our abstinence from any direct countenance to the cause of South America and the observance of a strict neutrality. The other was, by appealing to her justice also and to her fears, to prevail upon her to redress the injuries of which we complain—her fears, by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further step we might take in respect to those governments. The unratified treaty was the result of the first system. It could not be positively affirmed what effect the other system would have produced; but he verily believed that, whilst it rendered justice to those governments, and
would have better comported with that magnanimous policy which ought to have characterized our own, it would have more successfully tended to an amicable and satisfactory arrangement of our differences with Spain.

The first system has so far failed. At the commencement of the session, the President recommended an enforcement of the provisions of the treaty. After three months deliberation, the committee of foreign affairs, not being able to concur with him, has made us a report recommending the seizure of Florida, in the nature of a reprisal. Now, the President recommends our postponement of the subject until the next session. It had been his (Mr. C.'s) intention, whenever the committee of foreign affairs should engage the House to act upon their bill, to offer, as a substitute for it, the system which he thought it became this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If he did not now bring forward this system, it was because the committee proposed to withdraw their bill, and because he knew too much of the temper of the House and of the Executive, to think that it was advisable to bring it forward. He hoped that some suitable opportunity might occur, during the session, for considering the propriety of recognizing the independent governments of South America.

Whatever Mr. C. might think of the discretion which was evinced in recommending the postponement of the bill of the committee of foreign relations, he could not think that the reasons, assigned by the President for that recommendation, were entitled to the weight which he had given them. Mr. C. thought that the house was called upon, by a high sense of duty, seriously to animadvert upon some of those reasons. He believed it was the first example, in the annals of the country, in which a course of policy, respecting one foreign power, which we must suppose had been deliberately considered, has been recommended to be abandoned, in a domestic communication from one to another co-ordinate branch of the government, upon the avowed ground of the interposition of other foreign powers. And what was the nature of this interposition? It was evidenced by a cargo of scraps gathered up from this Charge d’Affaires, and that—of loose conversations held with this foreign minister and that—perhaps mere levee conversations, without a commitment in writing, in a solitary instance, of any of the foreign parties concerned, except only in the case of his Imperial Majesty; and what was the character of his commitment we shall presently see. But, Mr. C. said, he must enter his solemn protest against this and every other species of foreign interference in our matters with Spain. What have they to do with them? Would they not repel, as officious
and insulting intrusion, any interference on our part in their concerns with other foreign states? Would his Imperial Majesty have listened, with complacency to our remonstances against the vast acquisitions which he has recently made? He has lately crammed his enormous maw with Finland and with the spoils of Poland, and, whilst the difficult process of digestion is going on, he throws himself upon a couch, and cries out—don’t, don’t disturb my repose!

He charges his Minister here to plead the cause of peace and concord! The American “government is too enlightened” (ah! sir how sweet this juncion is, which is poured down our backs) to take hasty steps. And his imperial Majesty’s Minister here is required to engage (Mr. C. said he had hoped that the original expression was less strong, but he believed that the French word engage bore the same meaning) the American government, &c. “Nevertheless, the Emperor does not interpose in this discussion.” No! not he. He, makes above all “no pretension to exercise an influence in the councils of a foreign power.” Not the slightest. And yet, at the very instant when he is protesting against the imputation of this influence, his interposition is proving effectual! His imperial Majesty has at least manifested so far, in this particular, his capacity to govern his empire, by the selection of a sagacious Minister. For if Count Nesselrode had never written another paragraph, the extract from his dispatch to Mr. Politica [sic], which has been transmitted to this House, would demonstrate that he merited the confidence of his master. It was quite refreshing to read such state papers after perusing those (he was sorry to say it; he wished there was a veil broad and thick enough to conceal them forever) which this treaty had produced on the part of our own government. Conversations between my Lord Castlereagh and our Minister at London had also been communicated to this House. Nothing from the hand of his lordship is produced; no! he does not commit himself in that way. The sense in which our Minister understood him, and the purport of certain parts of despatches from the British government to its Minister at Madrid, which he deigned to read to our Minister, are alone communicated to us. Now we know very well how diplomatists, when it is their pleasure to do so, can wrap themselves up in mystery. No man more than my Lord Castlereagh, who is also an able Minister, possessing much greater talents than are allowed to him generally in this country, can successfully express himself in ambiguous language, when he chooses to employ it. Mr. C. recollected himself once to have witnessed this facility, on the part of his lordship. The case was this. When Bonaparte made his escape from Elba and invaded France, a great part of Europe believed that it was with the connivance of the British Ministry. The opposition charged them, in Parliament with it, and they were
interrogated to know what measures of precaution they had taken against such an event. Lord Castlereagh replied by stating that there was an understanding with a certain naval officer of high rank, commanding in the adjacent seas, that he was to act on certain contingencies. Now, Mr. Chairman, if you can make anything intelligible out of this reply you will have much more success than the English opposition had.

The allowance of interference by foreign powers in the affairs of our government, not pertaining to themselves, is against the counsels of our wisest politicians—those of Washington, Jefferson, and, he would add also, those of the present Chief Magistrate; for, pending this very Spanish negotiation, the offer of the mediation of foreign states was declined, upon the true ground that Europe had her system, and we ours; and that it was not compatible with our policy to entangle ourselves in the labyrinths of hers. But a mediation is far preferable to the species of interference on which it had been his reluctant duty to comment. The mediator is a judge, placed on high, his conscience his guide, the world the spectators, and posterity his judge. His position is one, therefore, of the greatest responsibility. But what responsibility is there attached to this sort of irregular, drawing-room, intriguing interposition? He could see no motive for governing or influencing our policy, in regard to Spain, furnished in any of the communications which respected the dispositions of foreign powers. He regretted, for his part, that they had been at all consulted. There was nothing in the character of the power of Spain; nothing in the beneficial nature of the stipulations of the treaty to us, which warranted us in seeking the aid of foreign powers, if in any case whatever that aid were desirable. He was far from saying that, in the foreign action of this government, it might not be prudent to keep a watchful eye upon the probable conduct of foreign powers. That might be a material circumstance to be taken into consideration. But he never would avow to our own people—never promulgate to foreign powers, that their wishes and interference were the controling cause of our policy. Such promulgation would lead to the most alarming consequences. It was to invite further interposition. It might, in process of time, create in the bosom of our country a Russian faction, a British faction, a French faction. Every nation ought to be jealous of this species of interference, whatever was its form of government. But of all forms of government the united testimony of all history admonished a Republic to be most guarded against it. From the moment that Philip intermeddled in the affairs of Greece, the liberty of Greece was doomed to inevitable destruction.

Suppose, said Mr. C. we could see the communications which have passed between His Imperial Majesty and the British government,
respectively, and Spain, in regard to the United States; what do you imagine would be their character? Do you suppose that the same language has been held to Spain and to us? Do you not, on the contrary, believe, that sentiments have been expressed to her, consoling to her pride? That we have been represented, perhaps, as an ambitious Republic, seeking to aggrandize ourselves at her expence?

In the other ground taken by the President, the present distressed condition of Spain, for his recommendation of forbearance to act during the present session, Mr. C. was sorry also to say that it did not appear to him to be solid. He could well conceive how the weakness of your aggressor might, when he was withholding from you justice, form a motive for your pressing your equitable demands upon him; but he could not accord in the wisdom of that policy which would wait his recovery of strength, so as to enable him successfully to resist those demands. Nor would it comport with the practice of our own government heretofore. Did we not, in 1811, when the present monarch of Spain was an ignoble captive, and the people of the Peninsula were contending for the inestimable privilege of self-government, seize and occupy that part of Louisiana which is situated between the Mississippi and the Perdido? What must the people of Spain think of that policy which would not spare them, and which commiserates alone an unworthy prince, who ignominiously surrendered himself to his enemy; a vile despot, of whom I cannot speak in appropriate language without departing from the respect due to this house or to myself? What must the people of South America think of this sympathy for Ferdinand, at a moment when they, as well as the people of the Peninsula themselves, (if we are to believe the late accounts, and God send they may be true,) are struggling for liberty?

Again: When we declared our late just war against Great Britain, did we wait for a moment when she was free from embarrassment and distress; or did we not rather wisely select a period when there was the greatest probability of giving success to our arms? What was the complaint in England, what the language of faction here? Was it not that we had cruelly proclaimed the war at a time when she was struggling for the liberties of the world? How truly, let the sequel and the voice of impartial history tell.

Whilst he could not, therefore, Mr. C. said, persuade himself that the reasons assigned by the President for postponing the subject of our Spanish affairs until another session, were entitled to all the weight which he seemed to think belonged to them, he did not nevertheless regret that the particular project recommended by the committee of foreign relations was thus to be disposed of; for it was war—war, attempted to be disguised. And if we went to war, he thought it should have no other limit than indemnity for the past,
and security for the future. He had no idea of the wisdom of that measure of hostility which would bind us, whilst the other party is left free.

Before he proceeded to consider the particular propositions which the resolutions contained which he had had the honor of submitting, it was material to determine the actual posture of our relations to Spain. He considered it too clear to need discussion, that the treaty was at an end; that it contained, in its present state, no obligation whatever upon us, and no obligation whatever on the part of Spain. It was as if it had never been. We are remitted back to the state of our rights and our demands which existed prior to the conclusion of the treaty, with this only difference, that, instead of being merged in, or weakened by the treaty, they have acquired all the additional force which the intervening time and the faithlessness of Spain can communicate to them. Standing on this position, he should not deem it necessary to interfere with the treaty-making power, if a fixed and persevering purpose had not been indicated by it, to obtain the revival of the treaty. Now he thought it a bad treaty. The interest of the country, as it appeared to him, forbade its renewal. Being gone, it was perfectly incomprehensible to him why so much solicitude was manifested to restore it. Yet it is clung to with the same sort of frantic affection with which the bereaved mother hugs her dead infant in the vain hope of bringing it back to life.

Has the House of Representatives a right to express its opinion upon the arrangement made in that treaty? The President, by asking Congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider, 1st. if there be a treaty; 2dly. if we ought to carry it into effect; and, 3dly. if there be no treaty, whether it be expedient to assert our rights, independent of the treaty. It will not be contended that we are restricted to that specific mode of redress which the President intimated in his opening message.

The first resolution which he had presented, asserted that the Constitution vests in the Congress of the United States the power to dispose of the territory belonging to them; and that no treaty, purporting to alienate any portion thereof, is valid, without the concurrence of Congress.

The proposition which it asserts was, he thought, sufficiently maintained by barely reading the clause in the constitution on which it rests: "The Congress shall have power to dispose of, &c. the territory or other property belonging to the U. States." It was far from his wish to renew at large a discussion of the treaty making power. The Constitution of the United States had not defined the precise limits of that power, because, from the nature of it, they could not be
prescribed. It appeared to him, however, that no safe American statesman would assign to it a boundless scope. He presumed, for example, that it would not be contended that in a government which was itself limited, there was a functionary without limit. The first great bound to the power in question, he apprehended, was, that no treaty could constitutionally transcend the very objects and purposes of the government itself. He thought, also, that wherever there were specific grants of power to Congress, they limited and controlled, or, he would rather say, modified the exercise of the general grant of the treaty-making power, upon the principle which was familiar to every one. He did not insist that the treaty-making power could not act upon the subjects committed to the charge of Congress; he merely contended that the concurrence of Congress in its action upon those subjects, was necessary. Nor would he insist that the concurrence should precede that action. It would be always most desirable that it should precede it, if convenient, to guard against the commitment of Congress, on the one hand, by the Executive, or on the other, what might seem to be a violation of the faith of the country, pledged for the ratification of the treaty. But he was perfectly aware, that it would be very often highly inconvenient to deliberate, in a body so numerous as Congress, on the nature of those terms on which it might be proper to treat with foreign powers. In the view of the subject which he had been taking, there was a much higher degree of security to the interest of this country. For, with all his respect for the President and Senate, it could not disparage the wisdom of their councils, to add to it that of this House also. But, if the concurrence of this House be not necessary in the cases asserted; if there be no restriction upon the power he was considering, it might draw to itself and absorb the whole of the powers of government. To contract alliances, to stipulate for raising troops to be employed in a common war about to be waged, to grant subsidies, even to introduce foreign troops within the bosom of the country, were not unfrequent instances of the exercise of this power; and if in all such cases the honor and faith of the nation were committed, by the exclusive act of the President and Senate, the melancholy duty alone might be left to Congress of recording the ruin of the republic.

The House of Representatives has uniformly maintained its right to deliberate upon those treaties in which their cooperation was asked by the Executive. In the first case that occurred in the progress of our government, that of the treaty, commonly called Mr. Jay's treaty, after General Washington refused to communicate his instructions to that minister, the House asserted its right, by 50 odd votes to 30 odd. In the last case that occurred, the Convention of 1815 with Great Britain, although it passed off upon what was called a
compromise, this House substantially obtained its object; for, if that Convention operated as a repeal of the laws with which it was incompatible, the act which passed was altogether unnecessary. 18

Supposing, however, that no treaty which undertakes to dispose of the territory of the United States is valid, without the concurrence of Congress, it may be contended that such treaty may constitutionally fix the limits of the territories of the United States, where they are disputed, without the co-operation of Congress. He admitted it, when the fixation of the limits simply was the object. As in the case of the river St. Croix, or the more recent stipulation in the treaty of Ghent, or in that of the treaty with Spain of 1795. In all these cases, the treaty-making power merely reduces to certainty that which was before unascertained. It announces the fact; it proclaims, in a tangible form, the existence of the boundary. It does not make a new boundary; it asserts only where the old boundary was. But it cannot, under color of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of Congress, whole provinces. If the subject be one of a mixed character, if it consists partly of cession, and partly of the fixation of a prior limit, he contended that the President must come here for the consent of Congress. But in the Florida treaty it was not pretended that the object was simply a declaration of where the western limit of Louisiana was. It was, on the contrary, the case of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negociation were not engaged so much in an enquiry where the limit of Louisiana was, as that they were exchanging overtures as to where it should be. Hence, we find various limits proposed and discussed. At one time the Mississippi is proposed; then the Missouri; then a river discharging itself into the Gulf east of the Sabine. A vast desert is proposed to separate the territories of the two powers; and finally the Sabine, which neither of the parties had ever contended was the ancient limit of Louisiana, is adopted, and the boundary is extended from its source by a line perfectly new and arbitrary; 19 and the treaty itself proclaims its purpose to be a cession from the United States to Spain.

The second resolution comprehended three propositions: the first of which was, that the equivalent granted by Spain to the United States for the province of Texas was inadequate. To determine this it was necessary to estimate the value of what we gave and of what we received. This involved an enquiry into our claim to Texas. It was not his purpose to enter at large into this subject. He presumed the spectacle would not be presented of questioning, in this branch of the government, our title to Texas, which had been constantly maintained by the Executive for more than fifteen years
past, under three several administrations. He was at the same time ready and prepared to make out our title, if any one in this House were fearless enough to controvert it. He would, for the present, briefly state, that the man who is most familiar with the transactions of this government, who so largely participated in the formation of the Constitution, and in all that has been done under it, who, besides the eminent services that he has rendered his country, principally contributed to the acquisition of Louisiana, and who must be supposed, from his various opportunities, best to know its limits, declared, fifteen years ago, that our title to the Rio del Norte was as well founded as it was to the island of New Orleans. (Here Mr. C. read an extract from a memoir presented in 1805, by Mr. Monroe and Mr. Pinckney, to Mr. Cevallos, proving that the boundary of Louisiana extended eastward to the Perdido and westward to the Rio del Norte, in which they say, “The facts and principles which justify this conclusion, are so satisfactory to their government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described.”) The title to the Perdido on the one side, and to the Rio del Norte on the other, rested on the same principle—the priority of discovery and occupation by France. Spain had first discovered and made an establishment at Pensacola: France at Dauphin island in the Bay of Mobile. The intermediate space was unoccupied; and the principle observed among European nations having contiguous settlements, being that the unoccupied space between them should be equally divided, was applied to it, and the Perdido thus became the common boundary. So, west of the Mississippi, La Salle, acting under France, in 1682 or 3, first discovered that river. In 1685, he made an establishment on the Bay of St. Bernard, west of the Colorado, emptying into it. The nearest Spanish settlement was Panuco, and the Rio del Norte, about the midway line, became the common boundary.

All accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of Florida. The climate was delicious; the soil fertile; the margins of the rivers abounding in live oak; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports on the Gulf of Mexico. The productions of which it was capable, were suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly [throw them] away. The colonies of other countries are separated from them by vast seas, requiring great expense to protect them, and are held subject to a constant risk of their being torn from their grasp. Our colonies, on the contrary, are united to and form a part of our
continent; and the same Mississippi, from whose rich deposit, the
best of them (Louisiana) has been formed, will transport on her
bosom the brave and patriotic men from her tributary streams, to
defend and preserve the next most valuable, the province of Texas.

We wanted Florida, or rather we shall want it, or, to speak yet
more correctly, we want no body else to have it. We do not desire it
for immediate use. It fills a space in our imagination, and we wish
it to complete the arrondissement of our territory. It must certainly
come to us. The ripened fruit will not more surely fall. Florida is
enclosed in between Alabama and Georgia, and cannot escape.
Texas may. Whether we get Florida now or some five or ten years
hence, is of no consequence, provided no other power gets it; and if
any other power should attempt to take it, an existing act of Con­
gress authorizes the President to prevent it. He was not disposed
to disparage Florida, but its intrinsic value was incomparably less
than that of Texas. Almost its sole value was military. The posses­
sion of it would undoubtedly communicate some additional security
to Louisiana and to the American commerce in the gulf of Mexico.
But it was not very essential to have it for protection to Georgia
and Alabama. There could be no attack upon either of them, by a
foreign power, on the side of Florida. It now covered those states.
Annexed to the United States, and we should have to extend our line
of defence so as to embrace Florida. Far from being, therefore, a
source of immediate profit, it would be the occasion of considerable
immediate expence. The acquisition of it was certainly a fair object
of our policy; and ought never to be lost sight of. It was even a
laudable ambition in any chief magistrate to endeavor to illustrate
the epoch of his administration, by such an acquisition. It was less
necessary, however, to fill the measure of the honors of the present
chief magistrate than that of any other man, in consequence of the
large share which he had in obtaining all Louisiana. But, whoever
may deserve the renown which may attend the incorporation of
Florida into our confederacy, it is our business, as the representatives
of that people, who are to pay the price of it, to take care, as far as
we constitutionally can, that too much is not given. He would not
give Texas for Florida in a naked exchange. We were bound by the
treaty to give not merely Texas, but five millions of dollars, also,
and the excess beyond that sum of all our claims upon Spain, which
have been variously estimated at from fifteen to twenty millions of
dollars!

The public is not generally apprized of another large consideration
which passed from us to Spain, if an interpretation which he had
heard given to the treaty were just, and it was certainly plausible.
Subsequent to the transfer, but before the delivery, of Louisiana
from Spain to France, the then Governor of New-Orleans, (he
believed his name was Gayoso,) made a number of concessions upon the payment of an inconsiderable pecuniary consideration, amounting to between 900,000 and a million of acres of land, similar to those recently made at Madrid, to the royal favorites. This land is situated in Feliciana, and between the Mississippi and the Amite, in the present state of Louisiana. It was granted to persons who possessed the very best information of the country, and is no doubt, therefore, the choice land. The United States have never recognized, but have constantly denied the validity of these concessions. It is contended by the parties concerned, that they are confirmed by the late treaty. By the second article, his Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. And by the eighth article, all the grants of land made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authorities, shall be ratified and confirmed, &c. Now, the grants in question, having been made long prior to that day, are supposed to be confirmed. He understood, from a person interested, that Don Onis had assured him it was his intention to confirm them. Whether the American negotiator had the same intention or not, he (Mr. C.) did not know. It will not be pretended, that the letter of Mr. Adams, of the 12th of March, 1818, in which he declines to treat any further with respect to any part of the territory included within the limits of the state of Louisiana, can control the operation of the subsequent treaty. That treaty must be interpreted by what is in it, and not by what is out of it. The overtures which passed between the parties respectively, prior to the conclusion of the treaty, can neither restrict nor enlarge its meaning. Moreover, when Mr. Madison occupied in 1811, the country between the Mississippi and the Perdido, he declared, that, in our hands it should be, as it has been, subject to negotiation.

It results, then, that we have given for Florida, charged and encumbered as it is—

1st. Unincumbered Texas;
2d. Five millions of dollars;
3d. A surrender of all our claims upon Spain, not included in that five millions; and,
4th. If the interpretation of the treaty which he had stated were well founded, about a million of acres of the best unseated land in the state of Louisiana, worth perhaps ten millions of dollars.

The first proposition contained in the second resolution was thus, Mr. C. thought, fully sustained. The next was, that it was inexpedient to cede Texas to any foreign power. Mr. C. said he was opposed to the transfer of any part of the territories of the U. States to any foreign power. They constituted, in his opinion, a sacred inheritance
of posterity, which we ought to preserve unimpaired. He wished it was, if it were not, a fundamental and inviolable law of the land, that they should be inalienable to any foreign power. It was quite evident that it was in the order of Providence; that it was an inevitable result of the principle of population, that the whole of this continent, including Texas, was to be peopled in process of time. The question was, by whose race shall it be peopled? In our hands it will be peopled by freemen, and the sons of freemen, carrying with them our language, our laws, and our liberties; establishing on the prairies of Texas temples dedicated to the simple and devout modes of worship of God incident to our religion, and temples dedicated to that freedom which we adore next to Him. In the hands of others, it may become the habitation of despotism and of slaves, subject to the vile dominion of the Inquisition and of superstition. He knew that there were honest and enlightened men who feared that our confederacy was already too large, and that there was danger of disruption arising out of the want of reciprocal coherence between its several parts. He hoped and believed that the principle of representation, and the formation of states, would preserve us an united people. But if Texas, after being peopled by us, and grappling with us, should, at some distant day, break off, she will carry along with her a noble crew, consisting of our children's children. The difference between those who might be disinclined to its annexation to our confederacy, and him, was, that their system began where his might, possibly, in some distant future day, terminate; and that theirs began with a foreign race, aliens to every thing that we hold dear, and his ended with a race partaking of all our qualities.

The last proposition which the second resolution affirms, is, that it is inexpedient to renew the treaty. If Spain had promptly ratified it, bad as it is, he would have acquiesced in it. After the protracted negotiation which it terminated; after the irritating and exasperating correspondence which preceded it, he would have taken the treaty as a man who has passed a long and restless night, turning and tossing in his bed, snatches at day an hour's disturbed repose. But she would not ratify it; she would not consent to be bound by it, and she has liberated us from it. Is it wise to renew the negotiation, if it is to be recommenced, by announcing to her at once our ultimatum? Shall we not give her the vantage ground? In early life he had sometimes indulged in a species of amusement, which years and experience had determined him to renounce, which, if the committee would allow him to use it, furnished him with a figure—Shall we enter on the game, with our hand exposed to the adversary, whilst he shuffles the cards to acquire more strength? What has lost us his ratification of the treaty? Incontestably our importunity to procure
the ratification, and the hopes which that importunity inspired, that he could yet obtain more from us. Let us undeceive him. Let us proclaim the acknowledged truth that the treaty is prejudicial to the interests of this country. Are we not told, by the Secretary of State, in the bold and confident assertion, that Don Onis was authorized to grant us much more, and that Spain dare not deny his instructions? That the line of demarcation is far within his limits? If she would have then granted us more, is her position now more favorable to her in the negotiation? In our relations to foreign powers, it may be sometimes politic to sacrifice a portion of our rights to secure the residue. But is Spain such a power as that it becomes us to sacrifice those rights? Is she entitled to it by her justice, by her observance of good faith, or by her possible annoyance of us in the event of war? She will seek, as she has sought, procrastination in the negotiation, taking the treaty as the basis. She will dare to offend us, as she has insulted us, by asking the disgraceful stipulation that we shall not recognize the Patriots—Let us put aside the treaty; tell her to grant us our rights, to their uttermost extent. And if she still palters, let us assert those rights by whatever measures it is for the interest of our country to adopt.

If the treaty were abandoned; if it were not on the contrary signified, too distinctly, that there was to be a continued and unremitting endeavor to obtain its revival, he would not think it advisable for this house to interpose. But, with all the information in our possession, and holding the opinions which he entertained, he thought it the bounden duty of the House to adopt the resolutions. He had acquitted himself of what he deemed a solemn duty, in bringing up the subject. Others would discharge theirs according to their own sense of them.

Washington National Intelligencer, April 11, 1820. Published also in Lexington Kentucky Reporter, April 26, 1820; Lexington Kentucky Gazette, April 28, 1820; Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1719-31; Swain, Life and Speeches of Henry Clay, I, Appendix pp. vi-[xv]; Mallory, Life and Speeches of the Hon. Henry Clay, I, [448]-60; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 206-17. The House, in Committee of the Whole on the state of the Union, was beginning consideration of the resolutions offered by Clay on March 28.

1 President Monroe had recommended postponement of such deliberation. See above, Clay to Russell, March 24, 1820.
2 Substituted in Annals for the word “conceded.”
3 Stephen Decatur, killed by James Barron in a duel on March 22, 1820, had replied to a toast in 1815: “Our country! In her intercourse with foreign nations may she always be in the right; but our country, right or wrong.”
4 See above, Clay to Crittenden, December 14, 1819, note.
5 See above, Clay to Russell, March 24, 1820.
6 On March 30 the Committee of the Whole on the state of the Union had been discharged from further consideration of the bill.
7 See below, Resolutions, April 4; Speech, May 10, 1820.
8 Alexander I, Emperor of Russia.
9 Russia had acquired Finland in 1809, at the conclusion of war with Sweden, and most of Poland in 1815, under the agreements at the Congress of Vienna.
10 Karl Robert Nesselrode to Pierre de Polética, November 27, 1819, translated in American State Papers, Foreign Relations, IV, 676 (original French version published

11 Brief extracts from two dispatches, dated September 13 and 17, 1819, from Richard Rush to Secretary of State Adams had been included among the documents accompanying the President’s annual message of December 7, 1819. House Docs., 16 Cong., 1 Sess., no. 2, pp. 95-96.

12 On April 5, 1815, Castlereagh had replied to the opposition in these words: “There was certainly an understanding with our officer stationed at Elba [Colonel Neil Campbell], that Napoleon was to be confined within certain limits, and that he should not be allowed to exceed those limits.” Subsequent comment by Castlereagh had revealed that Colonel Campbell’s position was very indefinite—he had not been a duly accredited agent to Italy and he had not been authorized to remain on Elba; he had therefore been stationed aboard a vessel on the waters between Elba and Leghorn to observe and communicate with the Government. Hansard, comp., Parliamentary Debates, XXX, 343, 427-28.

13 In a letter to De Onís, March 12, 1818, Secretary Adams had stated that the President thought proper to decline uniting with Spain in a request for British mediation in the dispute over Florida. After referring to “the policy, both of Europe and of the United States, to keep aloof from the general federative system, of each other,” Adams had added that “The United States, in justice to themselves, in justice to that harmony which they earnestly desire to cultivate with all the Powers of Europe, in justice to that fundamental system of policy which forbids them from entering the labyrinth of European politics, must decline soliciting or acceding to the interference of any other Government of Europe for the settlement of their differences with Spain.” American State Papers, Foreign Relations, IV, 478.

14 Philip II, King of Macedonia from 359 to 356 B.C., over a period of about two decades had succeeded in making himself master of Greece.

15 See above, I, 507-16.

16 Article IV, Section 3.

17 On April 7, 1796, the House by a vote of 57 to 35 had adopted resolutions, the first of which declared “that when a treaty stipulates regulations on any of the subjects submitted by the constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as, in their judgment, may be most conducive to the public good.” U. S. H. of Reps., Journal, 4 Cong., 1 Sess., 499-500.

18 After rejection of the House bill to put into effect the provisions of the commercial treaty with Great Britain (see above, Remarks, January 4, 1816, note), a Senate measure had been amended and adopted. This act, approved March 1, 1816, provided that so much of any act imposing higher duties on goods imported in British than in American vessels, contrary to the Convention of 1815, should no longer be in force. 3 U. S. Stat., 255.

19 The line ran along the west bank of the Sabine River to 32° north latitude, from that point due north to the Red River, westward along the Red to 100° west longitude, due north to the Arkansas River, along the Arkansas to 42° north latitude, thence along the latter parallel to the Pacific Ocean. American State Papers, Foreign Relations, IV, 623.

20 Substituted in Annals for the word “thrown.”

21 See above, I, 520-22.

22 Clay’s memory was faulty. Manuel Gayoso de Lemos, Governor-General of Louisiana and Florida, had died in 1799. The land grants in West Florida had been made by Juan Ventura Morales, former Intendant of New Orleans, who after American acquisition of Louisiana had become Paymaster General of the Army and Intendant pro tempore of East and West Florida.

23 Congress had attempted to settle the land problem in West Florida by an act, approved March 3, 1819, which confirmed claims “founded on complete grants from the Spanish government . . . which are, in the opinion of the commissioners, valid, agreeably to the laws, usages, and customs, of the said government. . . .” 3 U. S. Stat., 528-29. Nevertheless, confusion in land titles continued. Cox, West Florida Controversy, 642-44.


25 In his proclamation of October 27, 1810, marking the occupation of West Florida, President Madison had said that the territory “in the hands of the United States . . . will not cease to be a subject of fair and friendly negotiation and adjustment.” Ibid., III, 397.

26 See above, Russell to Clay, January 16, 1820, note.
To Sidney Payne Clay

Dr. Sir

Washn. 4h. Apl. 1820.

In reply to your letter, I have to say that I have no doubt that you can go out in the capacity of private secretary or attache [sic] (which is about the same thing) to almost any of our Foreign Ministers, you defraying the whole expenses of your voyage and residence in Europe. What these expenses will be must depend greatly upon your habits and inclination. They will not be less than two thousand dollars per annum, however frugal you may be. I think some of the young gentlemen who went out with the Commission that made peace with England expensed as much as four thousand dollars per annum. You ought not however to think of going, at least to the Continent, without being master of the French Language. It is not possible to get along there, with any satisfaction, without it. If you determine to go it will give me great pleasure to promote your wishes. I am acquainted with all our Foreign Ministers and with him who is just about to be appointed to Russia.¹

Mr. Sidney P. Clay

I am respectfully Yrs

H. Clay

ALS. Owned by Sidney Clay, Louisville, Kentucky. Addressed to Sidney P. Clay at Princeton, New Jersey, where the young man, a son of Green Clay, was a student. Soon after graduation from college he married and moved to Bourbon County, Kentucky.

¹ The nomination of Henry Middleton, former Governor of South Carolina (1810-1812) and member of the United States House of Representatives (1815-1819), as Envoy Extraordinary and Minister Plenipotentiary to Russia was submitted to the Senate on April 5 and approved on the following day.

Resolutions on South American Independence

[April 4, 1820]

Resolved that it is expedient to provide by Law a suitable Outfit & Salary for such minister or ministers as the President, by and with the advice of the [sic] consent of the Senate, may send to any of the Governments of South America which have established & are maintaining their Indepence [sic] on Spain.

Resolved that provision ought to be made for requesting of the President of the U. States to cause to be presented to the General the most worthy and distinguished, in his opinion, in the service of any of the Independent Governments of South America, the sword which was given by the Vice Roy of Lima to Capt. Biddle of the Ontario,¹ during his late Cruize in the Pacific and which is now in the office of the Department of State with the expression of the wish of the Congress of the U. States that it may be employed in the support & preservation of the Liberties & Independence of his Country—
Motion for Relief of Sufferers by Savannah Fire

[April 6, 1820]

Mr. Clay then moved to add a new section to the bill, the object of which was to appropriate fifty thousand dollars, for the relief of the sufferers by the late calamitous fire at Savannah, to be applied under the direction of the Mayor and Aldermen of that city.¹

Washington National Intelligencer, April 7, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1806. The House had resolved itself into Committee of the Whole on a bill from the Senate "for the relief of certain sufferers by the late fire at Savannah," which proposed "to remit one-fourth of the amount of duties on imported goods destroyed by the fire." One amendment, to remit the total amount of the duties, had been defeated, and another, to strike out the provision for any remission of duties and to confine the measure to extension of the time of credit on them, had been adopted before Clay gained the floor.

¹ Clay's motion was defeated "by a considerable majority." After the Committee rose, the House adopted the amendment "to extend the term of credit on goods destroyed, from two to four years," and on the next day the bill was passed in the amended form. The changes were concurred in by the Senate, and the bill became law on April 11. 6 U. S. Stat., 241.

To Smith Thompson

[April 8, 1820]

Mr. Clay's Compliments to Mr. Thompson, and he will be obliged to be enabled, from the Navy Department, to ansr. the inclosed.

Saturday morning


To Jonathan Russell

My Dear Sir Washington 10h. April 1820

My last letter to you¹ must have passed on the way that which you did me the favor to write on the 30h. Ulto. which I have this day received with the accompanying notes. You will observe from a sketch of a speech I made a few days ago, in support of two resolutions which I offered respecting the Florida treaty,² a remark-
able coincidence between some ideas which you were putting on paper about the same time that I was uttering them in the House. The debate on them will have some good effect; their adoption would have had more, but as the result was not certain I did not like to press them to a final decision, and they remain in Comee. of the whole on the State of the Union undisposed of. In the mean time the Spanish Minister has arrived (yesterday) and the City is already full of a rumor that he brings the unconditional ratification of the treaty. Of that however it is not likely that any thing certain can yet be known. I shall be greatly mistaken, if the views I have presented of the subject to the public do not produce considerable effect, the treaty ratified or not.

There is no temper here to take any decisive step in respect to Spain, whatever may be the purport of the Mission. Various causes have produced this state of things—the general distress throughout the Country—the condition of the Treasury—the Missouri question—the want of confidence in the Administration &c &c. It literally has no supporters and no opposers. Whilst the bosom of the Waters is smooth and calm all beneath is turbid & agitated. Never was there a chief magistrate who seems to have more confidence, and for whom there is less affection. The administration will be aground by Xmas next in its money concerns. There are but two alternatives retrenchment or taxation. There is not courage to take either. Some miserable expedient, such as the seizure of the surplus of the sinking fund, or a loan, in time of profound peace, will be finally adopted. But the day of reckoning must come, and it will come soon. This morning a proposition to revive the system of Internal taxation was lost in the Committee of Ways and Means by the casting vote of the Chairman. All the Departments will acknowledge the necessity of retrenchment, and each will separately oppose its application to his. Touch the War Dept—Mr——will rise in the House and, representing its interests, will warmly oppose it. It is defeated. Touch that of the Navy another member, the representative of that, will cry out for Gods sake don’t diminish the expenditure there. And so on. Meanwhile, Mr. Monroe seems to look on an unconcerned spectator upon the struggle between his Secretaries for the little that yet remains in the Treasury. Instead of assembling them together and saying in an authorative [sic] tone, Gentlemen here are our means; reduce your expences within them; and if they will not settle the matter among themselves, fixing himself how much each shall be reduced, he permits every one of them in Congress to exert the whole force of his own little coterie, backed by the name of the administration, and thus to defeat every project of economy. But I will not go on with this disgusting picture. I wish I could with truth brush it out.
You will have seen that a Caucus has been attempted—how it arose, by whom & for whom no body owns, no body knows, no body cares. I am told there was some talk of recommending me as Vice President, in the event of Tompkins’s election. The pendency of that election and the badness of the night tended to defeat the Caucus; to which must be added “though last not least” the efforts of every Pretender to the throne, to defeat my recommendation, lest it should place me abreast with them if not in their advance. And they think that the principle of limiting the field of competition will be good for them, whatever it may be for the good people of these U. States.

You see I write you in all the confidence of the sincere friendship with which I am Faithfully Yr’s H. CLAY

P.S. I will endeavor to remove the fears of Mr. Eddy, and satisfy him that I am not a wild beast, which it is perilous to approach.

J. Russell Esq.

ALS. RPB-Russell Papers. 1 See above, March 24, 1820.
2 See above, Speech, April 3, 1820.
3 Don Francisco Dionisio Vives, sent by Spain to the United States after the transfer of negotiations from Madrid (see above, Clay to Cheves (2), December 13, 1819, note), did not bring ratification of the Florida Treaty.
4 See above, Remarks, May 5, 1820.
5 Such a proposal growing out of the report of the Committee on Ways and Means, when offered in the House of Representatives by Henry R. Storrs, was immediately tabled, without recorded vote. Washington National Intelligencer, April 15, 17, 1820.
6 Upon published call, over the signature of Samuel Smith, for a meeting of Republican members of Congress to consider nominations for President and Vice-President, the caucus had been held April 8. Only about fifty members had attended on a rainy evening, and they had unanimously agreed that recommendations from the meeting were not necessary. A number of state delegations earlier in the day had agreed not to participate in the caucus. Washington National Intelligencer, April 5, 10, 11, 1820.
7 Daniel D. Tompkins, at this time a candidate for the Governor of New York, was defeated and was himself reelected Vice-President.
8 Samuel Eddy.

Remarks and Motion on Bill Concerning Banks in the District of Columbia

[April 10, 1820]

Mr. Clay, after expressing his indisposition to amend this bill, understanding it had been arranged according to the wishes of the people of the District, made some remarks in favor of a prompt disposition of this question, and a curtailment of debate, with a view to the shortness of the remainder of the session, which would be left for the consideration of other important subjects.

[Thomas W. Cobb, in reply, said Clay was mistaken “in supposing that this bill was framed in accordance with the general wishes of the people of the District.” Several other amendments were proposed, debated, and rejected.]
Mr. Clay then made a motion to amend the bill, by adding thereto a new section, as follows, viz:

Be it further enacted that nothing herein contained shall prevent or be construed to prevent Congress from repealing or modifying the whole or any part of this act whenever they may think proper.1

Remarks, Washington National Intelligencer, April 11, 1820; motion, AD, DNA, RG233, HR16A-B1. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1813-14. The House, in Committee of the Whole, had taken up consideration of a lengthy bill which among other clauses provided for extension of the charters of banks in the District of Columbia that paid specie on demand. The debate had progressed for some time before Clay took part.

1 Clay's amendment was adopted "without debate or opposition." The measure was subsequently amended by the substitution of a Senate bill, which was adopted and became law on May 4. 3 U.S. Stat., 570.

To Benjamin Watkins Leigh

Dr Sir

Washington 12th. April 1820.

Col. Morrison,1 who is just returned from your City, informs me that he administered whilst there upon the Estate of my deceased brother,2 and thus furnishes the name which is required to bring the suit for Euphraim. I have addressed a letter to Col. Tinsley3 of Hanover to concert with you the other preliminary arrangements which the institution of the suit may require. May I ask the favor of you to let me know the periods when your Court holds its Sessions, and, if you can venture to conjecture on that point, also when the case will stand for trial? I do not apprehend any causes for delay arising from the out of door preparation. With great respect, I am Your obedient Servant

H. Clay

B. W. Leigh Esq.

ALS. ViU. 1 James Morrison. 2 George Clay. 3 Thomas Tinsley. Letter not found.

To the Electors of Fayette, Woodford, and Jessamine Counties

Washington City, 12th April, 1820.

As I do not intend, Fellow Citizens, to ask your suffrages for a seat in the House of Representatives, at the election in the ensuing August, I think proper now to announce to you my determination, that your attention may, in due season, be turned to the choice of my successor. In retiring from your service, I should violate the strongest feelings of my heart if I did not acknowledge, that for your steady and affectionate support of me, at home and abroad, in peace and in war, during periods of great excitement, as well as in
those of perfect tranquility, you have impressed on my mind respect and gratitude, which death alone can extinguish. Others will serve you, with more ability; none with more zeal than that which has ever animated, Your faithful and obedient servant, H. CLAY.

Lexington Kentucky Reporter, May 3, 1820. Published also in Lexington Kentucky Gazette, May 5, 1820.

From Smith Thompson

Honble. Henry Clay Speaker of the H. R.

Sir, Navy Depmt. 12th April 1820.—

I reply to your enquiry respecting Alexr C Stout, a Lieutenant in the Navy of the U States, I have the honor to state that it appears by a letter from Capt Arthur Sinclair the Commanding Naval Officer at Erie Pa. dated 17th May 1815, that Lieutt. Stout had left that Station, with some other Officers to proceed to this Department; since which time no information has been received of him. Should Lieutt. Stout be dead, whatever balance may be have been [sic] due to him, at the time of his decease, will be paid to any person legally authorised to receive the same on application to the 4th. Auditor of the Treasury.—I am respectfully &c.

S T.

Copy. DNA, RG45, General Letter Books, vol. 13, p. 388. See above, Clay to Thompson, April 8, 1820.

1 Appointed a midshipman in the United States Navy, January 16, 1809, promoted to lieutenant December 9, 1814.

To Joseph Lancaster

Dr Sir, Washn. 15h. Apl. 1820

I am requested by a friend at Frankfort in Kentucky to procure one of your books “explaining your system of education.” He informs me that they are anxious at that place to establish a school to instruct upon your method. Anxious to comply with his request, will you have the goodness to inform me where I can obtain the book alluded to? With great regard I am faithfly Yr. ob. Servt.

Joseph Lancaster Esq.


1 Amos Kendall.

To Amos Kendall

WASHINGTON, 16th April, 1820.

Dear Sir: I received your favor of the 22d. ult. requesting a copy of Mr. Lancaster’s book, which communicates his method of instruction. Not knowing where to obtain it, nor indeed what particular
work of his you refer to, I have written to Mr. Lancaster himself to procure it, and when obtained it shall be forwarded to you.

You will see from the papers, that I have brought forward the subject of the Florida treaty. I believe I may venture to say, that a large majority of the H. of R. concurred with me in opinion respecting that treaty. Still there were many who, whilst they condemned it, did not think it right to anticipate the subject and express disapprobation. Under these circumstances, I thought it most prudent not to press the resolutions to a vote, but to leave them undecided, believing that the discussion of the subject alone would be productive of good, both on the negotiation and in the nation. There is a rumor in the City which will astonish you, in regard to the conclusion of that treaty. It has been asserted by a member of Congress, as coming from high authority, that, prior to the conclusion of the treaty, it was known to Mr. Adams that we could have obtained more than was conveyed to us; that is, that the Spanish negotiator was allowed, by his instructions, to grant us more, but that less was taken, because the Spanish minister declared, if he went up to his instructions, he should be afraid of some personal injury, upon his return home! What will you, in the West, think of the wisdom of that policy which consents to surrender an important part of our territory from such a motive!

You will see that an abortive attempt at a Caucus has been made. How it was got up, by whom, and for what purpose, is not known. The evening proved bad, and it was thinly attended. It would have been defeated, if the night had been otherwise. About the period that it was first talked of, I understood that my name was used as Vice-President, on the contingency of Tompkins' election as Governor of New-York. That circumstance of course imposed certain restraints upon me, and I did not attend the meeting. As soon, however, as it was known that if the Caucus expressed any opinion, it would be in my favor, the friends of every pretender to the presidency got to work to defeat the Caucus, and to defeat my recommendation. They said, it wont do to put Mr. Clay there; he will be abreast with us, if not before us; and it is best to circumscribe the field of competition. Now, it may be very good for them to do so; but is it for the good people of the U. States?

After all, I am assured by well informed friends, that, if there had been any recommendation in Caucus, I would have been supported by a very decided majority. Caucuses are instruments susceptible of very great abuse. They ought, therefore, if ever used, to be but seldom employed. It is, however, a little amusing to see our Virginia friends so warmly reprobating them. There was no objection to them, on their part, when any risk attended Mr. M's. election. There will be no objec-
tion to them, again, when a citizen of Virginia happens to be proposed for one of the highest offices, and he is in any hazard of losing his election.

I write you confidentially, and of course do not wish what I do write to be published.

We shall adjourn from the 1st to 15th May.

Amos Kendall, Esq.                             Yours faithfully, H. CLAY.

Frankfort Argus of Western America, July 16, 1828.
1 Not found.
2 See above, Clay to Lancaster, April 15, 1820.
3 See above, Speech, April 3, 1820.
4 See above, Clay to Russell, January 29, 1820.
5 See above, Clay to Russell, April 10, 1820.
6 James Monroe. Cf. above, Resolutions, March 16, 1816.

Account with [LeGrand and Bentley]

[April 19, 1820]

Mr. Clay, after paying a high compliment to the ability and substantial character of the speech of Mr. Baldwin, said, that, until an answer was to that speech at least attempted, he should abstain from engaging in the support of the general principles of the bill. At present, he only rose to say, that it became the friends of the manufacturing system not to lend themselves with too much facility to alterations proposed in the system which has been reported by the committee on manufactures. That committee had, with a patience and industry never surpassed in this House, prepared and reported a general system. Its provisions were no doubt the result of much calculation; and, if the friends of the general features of it listened to every application which should be made to change this or that particular item, the effect would be, that they would lose the whole. Mr. C. then made some remarks against this particular motion.1

Remarks on the Tariff Bill

[April 21, 1820]

Washington National Intelligencer, April 22, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1946. The House, in Committee of the Whole, had taken up a bill, reported March 22 by Henry Baldwin, chairman of the Committee on Manufactures, for revision of the tariff. Debate had begun when Baldwin gave a lengthy explanation of the views of his committee concerning the measure. Samuel
Smith had next risen to state a general opposition to Baldwin's ideas on the tariff and to propose an amendment to the bill. Clay's remarks followed those of Smith.  

Clay's further remarks were not recorded. Smith's amendment was rejected, as was another, proposed by Nathaniel Silsbee. Smith then moved to strike out a proviso of the bill relating to linen cloth and added "incidentally, (and he and other gentlemen repeated the suggestion afterwards) that he made this motion not from any expectation of succeeding in the proposition; for, from the intimation thrown out by the honorable Speaker, he perceived that the bill must be taken as it stands, and that it was in vain to propose any amendment." Smith's second motion was negatived after Clay and Baldwin had made some observations (not recorded) against it, and Smith and William Lowndes had defended it. Several other proposed amendments were also rejected; one of which, to reduce the duty on imported molasses, "was opposed by Mr. Clay, and supported by Mr. [John] Holmes, with much good humor on both sides." Soon afterward the Committee rose.

Remarks on Motions to Amend Tariff Bill

[C April 22, 1820]

Cited in Washington National Intelligencer, April 24, 1820; Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1948-49, 1950. Clay's remarks, in Committee of the Whole, opposing a motion "to reduce the proposed duty on imported salt from 25 to 20 cents per bushel," were not recorded. The motion was defeated. Later in the day a motion "to reduce the proposed duty on printed books from 25 to 20 per cent. ad valorem" was opposed by Clay and others "on the ground, principally, that it was so far not a tax on literature, as foreign books were allowed by the bill to be imported duty free, for philosophical and literary societies, academies, colleges, &c.—and that the proposed duty was necessary to protect the business of printing and publishing in this country." This motion was agreed to by a margin of 69 to 53.

Remarks on Bill Regulating Payment of Duties

[C April 24, 1820]

Cited in Washington National Intelligencer, April 25, 1820; Annals of Cong., 16 Cong., 1 Sess., XXXVI, 1997. On January 19 the Committee on Manufactures had reported a bill requiring cash payment of duties on goods imported into the United States, with certain exceptions on which credit might be extended. The measure had been referred to Committee of the Whole on the tariff bill, where debate now began with a speech by Henry Baldwin. Nathaniel Silsbee, voicing opposition to the measure, moved to strike out its first section and was supported by William Lowndes. Clay replied to these objections "and urged the adoption of the provisions of this bill." Lowndes spoke again, and Clay rejoined. Their remarks were not recorded.

To Langdon Cheves

Dr Sir

I have the pleasure to introduce to your acquaintance Col. James Morrison of Lexington (K) He was formerly President of the office of Dt. & Dt. at that place, but resigned his situation. I have been upon terms of friendly intimacy for twenty years with him, and present him to you as one of our most opulent and highly respected Citizens. With great regard, I am Yrs [sic] obt. Servt.

L. Cheeves [sic] Esqr.

H. CLAY

ALS. ScHi.

1 See above, Clay to Cheves, July 19, 1819, note.
Speech on the Tariff

Mr. Chairman: Whatever may be the value of my opinions upon the interesting subject now before us, they have not been hastily formed. It may possibly be recollected by some gentlemen, that I expressed them when the existing tariff was adopted; and that I then urged, that the period of the termination of a war, during which the manufacturing industry of the country had received a powerful spring, was precisely that period when government was alike impelled, by duty and interest, to protect it against the free admission of foreign fabrics, consequent upon a state of peace. I insisted, on that occasion, that a less measure of protection would prove more efficacious, at that time, than one of greater extent at a future day. My wishes prevailed only in part; and we are now called upon to decide whether we will correct the error which, I think, we then committed.

In considering the subject, the first important inquiry that we should make is, whether it be desirable that such a portion of the capital and labor of the country should be employed, in the business of manufacturing, as would furnish a supply of our necessary wants? Since the first colonization of America, the principal direction of the labor & capital of the inhabitants has been to produce raw materials for the consumption or fabrication of foreign nations. We have always had, in great abundance, the means of subsistence, but we have derived chiefly from other countries our clothes and the instruments of defence. Except during those interruptions of commerce arising from a state of war, or from measures adopted for vindicating our commercial rights, we have experienced no very great inconvenience heretofore from this mode of supply. The limited amount of our surplus produce, resulting from the smallness of our numbers, and the long and arduous convulsions of Europe, secured us good markets for that surplus in her ports or those of her colonies. But those convulsions have now ceased, and our population has reached nearly ten millions. A new epoch has arisen, and it becomes us to deliberately contemplate our own actual condition, and the relations which are likely to exist between us and the other parts of the world. The actual state of our population, and the ratio of its progressive increase when compared with the ratio of the increase of the population of the countries which have hitherto consumed our raw produce, seem, to me, alone to demonstrate the necessity of diverting some portion of our industry from its accustomed employment. We duplicate our population in about the term of twenty-five years. If there be no change in the mode of exerting our industry, we shall duplicate, in the same term, the
amount of our exportable produce. Europe, including such of her colonies as we have free access to, taken altogether, does not duplicate her population in a shorter term, probably, than one hundred years. The ratio of the increase of her capacity of consumption, therefore, is, to that of our capacity of production, as one is to four. And it is manifest, from this simple exhibition of the powers of the consuming countries, compared with those of the supplying country, that the former are inadequate to the latter. It is certainly true, that a portion of the mass of our raw produce, which we transmit to her, reverts to us in a fabricated form, and that this return augments with our increasing population. This is, however, a very inconsiderable addition to her actual ability to afford a market for the produce of our industry.

I believe that we are already beginning to experience this want of capacity in Europe to consume our surplus produce. Take the great articles of cotton, tobacco, and bread-stuffs. For the latter we have scarcely any foreign demand. And is there not reason to believe that we have reached, if we have not passed, the maximum of the foreign demand for the other two articles? Considerations connected with the cheapness of cotton, as a raw material, and the facility with which it can be fabricated, will probably make it be more and more used as a substitute for other materials. But, after you allow to the demand for it the utmost extension of which it is susceptible, it is yet limited—limited by the number of persons who use it, their wants, and their ability to supply them. If we have not reached, therefore, the maximum of the foreign demand, (as I believe we have) we must soon fully satisfy it. With respect to tobacco, that article affording an enjoyment not necessary, as food and clothes are, to human existence, the foreign demand for it is still more precarious, and I apprehend that, we have already passed the limits of it. It appears to me, then, that if we consult our interest merely, we ought to encourage home manufactures. But there were other motives recommending it of not less importance.

The wants of man may be classed under three great heads—food, raiment, and defence. They are felt alike in the state of barbarity and in that of civilization. He must be defended against the ferocious beasts of prey in the one condition, and against the ambition, violence, and injustice, incident to the other. If he seeks to obtain a supply of those wants, without giving an equivalent, he is a beggar or a robber; if, by promising an equivalent which he cannot give, he is fraudulent; and if by a commerce, in which there is perfect freedom on his side, whilst he meets with nothing but restrictions on the other, he submits to an unjust and degrading inequality. What is true of individuals is equally so of nations. The country, then, which relies upon foreign nations for either of those
great essentials, is not, in fact, independent. Nor is it any compensa-
tion for our dependence upon other nations, that they also are
dependent upon us, if it were true. Every nation should anxiously
endeavor to establish its absolute independence, and, consequently,
to feed and clothe and defend itself. If it rely upon a foreign
supply, that may be cut off by the caprice of the nation making it,
by war with it, or by war even with other nations. But it is not true
that any other nations depend upon us in a degree any thing like
equal to that of our dependence upon them, for the great necessaries
to which I have referred. Every other nation seeks to supply itself
with them from its own resources; and, so strong is the desire which
they feel to accomplish this purpose, that they exclude the cheaper
foreign article for the dearer home production. Witness the English
policy in regard to corn. So selfish, in this respect, is the conduct
of the other powers, that, in some instances, they even prohibit the
produce of the industry of their own colonies, when it comes into
competition with the produce of the parent country. All other
countries but our own exclude, by high duties, or absolute prohibi-
tions, whatever they can respectively produce within themselves.
The truth is, and it was in vain to disguise it, that we are a sort of
independent colonies [sic] of England—politically free, commercially
slaves. Gentlemen tell us of the advantages of a free exchange of
the produce of the world. But they tell us of what never has existed,
does not exist, and perhaps never will exist. They invoke us to give
perfect freedom on our side, whilst, in the ports of every other
nation, we are met with a code of odious restrictions, shutting out
entirely a great part of our produce, and letting in only so much as
they cannot possibly do without. I will hereafter examine their
favorite maxim, of leaving things to themselves, more particularly.
At present I will only say, that I am too a friend to free trade, but
it must be free trade of perfect reciprocity. If the governing con-
sideration were cheapness; if national independence were to weigh
nothing; if honor nothing; why not subsidize foreign powers to
defend us? why not hire Swiss or Hessian armies to protect us?
why not get our arms of all kinds, as we do, in part, the blankets and
clothing of our soldiers, from abroad? We should probably consult
economy by these dangerous expedients.

But, say gentlemen, there are to the manufacturing system some
inherent objections which should induce us to avoid its introduction
into this country; and we are warned by the example of England,
by her pauperism, by the vices of her population, her wars, &c. It
would be a strange order of Providence, if it were true, that he
should create necessary and indispensable wants, and yet should
render us unable to supply them, without the degradation or con-
tamination of our species.
Pauperism is, in the general, the effect of an overflowing population. Manufactures may undoubtedly produce a redundant population; but so may commerce, and so may agriculture. In this respect they are alike; and, from whatever cause the disproportion of a population to the subsisting faculty of a country, may proceed, its effect of pauperism is the same. Many parts of Asia would exhibit, perhaps, as afflicting effects of an extreme prosecution of the agricultural system, as England can possibly furnish respecting the manufacturing. It was not, however, fair to argue from these extreme cases, against either the one system or the other. There are abuses incident to every branch of industry, to every profession. It would not be thought very just or wise to arraign the honorable professions of law and physic, because the one produces the pettifogger, and the other the quack. Even in England, it had been established by the diligent search of Colquhoun, from the most authentic evidence, the judicial records of the country, that the instances of crime were much more numerous in the agricultural, than in the manufacturing, districts; thus proving that the cause of wretchedness and vice, in that country, was to be sought for, not in this or that system, so much as in the fact of the density of its population. France resembles this country more than England, in respect to the employments of her population; and we do not find that there is any thing in the condition of the manufacturing portion of it which ought to dissuade us from the introduction of it into our own country. But even France has not that great security against the abuses of the manufacturing system, against the effects of too great a density of population, which we possess in our waste lands. Whilst this resource exists we have nothing to apprehend. Do capitalists give too low wages; are the laborers too crowded, and in danger of starving? The unseated lands will draw off the redundancy, and leave the others better provided for. If an unsettled province, such as Texas, for example, could, by some convulsion of nature, be wafted along side of, and attached to, the island of Great Britain, the instantaneous effect would be, to draw off the redundant portion of its population, and to render more comfortable both the emigrants and those whom they would leave behind. I am aware that, whilst the public domain is an acknowledged security against the abuses of the manufacturing, or any other system, it constitutes, at the same time, an impediment, in the opinion of some, to the success of manufacturing industry, by its tendency to prevent the reduction of the wages of labor. Those who urge this objection have their eyes too much fixed on the ancient system of manufacturing, when manual labor was the principal instrument which it employed. During the last half century, since the inventions of Arkwright, and the long train of improvements which followed, the
labor of machinery is principally used. I have understood, from sources of information which I believe to be accurate, that the combined force of all the machinery employed by Great Britain, in manufacturing, is equal to the labor of one hundred millions of able-bodied men. If we suppose the aggregate of the labor of all the individuals which she employs in that branch of industry to be equal to the united labor of two millions of able-bodied men, (and I should think it does not exceed it,) machine labor will stand to manual labor, in the proportion of one hundred to two. There cannot be a doubt that we have skill and enterprize enough to command the requisite amount of machine power.

There are, too, some checks to emigration from the settled parts of our country to the waste lands of the West. Distance is one, and it is every day becoming greater and greater. There exists, also, a natural repugnance (felt less, it is true, in the United States than elsewhere, but felt even here) to abandoning the place of our nativity. Women and children, who could not migrate, and who would be comparatively idle if manufactures did not exist, may be profitably employed in them. This is a very great benefit. I witnessed the advantage resulting from the employment of this description of our population, in a visit which I lately made to the Waltham manufactory, near Boston. There some hundreds of girls and boys were occupied in separate apartments. The greatest order, neatness, and apparent comfort, reigned throughout the whole establishment. The daughters of respectable farmers—in one instance I remember the daughter of a senator in the state legislature—were usefully occupied. They would come down to the manufactory, remain perhaps some months, and return, with their earnings, to their families, to assist them throughout the year. But one instance had occurred, I was informed by the intelligent manager, of doubtful conduct on the part of any of the females, and after she was dismissed, there was reason to believe that injustice had been done her. Suppose that establishment to be destroyed, what would become of all the persons who are thus engaged so beneficially to themselves, and so usefully to the state? Can it be doubted that, if the crowds of little boys and girls who infest this Capitol, and assail us every day, at its very doors, as we come in and go out, begging for a cent, were employed in some manufacturing establishment, it would be better for them and the city? Those who object to the manufacturing system, should recollect, that constant occupation is the best security for innocence and virtue, and that idleness is the parent of vice and crime. They should contemplate the laboring poor with employment, and ask themselves what would be their condition without it. If there are instances of hard task-masters among the manufacturers, so there are in agriculture. The cause
is to be sought for, not in the nature of this or that system, but in
the nature of man. If there are particular species of unhealthy
employment in manufacturing, so there are in agriculture also.
There has been an idle attempt to ridicule the manufacturing
system, and we have heard the expressions “spinning jenny tenure.”
It is one of the noblest inventions of human skill. It has diffused
comforts among thousands who would have never enjoyed them but
for it; and unborn millions will bless the man who invented it.
Three inventions have distinguished the last half century, each of
which, if it had happened at long intervals of time from the other,
would have been sufficient to constitute an epoch in the progress
of the useful arts. The first was that of Arkwright; and our own
country was entitled to the merit of the other two. The world is
indebted to Whitney for the one, and to Fulton for the other.7
Nothing is secure against the shafts of ridicule. What would be
thought of a man who should speak of a cotton gin tenure, or a
steam boat tenure? In one respect there is a great difference in
favor of manufactures, when compared with agriculture. It is the
rapidity with which the whole manufacturing community avail
themselves of an improvement. It is instantly communicated and
put in operation. There is an avidity for improvement in the one
system, an aversion from it in the other. The habits of generation
after generation pass down the long tract of time, in perpetual
succession, without the slightest change in agriculture. The plough­
man who fastens his plough to the tails of his cattle, will not own
that there is any other mode equal to his. An agricultural people
will be in the neighborhood of other communities who have made
the greatest progress in husbandry, without advancing in the
slightest degree. Many parts of our country are one hundred years
in advance of Sweden in the cultivation and improvement of the soil.

It is objected, that the effect of the encouragement of home
manufactures, by the proposed tariff, will be, to diminish the
revenue from the customs. The amount of the revenue from that
source will depend upon the amount of importations, and the
measure of these will be the value of the exports from this country.
The quantity of the exportable produce will depend upon the
foreign demand; and there can be no doubt that, under any distribu­
tion of the labor and capital of this country, from the greater allure­
ments which agriculture presents than any other species of industry,
there will be always a quantity of its produce sufficient to satisfy that
demand. If there be a diminution in the ability of foreign nations
to consume our raw produce, in the proportion of our diminished
consumption of theirs, under the operation of this system, that will
be compensated by the substitution of a home to a foreign market,
in the same proportion. It is true, that we cannot remain in the
relation of seller only to foreign Powers, for any length of time; but if, as I have no doubt, our agriculture will continue to supply, as far as it can profitably, to the extent of the limit of the foreign demand, we shall receive not only in return many of the articles on which the tariff operates, for our own consumption, but they may also form the objects of trade with South America and other powers, and our comforts may be multiplied by the importation of other articles. Diminished consumption, in consequence of the augmentation of duties, does not necessarily imply diminished revenue. The increase of the duty may compensate the decrease in the consumption, and give you as large a revenue as you before derived.

Can any one doubt the impolicy of government resting solely upon the precarious resource of such a revenue? It is constantly fluctuating. It tempts us, by its enormous amount, at one time, into extravagant expenditure; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced by its flattering promises into expences which we might avoid; and we are afterwards constrained, by its treachery, to avoid expences which we ought to make. It is a system under which there is a sort of perpetual war between the interest of the government, and the interest of the people. Large importations fill the coffers of government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the treasury empty. In war the revenue disappears; in peace it is unsteady. On such a system the government will not be able much longer exclusively to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue within ourselves. I was opposed to the total repeal of the internal revenue. I would have preserved certain parts of it at least, to be ready for emergencies, such as now exists. And I am, for one, ready to exclude foreign spirits altogether, and substitute to the revenue levied on them a tax upon the spirits made within the country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry you will lay a basis of internal taxation, when it gets strong, that will be steady and uniform, yielding alike in peace and in war. We do not derive our ability from abroad, to pay taxes. That depends upon our wealth and our industry; and it is the same, whatever may be the form of levying the public contributions.

But it is urged, that you tax other interests of the state to sustain manufacturers. The business of manufacturing, if encouraged, will be open to all. It is not for the sake of the particular individuals, who may happen to be engaged in it, that we propose to foster it; but it is for the general interest. We think that it is necessary to the comfort and well being of society, that fabrication, as well as the business of production and distribution, should be supported and
taken care of. Now, if it be even true, that the price of the home fabric will be somewhat higher, in the first instance, than the rival foreign article, that consideration ought not to prevent our extending reasonable protection to the home fabric. Present temporary inconvenience may be well submitted to for the sake of future permanent benefit. If the experience of all other countries be not utterly fallacious; if the promises of the manufacturing system be not absolutely illusory, by the competition which will be elicited, in consequence of your parental care, prices will be ultimately brought down to a level with the foreign commodity. Now, in a scheme of policy which is devised for a nation, we should not limit our views to its operation, during a single year, or for even a short term of years. We should look at its operation for a considerable time, and in war as well as peace. Can there be a doubt, thus contemplating it, that we shall be compensated by the certainty and steadiness of the supply, in all seasons, and the ultimate reduction of the price, for any temporary sacrifices we make? Take the example of salt, which the ingenious gentleman from Virginia, (Mr. Archer,) has adduced. He says during the war the price of that article rose to ten dollars per bushel, and he asks if you would lay a duty, permanent in its duration, of three dollars per bushel, to secure a supply in war. I answer no, I would not lay so high a duty. That which is now proposed, for the encouragement of the domestic production, is only five cents per bushel. In forty years the duty would amount only to two dollars. If the recurrence of war shall be only after intervals of forty years peace, (and we may expect it probably oftener,) and if, when it does come, the same price should again be given, there will be a clear saving of eight dollars, by promoting the domestic fabrication. All society is an affair of mutual concession. If we expect to derive the benefits which are incident to it, we must sustain our reasonable share of its burthens. The great interests which it is intended to guard and cherish, must be supported by their reciprocal action and re-action. The harmony of its parts is disturbed—the discipline which is necessary to its order is incomplete, when one of the three great & essential branches of its industry is abandoned, and unprotected. If you want to find an example of order, of freedom from debt, of economy, of expenditure falling short of rather than exceeding income, you will go to a well regulated family of a farmer. You will go to the house of such a man as Isaac Shelby. You will not find him resorting to taverns, engaged in broils, prosecuting angry law suits. You will behold every member of his family clad with the produce of their own hands, and usefully employed, the spinning wheel and the loom in motion by day-break. With what pleasure will his wife carry you into her neat dairy, lead you into her store-
house, and point to the table cloths, the sheets, the counterpanes
which lie on this shelf for her daughter Sally, or that for Nancy,
all prepared in advance, by her provident care, for the day of their
respective marriages. If you want to see an opposite example, go to
the house of a man, who makes nothing at home, whose family
resorts to the store for every thing. You will find him perhaps
in the tavern or the store at the cross roads. He is engaged, with the
rum grog on the table, taking depositions to make out some case of
usury or fraud. Or perhaps he is furnishing to his lawyer the
materials to prepare a long bill of injunction in some intricate case.
The sheriff is hovering about his farm to serve some new writ. On
court days (he never misses attending them,) you will find him
eagerly collecting his witnesses to defend himself against the mer­
chants' and doctors' bills. Go to his house, and, after the short and
giddy period that his wife and daughters have flirted about the
country in their calico and muslin gowns, what a scene of discomfort
and distress is presented you there! What the individual family of
Isaac Shelby is, I wish to see the nation in the aggregate. But I fear
we shall shortly have to contemplate its resemblance in the opposite
picture. If statesmen would carefully observe the conduct of private
individuals in the management of their own affairs, they would have
much surer guides, in promoting the interest of the state, than the
visionary speculations of theoretical writers.

The manufacturing system is not only injurious to agriculture,
but, say its opponents, it is injurious also to foreign commerce. We
ought not to conceal from ourselves our present actual position, in
relation to the other powers. During the long war which has so
much convulsed Europe, and which will probably be succeeded by
a long peace, we transacted the commercial business of other nations,
and largely shared, with England, the carrying trade of the world.
Now, every other nation is anxiously endeavoring to transact its own
business, to rebuild its marine, and to foster its navigation. The
consequence of the former state of things was, that our mercantile
marine and our commercial employment were enormously dispro­
portionate to the exchangeable domestic produce of our country.
And the result of the latter will be, that, as the exchanges between
this country and other nations will hereafter consist principally, on
our part, of our domestic produce, that marine and that employment
will be brought down to what is necessary to effect those exchanges.
I regret exceedingly this reduction. I wish that the mercantile class
could enjoy the same extensive commerce that they did formerly.
But, if they cannot, it would be a folly to repine at what is irrecover­
ably lost, and we should rather seek to adapt ourselves to the new
circumstances into which we find ourselves. If, as I think, we have
reached the maximum of the foreign demand for our three great
staples, cotton, tobacco, and flour, no man will contend that we should go on to produce more and more, to be sent to the glutted foreign market and consumed by devouring expenses, merely to give employment to our tonnage and our foreign commerce. It would be extremely unwise to accommodate our industry to produce, not what was wanted abroad, but cargoes for our unemployed ships. I would give to our foreign trade every legitimate encouragement, and extend it wherever it can be extended profitably. Hitherto it had been stimulated too highly, by the condition of the world, and our own policy acting on that condition. And we are reluctant to believe that we must submit to its necessary abridgment. The habits of trade; the tempting instances of enormous fortunes which had been made by the successful prosecution of it, were such that we turn with regret from the pursuit of it; we still cherish a lingering hope; we persuade ourselves that something will occur, how or what it may be, we know not, to revive its former activity; and we would push into every untried channel, grope through the Dardanelles into the Black Sea, to restore its former profits. I repeat it, let us proclaim to the people of the United States the incontestable truth, that our foreign trade must be circumscribed by the altered state of the world; and, leaving it in possession of all the gains which it can now possibly make, let us present motives to the capital and labor of our country to employ themselves in fabrication at home. There was no danger that, by a withdrawal of that portion which is unprofitably employed on other objects, and an application of it to fabrication, our agriculture would be too much cramped. The produce of it would always come up to the foreign demand. Such were the superior allurements belonging to the cultivation of the soil to all other branches of industry, that it would always be preferred when it can be profitably followed. The foreign demand would, in any conceivable state of things, limit the amount of the exportable produce of agriculture. The amount of our exportations would form the measure of our importations, and, whatever these may be, they will constitute the basis of the revenue derivable from customs.

The manufacturing system is favorable to the maintenance of peace. Foreign commerce is the great source of foreign wars. The eagerness with which we contend for every branch of it; the temptations which it offers, operating alike upon us and on foreign competitors, produce constant collisions. No country on earth, by the extent of its superificies, the richness of its soil, the variety of its climate, contains within its own limits more abundant faculties for supplying all our rational wants than ours does. It is not necessary or desirable, however, to cut off all intercourse with foreign powers. But, after securing a supply, within ourselves, of all the great
essentials of life, there will be ample scope still left for preserving such an intercourse. If we had no intercourse with foreign states, if we adopted the policy of China, we should have no external wars. And in proportion as we diminish our dependence upon them, shall we lessen the danger of the recurrence of war. Our late war would not have existed if the councils of the manufacturers in England had been listened to. They finally did prevail, in their steady and persevering effort to produce a repeal of the Orders in Council; but it was too late to prevent the war. Those who attribute to the manufacturing system the burthens and misfortunes of that country, commit a great error. These were probably a joint result of the operation of the whole of her systems, and a larger share of it was to be ascribed to her foreign commerce, and to the ambition of her rulers, than to any other cause. The war of our Revolution, in which that ambition displayed its monstrous arrogance and pretensions, laid the broad foundation of that enormous debt under which she now groans.

The tendency of reasonable encouragement to our home industry is favorable to the preservation & strength of our confederacy. Now our connexion is merely political. For the sale of the surplus of the produce of our agricultural labor, all eyes are constantly turned upon the markets of Liverpool. There is scarcely any of that beneficial intercourse, the best basis of political connexion, which consists of the exchange of the produce of our labor. On our maritime frontier there had been too much stimulus, an unnatural activity; in the great interior of the country, there exists a perfect paralysis. Encourage fabrication at home, and there would instantly arise animation and a healthful circulation throughout all the parts of the Republic. The cheapness, and fertility, and quantity, of our waste lands, offered such powerful inducements to cultivation, that our countrymen are constantly engaging in it. I would not check this disposition by hard terms in the sale of it. Let it be easily accessible to all who wish to acquire it. But I would countervail this predilection by presenting to capital and labor motives for employment in other branches of industry. Nothing is more uncertain than the pursuit of agriculture, when we mainly rely upon foreign markets for the sale of its surplus produce. In the first place, it is impossible to determine, a priori, the amount of this surplus; and, in the second, it is equally impossible to anticipate the extent of the foreign demand. Both the one and the other depend upon the seasons. From the fluctuations incident to these, and from other causes, it may happen that the supplying country will, for a long series of years, have employed a larger share of its capital and labor than is wise, in production to supply the wants of the consuming countries, without becoming sensible of its defect of policy. The failure of a
crop, or the failure of a market, does not discourage the cultivator. He renews his labors another year, and he renews his hopes. It is otherwise with manufacturing industry. The precise quantum of its produce, at least, can with some accuracy be previously estimated. And the wants of foreign countries can be with some probability anticipated.

I am sensible, Mr. Chairman, if I have even had a success, which I dare not presume, in the endeavor I have been making to show that sound policy requires a diversion of so much of the capital and labor of this country from other employments as may be necessary, by a different application of them, to secure, within ourselves, a steady and adequate supply of the great necessaries of life, I shall have only established one half of what it is incumbent upon me to prove. It will be still required, by the other side, that a second proposition be supported, and that is, that government ought to present motives for such a diversion and new application of labor and capital, by that species of protection which the tariff holds out. Gentlemen say, we agree with you; you are right in your first proposition, but "let things alone," and all will come right in the end. Now, I agree with them, that things would ultimately get right; but not until after a long period of disorder and distress, terminating in the impoverishment, and perhaps ruin of the country. Dissolve government, reduce it to its primitive elements, and, without any general effort to reconstruct it, there would arise, out of the anarchy which would ensue, partial combinations for the purpose of individual protection, which would finally lead to a social form, competent to the conservation of peace within, and the repulsion of force from without. Yet no one would say, in such a state of anarchy, let things alone! If gentlemen, by their favorite maxim, mean only that, within the bosom of the state, things are to be left alone, and each individual, and each branch of industry, allowed to pursue their respective interests, without giving a preference to either, I subscribe to it. But if they give it a more comprehensive import; if they require that things are to be left alone, in respect not only to interior action, but as to exterior action also; not only as regards the operation of our own government upon the mass of the interests of the state, but as it relates to the operation of foreign governments likewise operating upon that mass, I dissent from it.

The maxim, in this enlarged sense is indeed everywhere proclaimed, but nowhere practised. It is truth in the books of European political economists. It is error in the practical code of every European state. It is not applied, where it is most applicable; it is attempted to be introduced here, where it is least applicable; & even here its friends propose to limit it to the single branch of manu-
facturing industry, whilst every other interest is encouraged and protected, according to the policy of Europe. The maxim would best suit Europe, where each interest is adjusted and arranged to every other, by causes operating during many centuries. Every thing there has taken and preserved its ancient position. The house that was built centuries ago, is occupied by the descendants of its original constructor. If one could rise up, after the lapse of ages, and enter a European shop, he would see the same hammer at work, on the same anvil or last, and almost by the same hand. There every thing has found its place and its level, and every thing, one would think might there be safely left alone. But the policy of the European States is otherwise. Here every thing is new and unfixed. Neither the state, nor the individuals who compose it, have yet settled down in their firm and permanent positions. There is a constant tendency, in consequence of the extent of our public domain, towards production for foreign markets. The maxim, in the comprehensive sense in which I am considering it, requires, to entitle it to observation, two conditions, neither of which exists—first, that there should be perpetual peace; and, secondly, that the maxim should be every where respected. When war breaks out, that free and general circulation of the produce of industry, among the nations which it recommends, is interrupted, and the nation that depends upon a foreign supply of its necessaries, must be subjected to the greatest inconvenience. If it be not every where observed, there will be, between the nations that do not, and the nation that does, conform to it, an inequality alike condemned by honor and by interest. If there be no reciprocity, if, on the one side, there is perfect freedom of trade, and on the other a code of odious restrictions, will gentlemen still contend that we are to submit to such an unprofitable and degrading intercourse? Will they require that we shall act upon the social system, whilst every other power acts upon the selfish? Will they demand of us to throw widely open our ports to every nation, whilst all other nations entirely or partly occlude theirs against our productions? It is, indeed, possible, that some pecuniary advantage might be enjoyed by our country, in prosecuting the remnant of trade which the contracted policy of other powers leaves to us. But what security is there for our continuing to enjoy even that? And is national honor, is national independence to count for nothing? I will not enter into a detail of the restrictions with which we are every where presented in foreign countries. I will content myself with asserting, that they take nothing from us which they can produce themselves, even upon worse terms than we could supply them. Take, again, as an example, the English corn laws. America presents the image of a fine generous hearted young fellow, who has just come to the possession of a rich estate—an
estate which, however, requires careful management. He makes nothing; he buys every thing. He is surrounded by a parcel of Jews, each holding out his hand with a packet of buttons or pins, or some other commodity, for sale. If he ask these Jews to buy any thing which his state produces, they tell him no; it is not for our interest; it is not for yours. Take this new book, says one of them, on political economy, and you will there perceive it is for your interest to buy from us, and to let things alone in your own country. The gentleman from Virginia, to whom I have already referred, has surrendered the whole argument, in the example of the East India trade. He thinks that, because India takes nothing but specie from us; because there is not a reciprocal exchange between us and India, of our respective productions, that the trade ought to be discontinued. Now I do not agree with him that it ought to be abandoned, though I would put it under considerable restrictions, when it comes in competition with the fabrics of our own country. If the want of entire reciprocity be a sufficient ground for the total abandonment of a particular branch of trade, the same principle requires that, where there are some restrictions on the one side, they should be countervailed by equal restrictions on the other.

But this maxim, according to which gentlemen would have us abandon the home industry of the country to the influence of the restrictive system of other countries, without an effort to protect and preserve it, is not itself observed by the same gentlemen, in regard to the great interests of the nation. We protect our fisheries by bounties and drawbacks. We protect our tonnage, by excluding or restricting foreign tonnage, exactly as our tonnage is excluded or restricted by foreign States. We passed, a year or two ago, the bill to prohibit British navigation from the West India colonies of that power to the United States, because ours is shut out from them. The session prior to the passage of that law, the gentleman from South Carolina and I, almost alone, urged the House to pass it. But the subject was postponed until the next session, when it was passed by nearly an unanimous vote; the gentleman from South Carolina and the two gentlemen from Virginia, (Messrs. Barbour and Tyler,) voting with the majority. We have now upon our table other bills connected with that object, and proposing restrictions upon the French tonnage, to countervail theirs upon ours. I shall, with pleasure, vote for these measures. We protect our foreign trade, by consuls, by foreign ministers, by embargoes, by non-intercourse, by a navy, by fortifications, by squadrons constantly acting abroad, by war, and by a variety of commercial regulations in our statute book. The whole system of the general government, from its first formation to the present time, consists almost exclusively in one unremitting endeavor to nourish, and protect,
and defend the foreign trade. Why have not all these great interests been left to the operation of the gentlemen's favorite maxim? Sir, it is perfectly right that we should have afforded this protection. And it is perfectly right, in my humble opinion, that we should extend the principle of it to the home industry. I am a friend to foreign trade, but I protest against its being the monopolist of all the favor and care of this government.

But, sir, friendly as I am to the existence of domestic manufactures, I would not give to them unreasonable encouragement, by protecting duties. Their growth ought to be gradual, but sure. I believe all the circumstances of the present period highly favorable to their success. But they are the youngest and the weakest interest of the state. Agriculture wants but little or no protection against the regulations of foreign powers. The advantages of our position, and the cheapness, and abundance, and fertility of our land, afford to that greatest interest of the state almost all the protection it wants. As it should be, it is strong and flourishing; or, if it be not, at this moment, prosperous, it is not because its produce is not ample, but because, depending as we do altogether upon a foreign market, for the sale of the surplus of that produce, the foreign market is glutted. Our foreign trade having almost exclusively engrossed the protecting care of government, wants no further legislative aid. And whatever depression it may now experience, is attributable to causes beyond the control of this government. The abundance of capital, indicated by the avidity with which loans are sought, at the reduced rate of 5 per cent.; the reduction in the wages of labor; and the decline in the price of property of every kind, as well as that of agricultural produce, all concur favorably for domestic manufactures. Now, as when we arranged the existing tariff, is the auspicious moment for government to step in and cheer and countenance them. We did too little then, and I endeavored to warn this House of the effects of inadequate protection. We were called upon, at that time, by the previous pledges which we had given, by the inundation of foreign fabrics which was to be anticipated from their free admission after the termination of the war, and by the lasting interests of this country, to give them efficient support. We did not do it; let us not now repeat the error. Our great mistake has been in the irregularity of the action of the measures of this government upon manufacturing industry. At one period it is stimulated too high, and then, by an opposite course of policy, it is precipitated into a condition of depression too low. First, there came the embargo; non-intercourse and other restrictive measures followed, and then that greatest of all stimuluses to domestic fabrication, war. During all that long time, we were adding, to the positive effect of the measures of government, all the moral encouragement which results from
popular resolves, legislative resolves,\textsuperscript{17} & other manifestations of the public will & the public wish to foster our home manufacturers, & to render our Confederacy independent on foreign powers. The peace ensued, and the country was flooded with the fabrics of other countries; and we, forgetting all our promises, coolly and philosophically talk of leaving things to themselves; making up for our deficiency of practical good sense, by the stores of learning which we collect from theoretical writers. I, too, sometimes amuse myself with the visions of these writers, (as I do with those of metaphysicians and novelists,) and, if I do not forget, one of the best among them, enjoins it upon a country to protect its industry against the injurious influence operating upon it of the prohibitions and restrictions of foreign countries.\textsuperscript{18}

Monuments of the sad effects, upon our manufactures, of the fluctuating policy of the councils of the Union in regard to them, abound in all parts of the country. Villages, and parts of villages, which sprung up but yesterday in the western country, under the excitement to which I have referred, are perishing and abandoned. In New England, in passing along the highway, one frequently sees large spacious buildings, with the glass broken out of the windows, the shutters hanging in ruinous disorder, cheerless, without any appearance of activity, and surrounded by a solitary gloom. Upon inquiring what they are, you are almost always informed that they were some cotton or other factory, which their proprietors could no longer keep in motion against the overwhelming pressure of foreign competition. Gentlemen ask for facts to shew the propriety of protection to our manufactures. Do they want stronger evidence? They ask why the manufacturing industry is not resumed under the encouraging auspices of the present time? Sir, there is general dismay; there is want of heart; there is the greatest moral discouragement. A man who engages in manufacturing business is thought by his friends to be deranged. Who will go to the site on which lie the ruins of Carthage or Balbec to rebuild there a city? Let government commence a systematic, but moderate, support of this important branch of our industry. Let it announce the fixed purpose, that the protection of it, against the influence of the measures of foreign governments enters into the scope of our national policy. Let us substitute to the irregular action of our measures one that shall be steady and uniform; and hope and animation and activity will again revive. The gentleman from South Carolina (Mr. Lowndes) offered a resolution, which the house rejected, having for its object to ascertain the profits now made upon capital employed in manufacturing.\textsuperscript{19} It is not, I repeat it, the individuals, but the interest we wish protected. From the infinite variety of circumstances under which different manufacturing establishments
are situated, it is impossible that any information, such as the gentleman desires, could be obtained, that ought to guide the judgment of this house. It may happen, that, of two establishments engaged in the same species of fabrication, one will be prospering and the other laboring. Take the example of the Waltham manufactory near Boston, and the Brunswick in Maine. The former has the advantages of a fine water situation, a manager of excellent information, enthusiastically devoted to its success, a mechanist of a most inventive genius, who is constantly making some new improvement, and who has carried the water loom to a degree of perfection which it has not attained in England, and such as to reduce the cost of weaving a yard of cloth adapted, to shirting, to less than one cent per yard; and it is abundantly supplied with capital by several rich capitalists in Boston. These gentlemen have the most extensive correspondence with all parts of the United States. Owing to this extraordinary combination of favorable circumstances, the Waltham establishment is doing pretty well. Whilst that of Brunswick, not possessing all of them, but perhaps as many as would enable it, under adequate protection, to flourish, is laboring hard. Would gentlemen infer, from the success of a few institutions having peculiar advantages, which form exceptions to the languishing condition of manufacturing industry, that there exists no necessity for protection? In the most discouraging state of trade and navigation, there were, no doubt, always some few individuals who were successful in prosecuting them. Would it be fair to argue, from these rare instances, against any measure brought forward to revive their activity?

The gentleman from Massachusetts, (Mr. Whitman) has manifested peculiar hostility to the Tariff, and has allowed himself to denominate it a mad, quixotic, ruinous, scheme. The gentleman is dissatisfied with the quarter (the west) from which it comes. To give higher tone and more effect to the gentleman's declamation, which is vague and indefinite, he has even assumed a new place in this House. Sir, I would advise the gentleman to return to his ancient position, moral and physical. It was respectable and useful. The honorable gentleman professes to be a friend to manufacturers! And yet he has found an insurmountable constitutional impediment to their encouragement, of which, as no other gentleman has relied upon it, I shall leave him in the undisturbed possession. The honorable gentleman a friend to manufacturers! And yet he has delivered a speech, marked by peculiar emphasis, the whole of which is against their protection. The honorable gentleman a friend to manufactures! And yet he requires (if his constitutional difficulty could be gotten over) such an arrangement of the Tariff as shall please him, although every one else should be dissatisfied. The
intimation is not new of the presumptuousness of western politicians in endeavoring to contribute to give to the policy of this country such a direction as will assert its honor and sustain its interests. It was first made whilst the measures preparatory to the late war were under consideration, and it now probably emanates from the same quarter. The predilection of the school of the Essex Junto for foreign trade and for British fabrics (I am far from insinuating that other gentlemen who are opposed to the Tariff are actuated by any such spirit) is unconquerable. We disregarded the intimation when it was first made; we shall be uninfluenced by it now. If, indeed, there were the least color for the assertion, that the foreign trade is to be crushed by the Tariff, is it not strange that the whole of the representation from all our great commercial metropolis's should unite to destroy it? The member from Boston, (to whose national and disinterested course I am happy, on this, as on many other occasions, to be able to testify); the representatives from the city of New-York, from Philadelphia, and from Baltimore, all entered into this confederacy to destroy it, by supporting this mad and ruinous Tariff. Some gentlemen assert that it is too comprehensive. That it leaves no important interest unprovided for, recommends it to me.

The same gentlemen, or others, if it had been more limited, would have objected to its partial operation. The general measure of the protection which it communicates, is pronounced to be immoderate and enormous. Yet no one ventures to enter into a specification of the particular articles of which it is composed, to shew that it deserves thus to be characterized. The article of molasses has, indeed, been selected out, and held up, as an instance of the alleged extravagance. The existing tariff imposes a duty of 5 cents; the proposed tariff 10 cents, per gallon. We tax very high foreign spirits, and yet we let in, with a very low duty, foreign molasses, which ought to be considered as rum in disguise, filling the space of so much domestic spirits. If (which I do not believe will be immediately the case, to any considerable extent) the manufacture of spirits from molasses should somewhat decline, under the new tariff, the manufacture of spirits from the raw material, produced at home, will be extended in the same degree. Besides the incidental advantage of increasing our security against the effects of seasons of scarcity, by increasing the distillation of spirits from grain, there was hardly any item in the tariff which combined so many interests in supporting the proposed rate of duty. The grain-growing country, the fruit country, and the culture of cane, would be all benefited by the duty. Its operation is said, however, to be injurious on a certain quarter of the Union. It was not to be denied, that each particular section of the country would feel some one or more articles of the
tariff to bear hard upon it, during a short period; but the compensa-
tion was to be found in the more favorable operation of others. Now I am fully persuaded that, in the first instance, no part of the Union would more largely share than New England, in the aggre-
gate, of the benefits resulting from the tariff. The habits of economy of her people, their industry, their skill, their noble enterprize, the stimulating effects of their more rigorous climate, all tend to insure to her the first and the richest fruits of the tariff. The middle and the western states would come in afterwards for their portion, and all would share in the advantage of internal exchanges and circula-
tion. No quarter of the Union could urge, with an iller grace than New England, objections to a measure, having for its object the advancement of the interests of the whole; for no quarter of the Union participated more extensively in the benefits flowing from the general government. Her tonnage, her fisheries, her foreign trade, have been constantly objects of federal care. There was expended the greatest portion of the public revenue. The building of the public ships; their equipments; the expences incident to their remaining in port, chiefly took place there. That great drain upon the revenue, the Revolutionary Pension Law, tended principally to New England. I do not complain of these advantages which she enjoys. She is, probably, fairly entitled to them. But gentlemen from that quarter may, at least, be justly reminded of them when they complain of the onerous effect of one or two items of the tariff.

Mr. Chairman, I frankly own that I feel great solicitude for the success of this bill. The independence of my country on all foreign states, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our Revolution effected our political emancipation. The last war contributed greatly towards achieving our commercial freedom. But our entire independence will only be consummated after the policy of this bill shall be recognized and adopted. We have great difficulties to contend with—old habits—colonial usages—the obduracy of the colonial spirit—the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair; the cause, I verily believe, is the cause of the country. It may be postponed; it may be frustrated for the moment, but it must finally prevail. Let us endeavor to acquire for the present Congress the merit of laying this solid foundation of the national prosperity. If, as I think, fatally for the public interest, the bill shall be defeated, what will be the character of the account which we shall have to render our constituents upon our return among them? We shall be asked, what have you done to remedy the disorders of the public currency? Why, Mr. Secretary of the Treasury made us a long
report on that matter, containing much valuable information, and some very good reasoning, but, upon the whole, we found that subject rather above our comprehension, and we concluded that it was wisest to let it regulate itself. What have you done to supply the deficit in the Treasury? We thought that, although you are all endeavoring to get out of banks, it was a very good time for us to go into them, and we have authorized a loan. You have done something, then, certainly, on the subject of retrenchment. Here, at home, we are practising the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on homespun. Why, we have saved, by the indefatigable exertions of a member from Tennessee, (Gen. Cocke,) fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for $30,000 of that sum were still wanted, although we stopt the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After near two days' debate, and a division between the two houses, we struck off two hundred dollars from the salary of the Clerk of Mr. Attorney General. What have you done to protect the home industry from the effects of the contracted policy of foreign powers? We thought it best, after much deliberation, to leave things alone at home, and to continue our encouragement to foreign industry. Well, surely, you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our own policy? No; the Senate could not agree on that subject, and the bankrupt bill failed! Can we plead, sir, ignorance of the general distress, and of the ardent wishes of the community for that protection of its industry, which this bill proposes? No, sir, daily almost throughout the session, have we been receiving petitions, with which our table is now loaded, imploring us to extend this protection. Unanimous resolutions from important state legislatures have called upon us to give it, and the people of whole states, almost in mass—of New York, New Jersey, Pennsylvania, and Ohio—have transmitted to us their earnest and humble petitions to encourage the home industry. Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest, by the passage of this bill, that Congress does not deserve the reproaches which have been cast on it, of insensibility to the wants and the sufferings of the people.

Washington National Intelligencer, July 6, 1820. Published also in Lexington Kentucky Reporter, August 2, 9, 1820; Chambers (comp.), Speeches of the Hon. Henry Clay, 111-29; Swain, Life and Speeches of Henry Clay, I, [139]-61; Mallory, Life and Speeches of the Hon. Henry Clay, I, [461]-80; Colton, Life, Correspondence, and Speeches of Henry Clay, V, 219-37; Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2034-52. Clay had not participated in the debate of the preceding day on this question; he
now followed Mark Alexander, of Virginia, and Stevenson Archer, again a Representative from Maryland, who had spoken in opposition to the bill.

1 See above, Motion, March 25, 1816.

2 The tariff act of 1816 had effectively protected domestic production of coarse cotton cloth but not that of woollens or iron. Clay's general interest in a protective tariff may be traced in his remarks during March, 1816.

3 Parliament in 1815 had enacted a measure providing for the exclusion of foreign grain until the price of homegrown wheat rose to eighty shillings the quarter. 55 George III, c. 26. This act was one of a long series of "corn laws" adopted in England before abandonment of the protectionist policy in 1846.

4 Patrick Colquhoun (1745-1820), London police magistrate, had published numerous pamphlets and other works on such subjects as the liquor trade, poor relief, the police and crime in London, and the population, wealth, and resources of the British Empire. Tables which he had compiled on the number of paupers and criminals in the various counties of England had been published in the Lexington Kentucky Reporter, August 11, 1819.

5 Sir Richard Arkwright (1732-1792) had invented the spinning frame and made several improvements in the processes attending the manufacture of thread.

6 Two large manufacturing enterprises were located at Waltham: the Waltham Cotton and Woolen Manufacturing Company, incorporated in 1812, and the Boston Manufacturing Company, chartered in 1813, which had erected at Waltham the first cotton mill in the country to perform all the manufacturing processes connected with the production of cloth.

7 Eli Whitney; Robert Fulton.

8 Clay's account of Archer's reference to salt is more detailed than the reported version. Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2023.

9 See above, II, 552.

10 See above, I, 601n.

11 Archer had cited the East India trade as supposed to support the argument of tariff advocates; but admitting the injurious character of that trade, he traced its consequences "to circumstances of peculiar operation in no degree affecting the general results" of his reasoning in opposition to a protective tariff. "The India trade was injurious because, from not taking our own immediate productions, it was in fact an indirect trade, and because it was unusually remote in its returns, and not in consequence of its supposed tendency to deprive us of specie, or because it was a losing trade, from creating an unfavorable balance." Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2029.

12 See above, Remarks, April 10, 1818.


14 Philip P. Barbour; John Tyler.

15 As a means of restoring her merchant marine, France had imposed duties and navigation regulations so severe that American shippers were excluded from the Franco-American carrying trade. Upon the advice of Albert Gallatin, Minister to France, who had been unable to negotiate a more favorable treatment for American vessels, the matter was submitted to Congress, which responded, May 15, 1820, by enacting retaliatory legislation. Annals of Cong., 16 Cong., 1 Sess., XXXV, 694, 696; XXXVI, 1930, 2246; 5 U. S. Stat., 605; Raymond Walters, Jr., Albert Gallatin, Jeffersonian Financier and Diplomat (New York, 1957), 304.

16 See above, I, 396-97.

17 In the preceding debate opponents of the tariff had cited Adam Smith's Wealth of Nations. Clay may have alluded to Thomas R. Malthus, who in 1814 had published a pamphlet, Observations on the Effects of the Corn Laws (reprint, edited by Jacob H. Hollander; Baltimore, 1932), which in balancing the pros and cons of tariff policy had pointed to the desirability of protection to foster maintenance of a diversified economy as well as to forestall too abrupt disruption of employment during periods of sharp change in the trade patterns. Malthus, in turn, had cited Smith to support his position. Malthus, op. cit., 27, 31-32.

18 Submitted on April 15 and rejected two days later. U. S. H. of Reps., Journal, 16 Cong., 1 Sess., 417, 422.

19 The Maine Cotton and Woolen Manufacturing Company, incorporated in Massachusetts in 1807, had erected at Brunswick the first cotton mill in Maine.

20 Ezekiel Whitman had spoken on the preceding day.

21 Jonathan Mason; Henry Meigs and Peter H. Wendover (New York); Joseph Hemphil (Philadelphia) and John Sergeant; and Samuel Smith.

22 See above, Remarks, April 21, 1820, note.

23 See above, Edwards to Clay, March 5, 1819, note.
25 In response to a House Resolution of the preceding Session, the Secretary of the Treasury on February 24, 1820, had submitted a report on banks and currency, which had been ordered to lie on the table and apparently was not again taken up. *Annals of Cong.*, 16 Cong., 1 Sess., XXXVI, 1463, 2366-2405 passim; *American State Papers, Finance*, III, 494-508.

26 See below, Remarks, May 5, 1820.

27 In the military appropriations bill for 1820 the Senate had attempted to add $50,000 to enable the Yellowstone expedition to proceed to the Mandan villages rather than Council Bluffs (see above, Clay to Calhoun, September 16, 1818, note). Among House members who had successfully advocated rejection of the Senate amendment was John Cocke, who had also been one of the House representatives in conference committee on the bill. The Senate had finally receded from its amendment. *Annals of Cong.*, 16 Cong., 1 Sess., XXXV, 545-48, 555-57, 594, 598-99; XXXVI, 1783-90, 1807, 1821.

28 The general appropriation bill for 1820 had been passed by the House on March 18 and returned from the Senate, with amendments, on April 5. The House accepted some of the changes but refused to concur in a provision to raise the salary of the Attorney General’s clerk from $800 to $1,000 per year. The Senate on April 7 had receded from the amendments to which the House had disagreed. *Annals of Cong.*, 16 Cong., 1 Sess., XXXV, 589; XXXVI, 1650, 1672, 1791-92.

29 A bill to establish a uniform system of bankruptcy throughout the United States had been introduced in the House on December 16, 1819, and apparently was not again taken up after the second reading. A similar measure, introduced in the Senate on January 12, 1820, had been debated, amended, and, on March 30, rejected. *U.S. H. of Reps.*, *Journal*, 16 Cong., 1 Sess., 48; *U.S. Sen.*, *Journal*, 16 Cong., 1 Sess., 95-277 passim.

30 At the conclusion of the speech Clay and Samuel Smith exchanged “explanatory observations” (not recorded). The Committee then rose and the House adjourned. The debate continued in Committee of the Whole one more day, when the bill was reported to the House. The measure was finally approved by this body on April 29, but the Senate on May 4 adopted a motion to postpone action on it until the next Session.

Receipted Account with LeGrand and Bentley

[April 28, 1820]


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Thos. Smith bill adg & Hbill . . . . 2.50
Cash pd. D.Bradfords do . . . . . . 75
Commn. on $508.97 1/2, 5 pCt 25.44 31.55 1/2

$ 573.40 1/2

24 To Balce. due as p Contra . . . . . . . . . $ 64.43
1820.
Apr. 19 By Acct. Sales rendd. this day . . $508 97 1/2
24 " Balce. due L & Bentley . . . . . . . . . . . . . 64 43

$ 573 40 1/2

28 By Cash in full . . . . . . . . . . . . . . . . . . . . $ 64 43

E E. LeGrand & Bentley.

DS. DLC-TJC (DNA, M212, R15). See above, Account, April 19, 1820.
1 Tilford, Trotter, and Company.
2 Thomas McCouat.

To John Rodgers

Sir [ca. May, 1820]
I transmit the inclosed proposals from Mr. Morton1 to furnish some supplies for the Navy. He is a neighbour and Constituent of mine and may be entirely relied on.

Will you do me the favor to inform me of the result of his application? With great respect I am Yr. ob. Servt. H. Clay

Commodore Rogers [sic].

ALS. DNA, RG45, Navy Commissioners' Misc. Letters Received. Date supplied by DNA. Rodgers was now (1815-1824, 1827-1837) president of the Board of Navy Commissioners.
1 John H. Morton, who in a letter of April 12, 1820, addressed to the Board of Navy Commissioners had offered to furnish 150 to 200 barrels of pork, delivered at New Orleans in the winter of 1820-1821, at fifteen dollars a barrel; also 200 to 250 barrels of beef, at thirteen dollars a barrel. ALS. DNA, RG45, Navy Commissioners' Misc. Letters Received.

To Samuel Harrison Smith

My Dr Sir [May, 1820]
I am vexed and mortified that one little petty incident after another, connected with my departure, has not allowed me to call and bid adieu to your amiable family. I regret still more that causes beyond my control defeated the execution of my settled purpose to visit you frequently, during the past session; for no where more than at your house have I always enjoyed unmixed satisfaction in the society of yourself, Mrs. Smith and family.

My family and I shall continue to think of you and of yours, with the best wishes and hopes for your prosperity. I will add, that it will give me great gratification to hear that the public is again availed of your capacity to serve it—an event which will not more
do justice to your merits and former services, than promote its interest. I am faithfully Yr. friend & servant

H. CLAY.

S. H. Smith Esq. Saturday


To Benjamin Watkins Leigh

Dr Sir Washington 1st. May 1820.

I received your favor of the 29th. Ulto. My brother Porter is more than I am interested in the Ejectment which you have instituted; indeed but for his interest I should not have cared myself much about the case. In consequence of that circumstance I transmitted to him your opinion, for his satisfaction. But on my return to Kentucky I will repossess myself of it and return it to you.

Will you do me the favor to ask our friend Rootes to have the deed from John to Porter Clay, which I formerly forwarded, recorded? With great respect I am faithfully Yr. ob. Servt.

B. W. Leigh Esqr.

H. CLAY

ALS. ViU. 1 Not found. 2 Edmund W. Rootes.

1 The brother of Henry and Porter Clay.

To John Rodgers

Dr Sir Washington 1 May 1820.

I understand that Col. Richard Taylor is an applicant to the Navy Board for a contract to supply the Navy. The terms of his proposals I do not know, and of course they will be judged of by a comparison with those of others. But I have known him for a long time and take great pleasure in testifying to my belief of his indefatigability integrity and fidelity in the execution of any contract he may make with Government; and I will add that I shall be happy to learn that his proposals are such as will comport with the public interest, if accepted. I have the honor to be with great respect Yr. obt. Servt.

H. CLAY

Commodore Rogers [sic] President &c &c.

ALS. DNA, RG45, Navy Commissioners' Misc. Letters Received.

1 See below, Clay to George Gibson, August 28, 1821.

Remarks on Bill Regulating Payment of Duties

[May 1, 1820]

Cited in Washington National Intelligencer, May 2, 1820: Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2159. Again in Committee of the Whole on the bill for regulating the method of collecting import duties, the House had returned to discussion of the
motion to strike out the first section (see above, Remarks, April 24, 1820). Clay was among those who spoke in support of the bill. His remarks were not recorded.

At the conclusion of debate on this day Silsbee's motion was approved in Committee of the Whole, and in House action the bill was defeated.

Remarks on Loan Bill

[May 5, 1820]

Mr. Speaker Clay took the converse of Mr. Barbour's position; and maintained the propriety of adhering inviolably to the system adopted in 1816 for redeeming the public debt; and consequently the inexpediency of touching the surplus of the sinking fund; a fund which he considered as forming one of the most essential features in the permanent systems of the government, and which should not be made subservient to temporary causes or incidental pressure on the treasury. He remarked at some length on the present exigencies, and the probable condition of the Treasury for the future; believing that the deficit would greatly exceed the amount estimated by the committee of ways and means, and that the revenue from the public lands was much overrated, he regretted that some permanent practical system had not been proposed by the committee instead of the inefficient system of loans, to which he was opposed.

[Barbour replied, and Clay rejoined. Timothy Fuller and William Lowndes, in turn, expressed their views.]

Mr. Clay again spoke in support of a steady and inviolable adherence to the system provided in 1816, for the gradual redemption of the public debt; arguing that it was this course of policy which had given such advantage to England as to enable her to contend with, and almost conquer, Europe; and that a strict observance of it by this government was necessary to preserve the public credit unimpaired, and give confidence in the good faith of the government, &c.

Washington National Intelligencer, May 6, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2203, 2204. A bill to authorize the President of the United States to borrow $2,000,000, and for other purposes, had been introduced on April 14 by Samuel Smith, chairman of the Committee of Ways and Means. Debate had begun in Committee of the Whole on May 4, when Smith explained the measure. David Trimble had then moved an amendment to raise the amount to be borrowed from two to five million dollars, pointing out that, while the first section of the bill proposed a loan of $2,000,000, the last provided that the balance in the sinking fund ($2,378,398) was to be used "in aid of the loan, to make good the deficit of 1820." He had expressed strong opposition to diversion of the sinking fund (to which additions were made under an act approved March 3, 1817, for payment of the public debt. § U.S. Stat., 379-80) from the object for which it was created. Several other speakers had been heard before the Committee adjourned for the day.

When debate had resumed on May 5, Henry R. Storrs had supported Trimble's motion. Philip P. Barbour had risen to argue, as he had on the previous day, "that it was entirely within the just power of Congress, without impinging at all on the public faith, to apply the surplus of the Sinking Fund to the public current exigencies, and that it was expedient to make such an application of the surplus to supply the existing deficit in the Treasury of the Union."
The year was 1817. Their remarks were not recorded. In spite of "an elaborate defence," by Smith, of the report of the Committee of Ways and Means, the motion to strike from the bill the word "two" was carried. A motion to fill the blank with "five" was defeated, and the sum of $3,000,000 was adopted. Smith then moved that the blank left for the rate of interest on the loan be filled with the words "five per cent." Debate, in which Clay participated (his remarks not recorded), rose on one amendment to fix the rate of interest at six per cent and on another, which Clay opposed, to meet the expenses of the Government by sales of its holdings of stock in the Bank of the United States. Both amendments were negatived and the Committee turned to another subject (see below, Remarks, this date). As finally enacted the measure authorized the President to borrow a sum not over $3,000,000, at five per cent interest and reimbursable after January 1, 1832, or at six per cent and reimbursable at the pleasure of the Government. 3 U.S. Stat., 582-83 (May 15, 1820).

Remarks on Request for Report from Secretary of Treasury

[May 5, 1820]

Mr. Clay hoped the committee would reject this resolution. The Executive, he said, had the power of the veto, and he thought it would be going too far to give to it also the power of originating measures.

Washington National Intelligencer, May 6, 1820. Published also in Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2204-2205. After the debate this day on the loan bill, the Committee of the Whole had taken up for consideration a resolution "calling on the Secretary of the Treasury to prepare and lay before Congress, at its next session, a system of internal revenue." Clay was the only member of the House to offer any comment. Following his remarks, the resolution was rejected.

From Jonathan Russell

My dear Sir

Mendon 7 May 1820

I have had the pleasure of receiving your letters of the 24/26 March & 10h April—The former, as you conjectured, passed my last communication to you\(^1\) en route. I should be much gratified if my communications could furnish you with any thing useful or agreeable—I do not complain of your entrusting to others what was entrusted to you because I am sure it was done in the same spirit of confidence\(^2\)—I will frankly confess, however, that had it been written for the inspection of Mr Lowdes [sic] I should have felt less right to depend on the charities of friendship & might, without changing the matter have been a little less free in the manner of my production—I hope that he or the other person to whom it was shewn may not ascribe any of the sentiments, however strongly expressed to mere personal feeling—for I can assure you that I am not conscious of any such feelings towards any member of the administration\(^3\) & I trust that the language which I have only applied to Mr A will be considered a proper est\(^4\) as the expression only of the most dispassionate & disinterested contempt not of intemperate resentment. For Mr.
Lowndes I have a very great respect—I should be proud of his good opinion—I think him an honest & able man & I only regret that while he is the organ of administration in your house his task should not be rendered more congenial to his feelings, & more worthy of his talents by the dignity & wisdom of those whose measures he so eloquently though modestly attempts to vindicate—

The picture you present of the ruling passions & predominant interests at Washington afflicts me these things cannot last—Whatever may be my personal relations with the present administration I would sincerely rejoice in all the glory & felicity it might have the honour to procure for this people—Unfortunately too such private considerations may also be extinguished by, that imbecility or pervisity [sic] which buries our adversaries under the ruins of expense of our country—

I have not time to write on new topics—They are abundant—The aspects of our affairs with Spain are continually changing but I am afraid that those to whom our destinies are committed are too dull to seize the propitious moment—I desire much to be advised of the probable result of [sic]—I say when you have leisure address me freely & be assured that your confidence cannot be placed where it will be more highly cherished or where there is a warmer wish to promote the accomplishment of your patriotic purposes & to co-operate with you in advancing the great & real interests of our country.6

faithfully yours

J R

May 8th—Since yesterday I have been reading the debates on your two motions relative to the treaty7—& I have been surprised at the weakness of the argument & the assurance of the assertion of those who oppose them—none of the ministerial party members8 appear to be prepared fairly to meet the question & while the [sic] evade & equivocate in relation to the principle they very tardily pretend to doubt if we had a good title to any thing beyond the Sabine & if the extensive vegetable soil of the Texas is of equal value to the narrow barren sands of Florida—Mr. Adams had [so] thoroughly convinced himself, in 1818, of our title, from the argument & documents that had been furnished him that in his long letter to Don Onis,9 his insolence & his vanity seemed to drag him on to a triumphal car to the wheels of which poor Don Onis was chained—Others who had no immediate interest in the pedantry & impertinence of that performance—not only appeared to consider it to be unanswerable but but [sic] as a document that would carry conviction in our favour to the doubting courts of Europe & force them, however reluctant, to acknowledge the justice of our claims—For this purpose Mr Rush10 caused it to be republished in England, at the expense of himself or the American people & sent me a copy at Stockholm to astonish & convert the Swedes—Speaking of the Swedes—I perceive
th[at] some of my correspondence in relation to our claims in that quarter ha[s . . .].\textsuperscript{11}

\textsuperscript{1} See above, March 30, 1820.
\textsuperscript{2} See above, Clay to Russell, March 24, 1820.
\textsuperscript{3} Last five words inserted in place of “Mr Adams.”
\textsuperscript{4} Last six words inserted between the lines.
\textsuperscript{5} Last four words inserted between the lines without deletion of the next two.
\textsuperscript{6} Last twenty-nine words inserted between the lines, but without deletion of the phrase: “who would more cordially though humbly operate with you in promoting the great and real interests of our common country—”
\textsuperscript{7} See above, Resolutions, March 28, 1820.
\textsuperscript{8} This word inserted above the word “party.”
\textsuperscript{9} See above, Remarks, March 18, 1818, n.16.
\textsuperscript{10} Richard Rush.
\textsuperscript{11} The remainder of the document is missing.

Remarks on Land Titles in Louisiana

\textbf{[May 8, 1820]}

Cited in \textit{Annals of Cong.}, 16 Cong., 1 Sess., XXXVI, 2213. In Committee of the Whole on “bills for the adjustment of certain land titles in Louisiana, Missouri, and Arkansas,” Eldred Simkins, of South Carolina, had offered an amendment providing for confirmation of certain British and French claims in the State of Louisiana. Clay, among others, opposed the amendment, which was rejected. His remarks were not recorded.

Speech on South American Independence

\textbf{[May 10, 1820]}

It is my intention, Mr. Chairman, to withdraw the latter resolution. Since I offered it, this House, by the passage of the bill to prevent, under suitable penalties, in future, the acceptance of presents, forbidden by the constitution, to prohibit the carrying of foreigners in the public vessels, & to limit to the case of our own citizens, & to regulate, in that case, the transportation of money in them, has, perhaps, sufficiently animadverted on the violation of the constitution which produced that resolution.\textsuperscript{1} I confess that when I heard of Capt. Biddle receiving from the deputy of a King the sword in question, I felt greatly mortified. I could not help contrasting his conduct with that of the Surgeon on board an American Man of War, in the Bay of Naples, (I regret that I do not remember his name, as I should like to record it with the testimony which I with pleasure bear to his highminded conduct) who, having performed an operation on one of the suite of the Emperor of Austria, and being offered fifteen hundred pistoles or dollars for his skillful service, returned the purse and said that what he had done was in the cause of humanity, and that the constitution of his country forbade his acceptance of the proffered boon.\textsuperscript{2} There was not an American heart that did not swell with pride on hearing of his noble disinterestedness. It did appear to me, also, that the time
of Capt. Biddle's interposition was unfortunate to produce an agreement between the Viceroy of Lima and Chili, to exchange their respective prisoners, however desirable the accomplishment of such a humane object might be. The Viceroy had constantly refused to consent to any such exchange. And it is an incontestable fact, that the barbarities which have characterized the civil war in Spanish America have uniformly originated with the Royalists. After the memorable battle of Maipu, decisive of the Independence of Chili, and fatal to the arms of the Vice Roy, this interposition, if I am not mistaken, took place. The transportation of money, upon freight, from the port of Callao to that of Rio Janeiro, for Royalists, appeared to me also highly improper. If we wish to preserve, unsullied, the illustrious character which our navy justly sustains, we should repress the very first instances of irregularity. But I am willing to believe that Captain Biddle's conduct has been inadvertent. He is a gallant officer, and belongs to a respectable and patriotic family. His errors, I am persuaded, will not be repeated by him or imitated by others. And I trust that there is no man more unwilling than I am unnecessarily to press reprehension. It is thought, moreover, by some, that the President might feel an embarrassment in executing the duty required of him by the resolution, which it was far from my purpose to cause him. I withdraw it.

There is no connexion intended, or, in fact, between that resolution and the one I now propose briefly to discuss. The proposition to recognize the Independent governments of South America offers a subject of as great importance as any which could claim the deliberate consideration of this House.

Mr. C. then went on to say, that it appeared to him the object of this government, heretofore, had been, so to manage its affairs, in regard to South America, as to produce an effect on its existing negociations with the parent country. The House were now apprized, by the Message from the President, that this policy had totally failed; it had failed, because our country would not dishonor itself by surrendering one of the most important rights incidental to sovereignty. Although we had observed a course towards the Patriots, as Mr. Gallatin said in his communication read yesterday, greatly exceeding in rigor the course pursued towards them either by France or England; altho', also, as was remarked by the Secretary of State, we had observed a neutrality so strict that blood had been spilt in enforcing it—still, Spanish honor was not satisfied, and fresh sacrifices were demanded of us. If they were resisted in form, they were substantially yielded by our course as to South America. We will not stipulate with Spain not to recognize the Independence of the South; but we nevertheless grant to her all she demands.
Mr. C. said, it had been his intention to have gone into a general view of the course of policy which has characterized the general government; but, on account of the lateness of the session, and the desire for an early adjournment, he should wave [sic] that purpose, and, in the observations he had to make, confine himself pretty much to events subsequent to the period at which he had submitted to the House a proposition having nearly the same objects as this. After the return of our Commissioners from South America; after they had all agreed in attesting the fact of independent sovereignty being exercised by the government of Buenos Ayres, the whole nation looked forward to the recognition of the independence of that country as the policy which the government ought to pursue. He appealed to every member to say, whether there was not a general opinion, in case the report of that mission should turn out as it did, that the recognition of the independence of that government would follow as a matter of course. The surprise at a different course being pursued by the Executive at the last session, was proportionally great. On this subject, so strong was the message of the President at the commencement of the present session, that some of the presses took it for granted, that the recognition would follow of course, and a paper in this neighborhood had said there was, in regard to that question, a race of popularity between the President of the United States and the humble individual who now addressed the House. Yet, faithless Ferdinand refuses to ratify his own Treaty, on the pretext of violations of our neutrality, but, in fact; because we will not basely surrender an important attribute of sovereignty. Two years ago, Mr. C. said, would, in his opinion, have been the proper time for recognizing the independence of the South. Then the struggle was somewhat doubtful, and a kind office on the part of this government would have had a salutary effect. Since that period, what had occurred? Any thing to prevent a recognition of their independence, or to make it less expedient? No; every occurrence tended to prove the capacity of that country to maintain its independence. Mr. C. then successively adverted to the battles of Maipu and Bojaca, their great brilliancy, and their important consequences. Adverting to the union of Venezuela and New Grenada in one Republic, he said one of their first acts was to appoint one of their most distinguished citizens, the Vice President Zea, a Minister to this country. There was a time, he said, when impressions are made on individuals and nations, by kindness towards them, which last forever—when they are surrounded with enemies, and embarrassments present themselves. Ages and ages may pass away, said Mr. C. before we forget the help we received, in our day of peril, from the hands of France. Her injustice, the tyranny of a despot, may alienate us for a time; but, the moment it
ceases, we relapse into a good feeling towards her. Do you mean to wait, said Mr. C. until these Republics are recognized by the whole world, and then step in and extend your hand to them when it can no longer be withheld? If we are to believe Gen. Vives, we have gone about among foreign powers, and consulted with Lord Castlereagh and Count Nesselrode, to seek some aid in recognizing the independence of these powers. What! after the President has told us that the recognition of the independence of nations is an incontestable right of sovereignty, shall we lag behind till the European powers think proper to advance? The President had assigned, as a reason for abstaining from the recognition, that the Congress of Aix-la-Chapelle might taken offence at it. So far from such an usurped interference being a reason for stopping, Mr. C. said, he would have exerted the right the sooner for it. But, the Congress of Aix-la-Chapelle had refused to interfere, and on that point the President was mistaken. Spain, it was true, had gone about begging the nations of Europe not to interfere in behalf of the South Americans; but the wishes of the whole unbiased world must be in their favor. And while we had gone on, passing neutrality bill after neutrality bill, and bills to punish piracy—with respect to unquestioned piracy, no one, Mr. C. said, was more in favor of punishing it than he; but he had no idea of imputing piracy to men fighting under the flag of a people at war for independence—whilst we had pursued this course even in advance of the legimates of Europe, what, he asked, had been the course of England herself on this head? Here Mr. C. quoted a few passages from the work of the Abbe de Pradt, recently translated by one of our citizens, which, he said, though the author was not very popular among crowned heads, no man could read without being enlightened and instructed. These passages dwelt on the importance of the commerce of South America, when freed from its present restraints, &c. What would I give, exclaimed Mr. Clay, could we appreciate the advantages which may be realized by pursuing the course which I propose! It is in our power to create a system of which we shall be the centre, and in which all South America will act with us. In respect to commerce, we should be most benefited: this country would become the place of deposit of the commerce of the world. Our citizens engaged in foreign trade were at present disheartened by the condition of that trade: they must seek new channels for it—and none so advantageous could be found, as those which the trade with South America would afford. Mr. C. took a prospective view of the growth of wealth, and increase of population of this country and of South America. That country had now a population of upwards of eighteen millions. The same activity of the principle of popula-
tion would exist in that country as here. Twenty-five years hence its population might be estimated at thirty-six millions; fifty years hence, at seventy-two millions. We now have a population of ten millions. From the character of our population, we must always take the lead in the prosecution of commerce and manufactures. Imagine the vast power of the two countries, and the value of the intercourse between them, when we shall have a population of forty millions, and they of seventy millions! In relation to South America, the people of the United States will occupy the same position as the people of New England do to the rest of the United States. Our enterprise, industry, and habits of economy, will give us the advantage in any competition which South America may sustain with us, &c.

But however important our early recognition of the Independence of the South might be to us, as respects our commercial and manufacturing interests, was there not another view of the subject, infinitely more gratifying? We should become the centre of a system which would constitute the rallying point of human freedom against all the despotism of the Old World. Did any man doubt the feelings of the South towards us? In spite of our coldness towards them, of the rigor of our laws, and the conduct of our officers, their hearts still turned towards us, as to their brethren; and he had no earthly doubt, if our government would take the lead and recognize them, that they would become yet more anxious to imitate our Institutions, and to secure to themselves and to their posterity the same freedom which we enjoy.

On a subject of this sort, Mr. C. asked, was it possible we could be content to remain, as we now were, looking anxiously to Europe, watching the eyes of Lord Castlereagh, and getting scraps of letters doubtfully indicative of his wishes; and sending to the Czar of Russia, and getting another scrap from Count Nesselrode? Why not proceed to act on our own responsibility, and recognize these governments as independent, instead of taking the lead of the Holy Alliance in a course which jeopardizes the happiness of unborn millions? Mr. C. deprecated this deference for foreign powers. If Lord Castlereagh says we may recognize, we do; if not, we do not. A single expression of the British Minister to the present Secretary of State, then our Minister abroad, he was ashamed to say, had moulded the policy of our government towards South America—an expression which, like Mr. Adams’s definition of Republicanism, had been construed to mean any thing or nothing. We look too much abroad, Mr. C. said. You may find our Minister in England at one time at the door of the Horse Guards, and the next moment in Paternoster-Row, purchasing literature for this country. Our
Institutions, said Mr. C. now make us free; but, how long shall we continue so, if we mould our opinions on those of Europe? Let us break these commercial and political fetters; let us no longer watch the nod of any European politician; let us become real and true Americans, and place ourselves at the head of the American system.\(^{17}\)

Gentlemen all said, they were all anxious to see the independence of the South established. If sympathy for them was enough, the Patriots would have reason to be satisfied with the abundant expressions of it. But something more was wanting. Some gentlemen had intimated that the people of the South were unfit for freedom. Will gentlemen contend, said Mr. C. because those people are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say, that the people of South America were in advance of us. On the point which had been so much discussed on this floor during the present session, they were greatly in advance of us. Grenada, Venezuela, and Buenos Ayres had all emancipated their slaves.\(^{18}\) He did not say that we ought to do so, or that they ought to have done so, under different circumstances; but he rejoiced that circumstances were such as to permit them to do it.

Two questions only, Mr. Clay argued, were necessarily preliminary to the recognition of the independence of the People of the South: first, as to the fact of their independence; and, secondly, as to their capacity for self government. On the first point, not a doubt existed. On the second, there was every evidence in their favor. They had fostered schools with great care; there were more newspapers in the single town of Buenos Ayres (at the time he was speaking) than in the whole kingdom of Spain. He never saw a question discussed with more ability than that in a newspaper of Buenos Ayres, whether a federative or consolidated form of government was best.

But, though every argument in favor of the recognition should be admitted to be just, it would be said that another revolution had occurred in Spain, and we ought therefore to delay. On the contrary, Mr. C. said, every consideration recommended us now to act. If Spain succeeded in establishing her freedom, the Colonies must also be free. The first desire of a government, itself free, must be to give liberty to its dependencies. On the other hand, if Spain should not succeed in gaining freedom, no man could doubt that Spain, in her reduced state, would no longer have power to carry on the contest. So many millions of men could not be subjugated by the enervated arm and exhausted means of aged Spain. In ten years of war, the most unimportant province of South America had not been subdued
by all the wealth and all the resources of Spain. The certainty of
the successful resistance of the attempts of Spain to reduce them
would be found in the great extent of the Provinces of South
America—of larger extent than all the Empire of Russia. The rela-
tion of the Colonies and mother country could not exist, from the
nature of things, under whatever aspect the government of Spain
might assume. The condition of Spain was no reason for neglecting
now to do what we ought to have done long ago. Every thing, on
the contrary, tended to prove that this, this was the accepted time.

With regard to the form of his proposition, Mr. C. said, all he
wanted was to obtain an expression of the opinion of the house on
this subject; and whether a Minister should be authorized to one
or the other of these governments, or whether he should be of one
grade or of another, he cared not. This Republic, with the exception
of the People of South America, constituted the sole depository of
political and religious freedom: and can it be possible, said he, that
we can remain passive spectators of the struggle of those People to
break the same chains which once bound us? The opinion of the
friends of Freedom in Europe is, that our policy has been cold,
heartless, and indifferent towards the greatest cause which could
possibly engage our affections and enlist our feelings in its behalf.

Mr. C. concluded by saying that, whatever might be the decision
of this house on this question, proposing shortly to go into retire-
ment from public life, he should there have the consolation of
knowing that he had used his best exertions in favor of a People
inhabiting a territory calculated to contain as many souls as the
whole of Christendom besides, whose happiness was at stake, and
which it was in the power of this government to do so much towards
securing.19

Washington National Intelligencer, September 6, 1820. Published also in Lexington
Kentucky Reporter, September 20, 1820; Mallory, Life and Speeches of the Hon.
Henry Clay, I, 482-87; Colton, Life, Correspondence, and Speeches of Henry Clay, V,
289-44; Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2223-29. The House, in Committee
of the Whole on the state of the Union, had taken up the resolutions offered by
Clay on April 4.
1 The bill had been passed on May 2 and sent to the Senate, where it was laid on
the table, May 15, the day Congress adjourned.
2 During a visit by the royal party aboard the recently commissioned American line-
of-battle ship Franklin on May 18, 1819, the Grand-Master of the Empress of Austria
had broken his leg in a fall down the main hatchway. Dr. Thomas B. Salter, the
ship’s surgeon, had set the leg. On the following day the Emperor had sent the
doctor a purse of one hundred doubloons ($1,500), which Salter had returned with
the statement that “he was an American officer, and had done nothing but his
duty.” Lexington Kentucky Gazette, September 8, 1819, reprinting a dispatch from the
Georgetown, D.C., Messenger; Jonathan Russell, “Journal, 1818-1819,” in Massachusetts
Historical Society, Proceedings, LII (June, 1918), 490-91.
3 See above, Remarks, March 18, 1818, n.25.
4 Captain Biddle, on his return voyage, had transported $41,000 from Lima to
merchants in New York and $160,000 from Lima to Rio de Janeiro. These funds,
Biddle insisted, were privately owned. American State Papers, Naval Affairs, I, 667, 671.
5 In a special message on May 9 President Monroe had reported to Congress that
the Minister who had recently arrived from Spain (see above, Clay to Russell, April 10, 1820) had not brought with him ratification of the Adams-De Onís treaty, had no authority to surrender Florida, and had come for the purpose of making complaints and demanding explanations regarding alleged hostility in the United States toward "the subjects and dominions of Spain." The President had refused even to discuss with him a proposed condition to ratification of the treaty that the United States should promise not to recognize the revolutionary governments in South America. In his message, instead of proposing action Monroe had referred to the recent political upheaval that had occurred in Spain (see above, Clay to Brackenridge, March 7, 1820, note), expressed hope that the change would result in speedy and satisfactory settlement of our differences with that country, and advised postponing a decision on the matter until the next Session of Congress. Annals of Cong., 16 Cong., 1 Sess., XXXVI, 2216-18.

6 Among the documents accompanying the President's message of May 9 had been a letter from Albert Gallatin to the Secretary of State, February 15, 1820, concerning a visit by General Vives to Paris on his way to America. Gallatin reported that he had told the General "that he might rely on the determination of the United States to preserve their neutrality, and not less on the manner in which the laws for enforcing it were executed, than on the tenor of those laws, which, I observed, were, and had always been, more full and efficient than those of either England or France on the same subject. ..." House Docs., 16 Cong., 1 Sess., no. 120, p. 31.

7 In a letter to Vives on May 3, 1820, Adams had pointed out that the United States had maintained a strictly neutral policy with relation to the war between Spain and the South American provinces. "Spanish property, illegally captured, has been constantly restored by the decisions of the tribunals of the United States: nor has the life itself been spared of individuals guilty of piracy, committed upon Spanish property on the high seas." Ibid., 17.

8 See above, Motion and Speech, March 24-25, 1818.

9 Cf. above, Clay to Brackenridge, August 18, 1818.

10 Newspaper not identified.

11 A victory over the Spaniards at Boyacá, August 7, 1819, had won independence for New Granada.

12 The Congress of Venezuela on December 17, 1819, had declared the republics of Venezuela and New Granada united as the Republic of Colombia. Francisco Antonio Zea, who had been President of that Congress as well as Vice President and President pro tem of Venezuela, was expected to come to the United States as envoy extraordinary but went to Europe instead. Manning (arr.), Diplomatic Correspondence . . . Latin American Nations, II, 1177, 1206-1208 note, 1210-11; Niles' Weekly Register, XVII (February 19, 1820), 429; Charles Carroll Griffin, The United States and the Disruption of the Spanish Empire, 1810-1822, A Study of the Relations of the United States with Spain and with the Rebel Spanish Colonies (New York, 1957), 254.

13 In a letter to Adams, May 5, 1820, Vives had said that it was well known to the King of Spain that European governments, "so far from being disposed to wish to recognize the insurgent governments of the Spanish colonies, had declined the invitation intimated to them some time past by yours, to acknowledge the pretended republic of Buenos Ayres." House Docs., 16 Cong., 1 Sess., no. 120, p. 20.

14 See above, Remarks, February 10, 1819, n. 2.

15 Dominique Georges Frédéric de Riom de Prolhiac de Fourt de Pradt, Europe after the Congress of Aix-la-Chapelle; Forming the Sequel to the Congress of Vienna (trans., with notes, by George Alexander Otis: Philadelphia, 1820). De Pradt, a French archbishop and friend of Thomas Jefferson, was sympathetic toward the revolution in America. His work on the Congress of Vienna had been published in Paris in 1815 and had appeared in an American edition in 1816. Otis was a Boston lawyer.

16 See above, Clay to Russell, March 24, 1820.

17 This is Clay's first recorded use of the phrase "American System," though the concept had been expressed earlier, notably in his speech of March 24-25, 1818.

18 Simón Bolívar had issued two proclamations of emancipation in 1816 and a third two years later. After the formation of the Republic of Colombia, the Congress of Angostura in January, 1820, had adopted a decree providing for gradual emancipation and prohibition of the slave trade, though the measure was not enforced until enabling legislation was enacted at the next Congress, in 1821. A system of gradual emancipation had been adopted by the government of Buenos Aires in 1812. Final abolition of slavery, however, did not occur in either of these states until years later. Cf. above, Motion and Speech, March 24-25, 1818. After the defeat followed Clay's remarks, after which the resolution was reported to the House. Efforts to amend it and to table it were defeated. It was adopted by a margin of five votes.
Resolution on Reduction of the Army

[May 11, 1820]

Resolved that the Secretary of War be directed to report to this House, at the next Session a plan for the reduction of the Army to 6,000, preserving such parts of the Corps of Engineers as, in his opinion, without regard to that number, it may be for the public interest to retain; and also what saving of the public revenue will be produced by such an arrangement of the army as he may propose in conformity to this resolution.

Resolution of Thanks from the House of Representatives

[May 15, 1820]

Resolved unanimously by the House of Representatives of the United States of America that the thanks of this House be given to the Honble. Henry Clay Speaker thereof for the Dignity ability and impartiality [sic] with which he has discharged the Duties of that Station

Response to Resolution of Thanks

[May 15, 1820]

Gentlemen: The House of Representatives has, on former occasions, honored me by a vote of its thanks. I then felt that the sole claim which I had to a testimony of the public approbation so distinguished, was the zeal with which I have ever sought to discharge the highly responsible duties of the chair; and I am now sensible that I am indebted to your belief of the continued exertion of that zeal for the fresh proof of your favorable sentiments towards me, in the resolution which you have just adopted.
If, gentlemen, the traveller parts with regret from those agreeable acquaintances which he casually makes, as he journeys on his way, how much more painful must be the separation of those who have co-operated many months in the anxious endeavor to advance the prosperity of a common country; who have been animated by mutual sympathies; and who have become endeared to each other by an interchange of all the friendly offices incident to the freest social intercourse? Addressing you as I now do, probably the last time from this place, I confess I feel a degree of emotion which I am utterly unable to express. I shall carry with me into that retirement which is necessary to the performance of indispensable private duties, a grateful recollection of all your kindnesses; of the respectful and affectionate consideration of me, which you have always evinced; of the generous, and almost unlimited confidence which you have ever reposed in me; and of the tenderness with which you have treated even my errors. But, interesting as have been the relations in which I have stood, for many years, to this house, I have yet higher motives for continuing to behold it with the deepest solicitude. I shall regard it as the great depository of the most important powers of our excellent constitution; as the watchful and faithful sentinel of the freedom of the people; as the fairest and truest image of their deliberate will and wishes; and as that branch of the government where, if our beloved country shall unhappily be destined to add another to the long list of melancholy examples of the loss of public liberty, we shall witness its last struggles and its expiring throes.

Gentlemen, I beg you to carry with you my sincerest wishes for your individual happiness, and the prosperity of your respective families.


To John Q. Adams

Dr Sir [ca. May 19, 1820]

A Mr. Deabbate,¹ who has brought a letter of introduction to me, as Consul General of Sardinia, appearing to be a stranger alike to persons and to etiquette at this place, I have said to him that I will present him to you, at your house, tomorrow morning at nine O Clock, if agreeable to you? In mentioning so early an hour I was obliged to conform to the relation in which I stand to the House of R. Will you do me the favor to say if it will be convenient to you to receive him? With great respect I am faithfully Yrs.

The Honble Mr. Adams. Friday evening

H. Clay
From John Jacob Astor

Florence 20 May 1820

I was much pleased to receive [sic] in Naples the letter which you were so good as to write to me from Washington—in which I was happy to see that there was no prospect of any war. I suppose the new State of things in Spain will not change our relation with that country for the worst. In Europe the Revolution is adored & admired. By all who are not in government pay in Naples it has excited much fear. So much so that several persons have been privately executed & I rather think that in less than 12 months the Spirit of Liberty will again show itself on this Continent, & should not be surprised to see a general excitement which may be beneficial to our country. Where I understand business is pretty bad, & every article except money receding in value. I fear that some of the land speculations will not turn out so well as was expected in our city I understand property has fallen greatly.

I have remitted to my son my bill on you for one year's interest $1400 with 60 days interest added on your bond to me which you will have the goodness to pay. I am very respectfully your obedient servant.

John Jacob Astor

The Hon'ble Henry Clay

PS. the 60 days interest added are on the $1400 due the first of Augt which I have extended to the 1 of Octr Supposing it to be equally agreeable to you—

ALS. DLC-TJC (DNA, M212, R12). Early in June, 1819, Astor, for reasons of health, had sailed for Europe, where he remained until the spring of 1822. His New York office was left in the hands of his son, William B. Astor, who since 1818 had been junior partner in the firm John Jacob Astor and Son.

1 Not found. 2 See above, Clay to Brackenridge, March 7, 1820.

3 Early in July, 1820, a revolution broke out in Naples, where King Ferdinand I of the Two Sicilies was forced to accept a constitution modeled after that of Spain. In 1821 a revolt in Piedmont led to the abdication of King Victor Emmanuel I in favor of his brother, Charles Felix. Meanwhile, under the leadership of Metternich, the “Concert of Europe” rallied to suppress revolution and restore monarchs to their former powers.

4 Astor had large real estate holdings on Manhattan Island and owned much land in Lower Canada, the back country of New York State, and the American West.

5 Cf. above, Mortgage Deed, April 10, 1819.
take this early opportunity (should you not have been previously engaged against me) to Solicit your assistance in Some Suits I have in Kentucky—Rob Wickloff [sic] & John Howe Esqrs. have charge of them at present—I have this day written Mr Howe at Louisville directing him to apply to you immediately on your return from Washington, in the hope that you will not have been engaged against me. before you receive this.

I am very Respectfully Your Obdt. Svt.                      JAS. D’Wolf

LS. DLC-TJC (DNA, M212, R12). De Wolf, merchant, ship owner, slave trader, and textile manufacturer, was for many years a member of the Rhode Island House of Representatives and, from 1821 to 1825, served in the United States Senate. 1 Probably De Wolf’s nephew, a Bristol, Rhode Island, lawyer, later collector of the Port of Bristol.

Account with Thomas Smith

1819

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept.</td>
<td>To adv. for Bk. Stock</td>
<td>$1.50</td>
</tr>
<tr>
<td>Oct.</td>
<td>To adv. Bull Ambassadore</td>
<td>$3.50</td>
</tr>
<tr>
<td>Nov.</td>
<td>To cash to Thos. Clay $10 do Theo: C. $10</td>
<td>20 &quot;</td>
</tr>
<tr>
<td>Dec.</td>
<td>To do for a cheese at Market for Mrs. C.</td>
<td>1 33 1/3</td>
</tr>
<tr>
<td></td>
<td>To mds. at Winter’s3 Store for Thos. &amp; Theo.</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>To Cash, McCullough4 for Tailoring for boys</td>
<td>1975</td>
</tr>
<tr>
<td></td>
<td>To Cash, Mrs. Clay’s order</td>
<td>20 &quot;</td>
</tr>
</tbody>
</table>

1820

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan.</td>
<td>To do. your note to H. Wood5</td>
<td>85 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. for buttons for Mrs. Clay</td>
<td>75 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Thos. &amp; Theo.s’ ball club at Darrac’s6</td>
<td>4 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Kane, tailor7</td>
<td>2350</td>
</tr>
<tr>
<td></td>
<td>To do. And. F. Price</td>
<td>108 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. for Clover Seed</td>
<td>10 &quot;</td>
</tr>
<tr>
<td>Feb.</td>
<td>To do. Thos. E. Boswell &amp; Co</td>
<td>220 &quot;8</td>
</tr>
<tr>
<td></td>
<td>To do. Miss Repinger9</td>
<td>30 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Mrs. Clay</td>
<td>25 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Megowan10 for Steps to house occd. by me</td>
<td>5 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Mrs. Clay</td>
<td>10 &quot;</td>
</tr>
<tr>
<td></td>
<td>To adv. House and Store rooms11</td>
<td>3 &quot;</td>
</tr>
<tr>
<td>Mar.</td>
<td>To Cash, Mrs. Clay for Miss Repinger</td>
<td>133 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Caldwell’s12 bill of repairs</td>
<td>987 1/2</td>
</tr>
<tr>
<td></td>
<td>To do. Mr Berthoud13 for freight &amp;c. of 3 boxes</td>
<td>482</td>
</tr>
<tr>
<td></td>
<td>To do. for 6 pocket H.H.kfs.</td>
<td>675</td>
</tr>
<tr>
<td></td>
<td>To do. Grimes14 Mrs. C’s order</td>
<td>40 75</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>June</td>
<td>To do. Mrs. Clay</td>
<td>40 &quot;</td>
</tr>
<tr>
<td>June</td>
<td>To do. Mr. Wenzel</td>
<td>81 25 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Bonnet for Miss Clay</td>
<td>24 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do. Mrs. Clay</td>
<td>5 &quot;</td>
</tr>
<tr>
<td>April</td>
<td>To do. bill on McDonald &amp; Ridgeley [sic]</td>
<td>1120 &quot;</td>
</tr>
<tr>
<td>April</td>
<td>To do. University</td>
<td>91 04 &quot;</td>
</tr>
<tr>
<td>May</td>
<td>To do Legrand &amp; Bentley</td>
<td>64 43 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do Specie deposit in F. &amp; M's Bank [sic]</td>
<td>64 67 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do Saunders' [sic] (Milliner)</td>
<td>1 50 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do Mrs. Hart, Sen.</td>
<td>45 &quot;</td>
</tr>
<tr>
<td></td>
<td>To do Mrs. Clay for pr. Shoes</td>
<td>2 50 &quot;</td>
</tr>
<tr>
<td>June</td>
<td>To do order to Wagoner</td>
<td>13 &quot;</td>
</tr>
<tr>
<td></td>
<td>Brashears' [sic] Sub.</td>
<td>3 &quot;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct.</td>
<td>With Tho. Smith</td>
<td>Cr</td>
</tr>
<tr>
<td></td>
<td>By 6 cords 24 feet Wood</td>
<td>$ 15 50</td>
</tr>
<tr>
<td>Nov.</td>
<td>By cash of Leslie Combs</td>
<td>37 50 &quot;</td>
</tr>
<tr>
<td>De.</td>
<td>By do of Athanaeum [sic] in part</td>
<td>55 &quot;</td>
</tr>
<tr>
<td></td>
<td>By do of Deverin</td>
<td>50 &quot;</td>
</tr>
<tr>
<td>1820.</td>
<td>By do of Banton</td>
<td>57 &quot;</td>
</tr>
<tr>
<td>Jan.</td>
<td>By do of McCullough</td>
<td>62 50 &quot;</td>
</tr>
<tr>
<td>Feb.</td>
<td>By do of Combs (2d qr.)</td>
<td>37 50 &quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; By do of Capt. Hawes</td>
<td>25 &quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; By do of Col. Whaley</td>
<td>40 62 1/2</td>
</tr>
<tr>
<td></td>
<td>&quot; By do. balance of Athanaeum</td>
<td>20 &quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; By do of Worsley &amp; Smith</td>
<td>125 &quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; By do of N. Nicholas</td>
<td>25 &quot;</td>
</tr>
<tr>
<td>Mar.</td>
<td>By do of McCullough</td>
<td>62 50 &quot;</td>
</tr>
<tr>
<td></td>
<td>By do of Jo. Taylor</td>
<td>100 &quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; By do check of Mrs. Clay</td>
<td>200 &quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; By do of Deverin 2d. qr.</td>
<td>62 50 &quot;</td>
</tr>
<tr>
<td></td>
<td>9 By do Athanaeum 2d. qr. in part</td>
<td>50 &quot;</td>
</tr>
<tr>
<td></td>
<td>10 By do of W. S. Dallam</td>
<td>50 &quot;</td>
</tr>
<tr>
<td></td>
<td>15 By do of Le Grand two quarters</td>
<td>125 &quot;</td>
</tr>
<tr>
<td></td>
<td>By do of Dr Caldwell</td>
<td>25 &quot;</td>
</tr>
<tr>
<td></td>
<td>By do of Somebody for a tree on town lot</td>
<td>1 25 &quot;</td>
</tr>
<tr>
<td></td>
<td>By do for Sugar purchased by Pollock [sic]</td>
<td>41 80 &quot;</td>
</tr>
<tr>
<td>April</td>
<td>7 By do for do purchased by Wickliffe [sic]</td>
<td>45 68 &quot;</td>
</tr>
<tr>
<td>10</td>
<td>By Higgins &amp; Pritchatt's [sic] note $44.53 discounted</td>
<td>44 &quot;</td>
</tr>
<tr>
<td></td>
<td>&quot; By Smith &amp; Todd's note</td>
<td>242 83 &quot;</td>
</tr>
<tr>
<td>20</td>
<td>By Cash, dividend at Frankfort b'k.</td>
<td>222 &quot;</td>
</tr>
<tr>
<td>21</td>
<td>By do for Sugar pr. Stephen Young [sic]</td>
<td>80 75 &quot;</td>
</tr>
<tr>
<td></td>
<td>By do of Legrand for last sales of Sugar</td>
<td>300 &quot;</td>
</tr>
</tbody>
</table>

\[\text{\$2393} \text{91}\frac{1}{2} \text{[sic]}\]
By do of O. Henley for 2 bbls. Sugar


By do rec'd at B. B. from sundry purchasers of S.

By cash of L. Combs for 3d qrs rent . . .

By do of Col. Whaley 2d. qr . . . .

By do am't paid for T. S. at Washington .

By do 1 Bbl. Sugar sold Hamilton

D. DLC-TJC (DNA, M212, R15).

1 An advertisement dated August 18 had offered 66 per cent for fifty or sixty shares of Kentucky Bank Stock on application "to the editor of the Reporter." Lexington Kentucky Reporter, August 18, 1819.

2 See above, Advertisement, August 18, 1819.

3 Elisha I. Winter.

4 Lawson McCullough.

5 Henry Wood, a resident of Fayette County.

6 John Darrac, "Professor of Dancing," conducted a dancing school and ballroom in an "elegant room formerly of the Kentucky Hotel."

7 Thomas Kane, whose tailoring shop was located on Cheapside in Lexington.

8 See above, Order, November 15, 1819.

9 Not identified.

10 David Megowan.

11 The advertisement had offered for rent on application to the printer: "A DWELLING HOUSE well fitted for a small family, situated in a convenient and pleasant part of the town, now occupied by Richard Hawes, esq. Also, the store rooms, on Short-street, lately occupied by Mess. Shreve and Combs." Lexington Kentucky Reporter, December 29, 1819.

12 Probably work that had been done for Dr. Charles Caldwell.

13 Nicholas Berthoud.

14 Probably Robert Grimes.

15 John C. Winzell, who operated a music store on Mulberry Street, near Main, in Lexington.

16 Probably Susan Hart Clay.

17 Transylvania.

18 See above, Account, April 24, 1820.

19 Farmers and Mechanics' Bank.

20 Mrs. Catherine Saunders, whose millinery store was located on Main Street, Lexington.

21 Susannah Hart.

22 Not identified.

23 Possibly Dr. Walter Brashear, Lexington, formerly of Bardstown, Kentucky. He later moved to Louisiana, where he was prominent as a planter and local politician. No suit found.

24 Except for the credits by payments of Joseph Taylor (see above, Account, March 30, 1819) and Mrs. Clay on March 2, the entries below through the first two on March 15 result from the collection of rents. See above, Memorandum, ca. November 15, 1819.

25 Possibly William Pollock.

26 Robert Wickliffe.

27 Lexington mercantile firm, located at Main and Mulberry streets, composed of Richard Higgins and William Pritchartt.

28 Bird Smith and Robert S. Tod. 1

29 "Retailer of Liquors, Mill Street," Lexington.

30 Thomas Smith.

31 Probably James Hamilton, another liquor dealer, located on Upper Street, Lexington.

From Charles Wilkins and Others

TO THE HON. HENRY CLAY.

Lex. June 2, 1820.

SIR—At a meeting of a large and respectable portion of your fellow citizens, the undersigned were appointed a committee to invite you to partake of a public dinner, to be given at Capt. Fowler's garden on Wednesday next, in testimony of the high estimation which is entertained by your constituents of your conduct as a faithful,
indefatigable, and independent representative of their interests, and an able and patriotic advocate of the rights and dignity of the nation.

We avail ourselves of this occasion, to offer you our most cordial congratulations upon your safe return to the bosom of your family, and the society of your friends and neighbours; but we regret extremely, your determination to retire from public life, and this regret would be increased, were we not convinced that this determination did not proceed from any disposition on your part, to abandon those great points of national policy, which you have uniformly so ably and strenuously advocated. On the part of our fellow citizens, we feel authorised to say, that your patriotic and independent course on all subjects which came under the consideration of that department of our government where you have so long occupied a distinguished situation, merits and receives their most unqualified approbation, Your fellow citizens, &c.

CHAS. WILKINS,
JOHN H. MORTON,
E. WARFIELD,
JOHN BRAND,
THO. W. HAWKINS.1

Lexington Kentucky Reporter, June 14, 1820, reprinted from Lexington Monitor, June 13, 1820.
1 Clerk of the Lexington branch, Bank of the United States.

To Charles Wilkins and Others

Gentlemen,

I have received the invitation which, as a committee of a large and respectable portion of my fellow citizens, you have done me the honor to give me to a public dinner, at Capt. Fowler’s garden, on Wednesday next. I accept it with much pleasure. Placing the highest value upon the deliberate approbation of the public, and particularly that part of it with whose interests I have been more immediately charged, I derive very great satisfaction from the favorable testimonies which your note contains. The rights of this nation, in respect to foreign powers, having been successfully vindicated, in the effects of the late war, if not in the express terms of the treaty which concluded it, it appeared to me desirable, on the restoration of peace, that the constitution should be so administered as to develop and improve in the most advantageous manner practicable, the internal resources of our country, and to circumscribe yet further, if not eradicate, the influence of Europe upon America. It was, in part, with these views that I have constantly employed my humble endeavors to promote internal improvements, to encourage home manufactures, and to recognize such
of the governments of South America as have established their independence. It seemed to me, that by the accomplishment of these objects, we should strengthen our union, lay broad foundations of a genuine American policy, and, leaving still ample scope for all beneficial relations to Europe, limit more and more that moral and commercial control which it has too often perniciously exercised over the New World. My constituents have rendered an honorable and magnanimous support to my exertions, which has sustained me and given me a confidence under all circumstances; nor are we without cause of much satisfaction, in the degree of success which those great interests have commanded—a success which fully authorizes the hope that, sooner or later, they must entirely prevail.

You are right in supposing that my determination to retire from the house of representatives does not proceed from any disposition on my part, to abandon those great points of national policy which, in conjunction with other persons, I have sought to establish. In whatever condition, public or private, I may be placed, I will yield to no one in a zealous and faithful endeavor to secure them. The just claims of a large family, and the attention which is necessary to my private affairs, after such long, frequent, and distant separations from them, form the considerations which have induced me to decline soliciting the honor of the suffrages of my constituents, at the approaching election.

I thank you, gentlemen, for your friendly congratulations, upon my safe arrival at home; and I pray you, severally, to accept the sincere assurances of my cordial esteem, and of the honor with which, I am your obedient servant,

H. CLAY.


Lexington Kentucky Reporter, June 14, 1820, reprinted from Lexington Monitor, June 13, 1820.

To John Q. Adams

Sir

Lexn. 3 June 1820.

Mr. Mariano,¹ who will deliver you this letter, is an Italian gentleman who has spent the two last years in this place, having some connexion with the University. He is pronounced by judges much more competent than myself to be an excellent linguist and an uncommonly good Belles Lettres Scholar. I have known him best as an accomplished gentleman in whose society, limited as my acquaintance with him has been, I have experienced much satisfaction. He speaks of going to South America, and being without employment, indulges the hope that he may be useful in some way or other to our Government. If he can be engaged in its service,
I am persuaded that he will be found to possess the requisite qualifications of honor, fidelity and capability. I have the honor to be with great respect Yr. ob. Servt. 

H. CLAY

The Honble Mr. Adams

ALS. MH-Adams Papers. 1P. D. Mariano.

2 Disappointed in his application for employment by the United States, he died in Washington, D.C., in 1821.

Advertisement of Legal Practice

LEXINGT ON, (K.) 5th June, 1820.

I INTEND to recommence the practice of the Law, and for this purpose I shall attend the Court of Appeals, the Circuit Court of the United States at Frankfort, the Circuit Court of the U. States at Columbus in Ohio, and the Fayette Circuit Court. 

H. CLAY.

Lexington Kentucky Reporter, June 7, 1820.

Toast and Speech at Lexington Public Dinner

[June 7, 1820]

11. HENRY CLAY—The friend of liberty, and the able advocate of the rights of man; we regret the loss of his eloquence and usefulness in the councils of the nation.

{Mr. Clay then arose, and expressed his grateful sense of the honour he had received, and of the affection and regard which had uniformly been manifested towards him by his fellow citizens. Nothing, he observed, but a sense of duty the most imperative to himself and his family, could induce him to abandon a situation so agreeable to him as that which he had so long occupied in their service. He was happy to believe, however, that, although in zeal and fidelity he would yield to none, talents, greater than he could devote to their service, might be enlisted by them. He then alluded to the three great topics, which had of late principally claimed his attention in the councils of the nation, viz, Internal Improvement, Domestic Manufactures, and the great cause of Freedom in South America. The first object had not been completely obtained, in consequence of honest doubts and scruples respecting the constitutional powers of Congress in relation to it; yet much had evidently been done towards it by extending a belief of its importance, and increasing the disposition to promote it. The value of domestic manufactures, especially to us in the west, Mr. Clay dwelt upon with considerable emphasis, & expressed a conviction that their encouragement was absolutely essential to our prosperity. On the subject of the struggles in South America, he gave, at some length, his reasons for the zeal he had displayed. He believed the patriots of that coun-
try capable of freedom, he believed they deserved it, and he thought it should have been the pride, as well as the duty, of this country, to have been first to acknowledge their right to it. On this subject he had been supposed materially to differ from the executive. It now appeared that the difference was rather as to the time and the mode, than as to the substance. The executive had been endeavouring, by negotiation, to procure a simultaneous acknowledgement, by the European powers and ourselves, of the independence of South America, while he had been anxious that we should act without delay and without concert with other nations. The only difference therefore was that the executive had been—more prudent perhaps—at least more deliberate than he would have been; that the executive had deemed it proper to pay some regard to the views and wishes of other nations, while his desire had been to pursue a course exclusively American, uninfluenced by the policy of My Lord Castlereagh, Count Nesselrode, or any other of the great men of Europe: but it appeared nevertheless that both he and the executive were directing their efforts to the same great end. Mr. Clay then again alluded to his reasons for declining a re-election, and observed that he had resolved to retain for a time the privilege of resigning or not, as circumstances might require, the remainder of his present term; he again feelingly expressed his sense of encouraging support and flattering degree of confidence he had uniformly received from his constituents, and the peculiar satisfaction he felt at the prospect afforded, by the characters of those brought before the public as candidates for the office he declined, that no injury would result to the community from his retirement.}

Lexington Kentucky Reporter, June 14, 1820, reprinted from Lexington Monitor, June 13, 1820. The toast to Clay and his response were offered at the public dinner, to which he had been invited June 2. It was attended “by a large and respectable portion of the citizens of Lexington and its vicinity.”

1 See above, II, 798n, 805-806.
2 Clay resigned his position as Speaker (below, Clay to Dougherty, October 28, 1820) but retained his seat until the end of the session.

From Robert P. Henry

Dear Sir

I have this day read your advertisement, in which you announce, to the public, your return to the Bar. I have, therefore, recommended, a client, to retain you in a very important land Suit. The record will be forwarded to Frankfort by this mail. The suit is one of the last importance to the plaintiff in Error: His earthly all is involved in its decision:—Having the utmost confidence in your professional ability, I have urged my client to avail himself of the benefit of your services. Mr. Pope is also retained;—He drew the
Original Bill, and can refer to the acts of assembly, the Construction of which must be brought to bear upon the case. Below, is Mr. McComb's note;—Your friend

**Hopkinsville 17th June 1820**

I promise to pay H. Clay, Fifty Dollars, at the decision of a writ of Error, from a judgment of the Christian Circuit Court, in which writ of Error, I am plaintiff and Fidelio C. Sharp & Benjamin P Campbell are defendants; and I further promise to pay the said H. Clay, the sum of Fifty Dollars, as a contingent fee, in case said decision should be in my favour.

**HENRY McCOMB**

**Test. ROBT. P. HENRY**

ALS; with addendum, DS, in Henry's hand. DLC-TJC (DNA, M212, R12). Addressed to Clay at Lexington. After service in the War of 1812, Henry had settled in Christian County, Kentucky, where he became Commonwealth's Attorney. From 1823 to his death in 1826 he was a member of the United States House of Representatives.

1 See above, Advertisement, June 5, 1820. 2 John Pope. 3 The case involved a land dispute between Sharp and McComb. After the lower courts had decided against him, McComb appealed and again lost. George M. Bibb, rather than Clay or Pope, handled the case for McComb when it was taken before the Court of Appeals in April, 1824. 15 Ky. Reports (5 Littell) 16-17. The principals in the dispute were residents of Christian County. Sharp was a highly successful land lawyer.

**To Eldred Simkins**

**Lexington (K) 20 June 1820**

Availing myself of your kind promise to attend to the collection of the amt of my demand upon the late Mrs. Willison, payment of which has been promised by Col. Starke, I now inclose you my account, with the vouchers in support of it. The first item in the account is the note given by Mr Willison for my fees, upon which I have calculated no interest, although it has been due near twenty years. In making application to Col. Starke originally my aim was to obtain reimbursement for advances which I actually made and as I was afraid that even that was doubtful, I said nothing about the note which I held. It is however just that I should receive [sic] it, for it was earned by very laborious [sic] exertions. If Col Starke nevertheless, whose conduct has been highly honourable, makes the slightest objection to the paymt of the note be pleased to withdraw it. The other items of my account consist of the advances which, from time to time, I actually made in payment of the Costs adjudged to the defendants, in consequence of my being surety, with interest from respective dates of them. I do not apprehend any objection to these. The receipts which I took from the defendants are also inclosed. That from Mr Spears you will observe, is an inclusive receipt comprehending the several payments which I made to him at different times. There is a small difference between the amt. I paid Spears, and the amt of costs adjudged to him (the latter being
the greater) owing to one or two small charges which I thought as surety, I was not responsible for.

I shall be greatly obliged to you if you will estimate the interest up to the time of payment and receive the amt. of principal and interest for me.

Be pleased to present my respects to Mrs Si[mkins] and believe me Faithfully & Cordially Yrs.

The Honble Mr Simkins.

P.S. Will you favor me with a line saying if the papers come safe to hand!

H. C.

[Enclosures]

Dr Rebecca Willisson

To H. Clay . . . . . .

To amt. of S. Willisson’s note given to me for my fees in the Circuit Ct. of the U.S. for the K District in two suits one agt. Taylor and the other agt. Spears ($66:66 2/3

(No. 1) . . . . .

To amt. of Taylor’s costs in the suit against him and which I, as your surety for Costs, paid to him per receipt (No 2) . . . . . .

To the interest thereon at the rate of six per Cent from 30th Sept. 1812, the date of the receipt to time of payment.

To this sum paid Spears on a/c of his Costs which I as your surety paid him (No 3)

To int. thereon from 20th Oct. 1812, time of payment by me, to the time of my reimbursement

To this sum paid said Spears on same a/c as above (see document No 3) . . . .

To int. thereon from 26 Apl 1813 to the time of my reimbursement . . . .

To this sum paid said Spears on same a/c as above (see No 3) . . . .

To int. thereon from 18 July 1816 to time of my reimbursement . . . . . . . . . . . . . . . . . .

To this sum also paid said Spears as above

To int. thereon calculated as above from the 25 June 1818 . . . . . . . . . . . . . . . . . . . . . .


The Honble Eldred Simkins is authorized to settle and receipt for the within amount or any part thereof. 20 June 1820

H. Clay.

Recd September 30th 1812. of H. Clay security for Rebecca Willisson, fifty three dollars and eighty Cents being the amount of Costs
JUNE 22, 1820

adjudged to me by the Circuit court of the U. States for the K District in a suit brought by said Rebecca agt. me.

Attest

JOSEPH WELSH. 6

his

JONATHAN X TAYLOR mark

Copy. DLC-HC (DNA, M212, R1). Simkins' home was at Edgefield, South Carolina.
1 Rebecca Willisson.
2 Robert Stark, Secretary of State of South Carolina, had been born in Virginia, had moved to his adopted state at an early age, had fought in the Revolutionary War, and had become a distinguished lawyer. He died in Columbia, South Carolina, in 1830.
3 All copies. In addition to the items here printed, the enclosures included, as No. 3, a copy of the receipt from John Spears, also enclosed above in Clay to Tait, June 25, 1818.
4 Samuel Willisson. 5 See above, I, 41.
6 Of Stanford, Kentucky; member of the State Senate, 1808, 1814-1818.

To Thomas Scott

Lexington 22d. June 1820.

I recd. your favor of the 2d. inst. 1 with the accompanying papers respecting the controversy between the Bank and the State of Ohio, 2 and I have attentively examined them.

I think an injunction, prior to the levying of the Auditor's warrant might be supported; and, even after it was levied, and the money paid into the Treasury of the State, I think an injunction might be maintained at least so far as respects the notes, issued by the B. of the U.S. payable at the parent institution or any of its branches. As to these notes it would perhaps have been advisable to have described them, in the bill of injunction, specifically; and to have prayed that the Treasurer should be enjoined from negotiating them, and finally compelled to surrender them to the Bank to be cancelled or otherwise disposed of according to its pleasure. It appears to me that the injunction was well served on the Auditor, prior to the levying of the warrant, although in fact no formal writ of injunction issued. There being now two bills pending for the same object, we shall probably have to make our election which we will prosecute or to consolidate them, by way of amendment or otherwise.

Without abandoning the remedy by injunction, I think it advisable that we should resort to that also which is to be derived from an action of trespass. The Bank wants two things: 1st. to vindicate its charter and 2dly. to get back its money. If we rely exclusively upon the injunction, neither of those objects may possibly be obtained. Depending upon both remedies we shall certainly secure the first, if not the second of those objects. Nor is there any incompatibility in the pursuit of both.
Entertaining this opinion, I think we ought to commence, without any unnecessary loss of time, an action of trespass, as I understand the one formerly brought is no longer pending. The defendants to be included in the action, as it appears to me, are Ralph Osborne, John L. Harper, Thomas Orr, James McColister, Charles Hammond, and John C. Wright, and any other, if there were other, persons aiding and assisting Harper in the act of levying the warrant. The fact of Mess Hammond and Wright being sureties for Harper, in his bond to the Auditor, independent of their counselling and abetting him, constitutes them accomplices. No notice should be taken in the writ of the official character of Mr. Osborne, nor that of any other of the defendants; nor would I hold them to bail.

I shall by this mail transmit a Copy of this letter to Mr. Cheves, and request him to inform Mr. Creighton if the Bank acquiesces in the propriety of instituting the action of Trespass; and in that case if it also has the concurrence of yourself and the other Counsel, you will be pleased to order the writ accordingly.

With great respect I am faithfly Yrs.  

H. CLAY

Thomas Scott Esq.

P.S. Be pleased to shew this letter to the other Counsel of the Bank.

H.C.

ALS. NeD. Scott, a Chillicothe lawyer, had been secretary of the Ohio Constitutional Convention, a judge on the Ohio Supreme Court, and in 1812, an unsuccessful candidate for governor.

1 Not found.

2 See above, Clay to Cheves, November 14, 1819, note.

3 Harper was leader of the group, including also Orr and McCollister, which had seized the money from the Chillicothe branch of the Bank of the United States.

4 A native of Maryland who had settled in Ohio before the War of 1812, Hammond became an outstanding figure as a lawyer, journalist, and politician. He was a member of the State Senate (1813-1815) and House of Representatives (1817-1821) and from 1823 to his death in 1840 was reporter of the Ohio Supreme Court. He contributed many articles to various newspapers, published the St. Clairsville Ohio Federalist, 1813-1817, and edited the Cincinnati Gazette from 1825 to 1840. An ardent Clay supporter, he edited in 1828 a campaign organ called Truth's Advocate.

Though a Federalist, Hammond was a leader in the attack on the Bank of the United States. As a member of the legislature he had been prominent in formulating the tax on the branches of this institution; as a lawyer he advised State officials in their course of action and represented Osborn before the United States Supreme Court.

5 Associated with Hammond in opposition to the Bank and in the argument before the Supreme Court. Wright, born in Connecticut, had edited a newspaper in Troy, New York, for several years before studying law. After admission to the bar he had begun practice in Steubenville, Ohio. He had received an appointment as United States District Attorney in 1817, was a member of the United States House of Representatives, 1823-1829, and sat on the Ohio Supreme Court, 1831-1835. In the latter year he moved to Cincinnati, where he published the Gazette for thirteen years.

6 See below, this date.

7 William Creighton, Jr., now President of the Chillicothe branch of the Bank of the United States.

To Langdon Cheves

Dr Sir

Lexington 22d. June 1820.

Mr. Scott, one of the Counsel of the Bank of the U.S. in its cause
relative to the seizure of the money in Ohio, has sent me the papers concerning that transaction, and written me a letter, to which I have returned him an answer, of which the inclosed is a Copy.\(^1\) You will observe from it that I think it yet necessary to bring an action of trespass, without relinquishing any advantage which we may be able to make of the injunction or rather injunctions (for there are two bills pending) which have been granted.

When I last had the pleasure of seeing you, at Washington, you were under an impression that the Cause had been argued, and was now only waiting the decision of the Court. The question which was argued, and respecting which the Court has taken time to consider, is whether the Auditor\(^2\) is guilty of a Contempt to the Court in disobeying the first injunction? Now the Court may decide that question agt. us, or if they determine that he ought to have observed the injunction, they may decide that the apology which he offers is sufficient, or, if he be punished, by imprisonment, for the contempt, he may not restore the money. Thus it may happen, some way or other, that the expected decision of the Court will amount to nothing in effect. Even if their decision should in all respects be auspicious, it may possibly happen that the Supreme Court may decide that the Court of Chancery has no right to interfere. The action of trespass is certain, in its remedial form, if not in its efficacy in the restoration of the money. The remedy in chancery, tho' I incline to think it effectual, is not absolutely certain. We may resort to both, and I think we ought to do so. If however the Board think otherwise I shall cheerfully conform to its wishes. Will you be good enough to inform Mr. Creighton of the determination that may be taken with you? I think, most decidedly, that the Auditor, in his private character, ought to be included in the action. I doubted if I should not, without troubling you on the subject, order the action of trespass to be commenced; but I have, upon the whole, thought it best to refer the matter to you, especially as in the former action of trespass the Auditor was not comprehended. With great regard I am faithfully Yrs. \(\text{H. CLAY}\)

Langdon Cheves Esq.

\(^{1}\)See above, this date. \(^{2}\)Ralph Osborn.

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To John Rodgers

Dr Sir \(\text{Lexington (K) 24h. June 1820.}\)

The late Commodore Decatur\(^4\) mentioned to me that the Board would like to contract with some person in the Western Country, during a term of years, for the delivery annually of a quantity of Sail duck manufactured from Flax. I do not remember to have
conversed with any other member of the Board particularly on the subject; but in consequence of the conversation with Com. Decatur I have wrote and spoke to several gentlemen about it. One of these (a Mr. Brand) 2 a very respectable Citizen of this place, who has been long employed in the manufacture of Cotton bagging and other fabrics, has just put several questions on paper, which I take the liberty of inclosing,3 with a request that you will have the goodness to answer them. I will add to his inquiries, what quantity would the Navy Board be disposed to contract for with a manufactory in this quarter? and for what number of years? 

I need not suggest any considerations recommending the increase of the public expenditure in this quarter, because I am persuaded the policy of doing so is sufficiently felt at Washington. But it will not escape your notice that the interest which is felt in the West for the Navy will be increased by the employment of a portion of its industry in providing materials for the service.

With great respect I am Yr. ob. Servt. H. CLAY

[Com]modore Rogers.

ALS. DNA, RG45, Navy Commissioners' Letters Received.
1 Stephen Decatur.
2 John Brand.
3 See below, Rodgers to Clay, July 8, 1820.

To John C. Calhoun

Dr Sir

Inclosed I transmit the schedule &c of Robert Craig,1 a neighbour of mine, made out in conformity to the Pension act of the last Session,2 having for its object the continuation of his pension granted by the U. States to him as a Lieut. in the Revolutionary War. I have no doubt of his being in a state of indigence entitling him to the pension. I have the honor to be with great respect.

Yr. ob. Servt.

H. CLAY

The Honble Mr. Calhoun

ALS. DNA, RG15A (Pension Office), W8641.
1 A lieutenant in the Pennsylvania line during the Revolutionary War. He had been employed by the Lexington town trustees as a watchman in 1803.
2 Which provided that no pensioner under the act of March 18, 1818 (see above, Edwards to Clay, March 5, 1819), should continue to receive payment under that act “until he shall have exhibited to some court of record, in the county, city, or borough, in which he resides, a schedule, subscribed by him, containing his whole estate and income,” and should have taken a prescribed oath. 3 U.S. Stat., 569-70 (May 1, 1820).

Mortgage Deed on Kentucky Hotel

[July 8, 1820]

[Henry Clay grants to the President, Directors, and Company of the Bank of the United States property in Lexington “Beginning
on Short Street at the West corner of James Morrisons Brick house which he now occupies, thence N. East at right angles to Short Street seventy five feet, thence at right angles N. W thirty two feet ten inches, thence at right angles N. East one hundred and fifty Six feet to first or middle Street, thence with said Street N. West fifty nine feet ten inches to Tibbatts lott thence with his lot S. West two hundred and thirty one feet to Short Street thence with Short Street South East ninety two feet eight inches to the Beginning including the tenement building and appurtenances. lately known by the name of the Kentucky Hotell," which property was conveyed to Clay by William Lytle, under deed dated October 10, 1811.

Whereas Clay stands indebted to the Bank of the United States at the Office of Discount and Deposit in Lexington for the sum of $22,000 under a promissory note, if the note is paid in accordance with its terms, the above indenture shall cease and be void.

Signed by Henry and Lucretia Clay; witnessed by Ezekiel Salomon and William Taylor. Recorded August 16, 1820, by J. C. Rodes, Clerk of Fayette County.}

[Endorsement] 2

I do hereby Certify, as Cashier of the office of the Bank of the U. States at Lexington that a debt, due to the said Bank from H. Clay, to secure payment of which a mortgage was executed by him on the 8h. day of July 1820 and acknowledged before the Clerk of the County Court of Fayette on the 16h. day of August following, has been fully paid and satisfied and the said mortgage discharged.

Witness my hand this 8h. day of Decr. 1830. J HARPER CSH.

ADS, signed also by Mrs. Clay. DLC-TJC (DNA, M212, R10).

1 Fayette County Court, Deed Book T, 541-42.

2 ES, in Clay's hand. This deed of release was acknowledged by Harper before Ashton Garrett, deputy to Rodes, December 8, 1830.

From John Rodgers

Sir

The commissioners of the navy have received your Letter of the 24th ult.

The disposition to contract with some responsible person in the western Country for the delivery of a quantity of sail cloth for the use of the navy, as expressed to you by Commre. Decatur, is still entertained by the Commissioners, who, conforming to the known policy & wishes of the Government upon the subject, will with great pleasure, embrace any opportunity that may occur consistently with their duty, of giving to the Citizens of the West a greater proportion of the naval Expenditures than they have hitherto had it in their power to give
They are inclined to the opinion that a well conducted factory of sail cloth in a country where Labor is not dear & where the climate & soil are adapted to the growth of the material of which it is made, and whence it is of easy & cheap, transportation to market, its weight being inconsiderable compared to its value, could not fail to yield ample remuneration for the capital & Labor employed in it.

To enable you to form a satisfactory opinion we proceed to answer the queries you have been pleased to propound upon the subject.

Query 1st: Is sail cloth made of flax or hemp, or both?
Answer. Flax is preferred both for the chain & weft.

Query 2nd. Is Russia or American growth preferred?
Answer. The Riga & the Irish flax are generally considered as equal if not Superior to any other for this purpose.

Query 3rd. Is the yarn spun on the Little wheel or by Machinery?
Answer. By Machinery—

Query 4th. What operation does the yarn go thro' as to boiling or washing before wove, & is it wove by power or hand?
Answer. Both warp & weft yarns are throughly cleansed by steeping in plain hot water, washing & boiling twice with pot and Pearl ashes—The operations of steeping washing & boiling, should it be believed be performed as follow:—

For first boil

1st. The yarns to be steeped, under cover in plain hot water without any admixture of acids or other deleterious substances until fermentation begins to subside which will generally take about 5 days in summer & 8 in spring and autumn—

2nd. When taken out of the steep to be mill washed viz—the warp yarns each mill full 6 minutes—& the weft yarns each mill full 12 minutes

3rd. To be hand washed in a considerable stream of clear running water, or thro' a 5 or 6. inch pipe of clear water, & wrung

4th. to be boiled from 6 to 8 hours according to the strength of the fire (the boiler having neither netting or false bottom.) with the following proportion: of ashes

\[
\text{2 lbs. best American pot} \quad \text{1 lb. best St Petersburgh pear} \\text{ to 48 pounds of yarns}
\]

5th. To be again hand washed as above & wrung

6th. To be put on poles, properly shaken out and hung in the open air where they must remain from 14 to 21. days, as the weather may render necessary, care being taken to turn & shake out the hanks at least every second day

For second boil

1st to be again hand washed as above and wrung
2nd. To be boiled six hours with the following proportion of ashes viz. 2 lbs. best American pearl to 48 lbs of yarns

3rd. To be again hand washed and wrung—

4th. To be put on poles, properly shaken out, and hung in the open air from 7 to 14 days, according to the state of the weather & if not then dry to be dried in a stove, or drying house—& it is now ready to be wove on bobbins, warped, & put in the Loom

None of these operations of preparing the yarns can be performed during the months of November, December, or January—& seldom in February—except it be in very mild and temperate climates

As to the method of weaving, we have to observe that the cloth can be wove equally well, either by power or hand—that to the Government it is immaterial which method be taken—but it appears to us that the manufacturer would find it greatly to his interest to weave by power—The machinery for spinning & weaving can we understand, be obtained on very moderate terms & of the most approved kind at Paterson, N. Jersey—

5th to 8th. Queries—How wide is the cloth—weight of different numbers—price allowed & place of delivery—

Answer. The cloth is 20 inches wide—each bolt contains 40 yards there are 8 numbers used in our service & their weight and price are as follows: No 1 weighs 45 lbs. 6 price $22.50.

2 " 42 . 6 @ $22.25
3 " 39 . 6 @ $22:
4 " 37 . 6 @ $21.75
5 " 33 . 6 @ $19 
6 " 30 . 6 @ $18 
7 " 27 . 6 @ $17 
8 " 24 . 6 @ $16 

The place of delivery must be one of the Atlantic navy yards, where the canvas undergoes inspection—It may be proper to add, that in our contracts for sail cloth, it is required that the cloth shall have "a blue thread on each side one inch from the selvege, that no 1,2,3,4. shall be double threaded—that no 5,6,7,8 shall be single threaded: that no 1,2,3,4,5,6. shall be cross banded every 20 inches, with 5 threads equal in size & strength to ten threads of the same canvas

Query 6. How many bier or Porter, or how many threads is in the chain & is it single or double warp & how many threads is put in the split

Answer. The Samples no 1 to 8 inclusive, herewith sent will enable you to obtain every information upon these points: & we will here observe that these are samples of sail cloth now manufecturing [sic] for the navy at the prices above stated and deliverable at the navy yard at new york—
The method of cross banding will be seen in sample no 1, & we send an additional sample of no 5, shewing the state of the cloth before the sizing, or starch is washed out.

Query 7th. What numbers are most Generally ordered, or in what proportion?
Answer. The proportion in the original equipment of a ship of 74 guns is as follows

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Query 9th. Has the cloth to go thro' any trial as to strength before received
Answer.—It is compared with the samples & must be in all respects equal to them—

Having thus replied, satisfactorily, we hope, to your queries, it has occurred to us that other information, altho' not asked for, might assist you in forming an opinion upon the subject & in that view might not be unacceptable

Altho', as stated in reply to the 1st & 2nd queries, flax is prefered & Riga & Irish flax are generally considered superior to any other, yet surely you can raise flax in great abundance as good as either Riga or Irish flax—America has never yet, it is believed [sic], come into competition with other countries in the flax market: but it is well known that much of our soil & climate generally, are admirably adapted to the culture of flax—& it would, we should think, well repay the Labour of cultivation

Some are of opinion that hemp sown very thick, & pulled at a period to produce a fibre or hurl, on a medium between the ordinary hemp & flax, would be fully as good as flax for all the heavy numbers of canvas—This we should think would be highly profitable to the Agriculturist—& if on experiment it should be found to answer, the manufacturer would probably find it to his advantage to use it in preference to flax—It must however be water rotted—should you be disposed to make the experiment, you may probably draw some useful hints from the enclosed paper no. 1, which shews the method of cultivating & preparing hemp in Russia.—As to the extent and duration of the encouragement which the Government would probably give to a well established factory of canvas in the Western Country, it is impossible to be precise
—This you well know must necessarily depend on a variety of circumstances

At this time the quantity of canvas annually required may be estimated at about 4500 bolts—& if no essential change either increasing or reducing the wants of the navy should take place, this may probably be considered as a fair average estimate but for the three succeeding years, we shall probably require annually 6000 bolts.—This Estimate is predicated upon the supposition [sic] that we shall progress with the building and equipment of the ships directed by the act for “the Gradual Increase” of the navy4 & that a force equal to that now employed will continue to be authorized—But these are matters dependent, as you well know, sir, entirely upon the will of Congress

We have at this time two canvas factories engaged, which produce canvas corresponding with the samples sent you—These can not afford all the canvas required: & if another factory equally good were to be established in Kentucky, we would with great cheerfulness enter into a contract with the proprietors for at least one third of the quantity required & place such factory in all respects upon a footing fully as advantageous as either of the two now employed— with which we make our contracts from year to year, with an assurance that we will continue to contract with them so long as we shall be authorized to do so, provided, they continue to furnish canvas of the quality required & at reasonable rates paying for the canvas as it shall be inspected and received—they delivering in quantities to suit their own Convenience not Less however that [sic] 100 bolts at a time—If desired we would agree to receive and pay for 50 bolts at a time, though it would be rather inconvenient to be receiving such small quantities—The prices as stated, were fixed after much enquiry—& they are believed to be perfectly fair and just—& to yeild to the contractor an adequate profit for his Labor & his Capital—The factories refered to have prospered, altho they have had to import a considerable portion of the raw material used in the manufacture of canvas—should no change take place in the state of the navy, the Commissioners would be disposed to enter into contract with a well established factory of canvas in the West, for 2000 bolts, deliverable in the course of the year 1821. with assurances similar to those above mentioned

Hon Henry Clay  Lex Ky.             Respy             JOHN RODGERS.
Memorandum of Leases

[July 11, 1820]

AD. DLC-TJC (DNA, M212, R15). The document is a tallysheet of quarterly payments on the leases included in the Memorandum, ca. November 15, 1819. A lease with Wilkins, Mcilvaine & Co., at the quarterly rate of $50 to begin June 1 (see above, Rental Agreement, March 1, 1820), and a second with Richard Hawes, Jr. at the rate of $45 to begin June 25 (see above, Rental Agreement, March 25, 1820), have been added. Unpaid accounts are listed as follows, with the items in italics appearing as deletions apparently made later by Clay:

- McCullough & Foster ...
- Worsley & Smith ...
- Clifford Thom &c ...
- Bernard Gaines ...
- James Cowan ...
- W. T. Banton ...
- R. Hawes Jr ...
- N. Nicholas ...
- Wm S. Dallam ...
- Dr. Caldwell: ...

These items are followed by the quarterly payments in dollars and cents, with deductions noted:

- McCullough & Foster: $42.50
- Worsley & Smith: 125:
- Clifford Thom &c: 75:
- Bernard Gaines: 150.
- James Cowan: 50.
- W. T. Banton: 300 - deducting $57
- R. Hawes Jr: 25 = 45 -
- N. Nicholas: 50.
- Wm S. Dallam: 50.
- Dr. Caldwell: 25.
- Wilkins &c: 50.

Receipt from Barnaby Worland

[July 13, 1820]

ADS. DLC-TJC (DNA, M212, R15). Worland, as collector, acknowledges receipt from Clay of $12.50, the town tax due on the estate of Thomas Hart, Sr.

Promissory Note to William Allen

[July 15, 1820]

One hundred and twenty days after date for value received I promise to pay to William Allen or order the sum of two thousand three hundred and ninety eight dollars, and ninety two Cents. Witness my hand this 15th. July 1820.

[Endorsements on verso]

Recd. of H Clay Three hundred dollars, in a check on the Lexn. B. Bank and an order on James B. January for five hundred dollars which if paid is to be applied to the within 22d. Decr. 1820.

WILLIAM ALLEN
By HUGH ALLEN

Received the 6 Apr. 1821 of H Clay One thousand dollars on account of the within—At the same time I returned to him the above order on January.

WILLEAM [sic] ALLEN
By HUGH ALLEN

Received the third May 1821 the sum of nine hundred dollars on account of the within, making altogether the sum of two thousand two hundred dollars received on a/c of this note—

WM ALLEN

AD, signature removed. DLC-TJC (DNA, M212, R15). Allen was a resident of Shelby County. See below, Property Deed, ca. May 4, 1821.

1 All ES, in Clay's hand.
2 Fayette County farmer, veteran of the War of 1812.
JULY 20, 1820

Receipt to William S. Dallam

[July 18, 1820]

Attached to Assignment, November 10, 1819.

Receipt from John Darr

18 July 1820.

Recd. of H. Clay fifty dollars in Cash & his due bill for forty dollars, being in full for repairs done by me & my hands on his Horse mill near Lexington

JOHN DARR

DS, in Clay's hand. DLC-TJC (DNA, M212, R15). Darr, not identified.

From Daniel Mayes

Dear Sir,

A case has gone on to the court of appeals from the Christian Circuit Court Campbell & Anderson vs Ashford D Gore.\(^1\) having been applied to by Gore to recommend counsel to manage his case in that court, I took the liberty to recommend you. and at his request now write you to ask that you will take the trouble to look over the record and write to Gore what you will charge him to attend to his case. Upon the receipt of your letter he will immediately enclose you his note for your fee payable when the suit is tried. He is a man of respectability & punctuality. You may rely on his complying strictly with any engagement he may make with you. He is a man in humble circumstances the land in Contest is not valuable and therefore he hopes your fee will be as moderate as the nature of the services to be rendered will admit of—

I am yours with much respect

DANL. MAYES

ALS. DLC-TJC (DNA, M212, R12). Addressed to Clay at Lexington. Mayes, a Hopkinsville, Kentucky, lawyer, was elected to the State House of Representatives in 1825. After completing his term in that body, he moved to Lexington, where he became judge of the Fayette Circuit Court and professor of law at Transylvania University. In 1838 he moved to Jackson, Mississippi, where he attained distinction as a lawyer and teacher.

\(^1\) Involving disputed title to land in Christian County. Gore had won in the lower court, but the Court of Appeals in 1822 reversed the earlier decision. 12 Ky. Reports (2 Littell), 27-30.

From Eldred Simkins

My dear Sir,

I recd. yours of the 20 Ult. Enclosing your account with the Estate of Willison [sic] with the Several vouchers, which I shall immediately transmit to Robert Stark Esqr. and shall use all the Exertions in my power to obtain payment. I regret however that the affairs of
that Estate by a late determination of our Court, are in by no means so prosperous a situation as they were Some time ago. This will not I hope prevent the settlement of a claim so just, and at all Events will not lessen my Efforts to obtain for you all or as much as I can.

Mrs. S. reciprocates your friendly remembrance. Be pleased to make my respects to Mrs. C. and wishing you health & happiness

I am dear Sir Yrs. very truly 

ELDRED SIMKINS

(Look over)
P.S. Will you be so obliging as to inform Richard Mitchell, or Boswell Mitchell or Abner Wilson who live near you in Fayette Cty. Davis Fork, North Elk Horn, that I have, more than a year ago, collected the money in the case of Jonathan Parish agt. Abram Richardson & Leeroy Hammond, wh. after settling all fees, Expenses &C. amounts, I believe, to nearly ($600) six hundred dollars. I have written them twice & sent various messages but can never hear from them? If these persons shd. not be in your neighborhood will you drop them a line?—E S.

Hon. H. Clay Esqr.

ALS. DLC-TJC (DNA, M212, R12). 
1 South Carolina.
2 Richardson and Hammond were South Carolina veterans of the Revolution; Parish, not identified.

From William P. Roper

D, Sir, Lexington 24h. July 1820

I expected to find you at home but was disappointed, you will receive inclosed $150, the proceeds of 100 acres of Colo Harts land sold to Thomas Patton at $1.50 pr acre this is all the land I have been able to sell, you will please iclose [sic] me a receipt [sic] by mail, the field notes I have not with me but will send them to you that you may make the Deed

yours respectfully

WM. P ROPER

1 Of Fleming County.

Receipt from John Jacob Astor and Son

Dear Sir, New York 31st July 1820

We have the honor to acknowledge the receipt of your letter of 15th Inst with your dft on the U S Bank at Washington for 1400 dlls; Fourteen hundred dollars being the amount of Interest due on your bond 1 Augst for which we credit your account With great regard your obedient & humble Servts

JOHN JACOB ASTOR & SON
The Charge made by our Banks for collecting dfts on Washington is 1 pCt. which will make $14— to your debit on the draft above.

P.S. Enclosed we have the pleasure to forward you a letter from our Mr. Astor—

To The Honorable Henry Clay &c &c &c Lexington Kenty.

ALS, except as noted. DLC-TJC (DNA, M212, R12).

Received Bill from Hugh Foster

Henry Clay Esqr Dr to Hugh Foster [ca. August 2, 1820]
1820 Dr
August 2d To repairing blue over alls son theodore $0.25
To making Coat Thos . . . . $6.50
one set of best gilt buttons 1.50
Silk twist and thread . . . . . . . . 0.75
pad stays Sleavelinings & pockets 1 87½

10-62½

Making & trimming Coat, son, Theodore, 10 62½

$21.50

Recvd. payment HUGH FOSTER

ADS. DLC-TJC (DNA, M212, R15).

To Isaac Shelby

My Dr Sir [ca. August 9, 1820]

The Russian Minister & Suite are now here having arrived from Louisville this morning. They had intended to pay their respects personally to you; indeed that was the principal object of their visit to this quarter of the Country. But they are excessively fatigued, and moreover learning that the afflicting attack under which you are suffering (and on account of which they most sincerely sympathize with you) renders it painful for you to converse, they have declined proceeding. They beg me to assure you of their great regard for your character;—and unite their wishes to mine for a speedy restoration of your health.

I am faithfy & Cordially Yr. friend H. CLAY

Greenville Springs Friday morning.

ALS. DLC-Shelby Family Papers. Addressed to “Isaac Shelby Esq.”

1 Pierre de Polética next visited Clay at “Ashland.” He began his return to Washington, “by way of Niagara Falls,” on Friday, August 16. Lexington Kentucky Reporter, August 21, 1820.

2 Earlier in the year Shelby had suffered a paralytic attack, with permanent injury to his right side.
To Thomas S. Jesup

My Dr Sir

Lexington 15h. August 1820.

I, perhaps very imprudently, promised Col. Johnson that I would drop you a line, on the subject of the Contract for transportation, in his behalf. I know not what I ought to say or can say. I am quite sure that, if it be for the public interest to contract with him, you will give him the contract. And if it be not, it would be improper that you should give it him. All, therefore, which I can express is my wish that you may find that the public interest will be advanced by contracting with him. I do believe that his intentions are good, and that he is exerting a vigor and an indefatigability to disem-barrass himself that deserves great praise; and I hope it will be successful. His prospects, in this respect, would however be less flattering if Government should cease to employ his means of transportation &c. That I am persuaded and believe it will not do without solid reasons. With great respect I am Cordially Yrs

Genl. Jessup.

H. CLAY

P. S. Adair is probably elected Governor—Woodson beat Mr. Pope in this district by about 1000 votes

ALS. Owned by J. Winston Coleman, Jr., Lexington, Kentucky.

1 James Johnson.

2 In the election of 1820 John Adair won the governorship of Kentucky, and Samuel H. Woodson defeated John Pope for the seat formerly held by Clay in the United States House of Representatives.

Advertisement of Legal Practice

Attorneys at Law. Aug. 23 [1820]

The subscribers have associated themselves together in the practice of the law in the Courts at Lexington. Engagements entered into by either will be attended to by both, as far as practicable. One or both of them may be generally found in the room adjoining the Athenæum at the Kentucky Hotel. H. CLAY, G. W. RIDGELY.

Lexington Kentucky Reporter. August 23, 1820.

Advertisement of Mills for Sale

Lexington, August 30, 1820.

Steam Engine, Tammany Mills, &c. for sale.

I offer for sale the property in the town of Lexington, known by the name of the TAMMANY MILLS, constructed to operate by the power of steam. They are now in complete order I would sell the property entire, or dispose of it in separate parts, to accommodate purchasers. It consists of,
1. The real estate, being about one acre of ground, inclosed partly with a stone and partly with a board fence. On the lot is situated a well built stone house, five stories high, including cellar and garret, sixty-six feet in length, and thirty-six feet in breadth, with an Engine house attached twenty-one feet by thirty. A brick dwelling-house containing six comfortable rooms: Two small brick houses, unconnected together, each containing one room with a fire-place, and a stable and other buildings. A running stream passes through the lot, though not sufficient to afford any power. The property is believed to be well adapted to any manufacturing establishment, and particularly for a cotton or wool factory.

2. A Steam Engine, built by Daniel Large of Philadelphia, on the plan of Bolton and Watts, with a twenty-two inch cylinder and three boilers. The engine is in excellent condition, and is pronounced by competent judges to be very well made.

3. The Mill Apparatus; consisting of three pair of stones, one pair of best French burr, 5 feet in diameter, one of Marietta burr, of the same diameter, and one other pair of common, 3½ feet in diameter, for grinding Indian corn, with mill irons, &c. bolting cloths, bolting heads, packing machine, rolling skreen, shaking skreens, scales and weights, bolting chests, elevators and sundry other articles, used in the manufacture of bread stuffs, too tedious to mention. The mills having been fitted out, and arranged in the most perfect manner as merchant mills, with all the apparatus. The above articles have been made and selected with the greatest care. I will sell them separately to suit purchasers.

Being determined to dispose of the above property as soon as I can, persons disposed to purchase may rely upon getting great bargains and upon the most favorable terms, as to time and mode of payment. When I am absent from home, application may be made to Mr. Jacob McConathy of this place, at the old Lexington Steam Mill, who is authorized to shew the property and sell any part of the milling apparatus.

H. C. LAY.

N. B. I have for sale a BULL and HEIFER, YEARLING CALVES, very beautiful, out of my imported cows by my imported bull.

Lexington Kentucky Reporter, September 13, 1820.

1 Noted machinist and foundry operator. He had been an apprentice of the old firm of Boulton and Watt, Birmingham, England, a partnership formed in 1775 by Matthew Boulton and James Watt. In 1800 the partners had turned the business over to their sons, Matthew Robinson Boulton and James Watt, Jr.

2 Jacob McConathy, Lexington miller.

3 See above, Irving to Clay, March 22, 1817.

From Robert Breckinridge and Frederick W. S. Grayson

Sir

Louisville Septr. 4th. 1820

We have received yours of the 17th of last month advising us of
an arrangement which has taken place between you & J. C. Breckinridge on behalf of the Trustees of A. W. Grayson, by which your demand against the Estate of the sd. Grayson amounting $3800 has been discharged, or settled in the following manner (Viz)

David L. Wards note payable on the 23rd. day of July next for ........................................... $2000.00

The note of J. Postlethwait & Sandford Keen payable at the same time, that is, the 23d. July next for ........ 1311.38

And the note of J.C. Breckinridge, Ro. Breckinridge & F. W. S. Grayson executed by J. C. B-dge for himself & us payable on the same 23d. day of July next for making the above sum of $3800.

The arrangement meets our approbation and we do hereby ratify & confirm the same Yours with great respect

Ro Breckinridge
F. W. S. Grayson

memo. The note within refered to for $1311.38 is executed by Postlethwait & Keen to Fr. W.S. Grayson Ro Breckinridge & J. C. Breckinridge and assigned by him for us & himself in payment to Mr. Clay

Ro. B-dge
Fred. W.S. Grayson

ALS by Breckinridge, signed also by Grayson. DLC-TJC (DNA, M212, R12). Addressed to Clay at Lexington.

1 The letter has not been found. Fee bills addressed to Clay by Thomas Bodley, Clerk of Fayette Circuit Court, show continuances in this case running to September, 1820, when there was an "order of dismission" and charges for the cost of taxing and filing papers. ADS. DLC-TJC (DNA, M212, R15).

To Maurice Langhorne

Dr Sir Chillicothe 13 Sepr. 1820.

I recd. your letter at Columbus, and immediately addressed a letter to Col. Gibson, in behalf of yourself and son, which I hope will arrive in due season.

I had hoped to have seen you on my return from Columbus but an earnest and unexpected summons from Mr. Wilson, Cashier of the Bank of the U.S. to meet him at Cincinnati, to consult on the affairs of the institution at that place, obliges me to take that on my route home.

In regard to your Bank subsequent reflection has confirmed me in the opinion I have given you, respecting which I feel perfectly confident. You can address me concerning it at Lexington, where I expect to be about the 20h. Yr's faithfully

H. Clay

M. Langhorne Esqr.

ALS. ViU. Langhorne was now a merchant and hotel proprietor at Maysville, Kentucky.
To Smith Thompson

Sir

Lexington 26 Septr. 1820

I recommend John M. Allen, a young gentleman of about sixteen years of age, a resident of this part of Kentucky, as a Mid Shipman in the Navy of the U. States. He is the son of a respectable farmer, whom I have long known, and as far as I have had an opportunity of judging is a very promising young man. I have the honor to be with great respect Yr. ob. Servt.

H. Clay
The Honble Mr Thompson &c &c &c


Memorandum from Thomas N. Gist

[September 27, 1820]

I have this day sold to H Clay a bill drawn on the 22d Septr. 1820 by Betsey Barbour on Mordecai Barbour of Petersburg Va. for one hundred dollars payable to me sixty days after date. Now I do agree to take no exception whatever as to the time of presentation of the said bill, or if it shd. be protested, as to the want of notice being given to me; but to hold myself responsible, if it should not be paid whatever may be the time it shall be presented & whether I do or do not receive notice of the protest. Witness my hand & seal 27th. Sept 1820.

Thos. N. Gist {l.s.}

Teste (first interlined)

Wm. Pollock

AD. KyLxT.

1 Elizabeth Strode Barbour (Mrs. Mordecai B.).
2 A veteran of the Revolutionary War, Mordecai Barbour was a first cousin of James and Philip Pendleton Barbour and father of Anne Reed Barbour Gist (Mrs. Thomas N. G.).
3 This word interlined.

From Langdon Cheves

DEAR SIR,

Philadelphia, 30th Sept. 1820.

I recollect, when we were at Washington, during the late war, some conversations between us on the subject of the Culture of Hemp in Kentucky. The difficulty of water rotting it drove the cultivators, I think you mentioned, necessarily to the practice of dew
rotting which, if it did not injure the fibre, gave it a colour which injured it in the market. The venerable Judge Peters, of this place,¹ the other day mentioned to me the dry system, of preparing Hemp and Flax, and shewed me samples of Hemp and Flax prepared in this way. It immediately struck me that, if this subject had not met your attention and consideration, it might be doing a useful public service to bring it to your notice.

I enclose you a publication, taken from a Philadelphia paper, of Judge Peter's on the subject, with two small samples, one of Flax and one of Hemp, which he was so good as to give me to be transmitted to you. I also enclose a note from the Judge to me, mentioning several periodical publications which will furnish a more full and detailed account of this system.² I would have sent these to you also, had I not supposed, if they shall not be within your reach at Lexington, that when you shall visit Washington this winter, you would have the opportunity of procuring them. If you shall not visit Washington I will take great pleasure in procuring and transmitting them, should you intimate to me that they will be desirable.

There is nothing your fine country wants so much as a variety in your agricultural staples. I know nothing of the subject, but if you can prepare hemp like the sample enclosed, I think it must be considered equal to any Russia Hemp and be an important improvement in your agriculture. I am, dear Sir, With great respect, Your obedient servant,

LANGDON CHEVES.

The Hon. HENRY CLAY, Lexington, Ky.

Lexington Kentucky Reporter, October 30, 1820.

¹ Judge Richard Peters attempted by experimentation on his own farm and through numerous writings to improve American agriculture.

² The enclosures, Peters to Zachariah Poulson, editor of the Philadelphia American Daily Advertiser, January 1, 1820; Peters to Cheves, September 27, 1820; and an essay entitled "Hints on the Advantages of Cultivating and Preparing Hemp and Flax," were also published in Lexington Kentucky Reporter, October 30, 1820, with the comment that the samples were available for examination at the newspaper office.

Rental Agreement with Benjamin Whaley

[October, 1820]

An agreement made this day of October 1820 Between H. Clay and Benjamin Whaley.

The said Clay hereby rents to the said Whaley for the term of one year commencing on the 1st. day of November 1820 the house and lot in the town of Lexington, on Market Street, at present occupied by the said Whaley and formerly by Miss Keizer.¹

In consideration whereof the said Whaley covenants and agrees to pay to the said Clay one hundred and sixty dollars at the end of the afd. term of one year.

¹ Rental Agreement with Benjamin Whaley [October, 1820]
OCTOBER 5, 1820

And he further covenants to surrender the demised premises to the said Clay on the first day of Novr. 1821, in as good order and condition as he received the same, natural decay and inevitable accidents excepted.

The said Clay reserves the right of distress in case of the default in payment of the rent afd.

Witness the hands & seals of the parties the day and year first written.

H. CLAY {L.S.}
BENJ. WHALEY {L.S.}

[Endorsement on verso]

Credit by Iron paid Kelly⁠² See my written order . . . . .
27th. Decr 1821 By Cash ........................................ $100.—

ADS, signed also by Whaley. KyLxT.

¹ Elizabeth Keiser.
² Probably James Kelly.

Advertisement for Overseer

Notice. Ashland, Oct. 2d, 1820.
I wish to hire by the month or year, a steady, sober and industrious man to work with and direct my hands at Ashland. A single man would be preferred. None need apply without the most satisfactory recommendations.

H. CLAY.

Lexington Kentucky Reporter, October 11, 1820.

Property Deed to Joel Havens

[October 5, 1820]

[In consideration of $90, current money of Kentucky, paid to John Winn, attorney in fact for Henry Clay, Clay as surviving executor of Thomas Hart, Senior, conveys to Joel Havens of Fleming County two tracts on Fox’s Creek, containing 90⅞ acres, in accordance with two bonds, the first dated August 16, 1796, given by Hart through Winn as attorney in fact pledging conveyance of 25 acres, and the second dated August 31, 1797, given by William Burk and Alexander Ramsey¹ with Hart's guaranty pledging conveyance of 65 acres and 140 poles, both tracts being part of the 30,000 acres patented in the name of Littleberry Mosby. Signed by Clay as surviving executor of Thomas Hart, Senior; witnessed by William P. Fleming. Acknowledged by Clay before J. C. Rodes, Clerk of Fayette County, October 5, 1820, and recorded by James Crawford, Clerk of Fleming County, January 10, 1821.]

Fleming County Court, Deed Book K, 31-34.
¹ Both residents of Fleming County.
From Nathaniel W. Watkins

Dr Sir 

I have taken the liberty of drawing on you, in favor of Coln Benton¹ for one hundred & fifty Dollars, which unexpectedly I have immediate use for, in consequence of having Chastised a printer, who made an attack on me to favor the election of Mr Cook of Illinois² &c. for which he said me, Coln Benton will present the draft as he passes through Lexington on his way to Washington. He leaves this in three or four days in company with Judge Barton³ his colleague, and will spend some days with you, I will write to you more in detail by him, I am fully sensible of your pecuniary difficulty, and should not have drawn on you were I not sensible that papa⁴ will be unable to meet the draft in time for Coln Benton, As I am very solicitous that Coln Benton should not be disappointed, I shall be glad to hear from you immediately at Edwardsville (Illinois) where I shall be detained until the first week in the ensuing month. I shall be enabled to return you the money in a few months as I consider my prospects flattering,

Very respectfully yours 

NATHL. W. WATKINS

ALS. DLC-TJC (DNA, M212, R10). Addressed to Clay at Lexington. Watkins, Clay's half-brother, born in Woodford County, Kentucky, in 1796, had gone to Missouri earlier in 1820 and settled at Jackson, where he practiced law for over fifty years and was elected to several terms in the State legislature. During the Civil War he supported the South and was appointed brigadier general in the State Guards. He died in Scott County, Missouri, in 1875.

¹ Thomas Hart Benton.
² Daniel P. Cook, who was elected in this year to the second of his four terms in Congress. He was a native of Scott County, Kentucky, who had begun the practice of law in Illinois in 1815. No account of Watkins' encounter with the printer has been found.
³ David Barton, who with Benton first represented the State of Missouri in the United States Senate, had moved in 1809 from Tennessee to Missouri Territory. There he had been attorney-general, judge, member of the House of Representatives, and president of the Constitutional Convention.
⁴ Henry Watkins.

Bill of Sale from Richard Sharp

[October 8, 1820]

Whereas two fifas Issued from the Clerks of the Fayette Circuit Court one in the name of John Brown and the other in the name of James Devers¹ against the estate of Mann Satterwhite in the hands of his admr. And Richd Sharpe D.s. for John C. Richardson Shff. F.C. having duly received said Executions, and Levied the same, on a negro woman by the name of Judy—and her child by the name of Juliann—given up by James B. January the admr. of said Satterwhite, to satisfy said Executions. And the said Sharpe &c as aforesaid having duly advertized to [sic] said Woman & Child for sale pro-
OCTOBER 12, 1820

ceeded on the 28th. day of August 1820 to sell according to Law: when Henry Clay being the highest bidder became the purchaser for the sum of five hundred dollars the receipt where of is hereby acknowledged. Now I Richard Sharpe D.S. as aforesaid do by virtue of the Levy and Sale aforesaid [hereby] sell, alien & convey, the aforesaid Woman & Child to to [sic] the said H. Clay his heirs & assigns forever Given under my hand 8th. day of October 1820.

RICH. SHARP DS {l.s.}

[Endorsement on verso] for J. C RICHARDSON SFC
I assign the within to Margaret Ashby for value recd. Decr. 1821

H. CLAY

ADS. ICU. 1 A resident of the northern district of Fayette County.
2 MS. faded. 3 AES.
4 Probably the Peggy Ashby who was a daughter of Nathaniel and sister of Dr. Manzy Q. Ashby.

Bill from Thomas Loney

Lexington 9th Octo [1820]—

Henry Clay Esq. To Thomas Loney Dr.
For Services and Labour
" Rendered at the Tammany Steam mill—and employing hands for that purpose.—
Say first Thomas Loney 4 days
at 1 $ per. day. is $ 4:00
Elisha Gordon1 the Same 4.00
James Murray2 do 4.00
David Reese3 do 4.00
Edward P. Harrison 3 days at 9/ per day. 4.50

$ 20.50

[Endorsement on verso]4 Recd. payment this 10th. Oct. 1820. his
Teste THOMAS X LONEY
W. W. BLAIR mark

D. DLC-TJC (DNA, M212, R15). Loney (or Looney) had earlier been a "Post and Rail maker" and a "Waggoner" in Lexington.
1 Earlier a Lexington tanner. 2 Lexington laborer.
3 Probably David Rees of North Elkhorn, Fayette County. 4 ES, in Clay's hand.

Settlement with Bernard Gaines

[October 12, 1820]

We have this day settled our accounts of every description concerning the rent of the House now occupied by B. Gaines, board of the sons1 of H. Clays sons [sic] & himself &c. up to 20. Octr. 1823
on which there was due H. Clay one hundred & twenty three dollars, and the said Gaines having given a Check for one hundred dollars, there will remain due to said Clay on that day twenty three dollars. Witness our hands & seals this 12h. Oct. 1820. H. CLAY {L.s.} B GAINEs {L.s.}

Note—The said Clay is chargeable with his two sons dining at said Gaines's who are to be considered as one boarder from the 2d. of this month, which is not included in the above. H. C—

ADS, signed also by Gaines. KyLxT.

1 Theodore and Thomas.

Speech and Resolutions on Bank of Kentucky

[October 18, 1820]
The following resolutions were then offered by the Honorable Henry Clay.
1st. Resolved That it is the interest of the Stockholders of the Bank of Kentucky that the corporation should continue to exist if a suitable charter can be obtained from the General Assembly.
2d. Resolved That it is not the interest of the Stockholders to accept the renewal of the charter proposed by the act of 1819 upon the conditions therein specified
3d. Resolved That the Stockholders ought to accept if it can be procured the old charter with such alterations therein as were made prior to the year 1819 and with such further security as it may be thought proper to provide for the Public agt. the evil of a suspension of payment by the Bank
4th. Resolved that whether the existance [sic] of the corporation be contined [sic] by a new charter or not it ought without delay to begin preparations to pay its debts due to persons who hold its notes & to those who have made deposits with it.
5th. Resolved That as the means of the Corporation to pay its debts independent of the cash in its vaults & the paper which it holds of other Banks must be derived from its debtors gradual & moderate calls ought to be made upon them so as to produce such a sum as will enable the corporation to commence the payment of its debts at a period not later than twelve months from this time
6th. Resolved That a respectful application be made to the general assembly in pursuance of the third resolution
7th. Resolved That it be recommended to the President & Directors of the Bank to carry into effect the fifth and sixth resolutions

Bank of Kentucky, Frankfort, Kentucky, Minute Book, October 12, 1807-December 7, 1835 (Book A). Published in Lexington Kentucky Gazette, October 23, 1820. Clay presented these resolutions and supported them with a three-hour speech (not recorded) at
a meeting of the stockholders of the Bank of Kentucky, held in Frankfort on October 18, 1820. Frankfort Argus of Western America, October 26, 1820.

1 An act, approved February 6, 1819, had continued the charter in force to the end of 1841, subject to a number of amendments, including limitations on the succession and terms of office of the bank directors; provision for "visitors," not directors, to inspect the bank and its branches; a requirement that the salaries of bank officers be fixed by law, rather than by the directors; and taxation of the capital stock of the bank from and after December 31, 1821. Ky. Gen. Assy., Acts, 1818-1819, pp. 693-96.

2 Following extended debate on a proposal to amend the fifth resolution to substitute "eighteen months or sooner if practicable" in lieu of "twelve months," the meeting adjourned until the following day. At that time an amendment, offered by John Pope, to postpone consideration of this resolution until the first Monday in January was passed. The first and second resolutions were adopted, the third was rejected, and the fourth was also postponed until the January meeting.

To Noah Webster

Sir

Agreeably to your letter of the 18th. Sepr. 1 I called to see Mr. Palmer 2 on the subject of the premium for your spelling book. Mr. Palmer has paid me $192 60/100 on your account which he says is what is due you. I presume, from his good character, that he is correct. I will remit you the amt. as soon as I can procure a good bill, or, if I fail to get one immediately, I will contrive, during the session of Congress, to transmit the amt. to you.

I am Sir respectfully Yrs. H. Clay

Noah Webster Esqr

ALS. NN-Ford Collection. Endorsed by Webster: "Money transmitted by E H Mills Esq. & received March 29. 1821."

1 Not found.

2 James W. Palmer.

To Thomas Dougherty

Sir

I will thank you to communicate to the House of Representatives that, owing to imperious circumstances, I shall not be able to attend upon it, until after the Christmas Holydays; and to respectfully ask it to allow me to resign the office of its Speaker, which I have the honor to hold, and to consider this as the act of my resignation. I beg the House also to permit me to reiterate the expression of my sincere acknowledgements, and unaffected gratitude, for the distinguished consideration which it has uniformly manifested for me. I have the honor to be with great esteem Your faithful & obt. Servt.

H. Clay

Thomas Dougherty Esqr. Clk. of the House of Representatives &c &c &c

To Langdon Cheves


I received your obliging favor of the 30th Ult., inclosing a note of Judge Peters and a publication extracted from a Newspaper respecting the dressing of Hemp and Flax, without rotting. The information which you have had the goodness thus to communicate comes very seasonably; for after having almost abandoned the culture of Hemp, in this fine region of Country to which it is so well adapted, ever since the termination of the late War, the Farmers are beginning again to turn their attention considerably to it, and it bears a better price at this time than any other produce of the Land. The discouraging circumstance has always been that of the difficulty attending the process of water rotting, arising indeed principally from the want of water itself at the proper season. The Hemp made by the substitute which we have been obliged to employ for that process, rotting by dew, has been objected to both in the public and the merchant service. It certainly does not look so well, nor will it absorb so much Tar. Our farmers insist however that it is stronger and that the preference, given to the Hemp of Russia arises from prejudice against what is produced at home. In this they are probably mistaken. If the new method shall be entirely successful; if it will make an article uniting all the qualities which Hemp ought to possess, with no greater labor than was incident to the old processes, there is scarcely any discovery that would benefit more this quarter of the Country. I should not I think err in asserting that it would communicate an additional value of twenty-five per Cent to the Elkhorn Lands. We do want, as you properly suggest, a greater variety in the produce of our soil. We want particularly those articles of dead produce which possess greater value. There is too much bulk and too little value in Tobacco and Flour, besides other serious objections in regard to the latter.

Judge Peters is entitled to the thanks of the Country for his zeal and the actual service he has rendered in the cause of Agriculture. I will be obliged to you to give him mine, and to say to him that I shall be further indebted to him if he will inform me when the machine which he expects from England arrives, what would be the probable cost of getting one made by it in Philadelphia, and what the weight of the whole machine? I wish to procure one after the model of that, and should it succeed, I could order from Liverpool, if the domestic manufacture would not supply them, other machines. With great regard I am faithfly & Cordially Yours.

H. Clay

P.S. Knowing your reluctance to the appearance of your name in print, I must request you & Judge Peters to excuse the insertion in
the reporter of your respective notes. It was done without my orders, but I have no doubt it will have the effect of fixing public attention more closely on the object. H.C.

Langdon Cheves Esq.

ALS. ScHi.

Extension of Rental Agreement with Bernard Gaines

[October 30, 1820]

Attached to Rental Agreement, October 20, 1819.

From Isaac Shelby

My dear Sir,

Lincoln October 30th. 1820

The President told me whilst in this Country last year,¹ that the gold medal that Congress ordered for me on account of the Campaign of 1813 to Canada;² I would receive [sic] shortly, through the War office.

Charles Todd³ when he was about to leave this country (without any instructions from me) called on the Secretary of War to know what forwardness it was in Mr. Calhoun told him it was one of the last Medals granted by Congress, and he supposed it would be among the last completed: but upon Colo. Todds observing to him, that it was granted for one of the first fortunate events of the war, he said that circumstance certainly gave me an early claim, and would be attended to—I am now far advanced in life, and exceedingly infirm, and have few feelings arising from earthly considerations to gratify; but some of my family insist on my applying for it while I am alive, least [sic] it might not be presented after I am gone. I have therefore my good Sir, to ask the favour of you, to make a direct application to Mr. Calhoun on your arrival at the City, to have it completed, and delivered to you before your return to Kentucky; and hope you will be so good as to bring it out with you. Be pleased, at some leisure moment to acknowledge the receipt of this note; and believe me to be sincerely and truly your friend,

Isaac Shelby

The Honble. Henry Clay.

L. DNA, RG107, Letters Received, (14), C-104.
¹ See above, Clay to Gales, July 19, 1819.
² See above, I, 819.
³ Charles S. Todd.

To James Lanman

LEXINGTON, 31st October, 1820.

Dear Sir,—I am quite sure you will not consider me as trespassing
too much upon the small acquaintance which I have with you, in introducing to you Messrs. Barton and Benton, the senators from Missouri. The liberality which marked your course on that interesting question to which their State has given rise, independent of other considerations, makes them anxious to know a gentleman who, considering the Constitution and the tranquillity of the Union alone, has boldly done, at all hazards, what he conscientiously believed his duty.

I am persuaded that you will see, in the contribution of talent, of information, and of patriotism which these gentlemen will make to the national councils, additional cause of fortification to your disinterested course. I cannot but hope you will be spared the renewal of a discussion which threatened so much, and which was, I think, so happily terminated. With great respect, I am, Your obedient servant,

H. CLAY.

The Hon. JAMES LANMAN, etc.


1 David Barton; Thomas Hart Benton.

From John Clay

New Orleans 31st Octr 1820

My dear Brother

Your favor of the 3d Inst reached the City during my absence. we have just returned Mrs Clay after an absence of 90 days & myself one month, we are both in good health, & left our Father Mr Duralde entirely recovered. I learn with great regret the death of Mr John Hart it is the more deplorable as besides the loss of a relation & friend you sustain a heavy pecuniary loss. Since my arrival I have been endeavoring to find out if Mr. H. had left any property in this City. Mr Cox who was more familiar than any other person with his affairs States that he left nothing except a note of 480 dollars on the house of Breedlove Bradford & Robinson. This note is in the hands of Mr Cox who promises to hold it for you—There will be no necessity of laying an attacht to secure it—Messrs. B. B. & R. who owe the note faild last Spring & got a respite from their Creditors of 12, 18 & 24 months & I believe will be punctual to their engagement Mr Cox is of opinion that Mr. Hart took with him to St Louis, in groceries & other merchandize to the amount of 2500 or $3000. You had better therefore create an agent there as I should suppose from Mr. H’s usual cconomy that the greater part of that Sum must be unspent. I am Still of opinion that
OCTOBER 31, 1820

you will not be able to Sell your Steam Engine before it is sent down to this City or some where upon the Coast of this State—Mr Holliday has declined purchasing one. I have advertised yours in the Orleans Gazette & shall continue to use my exertions to sell it. Could you not dispose of it at a Credit of 1 & 2 years? such a credit might induce perhaps some Sugar planter to purchase it & it could be at an advanced price so as to cover the interest for longer out of the Sum & if the notes are taken payable at a Bank in this City, they might be discounted 4 months prior to their being at maturity. let me hear from you on the Subject & at any rate dont Ship the Engine before March next, as the advertisement might bring out a purchaser who would want it deliver d some distance up the River.

On the subject of the Cows, I wish sincerely that you would purchase me two of the old breed and if not convenient for you to get some person to attend to it. I wish them of the best kind for giving milk & would prefer their being with Calf & so soon as you have made the purchase inform me & I will remit you the amount of their Cost. Capt Voorhees of the S. B. Frankfort promised to bring them down for me. & I write to him again per this Oppy. on the subject I wish you also to keep for me one of your yearling heifers not as a present, I will remunerate you in some groceries which I will Ship you next Spring for this latter—I wish her to be kept 'till she becomes in calf with your imported Bull—& afterwards sent to me—

The City is now entirely exempt from fever & Persons who had retired, are from all quarters daily dropping in which makes it exert a more pleasing aspect than for many months past. if the weather should continue to be favorable Our Crops of Cotton & Sugar will exceed in the present 25 p Ct more than in any preceding year. Mr. Soniat (my brother in Law) who never before made more than 300 hhds of Sugar per Crop counts on 450 or 500 hhds this year

Mrs Clay joins me in our best wishes for yourself Mrs C. & family

Yr. Affectionate Brother

JOHN CLAY

ALS. DLC-TJC (DNA, M212, R10). Addressed to Henry Clay at Lexington.
1 Not found. 2 Martin Duralde, Sr.
3 On September 3, 1820, at St. Louis, Missouri, where he had moved a few months earlier.
4 See above, Bond, November 9, 1819; Clay to Cheves, March 15, 1820.
5 Nathaniel Cox.
6 Early in January, 1819, the New Orleans commission house of Breedlove and Bradford had announced that William L. Robeson had been taken into partnership.
7 See above, Advertisement, August 30, 1820. 8 Not identified.
9 Peter G. Voorhies, who in partnership with John A. Mitchell (both of Frankfort, Kentucky), owned the steamboat Frankfort. The vessel, built in Pittsburgh in 1818, was engaged in “the Louisville trade.”
10 Joseph Soniat du Fossat, whose second wife was Louise Duralde, owned the plantation “Tchoupitoulas,” on the Mississippi River, twelve miles from New Orleans.
To John C. Calhoun

Dr Sir

Lexn. 2d. Novr. 1820.

I cannot better comply with the inclosed letter\[an\] by trans­mitting it directly to you. Nor need I, if I could, [. . .].\[2\] any to the incentives which it furnishes to have the resolution of Congress to which it refers carried into execution as soon as practicable. Should the Medal be prepared I will, with pleasure, after the termination of the ensuing Session of Congress, bear it to Govr. Shelby. I have the honor to be with great respect Your obt. Servt. H. CLAY

The Honble Mr. Calhoun.

ALS. DNA, RG107, Letters Received, (14), C-104.

1 See above, Shelby to Clay, October 30, 1820.

2 MS. torn, probably only one word missing.

To Langdon Cheves

Sir

Lexington 5th. Novr. 1820.

I received the letter which you did me the favor to write on the 21st. Ulto., with the circulars inclosed for the several Western offices and for Mess. Crittenden and Worth.\[2\]

In regard to the actions for False imprisonment, commenced in Ohio, I apprehend much difficulty & I fear even insuperable objections to their removal, in the present state of them, to the Federal tribunal. It arises not merely out of the fact that there are parties joined, as to some of whom that tribunal has not jurisdiction. It is certainly wrong in principle that a party should be ousted of his priviledge of having his cause tried before the Federal judiciary by his being connected, by the voluntary act of his antagonist, with other persons in the action. The Supreme Court has felt and acknowledged this. But you are aware that the jurisdiction of the Federal Courts, in cases where the Bank is a party, is to be maintained, not upon the ground of the character of the Corporation, but because such cases are supposed to arise under Laws of the U. States, and with respect to the removal of causes originally of this description, I am afraid the existing laws are defective. However nothing shall be omitted that can now be done to get those causes transferred at once to the Federal Court; and, if that be impracticable, we will next endeavor so to shape them as to secure a right to have the decisions of the State Court of dernier resort examined by the Supreme Court of the U.S.

I will undertake, with great pleasure, the superintendancy which the Bank has done me the favor to confide to me of its Law business in Kentucky and Ohio; and I beg you to assure the Board of the
November 6, 1820

high sense I entertain of their favorable opinion of me, and of my
determination to endeavor to merit their confidence by a faithful
and zealous attention to the interests of the institution. The Federal
Court of Kentucky will begin its Fall Session in a few days, and it
is my intention not to take my departure for Washington until after
its termination. That portion of the business of the Bank, which is
before that Court, will probably be reached during the term. On
my way to Washington I shall pass by Columbus and remain there
during the term of the Circuit Court which begins on the first day
of January.

I argued a few weeks ago in the Court of Appeals of this State
(the Ct. of last resort) a case for the Bank in which was to be
revised that extraordinary decision of one of the inferior Courts of
this State that the Bank could not maintain a suit as the assignee of
a promissory note, upon the ground of its being contrary to the
charter to purchase a promissory note. If the decision of the Court
of Appeals shall be against the Bank (of which there is no reason
to apprehend, I think, except that which arises out of the fact that
the Judge below is now one of the three Judges who compose the
appellate tribunal) I shall sue out a writ of Error from the
Supreme Court. With great respect I am Yr. ob. Servt.

Langdon Cheves Esqr. &c &c &c

H. CLAY.

ALS. PHi-Etting Collection. 1 Not found.
2 Thomas T. Crittenden and Gorham A. Worth. The latter had been cashier of
the Cincinnati Branch of the Bank of the United States prior to its discontinuance
during the preceding month.
3 Case not found. John L. Harper and Thomas Orr had been arrested at suit of
the Bank of the United States for recovery of the money taken from the vaults
at the Chillicothe branch (see above, Clay to Scott, June 22, 1820, note). They
had been held in jail for three months before their release following an order by the
Circuit Court at Chillicothe in January, 1820, which found that they had been
arrested by an improperly qualified officer. Washington National Intelligencer, January
19, 1820; John Bach McMaster, A History of the People of the United States, from the
Revolution to the Civil War (8 vols.; New York, 1897-1914), IV, 499-500.
4 See above, Clay to Cheves, November 14, 1819.
5 In the case, Bank of the United States vs. Norton et al., appealed from the Fayette
Circuit Court, the factors were similar to those involved in the Bank of the United
States vs. Norvell (see above, Clay to Cheves, November 14, 1819, note), which in its
outcome had struck a damaging blow to the Bank. The decision of the Court of
Appeals in the later case, announced at the Spring Term, 1821, upon arguments
presented by Clay and Robert Wickliffe for the Bank, in effect reversed the earlier
pronouncement. 10 Ky. Reports (3 A. K. Marshall) 422-29. See below, Clay to Cheves,
June 11, 1821.
Benjamin Mills, formerly Judge of the Fayette Circuit Court, had been appointed
to the Court of Appeals, beginning with the Spring Term of 1820.

To Thomas Crittenden and Gorham A. Worth

Gentlemen

Frankfort 6th Nov. 1820.

I transmit to you inclosed a letter which I have received from Mr.
Cheves. 1
Should you consult me at any time in regard to any cases under your management depending upon acts of the Legislature of Ohio, will you be pleased to furnish me with a Copy of the act or acts on which such cases may turn?

What became of the bill against the Bank of Cincinnati? 2 If it were filed, particular attention should be paid to the execution of the Subpoenas. With great respect I am Gentlemen Yr. ob. Servt.

Mess Crittenden & Worth.

H. CLAY

ALS. MB. Addressed to Crittenden and Worth at Cincinnati, Ohio.

1 See Clay to Cheves, November 5, 1820.


Receipt from George M. Bibb

[November 7, 1820]

Received 7h. Novr. 1820 of H. Clay Five Shares in the Bank of Kentucky in full for my proportion of the Contingent fee in the suit of Steels devisees with McDowell for land on & near Steels run in Fayette County. 1

GEO: M, BIBB

DS, in Clay’s hand. DLC-TJC (DNA, M212, R15).

1 The case, before the Kentucky Court of Appeals in 1819 as “The Heirs of A. Steele vs. Ephraim M’Dowell,” involved an entry of land made by Samuel McDowell in 1782. Bibb, representing the appellant, had won a reversal of the decree of the Fayette Circuit Court. 9 Ky. Reports (2 Marshall) 184-85. Andrew Steele, pioneer Lexingtonian, had died in 1793 or 1794. Fayette County, Will Book A, 20-21. Ephraim McDowell, son of Samuel (who had died in 1817), was the celebrated Danville, Kentucky, surgeon, sometimes called “the founder of abdominal surgery.”

Rental Agreement with Richard Hawes, Jr.

[November 10, 1820]

I promise to pay H. Clay the rent which Leslie Combs was to give him for his office, 1 now occupied by me.—from this 10th day of Nov. 1820—is, one hundred dollars per annum—paye. quarterly.

R HAWES JR.

DS. KyLxT.  

1 See above, Memorandum, May 1, 1819.

Receipt to Bernard Gaines

[November 18, 1820]

Attached to Rental Agreement, October 20, 1819.

To Langdon Cheves

Sir

Lexington 20h. Nov. 1820.

In the actual condition of the Western Offices of the B. of the
U S. I should think it would be desirable that, besides attending to the mere business of securing, collecting, and renewing the evidences of debts due to the Bank, they should engage in any perfectly safe operations that would tend to diminish the expences of their establishments. It appears to me entirely clear that the business of dealing in Exchange on the Eastern Cities and on New Orleans presents such an operation. At present, and for some time to come, there would be in this business scarcely any competition whatever. The local banks, particularly in this State, are totally disabled from engaging in it by the depretiation of their paper, which I need not say to you is no evidence whatever of the actual state of exchange between any two given places; and they do not in fact anything in it. It periodically happens (generally in the autumn & late in the Spring) that exchange between this Country and those Cities is nearly at par, considering specie as the medium in which the transaction is effected. Bills on Eastern Cities may now be purchased in specie at a premium of about one per cent, and I have very little doubt that they will shortly be at par. The debt due to the Eastward does not operate at all against this conclusion; for of that debt, owing unfortunately to the unfavorable laws to creditors now in existence, and to the hope of others of a similar character, and to the embarrasments of the Country, very little of that debt is in an actual course of collection. So that the demand for Eastern funds is limited to the very limited purchases now made of goods in the Eastern Cities. The effect of the repeal of the Law giving damages on protested bills ought to be only that of inducing a greater degree of circumspection in the purchase of them. You have now an excellent board at this place, consisting of judicious men, who are entirely safe in themselves (with one or two exceptions) and of undoubted integrity. No place in the Western Country is better situated than Lexington for engaging profitably in the business of exchange; and accordingly it has been a great source of gain to all the local banks that have been here, until the recent derangement in the currency. It is in the high road between Louisiana, Mississippi, West Tennessee, the body of Kentucky, Missouri and the settled parts of Indiana and Illinois on the one hand and Philadelphia, New York and Balto. on the other. It is, in this point of view, better situated than Cincinnati, Louisville or any other Western town. If your object were merely to transfer the surplus cash which you have in the vaults of your Western offices, it could not be better accomplished than by prudently engaging in this business. The specie that would be employed in purchasing good bills would be thrown out into circulation, and form a medium, in which your debtors would pay the interest & part of the principal of their debts. I know that a certain degree of reluctance must be felt from the
injudicious management which has heretofore existed. But people are becoming prudent, and any man conversant with business here can discriminate between a good and bad bill. "Race horse Bills" as they have been termed have ceased, and rarely if ever will be (at least for a long time to come) resorted to again. It would not be a very wise conclusion not to trade at all because there had been overtrading; and I think it is not one more just to refuse to deal in exchange because, in a season heretofore of general intoxication, imprudent and faithless men would often draw without authority.

I make this communication solely from a wish to see the expenses of your Western offices provided for, in a way which I am persuaded would be mutually beneficial to the Country and to the Bank. I have no personal interest in the matter; and I pray you not to give your self the trouble even to answer this letter. With great respect.

I am Yr. ob Servt.

H. CLAY

ALS. PHi-Etting Collection.

1 Under act of the Kentucky legislature, December 16, 1819, sales of property taken under executions had been suspended for sixty days. This legislation had been amplified under an act of February 11, 1820, which provided that where plaintiffs in executions endorsed their decrees to state that notes of the Bank of Kentucky or its branches would be accepted, the defendants might replevy their property for one year, but where the plaintiffs refused to make such an endorsement, the right of replevy ran for two years. The latter act was to remain in force until March 1, 1821, but was reenacted on December 25, 1820, without a terminal date. The law was repealed by act of January 2, 1824, which, however, continued legislation of December 21, 1821, providing that property posted under execution should not be sold unless it brought three-fourths of the value placed by court-appointed appraisers. Ky. Gen. Assy., Acts, 1819-1820, pp. 811-13, 917-21; 1820-1821, pp. 183-88, 415-20; 1823-1824, pp. 390-91.


From William Milam

Dear. Sir

Sinc Colo. Benton¹ left this place There has been no chance to send on the trunk of Mr. Jno Hart or it should have been on the Way as you think it contains Money I Will take the liberty to open it in the presence of some of Mr. Harts friend and take a list of its contents which shall be forwarded you by first Mail & by the first safe conveyance that offers I shall forward to you the trunk With With [sic] his clothes &c. it is probible if the Ohio keeps down that I shall have no chanc before the Ice melts in the spring.

Respectfully Your Ob sevt. WILL MILAM
From Ezekiel Salomon

Dear Sir

Louisville 24 Nov 1820

I did not expect to have the pleasure of addressing you again from here, as the river was rising and the Master of the Post Boy was expected to shove off every hour, but a circumstance has just occurred which imposes the necessity of another communication—and of requiring your friendly assistance. You will be surprised to learn that while on the point of embarking the deputy Marshall paid his respects to me with a summons to appear on the 24 day of the Federal court to answer a demand of Christopher Ulrick who resides at Leghorn in Italy—no bail was required. This is an unjust claim sent to this Country against me by Ulrick, to a Mr Mayer the younger of the house of Mayer and Brantz Baltimore who put it into the hands of Mr Wm. T. Barry as I was informed by Mr Theodore F Talbot who was retained by me to resist it in case it should be prosecuted—Mr Barry seeing, as I had reason to think, the injustice of the demand, from Ulrick’s own shewing, never from the time he was employed (which is probably twelve months) said a single word to me on the subject but chose a moment when I was on the point of embarking, to procure a writ to be served—but let this pass. The particulars of the transaction relative to this claim are briefly these:

About twelve years ago I sailed from Philadelphia as supercargo of the Hibernia, bound with a rich cargo, to Leghorn and thence to Calcutta in India. There were sixteen shippers and the neutral ownership of their adventures were properly authenticated. In Italy I was to procure Spanish dollars and with them purchase a Cargo in India, with which I was to return to Philada.—where in due season I arrived in safety with immense profits to the concern—greater than had ever before been made in a voyage from that port to India.

While at Leghorn—and on the eve of sailing for my India destination Christopher Ulrick to whom I became introduced asked me if I would venture to receive from him a box of Coral beads which he said was a good article in India—and as an inducement for me to receive it, proposed that I should share the profits equally with him as a compensation for my trouble. I apprised Mr Ulrick of the risk he ran, that the adventure being belligerent property it would be exposed to British Capture He said he was very willing to risk it and signified that if I permitted him to make out an Invoice & bill of lading in my name and would give him an order
to procure insurance in London he would send it on board. This I agreed to, but on one condition, which I scarcely thought he would consent to, but to which he readily subscribed and it was distinctly understood between us that I should in no event, take an oath or make an affidavit as to the neutrality of the Coral or that it was my property with a view to screen it from Capture. The box was sent on board—a smaller one belonging to myself was packed in it. We set sail and 3 or 4 days afterwards we were Captured by the Endymeon [sic] British frigate and Sent into Malta where the Ship, dollars and Cargo were cleared; But as it was the Vilainous practice of the British vice Adm. Courts, at that time always to lay over to further proof something, for the unjust purpose of Screening the Captors from the Charge of Expenses they pitched upon the unfortunate box of Coral for that purpose. and it was accordingly detained and we proceeded on the voyage with out it. By letter I advised Mr Ulrick of what had taken place. Mr Ulrick proceeds against the underwriters in London and absolutely recovers his money for the coral captured; all except a small Sum which he has now the impudence to claim of me with 12 yrs interest on it. He founds his claim on me by alleging that I was to pay him half the amount of the coral the other half being as he says on his own account—now the morality of this Italian is not only seen in his fraud on the Underwriters from whom he recovered on the ground of neutral property, but in shameless effrontery claims of me under the plea of half ownership only, what still lacked of satisfaction to him in London—You will no doubt think him an accomplished rascal. The fellow was the entire owner of the property—and had I known at the time a particle of his character which I have since learnt I should indeed have been far from having anything to do with him. But I was then a young man without much experience. This is the trouble Sir, that now anoes me. Mr. Talbot will inform you of further particulars. Nouvel is the Agent in Lexington—Nouvel sometime ago asked me to compromise the demand. I answered him that I certainly should not compromise with injustice. But my dear Sir rather than be further plagued in this matter, which must be particularly disagreeable you know to one in my station I do not know whether it would not be better to make a sacrifice of a few hundred dollars say 500 ds—You know I am not rich—When you pass thro’ Baltimore you might save me further trouble and render me an essential favour—Mayer it is not improbable is to share in what he recovers. You might let him know the little chance that exists of his recovering in a case of such flagrant injustice, and as an act of friendship on your part offer him a sum for a quit claim—and relinquishment of his persecution And what-
ever it may be, you may draw on me for, at New Orleans 60 Sight. If you can close this business I shall—be happy and very grateful to you. Talbot I believe would prefer to let it hang over me, but this is between ourselves—Let me hear from you, if you please, on the Subject and believe me with great sincerity

Dr Sir (in haste) your friend & hum servt E Salomon

P.S. I shall be under way at 3 Oclk P.M, in the Post Boy the water is sufficiently high.

Hon. Henry Clay Lexington

ALS. DLC-TJC (DNA, M212, R12). Salomon was en route to New Orleans to assume an appointment as cashier of the New Orleans branch of the Bank of the United States.

1 No earlier letter has been found.

2 Mail packet built in 1819, plying between Louisville and New Orleans.

3 The firm had been formed by Christian Mayer and Lewis Brantz, both natives of Württemberg. The younger Mayer, here mentioned, was probably one of Christian's two older sons, perhaps Charles Frederick Mayer, who became an eminent lawyer.

4 Lexington lawyer.

5 J. M. Nouvel had recently opened a mercantile establishment fronting the courthouse in Lexington.

To Gorham A. Worth

Dr Sir Lexington 25 Novbr. 1820

I received your letter of the 20h inst. with its several accompaniments. In regard to the institution of suits to the approaching Court at Columbus, if any discrimination were made between the debtors of the Bank. that which you have suggested seems to be recommended by several influential considerations. Still, if any debtor of the Bank, will neither pay principal nor interest, nor give additional security, perhaps it would be unwise to wait indefinitely, upon the vague hope that a sense of justice would hereafter prompt him to do right. The Bank does not wish to exercise rigor unnecessarily. It wishes even to give all reasonable indulgence, but security of the debt is an indispensible prerequisite to protraction in its payment. There is one circumstance however to which perhaps you have not adverted, that seems to me to require that you should forthwith commence suits, in all cases, without discrimination, where there is any expectation of ultimately charging the endorsers.; and that is, that promissory notes discounted by the bank of the U.S are not put by the charter upon the footing of Foreign bills of exchange Consequently the holder of any such note is bound to exert due diligence if he means to have recourse against the endorser; and if he were to omit suing the maker at the first Court after the note became due, he would probably be deemed guilty of such neglect as to forfeit his recourse. This is a weighty consideration, and appears to me to require that you should lose no
time in bringing suits whenever it may become necessary to look to the Endorsers. It is so important in my opinion that I would send a special messenger after the Marshall, and if he or some one of his deputies cannot be got to serve the process I would get him to make a special deputy for the occasion. Mr Crittenden happening to be here I have conferred with him on this subject and he authorises me to say that he concurs with me in this advice. If in any instance where Mr Wilson, after the discontinuance of your office undertook to renew notes, the original notes have not been surrendered, I advise you to continue to retain them.

With much respect I am yr ob Sert H. Clay

Mr Worth Agent &c &c

From Gorham A. Worth

Office Bank U. States Cincinnati 29h. Nov. 1820

Sir, I this morning received your favour of the 25th Inst. The circumstance you have noticed in relation to endorsements was duly considered—I applied to the Solicitor, previously to placing in his hands, the notes mentioned in my letter of the 20th. particularly requested to be informed as to the time of prosecution necessary to secure the liability of Indorsers—Whether they would be released, or any advantage gained by them, in case the term was suffered to pass &c. & I was assured that no advantage could be taken of such delay, unless written communications were recd. from them requiring the bank to institute suits &c.—

Presuming this information to be correct, & taking into Consideration the amount of the debt, & the apparent disposition of the debtors, I did conceive it would be unwise, unsafe, & impolitic in the extreme to place the whole in Suit. My own opinion however could not & did not influence my conduct as an agent of the Bank, & had any instructions warranted the step, I should without a moment's hesitation have placed in the Solicitor's hands every note under protest—

A considerable portion of the notes due are already amply secured*—The protests are in consequence of the discontinuance of the office, & the inability to renew. Most of the debtors would gladly reinstate their paper, & give such collateral security as might be deemed adequate & satisfactory. They ask time to be sure—and it
was understood previously to Mr. Wilsons leaving the city, that some
general proposition or terms would be offered by the Bank of the
U. States which the agents would be instructed to carry into effect.
Such terms & instructions the agents have been expecting—In the
mean-time applications are daily made To the Office to renew,—to
pay the Interest & in some cases to pay a portion of the principal.
But under the impression & belief that some general principles
would be adopted by the Bank, & that Instructions would soon be
recieved, The Agents have forborne to act—

The fact which you state. viz that immediate prosecution is neces­sary to secure the Endorsers, is, & must be considered as paramount
to any other consideration—it not only sanctions but requires the
immediate adoption of the measure.

It places the Bank, however in a most wretched situation. The
remedy may not be worse than the disease, but the prosecution of
a million of Dollars at the present time, & under the particular cir­cumstances of the case, will give rise to a state of things fatal to the
Interests of the Bank—

The Solicitor is absent, tending Court at Hamilton. When he will
be back, I know not—I have therefore thought proper to dispatch
this communication by Express, & to suggest to you the propriety of
your presence here & your personal direction, & Charge of the
Business—Respectfully I am your most Obt St.

(* I do not mean by real estate exclusively.)

Copy (corrections, place, and date in Clay's hand). DLC-United States: Finance
(United States Bank) (DNA, M212, R9). See above, Clay to Worth, November 25, 1820.
1 Of the Bank of the United States in Ohio—probably Thomas Scott.
2 This word substituted by Clay for the word "out."
3 This word substituted by Clay for "Part."

To Gorham A. Worth

Sir

Lexington 2nd Dec. 1820.

I recieved [sic] your letter of the 29th Ulto. by express & would
immediately repair to Cincinnati, as suggested at the conclusion of
it, but that my presence at the Federal Court now sitting at Frank­fort is necessary to attend to my professional engagements for the
Bank & other Clients, and that Mr. Crittenden, whom I have seen
since the receipt of your letter, has promised me forthwith to go
there. Between him, yourself, and the Solicitor of the Bank I
presume the necessary measures can be promptly taken for the
immediate commencement of suits & service of process as advised in
my former letter. I understand that a priveledge exists, under the
instructions of Mr. Wilson, with any debtor to renew his engage­ments to the Bank at the office in Chilicothe; & if there be any who
The Rising Statesman

desires to avail himself of it, he ought I should think to be allowed
to do so. But I would not let the Court pass, upon a vague and
unexecuted promise to renew them—If the renewal do not in fact\footnote{1} fact [sic] take place, I think suit ought to be brought. The com-
menement of the suit will not prevent that arrangement afterwards;
& it is better to encounter its costs, than to risk the responsibility
of the endorsers.

I understand the Statute of Ohio which gives a joint remedy
against makers & indorsers of promissory notes as not dispensing
with the use of due diligence against the maker on the part of the
holder; that it does not change the rights or affect the duties of the
several parties; and that the holder of a promissory note, who
should be guilty of neglect, would des\footnote{2} destroy [sic] his recourse
upon the indorser, just as if that Statute had not passed. It is
certainly greatly to be regretted that upon this view of the subject,
it becomes necessary to institute such a multitude of actions; but the
Bank cannot be deterred from the prosecution of its rights by their
number or magnitude Nor, I repeat, will the bringing of suits,
prevent the extension subsequently of that indulgence, which the
Bank is disposed to give in cases meriting it. At Chillicothe or at
Cincinnati (should the office be revived there) the parties may
have it in their power to avoid the prosecution of actions against
them—

Expecting that Mr. Crittenden will be with you by the time this
letter reaches you—I remain Yr. Obdt. Sert. \h clay

Mr. Worth Agent &c &c.

P.S. The act of Ohio of February last making certain instruments
of writing negotiable has not escaped my attention—It is true\footnote{3} that
according to the fifth section of the act\footnote{4} a demand made of the
maker entitles the holder of a note to resort to the indorser. But it
is to be apprehended that the courts may decide that such demand
must be \textit{personal}; and that the act is not complied with by a protest
at the \textit{late} office of Dt. & Dt of Cincinnati, without such personal
demand, especially when we consider that since the abolition of the
office\footnote{4} there is no such place in existence as that at which the note
purports to be payable—

I need not add that the advice which I have ventured to give,
must be considered subordinate to any instructions which you may
directly receive from the Bank at Philadelphia— \h c.

\textit{LS (corrections in Clay's hand). DLC-United States: Finance (United States Bank)}
(DNA, M212, R9). See above, Clay to Worth, November 25; Worth to Clay, November
29, 1820.

\footnote{1} Last two words interlined by Clay above the word “take,” which is deleted.
\footnote{2} This word interlined by Clay, in lieu of “time.”
\footnote{3} Last three words interlined by Clay.
\footnote{4} Last six words interlined by Clay.
DECEMBER 19, 1820

From Joseph Gales, Jr.

Sir:

Office of National Intelligencer Dec. 7 1820.

I had the honor to receive this morning your favor of the 25th ultimo, and herewith transmit a receipt for the amount enclosed.¹

Your draft² was presented three days ago, with 8 or 10 endorsements, having passed rapidly from hand to hand, & was of course accepted.

The second Missouri Campaign has begun.³ There is no saying how it will end. However, Missouri is a State, & it is not in the power of Congress to say her nay, unless they declare her Independence of the US. With high respect Your most obedt Servt

Hon. H Clay.

Jo: GALES JR

ALS. DLC-HC (DNA, M212, R1). Addressed to Clay at Lexington.

¹ The letter and the receipt have not been found. ² Not found.
³ A copy of the constitution adopted by Missouri had been submitted to the Senate on November 14, 1820, and to the House two days later. Debate on it in both houses began early in December, with antislavery forces condemning those clauses of the document which prohibited free Negroes and mulattoes from entering Missouri and forbade the emancipation of slaves by legislative action without the consent of their owners.

From William H. Caperton

Amasa Delano vs Edward W. Jopling² 8th. Decr. 1820

In the Court of Appeals Mr Clay will please attend to this cause in this Court on the part of Mr Jopling. In sufficent [sic] time I will furnish him with a memo. of the points, I rely on to sustain the Judgement of the court below, and of the authorities in support of them I will attend to the collection &c of his fees

Honble. H. Clay Respectfully WILL. H. CAPERTON

ANS. DLC-TJC (DNA, M212, R15). Caperton, a Richmond, Kentucky, lawyer, became a member of the Kentucky legislature in 1828 and served as United States District Attorney for Kentucky from 1850 to 1852.

¹ In a suit brought in Virginia in 1818 judgment had been rendered against a party for whom Jopling was special bail. After two writs of scire facias against Jopling had been returned with the notation "no inhabitant of my bailiwick," judgment had been voided when the defendant demanded and the court sanctioned a demurrer. In 1822 the Kentucky Court of Appeals, reversing the latter action, directed the lower court to overrule the demurrer and find for the plaintiff unless the defendant should plead to the merits of the case. 11 Ky. Reports (1 Littell) 117-20, 417-19. Dr. Amasa Delano was a resident of Woodford County; Jopling has not been further identified.

To Porter Clay

Dr Porter Lexn. 19h. Decr. 1820.

I stated to you that I should have occasion to trouble you with the transaction of a piece of business with Mr. H. Marshall, which I now proceed to do.
At the term just ended of the Federal Court I recovered a Judgt. against him in behalf of William Priestman for an amount of which I have no memorandum, but which may be seen by the record.\(^1\) I have agreed to take of Mr. Marshall, as a Collateral security, his assignment of three replevy bonds, of which copies are inclosed, as also a receipt for them specifying the terms on which they are to be received.\(^2\) I will thank you to get him to execute the assignments & upon receiving them deliver to him my receipt. The replevy bonds will I presume fall something short of the amt. of the Judgt. If so Mr. Marshall must now pay up the difference, which will not be much. On the contrary, if they exceed it, I will pay the excess over to him when collected. I must get you to make the calculations, which ought to be done by computing the interest upon the Judgt. up to the maturity of the replevy bond which will first fall due, and deducting, from the amt. of Judgt. interest & Costs of suits, the amount of that replevy bond & interest; and so as to the other two. Be pleased to preserve a Copy of my receipt & transmit it to me with the assignments of Mr. Marshall, provided they can reach me by wednesday evening; if not keep them until my return. I expect to start on friday morning.\(^3\) Yr's afftely

H. CLAY.

\(^{1}\) Case not found. \(^{2}\) Not found. \(^{3}\) For Washington.

Receipted Account with John Bryan and Son

Mr. H. Clay Esqr. Lexington 19th. Decr. 1820

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 14th.</td>
<td>To Elastic Saddle</td>
<td>$30.00</td>
</tr>
<tr>
<td></td>
<td>To Saddle Cloth</td>
<td>3.00</td>
</tr>
<tr>
<td></td>
<td>To Padding Old Saddle</td>
<td>2.50</td>
</tr>
<tr>
<td>Novr. 25</td>
<td>To Cart Saddle pad</td>
<td>1.50</td>
</tr>
<tr>
<td></td>
<td>To Girth &amp; Strops To Do.</td>
<td>&quot;.75</td>
</tr>
<tr>
<td></td>
<td>To reins front &amp;c to blind bridl</td>
<td>&quot;.75</td>
</tr>
<tr>
<td></td>
<td>To Back strops to Brichband</td>
<td>&quot;.75</td>
</tr>
</tbody>
</table>

Total: $39.25

Payment rcd. in full

JOHN BRYAN & SON

ADS. DLC-TJC (DNA, M212, R15). The son was John Bryan, Jr.

Receipted Account with William W. Worsley

Henry Clay Esq. [December 19, 1820] 1819.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 25</td>
<td>To 1 Blank Book (Copy book)</td>
<td>$ .50</td>
</tr>
</tbody>
</table>

[For Washington.]
**DECEMBER 19, 1820**

<table>
<thead>
<tr>
<th>Date</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>To l Scott’s Infantry Exercise</strong></td>
<td>1.00</td>
</tr>
<tr>
<td>Decr. 11</td>
<td><strong>To l Ferguson’s Lectures</strong></td>
<td>7.50</td>
</tr>
<tr>
<td>Decr. 15</td>
<td><strong>To l Blank Book</strong></td>
<td>0.50</td>
</tr>
<tr>
<td>Decr. 15</td>
<td><strong>To l Simpson’s Trigonometry</strong></td>
<td>1.50</td>
</tr>
</tbody>
</table>

**1820**

<table>
<thead>
<tr>
<th>Month</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan. 5</td>
<td>To l Sheet Music, Mrs. Mentelle</td>
<td>0.75</td>
</tr>
<tr>
<td></td>
<td><strong>To l Farrand’s Latin Course</strong></td>
<td>1.00</td>
</tr>
<tr>
<td></td>
<td><strong>To l Clarke’s Homer</strong></td>
<td>7.50</td>
</tr>
<tr>
<td>March 16</td>
<td>To 1/2 quire Paper</td>
<td>0.18%</td>
</tr>
<tr>
<td>April 7</td>
<td>To 1 bunch quills. Thomas</td>
<td>0.50</td>
</tr>
<tr>
<td>April 24</td>
<td>To 1 pair Dividers</td>
<td>0.50</td>
</tr>
<tr>
<td>July 20</td>
<td>To 1 Slate</td>
<td>0.50</td>
</tr>
<tr>
<td>Sept. 2</td>
<td>To 1 Twist Tobacco</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td><strong>To l Adams’s Latin Grammar</strong></td>
<td>1.00</td>
</tr>
<tr>
<td></td>
<td><strong>To l Selecte Veteri</strong></td>
<td>1.25</td>
</tr>
<tr>
<td>Oct. 7</td>
<td>To 1 Paley’s Philosophy</td>
<td>3.00</td>
</tr>
<tr>
<td></td>
<td><strong>To l Campbell’s Rhetoric</strong></td>
<td>3.50</td>
</tr>
<tr>
<td></td>
<td>To balance due Worsley &amp; Smith</td>
<td>4.00</td>
</tr>
</tbody>
</table>

**1820.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 30</td>
<td>To 1 Blank book 75c. 1 bunch Quills 50c.</td>
<td>$35.18%</td>
</tr>
<tr>
<td>Nov. 21</td>
<td>1 Montgomery’s Greenland</td>
<td>87%</td>
</tr>
<tr>
<td></td>
<td><strong>To l Ewing’s Philosophy</strong></td>
<td>4.00</td>
</tr>
<tr>
<td>Dec. 2</td>
<td><strong>To 1 bunch Quills</strong></td>
<td>62%</td>
</tr>
<tr>
<td>Dec. 11</td>
<td><strong>Elements of Criticism</strong></td>
<td>5.50</td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 Ream Paper 475c. 2 qr. Let. Paper 1$</strong></td>
<td>5.75</td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 Roberts on Frauds</strong></td>
<td>450c.</td>
</tr>
<tr>
<td></td>
<td>20 pr. Ct. off.</td>
<td>3.60</td>
</tr>
<tr>
<td>Dec. 13</td>
<td>1 Wheatons Reports 4 vols. 27.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 pr. Ct. off.</td>
<td>23.38</td>
</tr>
<tr>
<td>Dec. 13</td>
<td>1 Saunders Reports 2 vols.</td>
<td>33%</td>
</tr>
<tr>
<td></td>
<td>16.00</td>
<td></td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 Chitty on Bills</strong></td>
<td>10.67</td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 Sugdens Law of Vendors</strong></td>
<td>5.00</td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 Cranch’s Reports 9 vols. 45.00</strong></td>
<td>40.00</td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 American Digest 2 vols. 12.50.</strong></td>
<td>33%</td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 Dallas’s Reports 4 vols. 24.00</strong></td>
<td>16.00</td>
</tr>
<tr>
<td>Dec. 13</td>
<td><strong>1 Runnington on Ejectments</strong></td>
<td>4.00</td>
</tr>
<tr>
<td></td>
<td>33%</td>
<td>2.67</td>
</tr>
<tr>
<td>Item Description</td>
<td>Price</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>1 J ohnson's Reports²³ 16 vols. 100$—</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Carriage on 75 lb. @ 10 cents per lb. 7.50</td>
<td>186.15</td>
<td></td>
</tr>
<tr>
<td>Commission on 186.15/100 @ 10 pr. Ct</td>
<td>18.61</td>
<td></td>
</tr>
<tr>
<td>5th vol. Wheaton's Reports</td>
<td>7.00</td>
<td></td>
</tr>
<tr>
<td>2 vols. Bibb's Reports²⁴ (3d. &amp; 4th) @ $6.</td>
<td>12.00</td>
<td></td>
</tr>
<tr>
<td>By 4th vol. Bibb Returned</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>1 bunch Quills</td>
<td>75.00</td>
<td></td>
</tr>
<tr>
<td>19 Decr. 1820 Recd paymt. W. W. Worsley</td>
<td>271.69$⁻⁴</td>
<td></td>
</tr>
</tbody>
</table>

AD. DLC-TJC (DNA, M212, R10).

1 While recovering from wounds received in 1814, Winfield Scott had been head of a board which wrote "the first standard set of American drill regulations," entitled Rules and Regulations for the Field Exercise and Manoeuvres of Infantry, published in 1815.

2 James Ferguson's Lectures on Select Subjects in Mechanics, Hydrostatics, Pneumatics, and Optics, published in England in 1760, went through numerous editions. It had been revised by David Brewster in 1805, and a "second American edition" of Brewster's version (2 volumes and a volume of plates), "carefully revised and corrected, by Robert Patterson," had been published in Philadelphia in 1814.

3 Robert Simpson, English mathematician, had published in 1756 the Elements of Euclid, which was reissued many times. In later editions a treatise on the "Elements of Plane Trigonometry" was also included. The latter work was issued separately in Dublin in 1841 and perhaps earlier in America.

4 Clay's son.

5 William P. Farrand (comp.), Farrand's Course of Latin Studies: Or, Classical Selections; Published in a Cheap, Correct and Improved Form; Comprised in Five Parts, and Particularly Designed to Facilitate the Study of the Latin Language, For the Use of American Schools (Philadelphia, 1805).

6 Samuel Clarke, English divine, had published in 1729 a part of the Iliad, annotated and with a translation into Latin. His son, Samuel, in 1732 had published the remainder. Their contributions were included in a five-volume edition of Homer's works published in London in 1814.

7 Alexander Adam's Latin Rudiments and Grammar, published in England in 1772, had been revised and republished both in England and the United States.

8 Possibly either Selectae e Veteri Testamento et e Profanis Scriptoribus Historiae . . . (Philadelphia, 1789) or Selectae e Veteri Testamento Historiae . . . (Philadelphia, 1795).

9 William Paley's Principles of Moral and Political Philosophy, published in 1785, had been immediately adopted as a textbook at Cambridge University and went through many editions. The eleventh American edition appeared in 1825.


11 James Montgomery, English poet, in 1819 had published Greenland, a poem based on the work of the Moravian missions in Greenland.

12 After the death of John Ewing, Presbyterian clergyman and provost of the University of Pennsylvania, a compilation of his lectures had been edited by Robert Patterson and published in 1809 under the title, A Plain Elementary and Practical System of Natural Experimental Philosophy.

13 Henry Home, Lord Kames, Scottish judge and philosopher, had published in 1762 a three-volume work, Elements of Criticism, which subsequently appeared in numerous editions. It was several times revised and abridged.
14 William Roberts, English barrister, was the author of a work, published in 1805, on the law of frauds.
15 Henry Wheaton, born in Providence, Rhode Island, and graduated from Rhode Island College, had studied law in the United States and Europe, and begun practice in Providence. In 1812 he had moved to New York City to edit the National Advocate; in 1814 he had become a judge advocate of the army and in the following year had been appointed a judge of the marine court of New York. From 1816 to 1827 he was United States Supreme Court Reporter, publishing annually a volume of the decisions of the Court. In the latter year he entered upon a career as a diplomat, which he followed until 1846. He was a prolific writer and a scholar in the field of international law.
16 This work, covering cases before the King’s Bench from 1666 to 1672, had been first published in 1686, three years after the death of the author, Sir Edmund Saunders. It appeared in later editions, both in England and the United States.
17 Among the numerous works of Joseph Chitty the elder (1776-1841), English legal writer, was A Treatise on Bills of Exchange (1799), of which the fifth edition appeared in 1818.
19 William Cranch, native of Massachusetts and graduate of Harvard, had been admitted to the bar in 1790. Having become reporter for the United States Supreme Court in 1802, he had published Reports of Cases Argued and Adjudged in the Supreme Court of the United States, 1801-1805 (9 vols., 1804-1817). He later published the records of the United States District Court of the District of Columbia, of which he was successively assistant judge and chief justice for more than half a century.
21 Alexander J. Dallas, Reports of Cases Ruled and Adjudged in the Several Courts of the United States and of Pennsylvania, etc. (4 vols., 1790-1807).
22 Charles Runnington, The History, Principles and Practice, (Ancient and Modern,) of the Legal Remedy by Ejectment; and the Resulting Action for Mesne Profits . . . (1st American edn., New York, 1806). The first edition, under a shorter title, had been published in London in 1781; the second, revised, had appeared in 1795; and an enlarged edition was printed in 1820.
23 William Johnson, reporter for the court of errors, the supreme court, and the court of chancery of New York, published, among other works, Reports of Cases Argued and Determined in the Supreme Court of Judicature and in the Court for the Trial of Impeachments and the Correction of Errors in the State of New York, from February Term 1806, to February 1823 (20 vols., New York, 1807-1823).
24 George M. Bibb was the third reporter of the Kentucky Court of Appeals. His Reports, in four volumes, cover the period from 1808 to 1817.

Account with LeGrand and Bentley

Henry Clay Esqr: In a/c with LeGrand & Bentley D

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1820</td>
<td>[December 20, 1820]</td>
<td></td>
</tr>
<tr>
<td>Novbr.</td>
<td>2 To 2 Bsl. Salt 624—@ 9 p Bushl.</td>
<td>$ 18.72</td>
</tr>
<tr>
<td></td>
<td>1 Bag Allum do 145 @ 9/ p Bsh .</td>
<td>4.35</td>
</tr>
<tr>
<td></td>
<td>6 Cash advd—Vance</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>10 Comssn. on 12 loads Casting ford. to Shippingport—@ $2</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1820</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Octbr.</td>
<td>10 By balance &amp; a/c rend</td>
<td>$3.421/2</td>
</tr>
</tbody>
</table>

$ 127 57
Decr 5 " Cash ......... ......... 120 —
" 19 " balance ............. 4.14½ $ 127.57

20 To balance due L & B ......... ......... 4.14½
e E LeGrand & Bentley

[Endorsement]^3
Recd. paymt of the bal. above 21 Decr. 1820

LeGrand & Bentley
P S Little^2

ADS. DLC-TJC (DNA, M212, R15).

^1 Probably Joseph Vance.
^2 Simon Little, a resident of Fayette County.
^3 ES, in Clay’s hand.

Extension of Rental Agreement with John Deverin

Attached to Rental Agreement, May 19, 1817.

Receipt from William Allen

Attached to Promissory Note, July 15, 1820.

Receipt from Daniel Bradford

Recd. of H. Clay this 22d. Decr. 1820 Sixteen dollars for two dispensations granted by him as Grand Master to two new Lodges one in Breckenridge County & one at Elkton. Dan Bradford

DS, in Clay’s hand. DLC-TJC (DNA, M212, R15). Bradford was Grand Secretary of the Grand Lodge of Kentucky, 1820-1830.

^1 Clay, long active in Masonry, had been elected Grand Master of the Grand Lodge of Kentucky in August, 1820. He was also Master of Lexington Lodge No. 1 in this year.

Account with Estate of Samuel Hopkins

[ca. December 31, 1820]
Dr. The Estate of Genl. S. Hopkins in a/c with H. Clay Trustee &c.
To first bill of exchange ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... ......... 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<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec 31, 1820</td>
<td>H. Thompson of Balto. in favr. of H. Clay payable 90 days after sight, paid 10h. May 1812</td>
<td>3500 £2</td>
</tr>
<tr>
<td></td>
<td>To int on this sum from the 10h. May 1812 to the 25h. June 1813 one year and 45 days</td>
<td>37:40</td>
</tr>
<tr>
<td></td>
<td>To int. thereon from the 18h. June 1812, the day of its protest, to the 25h. June 1813 one year and 7 days</td>
<td>581:33</td>
</tr>
<tr>
<td></td>
<td>By the amt. of a bill of exchange drawn at N. Orleans on the 27h. March 1813 by J. T. [sic] Gray and J. Taylor on Jno. Bohlen of Phila. in favor of H. Clay payable 60 days after sight paid 25 June 1813</td>
<td>1400:</td>
</tr>
<tr>
<td></td>
<td>To int. thereon from the 25 June 1813 to the 6h. August 1813 one month and 12 days</td>
<td>64:84</td>
</tr>
<tr>
<td></td>
<td><em>By the amt. of a bill on Smith Dorsey &amp; Co remitted by Bartlett and Cox of N. Orleans on the 22d. May 1813 at sixty days sight paid (supposed) on the 6 August 1813 (being the same claimed by Genl H. in his bill in chy</em></td>
<td>1182:57</td>
</tr>
<tr>
<td></td>
<td>To interest thereon from the 6 Aug. 1813 to the 1st. Novr 1815 two years two months and 25 days</td>
<td>1094:49</td>
</tr>
<tr>
<td></td>
<td>By cash recd. from the Bank of K. 1st. Novr. 1815</td>
<td>9253:49</td>
</tr>
<tr>
<td></td>
<td>To int. thereon from the 1st. Novr. 1815 to the 30h. July 1817. one year and nine months</td>
<td>798:52</td>
</tr>
<tr>
<td></td>
<td>By Cash paid Jno. H. Morton on the 30h. July 1817 indorsed on the deed of trust</td>
<td>4,892:20£</td>
</tr>
<tr>
<td></td>
<td>* This credit is still doubted, but unless I can shew it to be erroneous must be admitted.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amount brought over</td>
<td>$3512:17</td>
</tr>
<tr>
<td></td>
<td>To int. thereon from the 30h. July 1817 till payment</td>
<td>3:50</td>
</tr>
<tr>
<td></td>
<td>To Cost of the protest of the two bills of exchange</td>
<td>3:12½</td>
</tr>
<tr>
<td></td>
<td>To fees of recording deeds of trust</td>
<td></td>
</tr>
</tbody>
</table>
Genl. Hopkins is entitled to a further credit for the amount paid Robert Wickliffe Esqr. as per his receipt.

$1200 paid on 13th. Feby 1818. See the cases in Ct. of appeals page 105.\textsuperscript{6}

This is the amt paid to Mr. R. Wickliffe above mentd.

\textsuperscript{AD, except as noted. DLC·TJC (DNA, M212, R15). General Hopkins had died September 16, 1819.}
\textsuperscript{1 See above, I, 584, 595.} \textsuperscript{2 See above, Transfer of Deed, October 7, 1816.}
\textsuperscript{3 See above, I, 584, 675-76.} \textsuperscript{4 See above, Answer, ca. March 13, 1817 and note.}
\textsuperscript{5 See above, Transfer of Deed, October 7, 1816, note.} \textsuperscript{6 This entry is not in Clay's hand.}
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THE EDITORS: James F. Hopkins is professor of history in the University of Kentucky, where he received the M.A. degree in 1938. He received the B.A. degree from the University of Mississippi in 1929, and the Ph.D. degree from Duke University in 1949. He is the author of A HISTORY OF THE HEMP INDUSTRY IN KENTUCKY and THE UNIVERSITY OF KENTUCKY—ORIGINS AND EARLY YEARS.

Mary W. M. Hargreaves received the A.B. degree from Bucknell University (1935), the M.A. degree from Harvard University and Radcliffe College (1936), and the Ph.D. degree from Harvard University and Radcliffe College in 1951. Mrs. Hargreaves is the author of DRY FARMING IN THE NORTHERN GREAT PLAINS.
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